

Secretary of State

❖ *Mission and philosophy*

Mission: The Secretary of State's staff serves the residents of Wyoming by providing accurate, timely and courteous information and referral services, statutory filings and registrations, regulation and enforcement in the areas of corporations/businesses/trademarks/trade names; Uniform Commercial Codes (UCCs) (farm products and accounts), central filing (agricultural products, liens, searches), securities/notaries public, elections/lobbying/ethics, state rules and regulations and/or citizen representation and legislation.

Philosophy: The Secretary of State and his staff take pride in their work and appearance; demonstrate a strong work ethic; show that they care about their customers by giving knowledgeable, timely and courteous service; are organized and constantly review and modify procedures and technology to keep public service at its best and costs down; and present in a friendly, professional way.

The Secretary of State's staff give their best effort; value common sense, honesty and a good sense of humor; respect each other's opinions; and support good will, cooperation and loyalty. They are committed to continuing their education and/or training to maintain a high level of professional expertise and competency.

❖ *Results of outcomes*

Outcomes are measured as substantial movement toward accomplishing the agency's goals and objectives. Each goal, objective, outcome and output is listed in the agency's strategic plan.

Outcome 1-1: During the past year, business entity filings and Uniform Commercial Code/Central Filing (UCC/CF) filings were measured randomly five times: once during the first, second and third quarters and twice during the fourth quarter of the fiscal year. Of all documents received ready for processing, 84.7 percent were filed by the end of the next business day. The total number of documents processed during FY00 was 71,995.

Outcome 2-1: During FY00, approximately 1,674 persons attended presentations and received literature from the Secretary of State's Office regarding investment fraud awareness. A new investor awareness coordinator was hired August 1, 1999, after the previous coordinator left the position in January 1999. No public service announcements aired during FY00. Three press releases regarding alleged unregistered promotions and a former stock broker allegedly defrauding his former clients were issued during FY00. Eight investment topics were written, edited and produced into pamphlets for distribution.

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General information

Joseph B. Meyer, Secretary of State

Agency contact

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Year established

1869

Statutory references

See page 3.16, first column

Number of authorized personnel

22 full-time

Organizational structure

Corporations Division, Securities Division,
Services Division

Clients served

See page 3.16, second column

Budget information

Expenditures*	
001-0101 Administration	\$2,517,306
001-0201 Reapportionment	123,284
001-0401 Securities Enforcement and Compliance	220,128
001-0601 Bucking Horse & Rider	100,594
Total	\$2,961,312

* - *Figures submitted are as of August 2000.
These figures do not reflect any pending encumbrances.*

**General information
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Statutory references

The Secretary of State is established as a state elected office by the Wyoming Constitution and Wyoming Statutes, Title 9.

The Corporations Division acts in accordance with the following state statutes:

- W.S. 17-3-101 through 17-3-104Professional Corporations
- W.S. 17-10-101 through 17-10-125Cooperative Marketing Associations
- W.S. 17-11-101 through 17-11-120Industrial Corporations
- W.S. 17-14-201 through 17-14-1104Uniform Limited Partnership Act
- W.S. 17-15-101 through 17-15-144Limited Liability Companies
- W.S. 17-16-101 through 17-16-1803Wyoming Business Corporation Act
- W.S. 17-17-101 through 17-17-151Close Corporation Supplement
- W.S. 17-18-101 through 17-18-403Wyoming Management Stability Act
- W.S. 17-19-101 through 17-19-1807Nonprofit Corporation Act
- W.S. 17-20-101 through 17-20-1801Wyoming Cooperative Utilities Act
- W.S. 17-21-101 through 17-21-1103Uniform Partnership Act
- W.S. 17-21-1101 through 17-21-1105Registered Limited Liability Partnerships
- W.S. 17-22-101 through 17-22-115Uniform Unincorporated Nonprofit Association Act
- W.S. 17-23-101 through 17-23-302Wyoming Statutory Trust Act
- W.S. 34-21-1101 through 34-21-1107Central Filing System
- W.S. 34-1-9-401 through 34-1-9-409Uniform Commercial Code
- W.S. 37-4-101 through 37-4-104Transmitting Utility Act
- W.S. 40-1-101 through 40-1-116Trademarks and Service Marks
- W.S. 40-2-101 through 40-2-109Trade Names

The Securities Division operates under the Uniform Securities Act which is W.S. 17-4-101 through 17-4-132.

The Services Division includes elections, lobbyists, ethics, notaries public, state registry of agencies' rules and acts in accordance with the following state statutes:

- W.S. 22-1-101 through 22-29-601Elections
- W.S. 28-7-101 through 28-7-201Lobbyists
- W.S. 9-13-101 through 9-13-109Ethics
- W.S. 32-1-101 through 32-1-113Notaries Public
- W.S. 16-3-101 through 16-3-115State Agency Rules
- W.S. 8-3-117Bucking Horse & Rider (BH&R) Trademark

The Secretary of State has other statutory duties. A few examples of those diverse statutory requirements are:

W.S. 7-3-223Criminal Procedure: Fugitives and Prevention of Crime: Extradition - Extraditions are to be filed in the office of the Secretary of State to remain of record in that office.

W.S. 9-1-102. Administration of Government: State Officers: Generally - Officers of state agencies & specified state employees are to file an oath of office with the Secretary of State.

W.S. 16-2-102City, County, State and Local Powers: Facsimile Seals and Signatures - Any authorized officer shall file with the Secretary of State his manual signature certified by him under oath.

W.S. 18-7-105Counties: Libraries - As soon as a library board is organized, it shall file with the Secretary of State a certificate showing their organization.

W.S. 18-8-104Counties: Memorial Hospitals: Generally - As soon as a memorial hospital board is organized, it shall file with the Secretary of State a certificate showing their organization.

W.S. 18-9-102Counties: Fairgrounds, Airports, Parks, Pleasure Grounds and Recreational Systems: Generally - As soon as the board of any of the referenced groups is organized, it shall file with the Secretary of State certificate showing their organization.

W.S. 28-2-116 .Legislature: Apportionment of Members - The Secretary of State is to maintain the census block list.

W.S. 40-13-103, 106 and 108Trade and Commerce: Copyrighted Music: Protection of Copyright Users - Secretary of State is to accept filing of performing rights contracts and license agreements.

W.S. 41-3-725Water: Rights, Administration and Control: Water Conservancy Districts - Water conservancy districts are to file copies of the findings and the decree of the court incorporating said district with the Secretary of State.

The Secretary of State also has responsibilities pertaining to legislative reapportionment which are carried out under Original Senate File 36, Enrolled Act 44 (1995).

Clients served

Entities served by the Secretary of State's Office include corporations and other business entities; attorneys; bankers; accountants; those with agricultural interests; individuals who purchase securities investments; all members of the public who participate in elections; county clerks; district, circuit, municipal and JP courts; those who wish to file an initiative or referendum; notaries public; individuals needing international document authentication services; state agencies filing agency rules; lobbyists; all elected officials required to file ethics reports; individuals wishing access to enrolled acts and legislative journals; those involved with legislative reapportionment; individuals wishing to use the state's Bucking Horse and Rider trademark; statewide and legislative political candidates; individuals involved with the State Land and Investment Board or other state board issues; and members of the general public wishing to access state government. The entire population of Wyoming is served by the reapportionment program in that there is a constitutional requirement that the Wyoming State Legislature be reapportioned every ten years. Those specifically involved with this program, who benefit from the collection of data, are the Wyoming State Legislature, the counties and other political subdivisions and Wyoming electors. The Securities Enforcement and Compliance Program serves people who buy investments such as stocks, bonds or mutual funds. Citizens benefit from regulatory and enforcement activities which stop unethical or fraudulent promotions. Entities served by the Bucking Horse and Rider Trademark Protection Program include the State of Wyoming, all people who enjoy use of the mark and those business entities who use the mark for promotion or profit.

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Outcome 2-2: The number of cases investigated per year was 52; the number of cases opened after investigation, 47; the number of cases not open after initial investigation, five; and the number of cases referred, eight. During FY00, the division initiated 41 investigations resulting in eight convictions, one arrested awaiting December trial date and one acquitted. Three pending criminal matters have yet to be charged. Seven matters were referred to other agencies or to criminal authorities. Administrative matters included five cease and desist orders; four consent agreements netting \$2,400 in fines, \$9,750 in costs and approximately \$77,000 in restitution; revocation of one agent; one admonishment; and six warning/assistance inquiries.

Outcome 2-3: Five broker-dealer audit/examinations were performed. One on-site regulatory examination occurred at an NYSE (New York Stock Exchange) firm branch office and is still in review. Review of customer accounts of four other broker-dealer firms were initiated for cause during the period resulting in an admonishment, closure of a complaint and two pending consent agreements.

Outcome 2-4: The cost of investigations is unavailable as the Securities Division operates using money budgeted as part of the Secretary of State's overall budget. The amount of restitution was approximately \$77,000; the amount of fines/penalties, \$12,150; the number of audits/examinations, five; the number of suspensions, none; the number of revocations, one; the number of injunctions, none; the number of stipulations, four; the number of other regulatory actions, 15.

Outcome 3-1: During FY00, the Secretary of State's Office maintained a file server and a Web server. There were only 1.25 hours of file server down time and 1.5 hours of Web server down time throughout the entire fiscal year. Down time of specific applications (not the whole file server) equaled a total of 8.5 hours during the entire year. Therefore, the grand total of down time in any area of the agency equaled 11.25 hours. This means that the computer system was operable 99.6 percent of the entire fiscal year.

Outcome 3-2: There were only 1.5 hours of Web server down time throughout the entire fiscal year. This means that the Web server was operable 99.9 percent of the entire fiscal year. In FY00, 338 new chapters of rules were filed with the Secretary of State. Of those, only one chapter, filed by the Department of Corrections, was not made available in an electronic format (the Department of Corrections is exempt from the Administrative Procedures Act and is not required to file rules with this office). Therefore, 99.7 percent of all rules filed in FY00 are available electronically.

Outcome 3-3: In FY00, 133 candidates filed for public office. Of those filings, 100 percent of them were available to the public, by means of the Internet, within less than 24 hours. State canvassed election results

occur every other year and, therefore, are not part of this reporting cycle.

Outcome 3-4: During the past year, the number of individual transactions responded to by the end of the next business day were measured randomly five times: once during the first, second and third quarters and twice during the fourth quarter of the fiscal year. Of all transactions received, 100 percent were responded to by the end of the next business day.

Outcome 3-5: During FY00, the residents of Wyoming were provided with an average of 38.5 opportunities per month to meet with the Secretary of State.

Outcome 3-6: The reapportionment project is continuing with 100 percent of the counties participating. TIGER updates have been submitted throughout the past year to the Bureau of the Census and will continue through 2000. The number of pieces of TIGER data sent to the Census Bureau in FY00 was in excess of 150,000 pieces.

Outcome 3-7: There were 479 licenses or business use agreements at the end of FY99. By the end of FY00, there were 534 licenses or business use agreements filed. That is an increase of 55 from FY99 to FY00. The number of registrations continues to increase beyond original expectations as protection and promotion of the state's Bucking Horse and Rider trademark continues to be met with public popularity.

❖ *Strategic plan changes*

Review of the strategic plan indicated that some outcomes had been accomplished, some were no longer appropriate, and some were still valuable. Based on that review, the strategic plan for FY01 was modified substantially. The one goal for the Secretary of State's Office has remained essentially the same as in previous years. However, as stated, objectives have been modified, added and/or deleted based on past accomplishments and new responsibilities. These specific changes can be found in the agency's strategic plan submitted September 2000.

The agency's goal

To efficiently, accurately and fairly administer the statutory duties of the Secretary of State as outlined in the state constitution, state statutes Title 9 and the state statutes pertaining to corporations and other business entities, trademarks and trade names, liens and searches, securities, notaries public, elections, lobbying, ethics, state rules, legislative reapportionment, investor awareness and fraud prevention program.

Secretary of State organization chart

