

**SIXTY-FOURTH BIENNIAL REPORT**  
**July 1, 2019 - June 30, 2021**



**SECRETARY OF STATE**  
**ALVIN A. JAEGER**  
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## ***Acknowledgments***

This is the fifteenth biennial report prepared under my administration. It was prepared with the support and assistance provided by the personnel in the Secretary of State's office. I am appreciative for their help.

Editorial oversight was provided by Beth Herzog, Information Management Unit Administrator.

The following individuals contributed information related to their duties: Jim Silrum, Deputy Secretary of State; Barbara Siegel, Business Services Director; Liz Parent, Accounting Administrator; Brian Newby, Elections Director; Lori Feldman, Central Indexing, Licensing, and Notary Unit Lead; Lee Ann Oliver, Elections Specialist; Monte Krebsbach, Database Specialist; Jill Schwab, Combative Sports; and Brad Prothero, Information Management Coordinator.

Alvin A. Jaeger  
Secretary of State

**Affidavit of Secretary of State**

STATE OF NORTH DAKOTA      )  
  ) SS  
COUNTY OF BURLEIGH      )

Alvin A. Jaeger, after being first duly sworn and under the pains and penalties of perjury, deposes and says that:

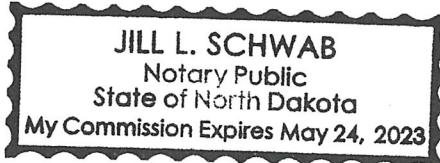
- 1. He is the duly elected Secretary of State for the state of North Dakota and makes this affidavit in his official capacity.
- 2. Pursuant to N.D.C.C. § 54-09-02(8), he is required to biennially report to the Governor all moneys received from any source for services performed and accompany such report with a detailed statement under oath of the manner in which the appropriations for his office have been expended during the preceding two fiscal years.
- 3. Attached hereto and expressly incorporated by reference herein is a Statement of Revenues, Appropriations, and Expenditures, which details the manner in which the appropriations for his office have been expended during the previous two fiscal years.
- 4. The attached Statement of Revenues, Appropriations, and Expenditures is derived from the official books and records maintained by the Secretary of State's office for the previous two fiscal years.
- 5. To the best of affiant's knowledge, information, and belief, the attached Statement of Revenues, Appropriations, and Expenditures is a true and accurate statement of the manner in which the appropriations for his office has been expended during the previous two fiscal years as contemplated by N.D.C.C. § 54-09-02(8).

FURTHER AFFIANT SAYETH NOT.

Alvin A. Jaeger  
Alvin A. Jaeger  
Secretary of State

Subscribed and sworn to before me this  
4th day of November, 2021.

Jill L. Schwab  
NOTARY PUBLIC



## **Chapter One**

### **Constitutional, Statutory, and Legislative Authority**

The origin of the Secretary of State's office begins prior to North Dakota's admittance to the union as a state on November 2, 1889. On March 2, 1861, the Congress of the United States adopted The Organic Law, which established the Territory of Dakota. Section three of that law prescribed there would be a secretary of the territory. The term of office was four years, unless sooner removed by the President of the United States. The duties of the secretary were to record and preserve all the laws and proceedings of the legislative assembly, the acts and proceedings of the Governor, and many other duties, which are very similar to those mandated in present day law to the Secretary of State.

The office, as known today, was established in Article V, Section 12, of the Constitution of North Dakota when the state's citizens adopted it on October 1, 1889. In that election, 35,548 electors (men only) cast their ballots, with 27,441 voters (77%) voting in favor of its adoption and 8,107 voters (23%) in opposition.

The office of Secretary of State is authorized in Article V, Section 2, of the North Dakota Constitution (as amended by the voters on June 11, 1996, and as amended by the voters on June 13, 2000). The duties of the Secretary of State are defined in various parts of the state's constitution, in numerous state statutes, and within the agency's administrative rules.

In the state's constitution, the duties of the Secretary of State appear in Article III, related to the initiative and referral powers of the people; Article IV, Section 12, related to selecting the elected person by a toss of a coin if two or more legislative candidates have an equal and highest number of votes; Article IV, Section 13, related to the filing of legislative bills; Article V, Section 5, related to the term of office for the Secretary of State; Article V, Section 11, related to succession in the event of a vacancy in the office of Governor and Lieutenant Governor; Article IX, Section 3, related to membership on the Board of University and School Lands; and Article X, Section 17, related to the certificates regarding bonds or evidence of indebtedness on the part of the state.

In the North Dakota Century Code (state law), the general duties of the Secretary of State are established in Chapter 54-09; in Title 10 as they pertain to various business structures, e.g., registered agents, corporate and limited liability company farming, electric cooperative corporations, cooperative associations, business corporations, development corporations, venture capital corporations, community development corporations, professional organizations, limited liability companies, nonprofit corporations, real estate investment trusts, and publicly traded corporations; in Title 16.1 as they relate to elections; in Title 35 as they relate to liens, e.g., agister's, agricultural processor's, and agricultural supplier's; in Title 41 as they relate to the uniform commercial code; in Chapter 43-07 related to contractors; in Chapter 43-54 related to home inspectors; in Chapter 43-55 related to professional employer organizations; in Title 45 as they pertain to general partnerships, limited partnerships, limited liability partnerships, and limited liability limited partnerships; in Chapter 44-06.1 related to notaries public; in Chapter 47-22 related to trademarks; in Chapter 47-25 related to trade names; in Chapter 50-22 related to charitable solicitation; in Chapter 53-01 related to commissioner of combative sports, i.e., boxing and mixed fighting styles; in Section 54-02-01 related to the state's Great Seal; in Chapter 54-05.1 related to lobbying of the legislature and Governor; and in various other sections related to miscellaneous duties.

Under both the provisions of the Constitution and the North Dakota Century Code, the Secretary of State serves on the following boards, commissions, and advisory committees:

Board of University and School Lands (North Dakota Constitution, Article IX, Section 3)

Emergency Commission (also serves as secretary of the commission) (N.D.C.C. § 54-16-01)

State Historical Board (N.D.C.C. § 55-01-01)

State Canvassing Board (N.D.C.C. § 16.1-15-33)

Theodore Roosevelt Rough Rider Award (N.D.C.C. § 54-02-07)

## Chapter Two

### Term of Office and Listing of Secretaries

When the North Dakota Constitution was adopted in 1889, the term of the office for the Secretary of State was two years in length. Beginning in 1965, along with several other constitutional statewide elected officials, the term of office for the Secretary of State was extended to four years. This change occurred when voters approved Measure # 5, which appeared on the ballot in the June 30, 1964, election. In that election, 115,393 electors cast their ballots with 60,099 voters (52%) voting in favor of the measure and 55,294 voters (48%) in opposition.

The next change in the term of office occurred on June 13, 2000, when the voters approved Measure # 2. This measure moved the election of four constitutional offices (Secretary of State, Attorney General, Tax Commissioner, and Commissioner of Agriculture) to the non-presidential election year cycle. To establish the new cycle, these four constitutional offices were elected to a term of two years in the 2004 general election. In the 2006 general election and every four years thereafter, these four positions reverted to a term of four years. The vote for Measure # 2 in 2000 was 49,391 voters (62%) voting in favor of the change and 30,431 voters (38%) in opposition to the change.

#### North Dakota Secretaries of State

John Flittie .....	1889-1892
Christian M. Dahl .....	1893-1896
Fred Falley .....	1897-1900
Edward F. Porter .....	1901-1906
Alfred Blaisdell .....	1907-1910
Patrick D. Norton.....	1911-1912
Thomas Hall *.....	1913-1924
Robert Byrne .....	1925-1934
James D. Gronna.....	1935-1940
Herman Thorson .....	1941-1942
Thomas Hall *.....	1943-1954
Ben Meier.....	1955-1988
Jim Kusler .....	1989-1992
Alvin A. Jaeger .....	1993-present

\* Served at two different times

Additional information regarding previous Secretaries may be obtained from the 1989, 1995, 1997-1999, 1999-2001, 2001-2003, 2003-2005, 2005-2007, 2007-2009, 2009-2011, 2011-2013, 2013-2015, 2015-2017, 2017-2019, and 2019-2021 editions of the *North Dakota Blue Book*. They are available for viewing and searching on the Secretary of State's website at [sos.nd.gov](http://sos.nd.gov).

## **Chapter Three**

### **Duties of Office**

The following duties for the Secretary of State are prescribed in Chapter 54-09 and other sections of the North Dakota Century Code:

1. Custodian of the Great Seal of North Dakota and other original state documents;
2. Attest the signature of the Governor on official acts and maintain a register for them;
3. Serve as a member of, and secretary to, the Emergency Commission; a member of the Board of University and School Lands; a member of the State Historical Board; and a member of, and secretary to, the State Canvassing Board (elections);
4. Concur with the Governor's selection for the Theodore Roosevelt Rough Rider Award;
5. Serve as the Commissioner of Combative Sports governing boxing and mixed fighting style events;
6. Distribute the North Dakota Century Code, the North Dakota Administrative Code and its supplements, and the North Dakota Session Laws books;
7. Biennially publish and distribute the *North Dakota Blue Book*;
8. Receive and file original copies of legislative bills and resolutions;
9. Distribute copies of legislative resolutions as prescribed by law and as directed by the legislature;
10. Serve as the state's chief election officer;
11. Prescribe the form and content of statewide election ballots;
12. File campaign finance disclosure statements of statewide candidates, political parties, district political parties, political committees, political action committees (PAC), measure committees, sponsoring committees, and independent expenditures;
13. Certify the names of persons elected to each chamber of the Legislative Assembly;
14. Receive and file petitions for statutory initiatives, constitutional amendments, and referred measures;
15. Receive candidate filings from individuals seeking statewide, legislative, or judicial office;
16. File oaths of office for legislative, judicial, and executive officials;
17. Issue certificates of registration to lobbyists;
18. License contractors, register charitable organizations and home inspectors;
19. Commission notaries public;
20. Complete service of process as required by law;
21. Maintain the central indexing system as an online system for filing uniform commercial code (UCC) documents, various agricultural liens, and other miscellaneous liens;
22. Administer the Registered Agents Act;
23. Register trademarks and trade names, fictitious partnership name certificates, real estate investment trusts, limited partnerships, limited liability partnerships, limited liability limited partnerships, and professional employer organizations;
24. File and record articles of incorporation related to domestic and foreign business corporations, publicly traded corporations, domestic and foreign nonprofit corporations, state banks, credit unions, lodges and fraternal organizations, and cooperatives;
25. File and record articles of organization related to domestic and foreign business limited liability companies, and domestic and foreign nonprofit limited liability companies;
26. Receive annual reports from various business entities as prescribed by state law; and
27. Keep records of organized cities as prescribed by law.

## **Chapter Four**

### **Office of the Secretary of State**

#### **Mission Statement**

***This office will:***

***Serve the people of the State of North Dakota and its guests.***

***Execute with integrity the duties required by the North Dakota Constitution and the North Dakota Century Code.***

***Collect and preserve the records of the State as defined by the law.***

***Act as an ambassador for the State of North Dakota, its people, and its way of life.***

***This mission will be dispatched effectively, efficiently, expeditiously, courteously, and with financial responsibility.***

(Adopted 1993)



## **Chapter Five (A)**

### **Organization of Office**

As provided for in the North Dakota Constitution, the Secretary of State has an overall responsibility to execute the duties and functions of the office. To assist, the Secretary of State may appoint a Deputy (N.D.C.C. §§ 44-03-01 and 1-01-11). In addition, the Secretary of State is authorized to hire one principal assistant (N.D.C.C. § 54-44.3-20(1)). The positions of Deputy and Executive Assistant are non-classified positions and the appointees serve at the will of the Secretary.

The Secretary appointed Jim Silrum, Deputy Secretary of State, effective November 17, 2003.

Jill Schwab was appointed December 6, 2018, as the Secretary of State's Executive Assistant.

The organizational structure for the office divides the functional duties of the office into several operating units. During the biennium, the office was authorized 32 classified full-time employees and three (including the Secretary of State) non-classified full-time employees. It is also authorized one full-time position, which is federally funded, to assist with the administration of the Help America Vote Act of 2002 and election-related duties. The units are as follows:

Accounting Unit

Business Information Unit

Business Registration Unit

Central Indexing Unit

Elections Unit

Information Management Unit

Licensing and Notary Unit

**Chapter Five (B)**

**Personnel in the Office of the Secretary of State**

(As of June 30, 2021)

Alvin (Al) A. Jaeger  
Secretary of State

Jim Silrum  
Deputy Secretary of State

Jill Schwab  
Executive Assistant

Directors

Barbara Siegel  
Business Services Director  
Brian Newby  
Elections Director

Assistant Director

Brian Opp  
Assistant Business Services Director

Business Registration Unit

Nancy Schlosser  
Business Registration Lead Worker  
Tina Triebwasser  
Business Registration Specialist  
Sandi Kopp  
Business Registration Specialist  
Barbara Plum  
Business Registration Specialist  
Tayler Mikkelson  
Business Registration Specialist  
Vacant  
Business Registration Specialist

Business Information Unit

Darcy Hurley  
Business Information Unit Lead  
Allison Schumacher  
Business Information Associate  
Rita Fidram  
Business Information Associate  
Wendy Masset  
Business Information Associate  
Vacant  
Business Information Associate  
Vacant  
Business Information Associate

Accounting Unit

Vacant  
Accounting Administrator  
Shelia Goehring  
Payroll and Accounting Specialist  
Maria Garcia  
Accounting Specialist

Central Indexing Unit and Licensing and Notary Unit

Lori Feldman  
Central Indexing Unit Lead and Licensing  
and Notary Unit Lead  
Becky Haas  
Central Indexing Specialist  
Shereé Wagner  
Licensing Specialist  
Marietta Herman  
Licensing Specialist  
Cynthia Ortega  
Licensing Specialist  
Charlotte Zander  
Notary Specialist  
Vacant  
Licensing Specialist

Information Management Unit

Beth Herzog  
Administrator  
Vacant  
Information Management Coordinator

Elections Unit

Lee Ann Oliver  
Elections Specialist  
Brian Nybakken  
Election Administration System Manager

## **Chapter Six (A)**

### **Appropriations**

During the 1991-1993 biennium, the budget for the Secretary of State included appropriations for both General Funds and Special Funds. Although appropriations for a Special Fund are based on projected revenue, the expenditures from the fund cannot exceed the actual amount of revenue received. In the 1991-1993 biennium, the agency's Special Fund was directly related to the operations of the Central Indexing System (CIS).

The 1993 Legislative Assembly eliminated the CIS Special Fund from the Secretary of State's budget when approving the agency's appropriation for the 1993-1995 biennium. Consequently, the agency was totally funded with General Fund dollars, which was continued in the appropriations approved for the agency by the 1995 and 1997 Legislative Assemblies.

Subsequently, the 1999 Legislative Assembly approved the creation of a special fund identified as the General Services Operating Fund for the agency beginning with the 1999-2001 biennium (1999 Session Laws, Chapter 24). The creation of this fund allowed the Secretary of State's office to retain revenue received from the sale of services and products provided by the agency's Central Indexing, Business Registration, and Business Information Units (N.D.C.C. § 54-09-08). At the end of each biennium, the Secretary of State transfers any unobligated revenue more than \$75,000 from the agency's General Services Operating Fund to the state's General Fund, unless designated otherwise by the legislature.

#### **Legislative Appropriation**

The 2019 66th Legislative Assembly's appropriation for the Secretary of State's office for the 2019-2021 biennium was contained in Senate Bill 2002. The gross total appropriated line items in effect on July 1, 2019, were as follows:

	<u>Amount Appropriated</u>
<b><u>Subdivision 1</u></b>	
Salaries and Wages .....	\$ 4,978,126
Operating Expenses .....	3,009,553
Petition Review .....	8,000
Election Reform .....	<u>12,801,747</u>
Subtotal for Subdivision 1 .....	\$ 20,797,426
<b><u>Subdivision 2</u></b>	
Public Printing (see Chapter 14).....	<u>257,278</u>
(General Funds – \$288,450)	
Gross Spending Authority .....	\$ <u>21,054,704</u>
Appropriation by Source – General Fund .....	\$5,623,063
Appropriation by Source – Special Fund .....	<u>15,431,641</u>
Total Funding by Source.....	\$ <u>21,054,704</u>

**Adjustments Made to Original Appropriation During Biennium**

Adjustment #1 – According to Senate Bill 2002, Section 8 Exemption – Technology Project, the \$3,050,000 general fund appropriation for the technology project is not subject to the provisions of N.D.C.C. § 54-44.1-11. Therefore, the operating line was increased by \$1,258,207.

Adjustment #2 – On May 12, 2020, the Emergency Commission approved request #1981 to increase spending authority by \$3,000,000 to accept federal funds from the Election Assistance Commission (EAC) funded by the CARES Act for the election reform line to respond to COVID-19 related issues impacting the 2020 elections.

Adjustment #3 – On August 3, 2020, the Emergency Commission approved request #2005 to increase spending authority for Secretary of State’s office by \$49,216 to utilize federal funds provided by the Coronavirus Relief Fund created by the CARES Act for agencies to respond to the COVID-19 public health emergency for agency incurred necessary expenses.

**Agency Appropriation After Preceding Adjustments**

	<u>Amount Appropriated</u>
<b><u>Subdivision 1</u></b>	
Salaries and Wages.....	\$ 5,026,171
Operating Expenses .....	3,010,724
Construction Carryforward.....	1,258,207
Petition Review .....	8,000
Election Reform .....	<u>15,801,747</u>
Subtotal for Subdivision 1 .....	\$ 25,104,849
<b><u>Subdivision 2</u></b>	
Public Printing (see Chapter 14).....	<u>257,278</u>
(General Funds – \$257,278)	
Gross Spending Authority .....	<u>\$ 25,362,127</u>
Appropriation by Source – General Fund .....	\$ 6,881,270
Appropriation by Source – Federal Fund .....	6,049,216
Appropriation by Source – Special Fund .....	12,431,641
Total Funding by Source.....	<u>\$ 25,362,127</u>

**Chapter Six (B)**

**Revenue**

The Office of the Secretary of State generates revenue for the state's General Fund and its General Services Operating Fund in a variety of ways. The specific manner by which revenue is generated has been summarized in the several chapters contained within this report relating to the various units within the office. For the biennium covered by this report, the revenue was as follows:

**General Fund Revenue**

Administration.....	\$	4,135
Business Registration/Information.....		10,758,144
Central Indexing System .....		1,418,310
Elections .....		2,440
Licensing .....		<u>2,039,394</u>
Subtotal .....	\$	14,222,423

**General Services Operating Fund Revenue**

Business Registration/Information.....	\$	301,482
Central Indexing System .....		1,852,778
Licensing .....		<u>536,510</u>
Subtotal .....	\$	2,690,770

Combined Subtotals .....		<u>\$ 16,913,192</u>
Public Printing (see Chapter 14) .....	\$	<u>532</u>
Subtotal .....		<u>532</u>
Gross Revenue.....	\$	<u><u>16,913,724</u></u>

**Chapter Six (C)**

**Expenditures**

	<u>Adjusted</u> <u>Appropriation</u>	<u>Expenditures</u>	<u>Balance</u> <u>Remaining</u>	<u>Unspent</u> <u>Percentage</u> <u>of Subtotal #1</u>
<b><u>Subdivision 1</u></b>				
Salaries .....	5,026,171	4,599,959	426,212	8%
Operating Expenses .....	3,010,724	1,598,356	1,412,368	47%
Construction Carryforward .....	1,258,207	767,920	490,287	39%
Petition Review.....	8,000	3,523	4,477	56%
Election Reform.....	15,801,747	11,400,173	4,401,574	28%
Subtotal .....	<u>\$ 25,104,849</u>	<u>\$18,369,931</u>	<u>\$6,734,918</u>	
Expenditures by Funding Source				
General Funds.....	6,623,992	5,966,760	657,232	10%
Special Funds.....	12,431,641	9,352,178	3,079,463	25%
Federal Funds .....	6,049,216	3,050,992	2,998,224	50%
Subtotal .....	<u>\$ 25,104,849</u>	<u>\$ 18,369,931</u>	<u>\$ 6,734,918</u>	
<b><u>Subdivision 2 – General Funds</u></b>				
Public Printing (See Chapter 14)...	\$ 257,278	\$ 242,566	\$ 14,712	6%
Subdivisions 1 and 2				
Gross Total Expenditures .....	<u>\$ 25,362,127</u>	<u>\$ 18,612,497</u>	<u>\$ 6,749,630</u>	

**Funds Returned to State's General Fund**

On June 30, 2021, the agency had a remaining gross total of \$671,944 in unexpended general fund appropriated dollars. Of this amount, \$490,287 is being carried over to the 2021-2023 biennium to support the Secretary of State's ongoing FirstStop technology project for the business and licensing system.

The agency's gross total return to the state's general fund from its 2019-2021 appropriation was \$166,945. \$162,468 is the result of salary savings and \$4,477 is from petition review.

**Chapter Six (D)**

**SUMMARY OF REVENUE, APPROPRIATIONS, AND EXPENDITURES - BIENNIAL HISTORY**

**2009-2011    2011-2013    2013-2015    2015-2017    2017-2019    2019-2021**

**REVENUE – General Fund**

Administration .....	\$ 3,575	\$ 100	\$ 2,999	\$ 3,990	\$ 4,811	\$ 4,135
Business Registration/Info ...	5,376,656	7,484,382	8,089,666	9,285,251	7,953,793	10,758,144
Central Indexing .....	1,676,308	1,887,220	1,874,546	618,485	2,412,037	1,418,310
Licensing .....	1,463,473	2,392,181	2,273,804	2,570,650	1,871,441	2,039,394
Elections.....	9,887	10,689	504	2,189	6,113	2,440
Subtotal.....	<u>\$ 8,529,899</u>	<u>\$ 11,774,572</u>	<u>\$ 12,241,519</u>	<u>\$ 12,480,565</u>	<u>\$ 12,248,195</u>	<u>\$ 14,222,423</u>

**REVENUE – General Services Operating Fund**

Business Registration/Info ...	\$ 133,724	\$ 191,084	\$ 216,174	\$ 248,100	\$ 282,033	\$ 301,482
Central Indexing .....	380,866	408,361	442,103	688,445	1,069,491	1,852,778
Licensing .....	1,118	2,369	6,422	574,275	507,707	536,510
Elections.....	0	0	0	0	0	0
Subtotal .....	<u>\$ 515,708</u>	<u>\$ 601,814</u>	<u>\$ 664,699</u>	<u>\$ 1,510,820</u>	<u>\$ 1,859,231</u>	<u>\$ 2,690,770</u>
Public Printing (General Fund)	13,153	8,159	10,892	5,893	4,663	532
Total Revenue .....	<u>\$ 9,058,760</u>	<u>\$ 12,384,545</u>	<u>\$ 12,917,110</u>	<u>\$ 13,997,278</u>	<u>\$ 14,112,089</u>	<u>\$ 16,913,724</u>

**APPROPRIATIONS**

Salaries .....	\$ 3,262,138	\$ 4,089,343	\$ 4,496,054	\$ 5,111,514	\$ 4,792,764	\$ 5,026,171
Operating Expenses.....	3,274,450	5,797,515	4,893,972	5,666,190	3,585,691	3,010,724
Capital Assets .....	0	0	10,000	0	0	0
Petition Review .....	8,000	23,000	15,000	10,000	11,280	8,000
Election Reform.....	8,712,528	6,206,812	5,169,658	2,703,535	1,395,655	15,801,747
BND Loan.....	3,400,698	0	0	0	0	0
Technology Carryover.....	0	78,000	0	0	0	0
Business Process Modeling .	0	0	400,000	290,206	2,197,340	0
Construction Carryforward ...	0	0	0	0	0	1,258,207
Subtotal.....	<u>\$ 18,657,814</u>	<u>\$ 16,194,670</u>	<u>\$ 14,984,684</u>	<u>\$ 13,781,445</u>	<u>\$ 11,982,730</u>	<u>\$ 25,104,849</u>
Public Printing .....	337,000	310,000	320,500	290,045	288,450	257,278
Total Appropriations .....	<u>\$ 18,994,814</u>	<u>\$ 16,504,670</u>	<u>\$ 15,305,184</u>	<u>\$ 14,071,490</u>	<u>\$ 12,271,180</u>	<u>\$ 25,362,127</u>

**EXPENDITURES**

Salaries .....	\$ 3,240,403	\$ 3,939,755	\$ 4,481,326	\$ 4,879,231	\$ 4,657,867	\$ 4,599,959
Operating Expenses.....	2,905,002	4,343,000	4,375,450	3,162,685	1,762,362	1,598,356
Capital Assets .....	0	0	10,000	0	0	0
Petition Review .....	5,146	22,369	15,000	8,594	11,274	3,523
Election Reform.....	2,574,673	2,263,394	3,037,557	1,888,519	1,295,624	11,400,173
Technology Carryover.....	0	78,000	0	0	0	0
Business Process Modeling .	0	0	109,793	290,206	939,133	0
Construction Carryforward ...	0	0	0	0	0	767,920
Subtotal .....	<u>\$ 8,725,225</u>	<u>\$ 10,646,518</u>	<u>\$ 12,029,126</u>	<u>\$ 10,229,235</u>	<u>\$ 8,666,260</u>	<u>\$ 18,369,931</u>
Public Printing .....	292,201	261,500	258,472	256,337	258,941	242,566
Total Expenditures .....	<u>\$ 9,017,426</u>	<u>\$ 10,908,018</u>	<u>\$ 12,287,598</u>	<u>\$ 10,485,572</u>	<u>\$ 8,925,201</u>	<u>\$ 18,612,497</u>

## **Chapter Six (E)**

### **Audit**

On May 24, 2021, the Office of the State Auditor transmitted to this office the results of a financial and compliance audit for the two-year period ending June 30, 2020. The State Auditor made the following findings and recommendations (both the questions and the auditor's answers (italicized) are quoted directly from the report):

#### Finding #1 – Lack of Revenue Reconciliation

Recommendation #1 – We recommend the Secretary of State complete a reconciliation between the AS400 system, FirstStop system, and Central Indexing system to the State's internal accounting system, ConnectND, on a regular basis.

#### Responses to Legislative Audit and Fiscal Review Committee (LAFRC) Audit Questions

1. WHAT TYPE OF OPINION WAS ISSUED ON THE FINANCIAL STATEMENTS?  
*Revenues, Expenditures and Appropriation information was not prepared by the Secretary of State in accordance with generally accepted accounting principles so an opinion is not applicable. The agency's transactions were tested and included in the state's basic financial statements on which an unmodified opinion was issued.*
2. WAS THERE COMPLIANCE WITH STATUTES, LAWS, RULES, AND REGULATIONS UNDER WHICH THE AGENCY WAS CREATED AND IS FUNCTIONING?  
*Yes.*
3. WAS INTERNAL CONTROL ADEQUATE AND FUNCTIONING EFFECTIVELY?  
*Except for "Lack of Revenue Reconciliation", Secretary of State's internal controls were adequate and functioning effectively.*
4. WERE THERE ANY INDICATIONS OF LACK OF EFFICIENCY IN FINANCIAL OPERATIONS AND MANAGEMENT OF THE AGENCY?  
*No.*
5. HAS ACTION BEEN TAKEN ON FINDINGS AND RECOMMENDATIONS INCLUDED IN PRIOR AUDIT REPORTS?  
*There were no recommendations included in the prior audit report.*
6. WAS A MANAGEMENT LETTER ISSUED? IF SO, PROVIDE A SUMMARY BELOW, INCLUDING ANY RECOMMENDATIONS AND THE MANAGEMENT RESPONSES.  
*No, a management letter was not issued.*

#### **LAFRC Audit Communications**

1. IDENTIFY ANY SIGNIFICANT CHANGES IN ACCOUNTING POLICIES, ANY MANAGEMENT CONFLICTS OF INTEREST, ANY CONTINGENT LIABILITIES, OR ANY SIGNIFICANT UNUSUAL TRANSACTIONS.  
*There were no significant changes in accounting policies, management conflicts of interest, contingent liabilities, or significant unusual transactions identified.*



2. IDENTIFY ANY SIGNIFICANT ACCOUNTING ESTIMATES, THE PROCESS USED BY MANAGEMENT TO FORMULATE THE ACCOUNTING ESTIMATES, AND THE BASIS FOR THE AUDITOR'S CONCLUSIONS REGARDING THE REASONABLENESS OF THOSE ESTIMATES.  
*The Secretary of State revenues, expenditures and appropriation information does not include any significant accounting estimates.*
3. IDENTIFY ANY SIGNIFICANT AUDIT ADJUSTMENTS.  
*Significant audit adjustments were not necessary.*
4. IDENTIFY ANY DISAGREEMENTS WITH MANAGEMENT, WHETHER OR NOT RESOLVED TO THE AUDITOR'S SATISFACTION RELATING TO A FINANCIAL ACCOUNTING, REPORTING, OR AUDITING MATTER THAT COULD BE SIGNIFICANT TO THE FINANCIAL STATEMENTS.  
*None.*
5. IDENTIFY ANY SERIOUS DIFFICULTIES ENCOUNTERED IN PERFORMING THE AUDIT.  
*None.*
6. IDENTIFY ANY MAJOR ISSUES DISCUSSED WITH MANAGEMENT PRIOR TO RETENTION.  
*This is not applicable for audits conducted by the Office of the State Auditor.*
7. IDENTIFY ANY MANAGEMENT CONSULTATIONS WITH OTHER ACCOUNTANTS ABOUT AUDITING AND ACCOUNTING MATTERS.  
*None.*
8. IDENTIFY ANY HIGH-RISK INFORMATION TECHNOLOGY SYSTEMS CRITICAL TO OPERATIONS BASED ON THE AUDITOR'S OVERALL ASSESSMENT OF THE IMPORTANCE OF THE SYSTEM TO THE AGENCY AND ITS MISSION, OR WHETHER ANY EXCEPTIONS IDENTIFIED IN THE SIX AUDIT REPORT QUESTIONS TO BE ADDRESSED BY THE AUDITORS ARE DIRECTLY RELATED TO THE OPERATIONS OF AN INFORMATION TECHNOLOGY SYSTEM.  
*ConnectND Finance, Human Capital Management (HCM), AS400 (Business Registration and Accounting System), FirstStop (replacement of AS400 system), and Central Indexing System (CIS) are information technology systems utilized by the Secretary of State that were significant to the audit objective.*

## **Chapter Seven**

### **Licensing Notary Unit**

This unit has a multitude of responsibilities and duties. Most of them are related to contractor licensing, the registration of charitable organizations, the registration of lobbyists, the registration of home inspectors, the commissioning of notaries public, the licensing of professional employer organization, and the registration of athlete agents. These duties generate most of the revenue generated by this unit. Other duties pertain to the legislature, the Governor, the maintenance of certain state records, and various administrative responsibilities.

FirstStop (FirstStop.sos.nd.gov), the Secretary of State's software for the licensing functions of the North Dakota Secretary of State's office, was deployed in January 2019 to allow contractors and lobbyists the ability to submit and update licensing filings and records online. In July 2019, the charitable organization module was deployed and in May 2020, the notary public and authentication modules were deployed, which allowed for the ability for charitable organization and notaries public to submit and update filings and records online. FirstStop also provides automated support for the staff in the Licensing unit.

#### **Contractors**

Section 43-07-02 of the North Dakota Century Code states that any person who engages in the business or is acting in the capacity of a contractor within the state is first required to obtain a license from the Secretary of State. Prior to April 15, 2015, this law applied to any single contract or subcontract where the cost, value, or price exceeded the sum of \$2,000. The 2015 64th Legislative Assembly adopted Senate Bill 2188 (2015 Session Laws, Chapter 290), which increased the amount to \$4,000. The bill contained an emergency clause, making the bill effective April 15, 2015. The 1993 Legislative Assembly adopted Senate Bill 2474 (1993 Session Laws, Chapter 418) requiring contractor applicants for a new or renewal license to provide proof of having secured liability insurance.

Failure to obtain a contractor's license before commencing contracting related jobs may result in a referral for criminal prosecution to the State's Attorney in the jurisdiction where the violation was committed, or an action commenced by the North Dakota Attorney General.

By law, a contractor is defined as any person who is engaged in the business of construction, repair, alteration, dismantling, or demolition of bridges, highways, roads, streets, buildings, airports, dams, drainage or irrigation ditches, sewers, water or gas mains, water filters, tanks, towers, oil, gas or water pipelines, and every other type of structure, project, development, or improvement coming within the definition of real or personal property, including the construction, alteration, or repair of property to be held either for sale or rental, and shall include subcontractor, public contractor, and nonresident contractor. There were 11,085 contractor licenses in effect on June 30, 2021.

There are four classes of contractor licenses. As adopted by the 2015 64th Legislative Assembly, Senate Bill 2278 (2015 Session Laws, Chapter 291) adjusted the value range of the contract for each license class. The requirements for a Class A license remained unchanged and is not subject to a value limitation on any single contract project. For a Class B license, the upper limit per contract project increased to \$500,000, a Class C license increased to \$300,000 and a Class D increased to \$100,000. The application fees for each license category were increased (which fees had been unchanged since 1993) as follows: Class A – \$450; Class B – \$300; Class C – \$225; and Class D – \$100.

Contractor licenses must be renewed annually by March 1 of each year. Also increased in 2015 were the annual renewal fees, which were set as: Class A – \$90; Class B – \$60; Class C – \$45; and Class D – \$30. A penalty of \$50 is assessed if the license is not renewed by the due date and if not renewed within ninety days after March 1, the contractor must apply for a new license and pay the applicable applications fees.

## **Charitable Solicitation**

Chapter 50-22 of the North Dakota Century Code governs charitable organizations soliciting contributions and professional fundraisers. The 2003 58th Legislative Assembly adopted Senate Bill 2341 (2003 Session Laws, Chapter 419), which became state law on July 1, 2003, the beginning of the biennium. Working in collaboration with the Attorney General's office, the bill represented a major rewrite and reformatting of the state's law related to charitable solicitation. A major process change was the switch from licensing to the registration of charitable organizations. In addition, the bill gave the Attorney General expanded enforcement tools to pursue violators of the law. Unless a charitable organization or professional fundraiser is first registered with the Secretary of State, the charitable organization or professional fundraiser may not solicit contributions from persons in North Dakota by any means.

Among other requirements, there is an organization registration fee and a required financial statement. Each year, the organization must file an annual report itemizing, among other categories, revenue, management costs, program services, cost of fundraising, names of professional fundraisers, cost of public education, and employee compensation.

## **Lobbyist Registration**

According to Section 54-05.1-03 of the North Dakota Century Code, any person who engages in lobbying must first register with the Secretary of State and be given a distinctive lobbyist identification badge. The state's lobbying laws are all inclusive as to who must register as a lobbyist. Any person who, in any manner whatsoever, directly or indirectly, performs any of the following must register as a lobbyist:

- Attempts to secure the passage, amendment, or defeat of any legislation by the Legislative Assembly or the approval or veto of any legislation by the Governor of the state.
- Attempts to influence decisions made by the Legislative Management or by an interim committee of the Legislative Management.

The registration requirement does not apply to the following individuals. All others must register.

- A legislator.
- A private citizen appearing on the citizen's own behalf.
- An employee, officer, board member, volunteer, or agent of the state or its political subdivisions whether elected or appointed and whether or not compensated, who is acting in that person's official capacity.
- An invited guest of the chairman of the Legislative Management, an interim committee of the Legislative Management, or a standing committee of the Legislative Assembly to appear before the Legislative Management, interim committee, or standing committee for the purpose of providing information.
- An individual who appears before a legislative committee for the sole purpose of presenting testimony on behalf of a trade or professional organization or a business or industry if the individual is introduced to the committee by the registered lobbyist for the trade or professional organization or the business or industry.

Each individual registered lobbyist must also file a detailed report, including a statement as to each expenditure, if any, of sixty dollars or more expended on any single occasion on any individual, including the spouse or other family member of a member of the legislative assembly or the governor, in carrying out the lobbyist's work or include a statement that no reportable expenditures were made during the reporting period. There is no filing fee if the report is filed after July 1 and on or before August 1. After August 1, a \$25 late filing fee is assessed if the report is filed on or before October 1. For reports filed after October 1, the late filing penalty increases to \$50.

When registering as a lobbyist, the registrant must give his or her full name, address, and the name and address of each person or persons, corporation, association, group, or organization on whose behalf he or she will appear. The registrant must also provide a lobbyist authorization from those he or she represents.

There were 222 lobbyists registered for the registration period July 1, 2019 to June 30, 2020, representing 255 organizations. From July 1, 2020 through June 30, 2021, there were 416 lobbyists registered representing 517 organizations. More lobbyists are registered during the twelve-month registration period that includes a legislative session.

During the 66th Legislative Assembly, House Bill 1521 (2019 Session Laws, Chapter 472) was introduced and passed by the legislature. It created Chapter 54-66 of the North Dakota Century Code (effective January 5, 2021), which required lobbyists and any person that expends an amount greater than \$200 to influence state government file with this office a report that includes the known ultimate and true source of funds for the expenditure. The report must be filed by August 1 of each year. For registered lobbyists, the information is included on his or her expenditure report for the registration period. No non-lobbyist expenditure reports were filed during the 2019-2021 biennium.

### **Notaries Public**

The Secretary of State commissions notaries public under N.D.C.C., Chapter 44-06.1 due to the adoption by the 2011 62nd Legislative Assembly of House Bill 1136 (2011 Session Laws, Chapter 334), which created an entirely new chapter in the Century Code related to notarial acts. It was based on a recommended uniform law draft from the National Conference of Commissioners on Uniform State Laws. North Dakota was the first state to adopt it. The bill became effective August 1, 2011.

Notaries may administer oaths and perform all other duties required by law anywhere within the state. A notary public must be at least 18 years of age; be a United States citizen; and be a state resident, have a place of employment in North Dakota, or reside in a county that borders North Dakota, and which is in a state that extends reciprocity to a notary public who resides in a border county of this state. There were 14,714 notary commissions in effect on June 30, 2021. During the biennium, there were 4,951 new or renewal commissions issued. To educate and maintain contact, the *Notary Notes* newsletter was mailed to the notaries in November 2017.

During the 66th Legislative Assembly, House Bill 1110 (2019 Session Laws, Chapter 376) was introduced and passed by the legislature, which authorized remote notarization using communication technology. The bill was based on a recommended uniform law draft from the National Conference of Commissioners on Uniform State Laws.

### **Authentications**

Most often, an authentication is issued by the Secretary of State to confirm the commission of notaries public. This certificate is attached to documents intended for use in foreign countries, some of which are part of The Hague Convention. It certifies the authenticity of the signature and the capacity in which the person signing the document has acted. During the biennium, the Secretary of State completed 1,673 apostille requests.

### **Professional Employer Organization (PEO) License**

Established by legislative action in 2007 with the adoption of Senate Bill 2036 (2007 Session Laws, Chapter 384), a professional employer organization is a person engaged in the business of providing professional employer services. A person may not provide, advertise, or otherwise hold itself out as providing professional employer services unless the person has obtained a professional employer organization license from the Secretary of State.

In 2009, the Legislative Assembly adopted House Bill 1361 (2009 Session Laws, Chapter 380), which established certain financial disclosures, reporting requirements to job service and made certain records confidential. The 2017 Legislative Assembly passed House Bill 1237 (2017 Session Laws, Chapter 294), which modified the bonding requirements.

### **Athlete Agents**

During the 2003 Legislative Assembly, Senate Bill 2157 (2003 Session Laws, Chapter 81) was adopted. This bill enacted the Uniform Athlete Agents Act as Chapter 9-15.1 of the North Dakota Century Code. In 2017, the Legislative Assembly adopted House Bill 1212 (2017 Session Laws, Chapter 79). This bill enacted the Uniform Revised Athlete Agents Act that repealed Chapter 9-15.1 and created a new and enacted Chapter 9-15.2.

An athlete agent is an individual who enters an agency contract with a student-athlete or recruits or solicits a student-athlete to enter an agency contract. An athlete agent includes an individual who represents to the public that the individual is an athlete agent, but does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. Athlete agents must register with the Secretary of State. As of June 30, 2021, there were 14 athlete agents registered.

### **Duties of the State**

The Office of the Secretary of State has the following duties relating to state functions:

- The office records and retains all books, records, deeds, parchments, maps, and papers deposited with the Secretary of State as mandated in the law.
- The Secretary of State attests the official signature of the Governor upon all executive orders, appointments, and other public instruments and then affixes the Great Seal of the state of North Dakota.
- The office maintains a registry of the official acts of the Governor, including proclamations, appointments, executive orders, extraditions, and writs. During the biennium, there were 1,233 filings of official acts of the Governor.
- The office maintains a record of all conveyances of property made to the state.
- The office files oaths of office and statements of interest of the appointees of the Governor.

### **Legislative Duties**

The Office of the Secretary of State has the following legislative duties:

- Retains two sets of the legislative journals of each house, certifies their receipt, and forwards the additional journals as mandated by legislative rule;
- Receives, records, and stores all books, bills, resolutions, documents, and papers of the legislature as provided for in the law;
- Provides members of the Legislative Assembly with all public documents as provided for in the law, including the North Dakota Century Code and its supplements, session laws of the last legislative session, journals of the last legislative session, the North Dakota Administrative Code and its supplements, and the *North Dakota Blue Book* when it is published;
- Provides members of the Legislative Assembly and legislative committees with copies of any public documents on file with the Secretary of State;
- Distributes laws, resolutions, or other documents of the Legislative Assembly;
- Retains the acts and resolutions of the Legislative Assembly until such time the law allows, then transfers to the State Historical Society;
- Performs such other duties as may be assigned by the Legislative Assembly.

For the 2021 67th Legislative Assembly, the Secretary of State filed 280 legislative bills originating in the House of Representatives and 226 bills originating in the Senate. Also filed were 23 House Concurrent Resolutions and 10 Senate Concurrent Resolutions, along with a Memorial Resolution from each chamber, and a House Resolution. The session convened January 5, 2021, and adjourned April 29, 2021.

### **Miscellaneous Duties**

**Facsimile Signatures:** Each state official is required to file with this office his or her signature, certified by that officer under oath, for facsimile purposes in official state business. N.D.C.C. § 44-08-13.

**International Wills:** The office registers and preserves international wills of citizens for later execution and disposition according to law. N.D.C.C. § 30.1-08.2-09.

**Public Meetings:** The Secretary of State's website has a listing of notices for public meetings held by state agencies, boards, and departments to provide better access for the public and other interested parties (N.D.C.C. § 44-04-20). Funding to create the online functionality by the state's information technology department was provided in the Secretary of State's 2011 budget. It was deployed February 2013 and

allows state agencies, commissions, boards, and other entities subject to the open meetings and open records laws direct access to post, edit, and cancel public meeting notices online to comply with state law. The public and media may subscribe to receive public meeting notices.

## **Chapter Eight**

### **Central Indexing Unit**

#### **The Central Indexing System (CIS)**

The 1989 Legislative Assembly first studied the Central Indexing System (CIS) after it adopted House Concurrent Resolution 3057 (1989 Session Laws, Chapter 840). The resolution directed the Legislative Council to study state laws relating to state and local filings of liens, security documents, financing statements, and continuation statements.

The study included representatives from livestock auction yards, bankers, other lenders, grain dealers, the North Dakota Association of Counties, the state Information Services Division (now known as the North Dakota Information Technology Department), and the Office of the Secretary of State. The study resulted in the adoption of Senate Bill 2024 (1991 Session Laws, Chapter 449) by the 1991 Legislative Assembly.

The new law mandated the Secretary of State to develop and implement a computerized system, which would store data in a central location and allow for filing and searching of six separate databases. The databases are the Uniform Commercial Code (UCC) Index, the Farm Products Central Notice (CNS) Index, the Federal Lien Index, the Statutory Lien Index, the Statutory Lien Notice Index, and the State Tax Lien Index.

A major change in filing and searching procedures occurred in the 2013 legislative session with the passage of House Bill 1136 (2013 Session Laws, Chapter 257). This bill required that any statement filed under the Uniform Commercial Code central filing database, the central notice system, or the statutory lien database be electronically filed with the Secretary of State using a secure web-based application.

On March 1, 2016, the North Dakota Secretary of State's office launched a secure web-based application called the North Dakota Central Indexing System (NDCIS). With the launch of the new system, all central indexing filings and search requests are required to be completed online. Paper filings and search requests are no longer accepted by the Secretary of State or county filing offices. The NDCIS also replaced the direct access filing of lien notices that was previously available to filers for a subscription fee.

#### **Central Indexing System – Searches**

In addition to allowing the filing of various lien documents, the CIS is also of benefit to those persons who need to search the database to determine if any liens are recorded against a certain individual or business entity. As of March 1, 2016, search requests have been completed online in the NDCIS at no cost.

#### **Uniform Commercial Code (UCC)**

The agency's Central Indexing System had its beginnings in 1965 with the adoption of the Uniform Commercial Code (UCC) law by the Legislative Assembly. Senate Bill 60 contained 257 pages and, because of its length, was not published in the 1965 Session Laws book. The law became effective on July 1, 1966.

The adopted law (N.D.C.C., Chapter 41-09) allowed the Secretary of State to review and process UCC filings and related lien documents. These documents are filed to protect the collateral of secured parties. UCC documents are primarily used to provide proof of collateral on a variety of personal property. The filing is effective for a period of five years and may be continued for another five years within six months prior to the expiration date. A filing can be amended, assigned, or have part of the collateral released by filing an associated filing. Documents terminating the security lien are filed when the debt is paid in full. Federal tax liens are also filed as UCC documents.

In 1991, the UCC law was substantially revised and updated by the Legislative Assembly with the adoption of Senate Bill 2100 (1991 Session Laws, Chapter 448). The 2001 Legislative Assembly made another major revision to the state's UCC laws when it adopted House Bill 1105 (2001 Session Laws, Chapter 361). This 97-page bill was introduced at the request of the Uniform Law Commission. Similar legislation was

introduced and adopted in all 50 states. The new law changed the requirements for financing statements and the responsibility of filing officers in regard to those documents.

The 2011 Legislative Assembly adopted House Bill 1137 (2011 Session Laws, Chapter 304). It was based on a uniform law draft from the National Conference of Commissioners on Uniform State Laws. The new law requires the debtor name to be reflected on the lien document identical to how it appears on the debtor's state-issued driver's license or identity card. In the case of an organization, the name reflected on the lien document must be identical to the name as it appears in the record of the jurisdiction of organization. The bill became effective July 1, 2013.

Another bill adopted by the legislature was Senate Bill 2249. It eliminated the requirement that certain lien filings, such as UCC documents, include the social security number (SSN) or a federal employer identification number (FEIN). This was a significant change since these numbers were used in the system since the inception of the CIS. It allowed for an accurate search of the names of debtors. However, North Dakota was only one of two states to use the SSN/FEIN for filing and search purposes. Since the information field was being eliminated from the national UCC financing statement and to minimize the possibility of identity theft, it became imperative that the state's laws be changed.

In the 2013 legislative session, House Bill 1136 (2013 Session Laws, Chapter 257) reinstated the requirement of using the social security number/internal revenue service taxpayer identification number on certain lien filings. The effective date of the change was March 1, 2016.

### **Central Notice System (CNS)**

The Central Notice System gives notice of perfected liens filed against the farm products of certain debtors.

In 1985, the United States Congress first debated the provisions of the Food Security Act, which was a part of that year's farm bill. The bill included several provisions and language taken from Article 9 of the UCC law. This was a unique subject for the federal government because it was an area of law considered to be in the realm of state responsibility. The "farm products rule" allowed a creditor with a security interest in a farmer's crops or livestock to seek payment from the purchaser of those commodities if the farmer did not pay the creditor. The act approved by Congress allowed states the choice of two options. One option was to create a central filing or notice system. This option, the Central Notice System (CNS) was first discussed by the 1983 Legislative Assembly and ultimately adopted by the 1985 session. On December 16, 1985, the Packers and Stockyards Administration of the United States Department of Agriculture approved the North Dakota CNS as meeting the requirements of the federal law. It is believed that North Dakota may have been as early as the third state in the nation in having its program approved.

Since 1985, the Secretary of State's office has provided subscribers with a Central Notice System Farm Products list, which names the individuals who have given a security interest in a crop, product, or livestock to a lender. To begin with, the list was only made available on a paper printout or microfiche. Then, in July 1998, the information was also made available to customers on a compact disc (CD). The same information, on July 1, 1999, became available online through the agency's Central Indexing System direct access search option. The Central Notice System Farm Products list was no longer available on a CD or through direct access as of March 1, 2016. The report is now available for purchase and download through the NDCIS.

With the passage of House Bill 1136 (2013 Session Laws, Chapter 257) by the 2013 63rd Legislative Assembly, as referenced in the previous sections, secured parties now file CNS liens documents and conduct search request online in the NDCIS.

### **Agricultural Statutory Liens (SLN)**

In 1987, the Legislative Assembly authorized the use of an agricultural processor's lien/notice, an agricultural supplier's lien/notice, and agricultural agister's lien/notice. Any person entitled to a lien by statute or otherwise is authorized to file a verified statement. As of March 1, 2016, all agricultural statutory liens are filed online in the NDCIS.



Within 90 days, any agricultural processor may file a lien on crops or agricultural products processed by threshing, combining, drying, or harvesting. Agricultural suppliers are allowed to file liens on the crop or product produced with supplied seed, petroleum products, fertilizer, farm chemical, insecticide, feed, hay, pasturage, veterinary services, or in the delivery or applying of such supplies.

Individuals entrusted with the animals by the owner for feeding, herding, pasturing, or ranching may file an agister's lien upon the animals and are authorized to retain possession of the animals until the amount is paid.

If lienholders intend to impose liability for a lien against a crop or livestock buyer, the lienholder must file a statutory lien notice document in the North Dakota Central Indexing System. Such liens take precedence over UCC liens (N.D.C.C. § 54-09-10).

As with the CNS, a listing of agricultural statutory liens can be purchased and downloaded through the NDCIS.

## Chapter Nine

### ***Business Information Unit and Business Registration Unit***

The Business Information Unit and the Business Registration Unit execute the Secretary of State's business services responsibilities. Revenue from these units is generated from a variety of fees charged for filings, amendments, reports, lists, and registrations.

Duties include:

- determining business name availability by applying "deceptively similar" principles and guidelines.
- registering trademarks and trade names, fictitious partnership name certificates, real estate investment trusts, limited partnerships, limited liability partnerships, and limited liability limited partnerships; and processing amendments, renewals, and cancellations of those registrations.
- filing and recording articles of incorporation, articles of organization, and certificates of authority related to various types of domestic and foreign businesses; and processing amendments, dissolutions, terminations, and revocations of articles and certificates of authority.
- administering the Registered Agents Act including processing registered agent changes and resignations.
- responding when the Secretary of State is the registered agent for service of process.
- processing annual reports received from various business entities.
- fulfilling copy requests, and providing certificates of fact and good standing, and other certified documents.

FirstStop ([FirstStop.sos.nd.gov](http://FirstStop.sos.nd.gov)), the Secretary of State's software for the business functions of the North Dakota Secretary of State's office, was deployed in January 2019. FirstStop provides customers the ability to submit and update business filings and records online. FirstStop also provides automated support for the staff in the Business Registration and Business Information units.

#### **Entity Types**

Listed below are the 46 types of entities for which records are filed and maintained by the Business Information Unit and the Business Registration Unit.

- |   |   |
|---|---|
| 1. Airport Authorities                                | 26. Limited Liability Companies Foreign                         |
| 2. Churches   | 27. Limited Liability Companies Foreign Professional            |
| 3. City Home Rule Charters                            | 28. Limited Liability Companies Nonprofit                       |
| 4. Cooperatives - Domestic Associations               | 29. Limited Liability Partnerships Domestic                     |
| 5. Cooperatives - Electric Associations               | 30. Limited Liability Partnerships Foreign                      |
| 6. Cooperatives - Foreign Associations                | 31. Limited Liability Partnerships Domestic Professional        |
| 7. Cooperatives - Grazing Associations                | 32. Limited Liability Partnerships Foreign Professional         |
| 8. Cooperatives - Mutual Aid Associations             | 33. Limited Partnerships Domestic and Foreign                   |
| 9. Commercial Registered Agents                       | 34. Limited Liability Limited Partnerships Domestic and Foreign |
| 10. Corporations Certified Nonprofit Development      | 35. Insurance Companies   |
| 11. Corporations Domestic Business                    | 36. Irrigation Districts  |
| 12. Corporations Domestic Nonprofit                   | 37. Municipal Power Agencies                                    |
| 13. Corporations Domestic Professional                | 38. Partnership Statement – General                             |
| 14. Corporations Domestic Publicly Traded             | 39. Real Estate Investment Trusts                               |
| 15. Corporations Farm                                 | 40. Special Registered Agent Records                            |
| 16. Corporations Foreign Business                     | 41. Soil Conservation Districts                                 |
| 17. Corporations Foreign Nonprofit                    | 42. State Banks   |
| 18. Corporations Foreign Professional                 | 43. Trademarks  |
| 19. County Home Rule Charters                         | 44. Trade Names   |
| 20. Credit Unions                                     | 45. Vector Control Districts                                    |
| 21. Fictitious Partnership Names                      | 46. Water Resource Districts                                    |
| 22. Fiduciaries                                       |   |
| 23. Limited Liability Companies Domestic              |   |
| 24. Limited Liability Companies Domestic Professional |   |
| 25. Limited Liability Companies Farm                  |   |

The following is a partial listing of some of the entities along with a brief description:

#### Commercial Registered Agents

The 2007 Legislative Assembly adopted the North Dakota Registered Agents Act with the passage of Senate Bill 2153 (2007 Session Laws, Chapter 99), which became effective July 1, 2008. Its adoption was promoted nationwide with North Dakota having the distinction of being the first state to adopt it in the United States. The Act authorizes “commercial registered agents” and places the laws related to registered agents for every type of business entity registered in the Secretary of State’s office into one chapter of the Century Code (Chapter 10-01.1). As a result and regardless of the type of business entity structure, it provides uniform procedures and a single reference source without having to consult individual business entity chapters for registered agent provisions.

#### Corporation – Domestic Business

State law legally recognizes a corporation as an entity having its own rights, privileges, and liabilities that are distinct from the shareholders or members of the corporation. The existence of the corporation begins when articles of incorporation are approved for filing with the Secretary of State or later on a date specified in the articles of incorporation. A corporation is required to file with the Secretary of State an annual report, which is due August 1 of each year.

#### Corporation – Foreign Business

Corporations incorporated in other states or countries are considered foreign corporations. These foreign corporations must obtain a certificate of authority from the Secretary of State before transacting business in the state of North Dakota, or before obtaining any license or permit prescribed by North Dakota law. A foreign corporation must file with the Secretary of State an annual report, which is due May 15 of each year.

#### Corporation Nonprofit – Domestic and Foreign

A nonprofit organization may become a corporation by filing articles of incorporation with the Secretary of State. State law legally recognizes a corporation as an entity having its own rights, privileges, and liabilities that are distinct from the members or governing body of the corporation. The existence of the corporation begins when articles of incorporation are approved for filing with the Secretary of State or on a later date if specified in the articles of incorporation.

Nonprofit corporations incorporated in other states or countries are considered foreign nonprofit corporations. These foreign nonprofit corporations must obtain a certificate of authority from the Secretary of State before conducting affairs in the state of North Dakota, or before obtaining any license or permit prescribed by North Dakota law.

A domestic or foreign nonprofit corporation is required to file with the Secretary of State an annual report, which is due February 1 of each year.

#### Fictitious Partnership Name

A fictitious partnership name is a name used by a partnership that does not include the names of the partners. A partnership identified by a fictitious name must file a fictitious name certificate with the Secretary of State. The certificate must be renewed every five years from the date of the initial filing.

#### Fiduciary

A bank or trust company organized and doing business under the laws of any state or territory of the United States may be appointed to serve as a trustee in North Dakota. The bank or trust company may be appointed as trustee for a corporate or personal trust, executor, administrator, or guardian for a minor or an incompetent person. The appointment may be by will, deed, court order, decree, or otherwise. Before qualifying or serving in North Dakota in a trust or fiduciary capacity, the bank or trust company must file certain documents with the Secretary of State.

#### Limited Liability Company – Domestic

The 2015 64th Legislative Assembly adopted House Bill 1136 (2015 Session Laws, Chapter 87), which established North Dakota Century Code, Chapter 10-32.1, the Uniform Limited Liability Company Act. A limited liability company (LLC) is an entity having its own rights, privileges, and liabilities distinct from the members. Structurally, the limited liability company combines the characteristics of a partnership and a corporation. It was first authorized in the 1993 legislative session.

The existence of a limited liability company begins when articles of organization have been approved for filing with the Secretary of State or later on a date specified in the articles of organization. A limited liability company must file an annual report with the Secretary of State, which is due November 15 of each year.

#### Limited Liability Company – Foreign

Limited liability companies organized in other states or countries are considered foreign limited liability companies. Foreign limited liability companies must obtain a certificate of authority from the Secretary of State before transacting business in the state of North Dakota, or before obtaining any license or permit prescribed by North Dakota law. A foreign limited liability company must file with the Secretary of State an annual report, which is due November 15 of each year.

#### Limited Liability Company Nonprofit – Domestic and Foreign

The 2009 Legislative Assembly adopted House Bill 1298 (2009 Session Laws, Chapter 106), which included provisions establishing Century Code Chapter 10-36, the Nonprofit Limited Liability Company Act. The nonprofit limited liability company has attributes similar to those of a nonprofit corporation and similar to those of a limited liability company organized for profit in accordance with Century Code Chapter 10-32.1. Only organizations existing for a nonprofit purpose are allowed to be its members.

The existence of the nonprofit limited liability company begins when articles of organization are filed with the Secretary of State or later on a date specified in the articles of organization.

Nonprofit limited liability companies organized in other states or countries are considered foreign nonprofit limited liability companies. Foreign nonprofit limited liability companies must obtain a certificate of authority from the Secretary of State before transacting business in the state of North Dakota, or before obtaining any license or permit prescribed by North Dakota law.

A domestic or foreign nonprofit limited liability company must file with the Secretary of State an annual report, which is due February 1 of each year.

#### Limited Partnership – Domestic and Foreign

Limited partnerships are created when documents are filed with the Secretary of State. State law legally recognizes a limited partnership as an entity formed by two or more persons having one or more general partners, and one or more limited partners. The general partners have management powers and are responsible for all partnership obligations. Although limited partners may not participate in the day-to-day management operations, they share the liabilities and profits in proportionate share to their contributions.

Limited partnerships may transact any business in North Dakota except banking and insurance. Farming is only allowable if any corporations or limited liability companies that may be partners thereof comply with the provisions of North Dakota farming laws. Foreign limited partnerships, which are organized under the laws of other states or countries, must register with the Secretary of State before transacting business in North Dakota.

A domestic or foreign limited partnership must file with the Secretary of State an annual report, which is due March 31 of each year.

#### Limited Liability Limited Partnership – Domestic and Foreign

The limited liability limited partnership (LLLLP) is identical to the traditional limited partnership except that all partners, including the general partner, have limited liability. An LLLLP is formed at the time of filing the LLLL registration with the Secretary of State or later on a date specified in the registration. An LLLL organized under the laws of other states or countries must register with the Secretary of State before transacting business in North Dakota. A domestic or foreign limited liability limited partnership must file with the Secretary of State an annual report, which is due March 31 of each year.

#### Limited Liability Partnership – Domestic and Foreign

A limited liability partnership (LLP) is an ordinary general partnership acquiring limited liability status upon filing a registration document with the Secretary of State. An LLP established under another state or country may register with the Secretary of State as a foreign limited liability partnership. A domestic or foreign LLP must file with the Secretary of State an annual report, which is due March 31 of each year.

### Real Estate Investment Trust

Established by legislative action in 1997, a real estate investment trust is an unincorporated entity. This registration is required of real estate investment trusts established in North Dakota and those established in another state and transacting business in North Dakota. A real estate investment trust is a trust or association formed to acquire, hold, manage, administer, control, invest, or dispose property by trustees for the benefit of any person who may become a shareholder. They must renew their registration every five years from the date of the initial filing.

### Special Registered Agent Record

Corporations, which are created by federal law, are often empowered to operate in every state without filing for authority from a state agency. However, in some cases, federal law requires the corporation to maintain a registered agent in the state in which it operates. A record of such registered agent must be filed with the Secretary of State.

### Trademark/Service Mark

A trademark or service mark is a word, symbol, device, or any combination thereof adopted and used by a person or business to distinguish goods or services made or sold from those goods or services made or sold by someone else. The trademark or service mark may be registered with the Secretary of State to establish exclusive right to the mark in North Dakota. The duration of the registration is ten years, at which time the registration may be renewed.

### Trade Name

A trade name must be registered with the Secretary of State for an individual or an organization to do business in North Dakota using that name, if the name does not include the following: (1) the true name of the organization using the name; (2) the first name and surname of each individual using the business name; or (3) the surname of each individual, repeating a surname if more than one owner has the same surname.

A trade name registered with the Secretary of State is afforded protection for five years and is renewable. The trade name registration also creates a public record from which one can identify the principals of a business.

## **Chapter Ten**

### **Elections Unit**

According to the North Dakota Century Code, Section 16.1-01-01(1), the Secretary of State is mandated to be the supervisor of elections. In carrying out these duties, the Secretary of State may employ additional personnel. Each county in the state is also required to have a county administrator of elections. By state law (N.D.C.C. § 16.1-01-01(4)), that individual is the County Auditor. The County Auditor is then responsible to the Secretary of State for the proper administration within his or her county of the state laws, rules and regulations related to election procedures.

The general mandate of election law is to maintain the integrity of the election process and always protect the rights of the people as provided for in the constitution and laws of the state of North Dakota. The relatively small revenues generated by this unit are primarily derived from fees assessed for reports that are filed late and for copies of public records.

In the supervisory role, the Secretary of State has the power to examine upon his or her request, or the request of any election official, any election ballot or other material, machine, or device used in connection with any election for determining compliance with the law.

The following is a partial list of duties for the Secretary of State administering election law:

1. Develop and implement uniform training programs for all election officials in the state.
2. Prepare information for voters on voting procedures.
3. Publish and distribute an election calendar, a manual on election procedures, and a map of all legislative districts.
4. Convene a state election conference of county auditors at the beginning of each election year and whenever deemed necessary by the Secretary of State to discuss uniform implementations of state election policies.
5. Prescribe the form of all ballots and the form and wording of ballots on state referendum questions, issues, and constitutional amendments.
6. Investigate, or cause to be investigated, the nonperformance of duties or violations of election laws by election officers.
7. Require such reports from county auditors on election matters as deemed necessary.
8. Convene the state canvassing board and certify results of statewide elections.
9. Prepare and publish reports whenever deemed necessary on the conduct and costs of voting in the state, including a tabulation of election returns and such other information and statistics as deemed appropriate.
10. Establish standards for voting precincts and polling locations, numbering precincts, precinct maps, maintaining and updating pollbooks, and forms and supplies, including ballots, pollbooks, and reports.
11. Develop and conduct a test election for the state's voting system prior to each statewide election utilizing the votes cast according to certain logic and accuracy requirements.
12. Prescribe the order in which each political subdivision will appear on an election ballot.
13. Certify to the county auditors the names of state, district, and county officials to be nominated or elected in the primary, general, or special elections.
14. File nominating petitions or certificates of endorsement, statements of interest, and affidavits of candidacy for congressional, state, judicial, and legislative candidates.
15. Provide certificates of nomination and certificates of election.
16. File oaths of office for congressional, state, judicial, and legislative officeholders.
17. Examine and certify for use the voting system or counting machines authorized by law.
18. Receive electronically filed campaign finance disclosure statements for state, legislative, and judicial district candidates, political action committees, political parties, and measures committees.
19. File oaths of office and statements of interest for the appointees of the Governor.
20. Provide public access to federal election reports of candidates for President of the United States and for congressional office.
21. Create and maintain, in conjunction with the county auditors, North Dakota's Central Voter File.

## **Help America Vote Act of 2002 (HAVA)**

In October 2002, the President signed the Help America Vote Act of 2002 (HAVA) into law. To make the necessary changes in the North Dakota law to implement HAVA, the 2003 Legislative Assembly passed Senate Bill 2409 (2003 Session Laws, Chapter 171). Updates and changes have been made in various additional bills in subsequent legislative sessions.

The first HAVA grant of \$5,000,000 was received in April 2003. This was a direct grant to the state without a requirement for a state match. In July 2004, the state received a second grant of \$4,150,000. The match for the second grant was split 50/50 between the counties and the state. The state's share was appropriated from unspent funds from the Secretary of State's 2001-2003 general fund appropriation.

In May 2005, the state received a third grant of \$7,446,803. The match for the third grant consisted of a \$257,970 in-kind contribution approved by the Election Assistance Commission. The credit was given for the state's expenditures for the Secretary of State's Election Management System with the remaining portion of the match paid by the state's counties. A fourth grant of \$575,000 was received in September 2008. The required state match of \$30,263 was funded from the state's contingency fund approved by the Emergency Commission on March 14, 2008. The 2009 Legislative Assembly appropriated funds of \$26,316 for the state's share of a fifth grant of \$500,000, which the state received in July 2009.

In 2010, Congress appropriated an additional amount, as a sixth grant, in the Omnibus Appropriations Act for Fiscal Year 2010, which resulted in North Dakota becoming eligible for an additional \$350,000 for the HAVA election fund. To secure it, the state was required to provide a 5% match. This match was obtained when the Emergency Commission met on March 4, 2010 and authorized the amount of \$18,421 from the state's contingency fund to be used for this purpose. The grant was received in April 2010.

In 2011, North Dakota was appropriated an additional amount in the 2011 Requirements Payments under Section 251 of the Help America Vote Act, which resulted in North Dakota receiving an additional \$6,454 for the HAVA election fund. To secure it, the state was required to provide a 5% match. This was achieved using current appropriation in the State's election fund in the amount of \$340.

In 2018, Congress authorized an additional amount of HAVA grants as part of the 2018 Omnibus Appropriations for Fiscal Year 2018. North Dakota's eligibility from this grant was \$3,000,000. Congress subsequently authorized similar funding for Fiscal Year 2020, and North Dakota's eligibility, again, was \$3,000,000. In August 2020, the Election Assistance Commission combined these two grant awards into one program, with a combined state required match of \$750,000.

In the spring of 2020, Congress further appropriated HAVA Funds to be used in connection with the COVID-19 Pandemic as part of the 2020 CARES Act. Again, North Dakota's eligibility was \$3,000,000, with a 20% match. These funds were received in April 2020.

The Secretary of State's office has utilized the funding received due to HAVA to improve elections across the state. During the 2005-2007 biennium, the Secretary of State and a committee comprised of individuals from political subdivisions, advocates from the disabilities communities, political parties, and other interested groups continued to implement the comprehensive state plan required by HAVA for the improvement of elections in the state of North Dakota. The federal funding received was used to finalize the purchase of new voting equipment for every polling location, develop educational materials for voters, election administrators, and poll workers, improve the accessibility of polling locations, and develop common procedures for election administration across the state. Additionally, a portion of the federal funds was used to develop the Central Voter File (N.D.C.C. Chapter 16.1-02), which is a component of the Election Administration System created to standardize election administration across the state. North Dakota fully utilized the \$3,000,000 in CARES Act funding in the administration of the 2020 June and November elections. The deposited funds remaining in the federally-mandated election fund (HAVA – 107th Congress, Public Law 107-252, Section 245(b)) will be used to support and maintain the election system as well as continue to enhance the system for ND voters/citizens in future years. Interest generated by the deposited funds can remain in the election fund for such purposes.

## **Initiative and Referendum**

Article III, Section 1, of the North Dakota Constitution states the legislative power of this state shall be vested in a legislative assembly consisting of a Senate and a House of Representatives. The people, however, reserve the power to propose and enact laws and constitutional changes/amendments by the initiative, to approve or reject legislative acts, or parts thereof, by the referendum, and to recall certain elected officials. Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers.

Sections 2 through 6 of Article III provide instructions to the Secretary of State regarding the initiative and referendum process. A pamphlet entitled *Initiating and Referring Law in North Dakota* published by the Secretary of State is available in the Ballot Measures section of the Secretary of State's Election's website at [Vote.ND.Gov](http://Vote.ND.Gov).

Since statehood in 1889 and through the 2020 election cycle, North Dakota's voters have voted on 516 measures placed on the ballot for their consideration. These have included constitutional measures placed by legislative action, initiated constitutional measures, initiated statutory measures, and referred measures.

The majority of measures (244) appearing on the ballot since statehood were constitutional amendments placed there by legislative action. Through the date of this report, the voters have been in favor of 139 (57%) of the measures and have disapproved of 105 (43%) of them.

The second highest in number (144) have been initiated statutory measures placed on the ballot through the circulation of petitions by a sponsoring committee. As of November 2020, the voters had approved 60 (42%) of the measures and had rejected 84 (58%) of them.

Sponsoring committees have been successful in placing 52 initiated constitutional measures on the ballot. As of November 2020, the voters had approved 29 (56%) of them and denied 23 (44%) of them.

The actions of the Legislative Assembly have been referred to a vote of the people 76 times. As of November 2020, the voters rejected legislative action 48 (63%) times and upheld legislative decisions 28 (37%) times.

As the result of the recommendations of the 1972 Constitutional Convention, a special election was held on April 28, 1972, to consider the adoption of a new state constitution. There was a main "proposition" listed on the ballot to adopt the constitution and four alternative propositions if the proposed constitution was approved. However, it was defeated by a vote of 107,643 (63%) to 64,073 (37%).

The following measures were placed on the ballot by the 2019 Legislative Assembly and voted on during the 2020 election cycle.

### **Constitutional Amendment**

Related to: The membership and meeting requirements of the state board of higher education; to provide for transition; and to provide an effective date  
SCR 4016 filed with Secretary of State: April 10, 2019  
Placed on November 3, 2020, ballot as Constitutional Measure No. 1  
The voters rejected the measure 242,157 (72.50%) to 91,848 (27.50%).

### **Constitutional Amendment**

Related to: The process for approving constitutional amendments  
SCR 4001 filed with Secretary of State: April 17, 2019  
Placed on November 3, 2020, ballot as Constitutional Measure No. 2  
The voters rejected the measure 201,476 (61.60%) to 125,613 (38.40%).

During the biennium, the formats of four petitions were approved for circulation. A sponsoring committee is allowed one year from the date of the approval of the petition to secure signatures and submit the petitions to the Secretary of State.



## **Number of Statewide Elections and Voter Turnout**

During the biennium, two statewide elections were held. The first one, often referred to as the primary election, was held on June 9, 2020, with 422 precincts and a voter turnout of 27.54%. The second one was the general election held on November 3, 2020, with 422 precincts and a voter turnout of 62.69%.

The total cost for conducting the two statewide elections in 2020 was approximately \$3,341,217.

## **Statewide Election (June Primary) – June 9, 2020**

Although it is the “final” election for city positions, measures, and school board elections held in conjunction with this election, the election held in June is commonly known as the Primary Election. Appearing on the ballot were offices representing various levels of congressional, statewide, district, county, and local government. They were:

### **Federal-Congressional Offices**

Representative in Congress 2-year term

### **Statewide Offices (Party)**

Governor and Lt. Governor 4-year term  
State Auditor 4-year term  
State Treasurer 4-year term  
Insurance Commissioner 4-year term  
Public Service Commissioner 6-year term

### **Statewide Offices (No Party)**

Superintendent of Public Instruction 4-year term  
Justice of the Supreme Court 10-year term

### **Judicial District Offices (No Party)**

Judges of the District Courts (17 Judgeship positions) 6-year term  
Judges of the District Courts (3 Judgeship positions) Unexpired 4-year term  
Judges of the District Courts (2 Judgeship positions) Unexpired 2-year term

### **State Legislative Seats (Party)**

23 seats in the ND Senate (even-numbered districts) 4-year term  
46 seats in the ND House of Representatives (even-numbered districts) 4-year term

### **County Offices (No Party)**

Commissioners 4-year term  
Director, Southwest Water Authority 4-year term  
Supervisor, Soil Conservation District 6-year term  
Director, Garrison Diversion Conservancy District 4-year term

### **City Offices**

Positions varied depending on form of governance.

## **Statewide Election (General Election) – November 3, 2020**

Appearing on the November General Election ballot were several offices representing various levels of federal, statewide, district, county, and local government. They were:

### **Federal-Congressional Offices**

President of the United States 4-year term  
Representative in Congress 2-year term

**Statewide Offices (Party)**

Governor and Lt. Governor	4-year term
State Auditor	4-year term
State Treasurer	4-year term
Insurance Commissioner	4-year term
Public Service Commissioner	6-year term

**Statewide Offices (No Party)**

Superintendent of Public Instruction	4-year term
Justice of the Supreme Court	10-year term

**Judicial District Offices (No Party)**

Judges of the District Courts (17 Judgeship positions)	6-year term
Judges of the District Courts (3 Judgeship positions)	Unexpired 4-year term
Judges of the District Courts (2 Judgeship positions)	Unexpired 2-year term

**State Legislative Seats (Party)**

23 seats in the ND Senate (even-numbered districts)	4-year term
46 seats in the ND House of Representatives (even-numbered districts)	4-year term

**County Offices (No Party)**

Commissioners	4-year term
Director, Southwest Water Authority	4-year term
Supervisor, Soil Conservation District	6-year term
Director, Garrison Diversion Conservancy District	4-year term

In the general election, North Dakota voters voted on two ballot measures. Both were placed on the ballot by the Legislative Assembly (see previous Initiative and Referendum section). The measures and the results of the vote are summarized as follows:

<b>TITLE OF MEASURE</b>	<b>RESULT</b>	<b>YES</b>	<b>NO</b>
<b>Constitutional Measure No. 1</b> This measure related to the membership and meeting requirements of the state board of higher education.	<b>Rejected</b>	<b>91,848</b>	<b>242,157</b>
<b>Constitutional Measure No. 2</b> This measure related to the process for approving constitutional amendments.	<b>Rejected</b>	<b>125,613</b>	<b>201,476</b>

**Election Results and Reports**

Beginning with the 2000 election cycle, county-by-county election results have been made available on the Secretary of State’s Election’s website at [Vote.ND.Gov](http://Vote.ND.Gov). Beginning with the 2004 election cycle, county-by-county precinct election results have been available on the Election’s website. Precinct election results prior to 2004 are available from the County Auditors in each of the state’s 53 counties.

Copies of the Secretary of State’s election abstract of votes dating back to statehood are also available at no cost on the Secretary of State’s Election’s website at [Vote.ND.Gov](http://Vote.ND.Gov). The abstracts may be searched individually by candidate, party, contest or other keywords entered by the individual viewing the abstract.

All the various records and filings of the Elections Unit are considered public information. Copies of these records are available at a cost of \$0.50 per page. They may include Oaths of Office, Statements of Interest, Certificates of Endorsement, Petition/Certificates of Nomination, Affidavits of Candidacy, and Certificates of Write-in Candidacy.

## **Campaign Finance Disclosure Statements**

Beginning in 2001, copies of the campaign finance disclosure statements filed by political parties, statewide candidates (except federal), legislative candidates, district judicial candidates, political action committees, and measure committees have been available in the Campaign Finance Disclosure section of the Election's website at [Vote.ND.Gov](http://Vote.ND.Gov).

The 2013 Legislative Assembly adopted Senate Bill 2299 (2013 Session Laws, Chapter 172), which mandated that any statement required by N.D.C.C., Chapter 16.1-08.1 be electronically filed with this office in a format established by the Secretary of State. The section of the bill that related to this requirement had a delayed effective date of May 1, 2014. To allow for the electronic filing of campaign finance disclosure statements, the Secretary of State's office launched the North Dakota Campaign Finance Online system on May 1, 2014.

Political committees that organize and register according to federal law are required to file with the North Dakota Secretary of State a copy of the portion of the committee's federal report detailing independent expenditures or disbursements made to a nonfederal candidate seeking public office or to a political party or committee in North Dakota. These records and filings are considered public information. Copies of these records are available at a cost of \$0.50 per page.

## **Election Statistics**

Chapter 14(D) of this report contains a listing of the statewide elections held since 1980 along with the voter turnout, number of precincts, and expenses.

## **ND VOICES (North Dakota Voting Information and Central Election Systems)**

In the fall of 2009, the Secretary of State's office began development of a new election administration system tailored to the specific election laws of North Dakota. This new system, called ND VOICES, coordinates the election efforts of the state and all 53 counties through nearly every step of the election process. It was conceived because of the passage of the federal Help America Vote Act of 2002 (HAVA). To fulfill the requirements of HAVA, the state needed an efficient means to coordinate and manage elections throughout the state in partnership with the state's counties.

ND VOICES is used to develop the ballot production process by adding contests and candidates that will appear on the ballot. The Secretary of State's elections staff adds statewide, judicial, and legislative contests, candidates, and measures to the system, which then appear in the respective counties' voting management systems. Counties then add their local contests, candidates, and measures. Sample ballots are created by ND VOICES, which are available for viewing by the public on the Secretary of State's Election's website at [Vote.ND.Gov](http://Vote.ND.Gov).

Another version of the sample ballots is used to comply with federal law related to sending ballots to military and overseas voters. The Military and Overseas Voter Empowerment Act of 2009 mandates ballots be available for military and overseas voters 45 days prior to an election, which is an earlier date than absentee ballots can be and are available to the public prior to an election.

Using ND VOICES, the information relating to contests, candidates, and measures is exported for ballot creation and programming of memory cards for the optical scan ballot counters used in all polling places.

Every polling location has an AutoMARK, an assistive-technology ballot marking device, for use by persons with disabilities. Through a special feature offered in ND VOICES, candidates are provided instructions on recording the pronunciation of their name. The recorded name file is then associated with the candidate's name when it is programmed into the AutoMARK. It assures that the candidate's name will be correctly spoken to those voters using the AutoMARK who are unable to read a printed ballot. In addition, the feature is helpful for election officials who have a short timeline for ballot production.

After polling locations close on Election Day, the results are uploaded from the counties' voting equipment into ND VOICES. The results are then automatically available on the Secretary of State's website for viewing. Viewers can track individual contests, see a statewide map showing which candidate received the most votes in a county, and view results down to the precinct level.

In the days following the election, county election officials generate reports from ND VOICES for review by county election canvassing boards and to submit a county certified election result abstract to the Secretary of State for the State Canvassing Board. Both county and state election officials also use ND VOICES to create certificates of nomination or election for county, district, and statewide candidates.

During its inaugural season during the 2010 election cycle, ND VOICES was well received by the public and the media. It was a single cyber destination to obtain voting information and timely election results from every area of the state. For election officials, it became a valuable and time saving tool for administering elections.

Beginning in 2016, ND VOICES was enhanced to include the state's Central Voter File (CVF). The CVF is used by election officials to generate pollbooks and administer absentee/mail ballot voting.

## **Chapter Eleven**

### **Commissioner of Combative Sports**

(formerly State Athletic Commissioner)

In Chapter 53-01 of the state's Century Code, the Secretary of State is designated as the commissioner of combative sports and administers matters relating to the regulation of boxing, kickboxing, sparring, and mixed fighting style competition. The Secretary of State may appoint a commission of combative sports to assist and advise the commissioner in the administration of the duties of the position.

The commission of combative sports has nine members. They are appointed by the Secretary of State and have terms of three years. Each year, three members are newly appointed or reappointed to the board. This process provides for continuity from year-to-year as the members assist and advise the commissioner.

Revenue received from regulating the combative sport events and the issuing of licenses is deposited into a special fund (N.D.C.C. § 53-01-09). Licenses are issued to the participants, referees, judges, corner persons, managers, ringside officials, and promoters.

The first state athletic commission was created by the legislature in 1935 with House Bill 213 (1935 Session Laws, Chapter 91). The commission included the Commissioner of Labor and Agriculture, a practicing physician and a practicing attorney appointed by the Governor. Interestingly, the law was specific in stating that not only were the appointees to be citizens of the state, but also of good moral character.

Over the years, the law changed very little. Then, in 1967, the office of the Commissioner of Labor and Agriculture was divided into two separate statewide offices with the Commissioner of Agriculture retaining the duties relating to the athletic commission.

Four years later, in 1971, the Legislative Assembly adopted Senate Bill 2078 and transferred the duties of the athletic commissioner to the Secretary of State and eliminated the three-person athletic commission (1971 Session Laws, Chapter 484). However, the law did not apply to boxing exhibitions where the net proceeds of the event were devoted to charitable purposes. Consequently, while the law was again modified in 1987 by House Bill 1074 (1987 Session Laws, Chapter 607) and in 1989 by Senate Bill 2184 (1987 Session Laws, Chapter 609), most boxing exhibitions were promoted on behalf of charitable purposes resulting in no state oversight.

Significant changes were made in 1991 to the laws governing boxing. The 52nd Legislative Assembly adopted Senate Bill 2411 (1991 Session Laws, Chapter 543), effective July 1, 1991. With its passage, the duties of the athletic commissioner became more defined. The law allowed for the creation of an athletic advisory board and improved regulation of the growing boxing activity occurring within the state of North Dakota.

The 59th Legislative Assembly in 2005 adopted Senate Bill 2356 (2005 Session Laws, Chapter 464), effective July 1, 2005, which authorized "mixed fighting style competition." As defined in the law it "means an advertised or professionally promoted exhibition or contest for which any type of admission fee is charged and in which the participants who inflict or employ kicks, punches, blows, holds, and other techniques to injure, stun, choke, incapacitate, or disable an opponent. The techniques may include a combination of boxing, kickboxing, wrestling, grappling, or other recognized martial arts." Although legally described as mixed fighting style, the common vernacular reference is mixed martial arts.

To implement the new law authorizing mixed fighting style events, the legislation required the adoption of administrative rules. Over several months the new rules were drafted with the assistance of individuals knowledgeable with mixed fighting style competition. The rules were effective October 1, 2006, and the first mixed fighting style event in the state was held at the Bismarck Event Center on October 7, 2006.

The 2011 62nd Legislative Assembly adopted Senate Bill 2286 (2011 Session Laws, Chapter 377), effective August 1, 2011. The bill changed the title of the state athletic commissioner to the commissioner of combative sports, along with changing the name of the athletic advisory board to the commission of combative sports.

In 2017, the Legislative Assembly adopted Senate Bill 2210 (2017 Session Laws, Chapter 358), effective July 1, 2017, allowing the setting of fees to equal the actual cost of regulating events and to adopt rules to perform screening tests for controlled substances.

The administrative rules for boxing were first adopted in 1997 and the rules for mixed fighting style were adopted in 2006. In 2020, because both sets of rules were obsolete, a thorough update for each sport was drafted. They were approved by the Legislative Administrative Rules Committee and became effective October 1, 2020, as Chapter 72-02.2-01.1 for boxing and Chapter 72-02.2-02 for mixed fighting style.

The 2021 Legislative Assembly adopted SB 2250 (2021 Session Laws, Chapter 385), effective August 1, 2021, which removed obsolete text from Chapter 53-01 of the North Dakota Century Code.

#### Boxing Summary for the 2019-2021 Biennium

No licenses were issued related to the regulation of boxing events.

Boxing events held during the biennium (date, location, and promoter):

No boxing exhibitions were held during the biennium.

#### Mixed Fighting Style Summary for the 2019-2021 Biennium

During the biennium, 39 licenses were issued related to the regulation of mixed martial arts.

Mixed fighting style event held during the biennium (date, location, and promoter):

January 11, 2020 – Fort Yates, Red Weasel Promotions

## **Chapter Twelve**

### **Legislation Adopted by 2021 Legislative Assembly – Agency Related**

#### **General Office – Appropriations**

**House Bill 1002** (2021 Session Laws, Chapter 2) effective July 1, 2021  
Agency appropriation

#### **Business Services**

**Senate Bill 2210** (2021 Session Laws, Chapter 85) effective August 1, 2021  
Relating to business filing requirements with the secretary of state

#### **Central Indexing System Unit**

**House Bill 1366** (2021 Session Laws, Chapter 266) effective August 1, 2021  
Relating to the sale of property subject to a repairman's lien and sale proceeds, and to repairman's liens, notice requirements, and assignments

#### **Elections Unit**

**House Bill 1078** (2021 Session Laws, Chapter 167) effective August 1, 2021, except Section 14, because the contingency referenced in Section 26 did not occur. Section 14 will not become effective.  
Relating to presidential elections and the adoption of the Uniform Faithful Presidential Electors Act; to nominating presidential electors and alternate electors, and presidential electors' roles and procedures; and to the filling of a vacancy of a presidential elector and voting of new and former residents at presidential elections

**House Bill 1170** (2021 Session Laws, Chapter 486) effective August 1, 2021  
Relating to the removal of township officers; and to the removal of township officers

**House Bill 1253** (2021 Session Laws, Chapter 164) effective August 1, 2021  
Relating to election administration

**House Bill 1397** (2021 Session Laws, Chapter 410) effective April 22, 2021  
Relating to the establishment of a legislative management redistricting committee, to provide for the implementation of a legislative redistricting plan, to exempt drafts of redistricting plans from open records requirements, to provide for public access to plans that are distributed or reported, and to provide for a special legislative session; to provide an expiration date; and to declare an emergency

**House Bill 1447** (2021 Session Laws, Chapter 165) effective August 1, 2021  
Relating to higher education student voting documents and to acceptable forms of identification for purposes of voting

**House Bill 1461** (2021 Session Laws, Chapter 327) effective August 1, 2021  
Relating to filling vacancies in offices of members of the legislative assembly

**Senate Bill 2142** (2021 Session Laws, Chapter 168) effective August 1, 2021  
Relating to processing absentee ballots

**Senate Bill 2251** (2021 Session Laws, Chapter 386) effective August 1, 2021  
Relating to permitting certain political organizations that have a permit to conduct raffles to use the net proceeds for a political purpose

**Senate Bill 2271** (2021 Session Laws, Chapter 432) effective August 1, 2021

Relating to providing a statement of legislative intent regarding presidential elections; to providing for a legislative management study; and to providing a directive.

**Senate Resolution 4014** (2021 Session Laws, Chapter 543)

Relating to directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

### **Licensing Unit**

**House Bill 1308** (2021 Session Laws, Chapter 345) effective August 1, 2021

Relating to filings of utility property transfers; and to provide for a relocation of utility property transfer files

**Senate Bill 2047** (2021 Session Laws, Chapter 84) effective August 1, 2021

Relating to the Revised Uniform Athlete Agents Act

### **Other**

**House Bill 1295** (2021 Session Laws, Chapter 450) effective April 20, 2021

Relating to authority of the secretary of state and the ethics commission

**Senate Bill 2250** (2021 Session Laws, Chapter 385) effective August 1, 2021

Relating to combative sports



## **Chapter Thirteen**

### **Public Printing**

Public Printing is the publishing and distribution of the hardbound copies of the North Dakota Century Code (N.D.C.C.) and the state's constitution along with related replacement volumes and supplements (N.D.C.C. Chapter 46-04); the session laws volumes; the North Dakota administrative code and monthly supplements (N.D.C.C. § 28-32-20); the bound copies of the House and Senate journals; the binding of the enrolled original bills passed by each Legislative Assembly; and a limited number of other publications.

Early in the state's history, the Secretary of State had an active role in the creation of these publications. However, in 1945, when the predecessor to the current Legislative Council was created, the Secretary of State's role changed to become the distributor of these publications. The Legislative Council establishes the editorial content, specifications, and contractual arrangements for most of these publications (Chapter 46-03). Even though the Secretary of State is not involved with this process, the funding for Public Printing is appropriated in a separate section in the Secretary of State's budget from which the expenses are paid.

In fulfilling the distribution duties provided in state law, the Secretary of State distributes, without cost, the various Public Printing publications to the state's constitutional officers, justices of the supreme court, judges of district courts, state departments, state boards, state agencies, officers of the legislative assembly, county officers, libraries, and schools as directed in state law. Some of the publications are sold to federally funded agencies and directly to the public. Still other copies of the publications are for archival purposes.

Historically, the appropriation for Public Printing was included in a separate identified subdivision of the Secretary of State's budget. However, beginning with the 1991-1993 biennium, the Legislative Assembly included Public Printing in the Secretary of State's general fund appropriation, which was also used for the agency's general office operations. This change was confusing and misleading. It intertwined those portions of the agency's budget over which the Secretary of State had direct control with those portions of the funding allocated for Public Printing where the decisions were made by the Legislative Council.

The 1995 Legislative Assembly acknowledged and recognized the problem. Beginning with the 1995-1997 biennium, the Legislative Assembly again designated the appropriation for Public Printing with a distinct identified subdivision within the Secretary of State's budget bill.

Because the Legislative Assembly meets in the last quarter of the biennium and because of the publishing timelines, a major portion of the funds appropriated for Public Printing are expended during the first quarter of the biennium immediately following the one in which the laws were originated.

In 2019, the Legislative Assembly adopted House Bill 1422 (2019 Session Laws, Chapter 267). Instead of requiring the Secretary of State to distribute the administrative code and its supplements, the Secretary of State is to send an electronic notification to state officials, agencies, boards, and interested persons as to when the supplements are posted by the Legislative Council on its website.

## **Chapter Fourteen (A) (Part 1)**

### **Licensing Unit**

#### **Biennial Statistics**

Legislative Bills and Resolutions Filed during Biennium	
House Bills .....	280
House Bills Filed with Line Veto .....	0
House Bills Filed – Vetoed .....	0
House Concurrent Resolutions .....	23
House Memorial Resolutions .....	1
House Resolutions .....	1
Senate Bills .....	226
Senate Bills Filed with Line Veto .....	1
Senate Bills Filed – Vetoed .....	0
Senate Concurrent Resolutions .....	10
Senate Memorial Resolutions .....	1
Contractor licenses (7/1/2019 – 6/30/2021)	
Class A new licenses issued .....	857
Class B new licenses issued .....	221
Class C new licenses issued .....	327
Class D new licenses issued .....	1,574
Total Licenses (effective on June 30, 2019) .....	11,287
Total Licenses (effective on June 30, 2020) .....	10,736
Total Licenses (effective on June 30, 2021) .....	11,085
Class A Renewals .....	4,861
Class B Renewals .....	933
Class C Renewals .....	1,229
Class D Renewals .....	3,553
Penalty .....	3,435
Home Inspectors (issued)	
New Licenses .....	65
Renewals .....	91
Lobbyists	
Registered 2019/2020 .....	222
Registered 2020/2021 .....	416
Charitable Solicitation	
Organizations (licensed) .....	2,229
Professional Fundraisers (licensed) .....	278
Notary Commissions (issued) .....	4,951
Total Commissions (effective on June 30, 2021) .....	14,714
Notary Name Changes .....	193
Authentications (apostilles and certifications) .....	1,673
Governor's Official Acts (filed) .....	1,233

Athletic Commission Licenses (issued)	
Timekeepers.....	0
Professional Boxers .....	0
Referees .....	0
Judges.....	0
Cornerpersons.....	0
Promoters.....	0
Managers .....	0
Mixed Martial Arts Licenses (issued)	
Timekeepers.....	1
Professional Participants.....	12
Referees .....	2
Judges.....	3
Cornerpersons.....	17
Promoters.....	2
Managers .....	0

**Chapter Fourteen (A) (Part 2)**

**Licensing Unit**

**Seven Biennial Histories**

	2009	2011	2013	2015	2017	2019	2021
<u>Legislative Actions</u>							
House Bills.....	322	272	274	267	225	326	280
House Concurrent Resolutions	39	85	24	35	20	34	23
House Resolutions .....	1	0	0	0	0	0	1
House Memorial Resolutions .	1	1	1	1	1	1	1
Senate Bills.....	308	242	233	217	205	253	226
Senate Concurrent Resolutions	25	21	17	16	6	14	10
Senate Resolutions .....	2	0	0	0	0	0	0
Senate Memorial Resolutions	4	1	1	1	1	1	1
<u>Contractors</u>							
Number of new contractor licenses during biennium							
Class A.....	889	1,407	3,180	2,175	924	460 <sup>1</sup>	857
Class B.....	259	376	715	557	285	152 <sup>1</sup>	221
Class C .....	341	443	813	658	462	240 <sup>1</sup>	327
Class D .....	1,162	1,411	9,199	1,671	1,803	1,117 <sup>1</sup>	1,574
Licenses .....	7,366	8,824	11,701	12,153	10,408	10,642 <sup>1</sup>	11,085
<u>Home Inspectors</u>							
New Registrations .....	0	29	43	61	33	49	65
Renewals.....	0	78	81	130	132	134	91
<u>Lobbyists (for biennium)</u> .....	788	666	736	690	766	527 <sup>1</sup>	638
<u>Charitable Solicitations</u> .....							
Professional Fundraisers.....	1,077	1,238	1,147	1,638	1,647	1,823	2,229
	210	201	196	219	234	254	278
<u>Notary Commissions</u> .....							
Total.....	4,467	4,464	5,130	5,397	5,013	4,853	4,951
	12,330	13,125	13,873	14,855	15,422	15,154	14,714
Name Changes .....	201	173	214	266	278	239	193
Notary Certifications .....	665	523	505	594	671	490	N/A <sup>2</sup>
<u>Apostilles (issued)</u> .....	1,191	938	1,010	1,461	1,233	1,279	N/A <sup>2</sup>
<u>Authentications (apostilles and certifications)</u> .....	N/A	N/A	N/A	N/A	N/A	N/A	1,673 <sup>3</sup>
<u>Governor's Official Acts (filed)</u> .....	497	535	493	563	472	714	1,233

<sup>1</sup> Number for this biennium are only through December 31, 2018 due to deployment of FirstStop in January 2019.

<sup>2</sup> Not available.

<sup>3</sup> This number includes apostilles and certifications, which were formerly reported separately.

**Chapter Fourteen (B) (Part 1)**

**Central Indexing Unit**

**Biennial Statistics**

Uniform Commercial Code and Central Notice System

<b><u>CENTRAL INDEXING SYSTEM (CIS)</u></b>	
Original Filings .....	66,348
Associated Filings .....	30,333
Terminated Filings.....	51,453
Searches (Total).....	112,612
<b><u>FARM PRODUCT SUBSCRIBERS</u></b>	
Buyer's Report .....	293

**STATISTICAL ANALYSIS BY TYPES OF FILINGS**

<b><u>CENTRAL INDEXING SYSTEM</u></b>	
Uniform Commercial Code (UCC).....	94,912
Central Notice System (CNS) .....	715
Combined UCC/CNS .....	13,136
Statutory Lien/Notices .....	7,554
Federal Liens .....	3,226
State Tax Liens .....	<u>28,591</u>
Total Filings.....	148,134

**Chapter Fourteen (B) (Part 2)**

**Central Indexing Unit**

**Seven Biennial Histories**

Uniform Commercial Code and Central Notice System

(Biennial history represents only the documents filed with the Secretary of State.)

	<b>2009</b>	<b>2011</b>	<b>2013</b>	<b>2015</b>	<b>2017</b>	<b>2019</b>	<b>2021</b>
Uniform Commercial Code Filings (UCC)	31,381	32,399	40,370	41,935	77,231	92,626	94,912
Central Notice System Filings (CNS)	405	540	350	296	788	746	715
Combined UCC/CNS Filings	1,045	749	1,409	1,397	11,068	14,367	13,136
Statutory Lien/Notices	928	621	438	440	4,911	7,678	7,554
Federal Liens	402	416	466	376	3,410	4,350	3,226
State Tax Liens	5,703	6,684	7,022	11,215	14,149	23,622	28,591

## **Chapter Fourteen (C) (Part 1)**

### **Business Registration/Information Units**

#### **Biennial Statistics**

(Totals in effect on June 30, 2021)

#### Corporations

Business – Domestic .....	11,371
Business – Foreign .....	15,493
Professional – Domestic.....	924
Professional – Foreign.....	394
Farm/Ranch .....	783
Publicly Traded – Domestic.....	0
Cooperatives – Domestic .....	231
Cooperatives – Foreign .....	65
Nonprofit – Domestic .....	8,021
Nonprofit – Foreign.....	4,739
Banks.....	63
Credit Unions .....	24

#### Limited Liability Companies

Business – Domestic .....	31,009
Business – Foreign .....	12,103
Professional – Domestic.....	682
Professional – Foreign.....	138
Farm/Ranch .....	566
Nonprofit – Domestic .....	82
Nonprofit – Foreign.....	6

#### Limited Liability Partnerships

Domestic.....	3,533
Foreign .....	98
Professional – Domestic.....	22
Professional – Foreign.....	24

Limited Partnerships (Domestic and Foreign) ..... 1,506

Limited Liability Limited Partnerships  
(Domestic and Foreign) ..... 1,672

Fictitious Partnership Name Certificates ..... 1,846

Trademarks ..... 1,879

Trade Names ..... 32,220

## Chapter Fourteen (C) (Part 2)

### Business Registration/Information Units

#### Seven Biennial Histories

	2009 (7/1/07 to 6/30/09)	2011 (7/1/09 to 6/30/11)	2013 (7/1/11 to 6/30/13)	2015 (7/1/13 to 6/30/15)	2017 (7/1/15 to 6/30/17)	2019 (7/1/17 to 12/31/18) <sup>4</sup>	2021 (7/1/2019 to 6/30/2021)
<b>Corporations</b>							
Business – Domestic (in-state)	13,283	13,330	13,785	13,473	12,809	12,006	11,371
New Registrations .....	1,689	1,537	1,997	1,556	1,071	747	878
Business – Foreign (out-of-state) .....	11,815	14,072	23,694	16,783	16,167	16,258	15,493
New Registrations .....	2,753	3,546	4,758	3,121	2,364	1,525	2,102
Professional – Domestic .....	945	971	1,169	979	971	944	924
New Registrations .....	114	101	73	80	77	49	53
Professional – Foreign .....	N/A <sup>5</sup>	N/A <sup>5</sup>	N/A <sup>5</sup>	N/A <sup>5</sup>	366	375	394
New Registrations .....	N/A <sup>5</sup>	N/A <sup>5</sup>	N/A <sup>5</sup>	N/A <sup>5</sup>	55	40	83
Farm/Ranch .....	712	756	837	830	818	830	783
New Registrations .....	61	43	58	52	28	25	16
Cooperatives – Domestic .....	318	261	399	269	258	252	231
New Registrations .....	11	6	5	5	6	9	9
Cooperatives – Foreign .....	75	73	95	75	75	76	65
New Registrations .....	11	6	6	5	5	7	4
Nonprofit – Domestic .....	5,925	6,072	6,297	6,409	6,593	8,156 <sup>6</sup>	8,021
New Registrations .....	433	445	517	571	656	459	713
Nonprofit – Foreign .....	2,005	2,310	3,070	3,087	3,508	4,003	4,739
New Registrations .....	433	532	630	610	727	642	1,039
Churches (nonprofit corps) ....	1,361	1,356	1,435	1,345	1,364	N/A <sup>5</sup>	N/A <sup>5</sup>
New Registrations .....	23	32	35	26	47	N/A <sup>5</sup>	N/A <sup>5</sup>
State Banks .....	79	77	75	70	70	69	63
New Registrations .....	1	0	1	0	1	0	1
Credit Unions .....	34	29	26	25	24	24	24
New Registrations .....	0	0	0	0	0	1	0
<b>Limited Liability Companies (LLC)</b>							
Business – Domestic (in-state)	6,818	9,732	16,783	19,817	22,195	22,655	31,009
New Registrations .....	2,897	4,292	8,289	8,346	7,479	5,895	11,227

<sup>4</sup> Six months less reported this biennium due to deployment of FirstStop in January 2019.

<sup>5</sup> Not available.

<sup>6</sup> This number now includes churches, which were formerly reported separately.



	<b>2009</b> (7/1/07 to 6/30/09)	<b>2011</b> (7/1/09 to 6/30/11)	<b>2013</b> (7/1/11 to 6/30/13)	<b>2015</b> (7/1/13 to 6/30/15)	<b>2017</b> (7/1/15 to 6/30/17)	<b>2019</b> (7/1/17 to 12/31/18) <sup>7</sup>	<b>2021</b> (7/1/2019 to 6/30/2021)
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### Limited Liability Companies (LLC) (continued)

Business – Foreign (out-of-state) .....	3,917	5,311	10,010	9,515	9,953	10,989	12,103
New Registrations .....	1,599	2,186	4,617	3,543	2,822	2,022	3,015
Professional – Domestic .....	98	138	221	304	397	483	682
New Registrations .....	41	50	92	124	137	116	243
Professional – Foreign .....	25	33	81	99	107	110	138
New Registrations .....	15	16	45	50	39	23	56
Farm/Ranch .....	131	190	270	351	430	454	566
New Registrations .....	47	81	95	102	95	64	140
Nonprofit – Domestic .....	N/A <sup>8</sup>	N/A <sup>8</sup>	N/A <sup>8</sup>	N/A <sup>8</sup>	27	32	82
New Registrations .....	N/A <sup>8</sup>	N/A <sup>8</sup>	N/A <sup>8</sup>	N/A <sup>8</sup>	11	14	64
Nonprofit – Foreign .....	N/A <sup>8</sup>	N/A <sup>8</sup>	N/A <sup>8</sup>	N/A <sup>8</sup>	4	2	6
New Registrations .....	N/A <sup>8</sup>	N/A <sup>8</sup>	N/A <sup>8</sup>	N/A <sup>8</sup>	4	0	4

### Limited Liability Partnerships (LLP)

LLP – Domestic (in-state) .....	2,536	2,764	3,097	3,285	3,384	3,356	3,533
New Registrations .....	653	509	728	598	553	356	533
LLP – Foreign (out-of-state) ..	22	76	94	92	86	84	98
New Registrations .....	23	18	31	22	18	8	28
Professional LLP – Domestic	26	22	19	24	24	22	22
New Registrations .....	1	0	1	5	4	2	3
Professional LLP – Foreign ...	14	15	14	21	22	21	24
New Registrations .....	2	0	2	7	6	0	7

### Other – Domestic (in-state) and Foreign (out-of-state)

Limited Partnerships .....	1,580	1,602	1,690	1,645	1,597	1,520	1,506
New Registrations .....	254	465	305	318	272	117	197
Limited Liability Limited Partnerships .....	672	774	1,017	1,218	1,408	1,464	1,672
New Registrations .....	169	10	309	267	255	134	238
Fictitious Partnership Names .	1,774	1,777	1,945	2,144	2,057	1,968	1,846
New Registrations .....	616	546	621	607	504	285	442
Trademarks .....	1,505	1,458	1,460	1,506	1,533	1,540	1,879
New Registrations .....	188	225	175	229	266	178	526
Trade Names .....	20,797	22,749	26,851	29,981	31,406	31,720	32,220
New Registrations .....	7,396	6,796	9,029	8,263	8,516	6,027	9,233

<sup>7</sup> Six months less reported this biennium due to deployment of FirstStop in January 2019.

<sup>8</sup> Not available.

## Chapter Fourteen (D)

### Elections Unit

#### 1980 – 2020 Histories

YEAR	TYPE	NUMBER OF PRECINCTS	VOTES CAST	POPULATION OF STATE <sup>9</sup>	ELIGIBLE VOTERS	ABSENTEE VOTERS	PERCENT TURNOUT	ELECTION EXPENSES	COST PER VOTE
1980	P	1,239	139,594	652,717	462,760	NA	30	596,547	4.27
1980	G	1,235	314,525	652,717	462,760	NA	68	752,387	2.39
1982	P	1,229	103,875	670,000	461,700	NA	22	612,419	5.90
1982	G	1,232	272,876	675,000	461,700	NA	64	598,335	2.19
1984	P	1,191	99,230	675,000	470,500	2,684	21	612,329	6.17
1984	G	1,193	324,179	675,000	470,500	19,840	69	667,936	2.06
1986	P	1,166	133,465	684,900	464,100	3,353	29	642,904	4.82
1986	G	1,158	295,277	684,900	464,100	6,371	64	631,640	2.14
1987	S	1,121	123,539	684,900	484,100	1,440	26	359,159	2.91
1988	P	1,096	111,263	667,093	483,000	2,934	23	645,948	5.81
1988	G	1,090	309,100	667,093	483,000	23,508	64	676,336	2.19
1989	S	1,034	257,171	667,093	483,000	10,975	53	517,696	2.01
1990	P	975	133,911	638,800	463,415	NA	29	640,128	4.78
1990	G	991	240,301	638,800	463,415	NA	52	678,340	2.82
1992	P	804	146,867	636,800	463,415	6,810	32	717,090	4.88
1992	G	782	315,199	636,800	463,415	24,369	68	752,128	2.39
1992	S	782	164,165	636,800	461,500	12,986	35	393,988	2.40
1994	P	740	139,961	635,000	463,000	6,771	30	675,862	4.83
1994	G	739	241,255	635,000	463,000	14,857	52	633,877	2.63
1996	PP	53	72,530	641,000	473,000	NA	15	202,716	2.79
1996	P	705	123,131	641,000	473,000	5,926	26	951,580	7.73
1996	G	717	271,861	641,000	473,000	17,970	57	685,452	2.52
1998	P	700	991,576	641,000	474,896	4,315	21	696,188	7.02
1998	G	702	217,584	640,883	475,860	18,263	46	658,785	3.03
2000	P	693	94,306	633,666	473,574	5,102	20	851,473	9.02
2000	G	696	292,249	633,666	473,574	37,632	62	731,220	2.50
2002	P	663	128,519	642,200	481,351	8,194	27	774,285	8.87
2002	G	666	237,224	642,200	481,351	34,816	49	714,212	5.06
2004	P	604	92,209	633,837	487,010	6,019	19	786,146	8.53
2004	G	607	316,049	633,837	487,010	51,116	65	751,160	2.38

Key: G = General Election; P = Primary Election; PP = Presidential Primary; Election S = Special Election

<sup>9</sup> Population estimates calculated by the North Dakota Census Data Center.

YEAR	TYPE	NUMBER OF PRECINCTS	VOTES CAST	POPULATION OF STATE <sup>10</sup>	ELIGIBLE VOTERS	ABSENTEE VOTERS	PERCENT TURNOUT	ELECTION EXPENSES	COST PER VOTE
<b>2006</b>	P	565	111,325	634,366	495,411	8,702	22	826,998	11.55
<b>2006</b>	G	567	220,479	634,366	495,411	34,073	45	876,318	6.31
<b>2008</b>	P	528	102,886	639,715	496,906	14,846 <sup>11</sup>	20	1,036,309	17.92
<b>2008</b>	G	528	321,133	639,715	496,906	5,966 <sup>12</sup> 30,690 <sup>11</sup> 46,534 <sup>12</sup>	64	1,024,420	5.55
<b>2010</b>	P	505	102,066	646,844	502,873	20,831 <sup>11</sup>	20	1,018,814	9.98
<b>2010</b>	G	505	240,876	646,844	502,873	4,910 <sup>12</sup> 32,812 <sup>11</sup> 32,603 <sup>12</sup>	47	924,816	3.84
<b>2012</b>	P	426	175,303	672,591	532,776	27,983 <sup>11</sup>	33	1,352,114	7.71
<b>2012</b>	G	426	325,862	672,591	532,776	12,990 <sup>12</sup> 39,772 <sup>11</sup> 55,800 <sup>12</sup>	61	1,047,767	3.22
<b>2014</b>	P	427	93,324	723,393	545,020	16,188 <sup>11</sup>	17	1,174,500	12.59
<b>2014</b>	G	427	255,128	723,393	545,020	3,262 <sup>12</sup> 31,040 <sup>11</sup> 34,138 <sup>12</sup>	46	1,096,398	4.30
<b>2016</b>	P	432	139,957	723,393	570,955	28,129 <sup>11</sup>	24	1,219,104	8.71
<b>2016</b>	G	432	349,945	723,393	570,955	9,452 <sup>12</sup> 42,532 <sup>11</sup> 40,394 <sup>12</sup>	61	1,248,307	3.57
<b>2018</b>	P	424	115,226	760,077	581,641	29,600 <sup>11</sup>	19	1,138,801	9.88
<b>2018</b>	G	424	330,598	760,077	579,621	5,876 <sup>12</sup> 53,236 <sup>11</sup> 43,661 <sup>12</sup>	57	1,210,056	3.66
<b>2020</b>	P	422	160,114	760,077	581,379	160,114	27	1,249,906	7.81
<b>2020</b>	G	422	364,251	760,077	581,379	94,465 <sup>11</sup> 90,756 <sup>12</sup>	62	2,091,311	5.74

Key: G = General Election; P = Primary Election; PP = Presidential Primary; Election S = Special Election

<sup>10</sup> Population estimates calculated by the North Dakota Census Data Center.

<sup>11</sup> Ballots cast in vote-by-mail counties.

<sup>12</sup> Ballots cast in non-vote-by-mail counties.

## Chapter Fifteen

### Publications, Books, and Pamphlets

The following publications are available from the Office of the Secretary of State:

#### Licensing and Notary Unit

- Administrative Code – complete set and Supplements
- Administrative Code – Annual Supplement
- *Notary Notes* Newsletter

#### Business Information Unit and Business Registration Unit

Pamphlets

- Business Entity Descriptions
- How to Begin and Maintain a Nonprofit Corporation in the State of North Dakota

#### Elections Unit

- *College Student Voters*
- Election Abstracts  
(1914 to 2020 elections, limited supply – also on website)
- *Election Officials' Manual*
- *Helpful Campaign Practices*
- *Initiating and Referring Law in North Dakota*
- *North Dakota Election Calendar*
- *North Dakota Election Laws*
- *North Dakota...The Only State Without Voter Registration*
- *Political Party Organization and Related Statutes*
- *Election Observers*
- *Recalling an Elected Official of the State or a Political Subdivision*
- *North Dakota Secretary of State Recount Guidelines*
- *Running for City Office*
- *Running for County and Multi-County District Office*
- *Running for Non-Partisan Statewide Executive Office*
- *Running for Partisan Statewide Executive Office*
- *Running for President and Vice President of the United States*
- *Running for School District Office*
- *Running for Statewide and District Judicial Office*
- *Running for the ND Legislature*
- *Running for U.S. Congress*

#### North Dakota Blue Book

The following editions are available for viewing and searching on the Secretary of State's website:

- 2019-2021 North Dakota Blue Book
- 2017-2019 North Dakota Blue Book
- 2015-2017 North Dakota Blue Book
- 2013-2015 North Dakota Blue Book
- 2011-2013 North Dakota Blue Book
- 2009-2011 North Dakota Blue Book
- 2007-2009 North Dakota Blue Book
- 2005-2007 North Dakota Blue Book
- 2003-2005 North Dakota Blue Book
- 2001-2003 North Dakota Blue Book
- 1999-2001 North Dakota Blue Book
- 1997-1999 North Dakota Blue Book
- 1995-1997 North Dakota Blue Book
- 1889-1989 North Dakota Centennial Blue Book

## **Chapter Sixteen**

### **How to Obtain Information or Assistance**

Information and answers to questions regarding the Office of the Secretary of State and its numerous functions are available through the following sources. All inquiries and comments are welcomed.

#### **MAILING ADDRESS**

SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

#### **TELEPHONE AND EMAIL**

##### GENERAL OFFICE

Telephone Number (701) 328-2900  
Toll-free (800) 352-0867  
Fax (701) 328-2992  
Email Address: [sos@nd.gov](mailto:sos@nd.gov)  
Website: [sos.nd.gov](http://sos.nd.gov)

##### ACCOUNTING UNIT

Telephone (701) 328-3723  
Toll-free (800) 352-0867, option 9  
Fax (701) 328-0107  
Email Address: [sosaccnot@nd.gov](mailto:sosaccnot@nd.gov)

##### ELECTIONS UNIT

Telephone (701) 328-4146  
Toll-free (800) 352-0867, option 6  
Fax (701) 328-3413  
Email Address: [soselect@nd.gov](mailto:soselect@nd.gov)

##### BUSINESS INFORMATION/ REGISTRATION UNIT

Telephone (701) 328-4284  
Toll-free (800) 352-0867, option 2  
Information Fax (701) 328-0106  
Registration Fax (701) 328-2992  
Email Address: [sosbir@nd.gov](mailto:sosbir@nd.gov)

##### LICENSING AND NOTARY UNIT

Licensing  
Telephone (701) 328-3665  
Toll-free (800) 352-0867, option 4  
Fax (701) 328-1690  
Email Address: [sosadlic@nd.gov](mailto:sosadlic@nd.gov)

##### CENTRAL INDEXING UNIT

Telephone (701) 328-3662  
Toll-free (800) 352-0867, option 5  
Fax (701) 328-4214  
Email Address: [sosci@nd.gov](mailto:sosci@nd.gov)

Notary  
Telephone (701) 328-2901  
Toll-free (800) 352-0867, option 7  
Fax (701) 328-0107  
Email Address: [sosnotary@nd.gov](mailto:sosnotary@nd.gov)

#### NOTE

Although information filed in the Secretary of State's office is public information, the law does prescribe fees for some copies and services (N.D.C.C. § 54-09-04).