

# Secretary of State

## Mission and philosophy

Mission: The Secretary of State's staff serves the citizens 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;

UCC's (Uniform Commercial Code transactions); central filing (agricultural products, liens, searches); securities/notaries public; elections/lobbying/ethics; state rules and regulations; state lands, state investments, e-commerce and/or; citizen representation and legislation.

Philosophy: The Secretary of State and 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; 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; 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.

During the past year, the division maintained 105,352 active business entity registrations. Business entities include profit and nonprofit corporations, LLCs, LPs, RLLPs, Statutory Trusts, Trade Name, Trademark and UCC/EFS filings.

During the past year, 7,102 UCC1 financing statements and 4,165 UCC3 amendments were filed directly on-line by customers.

The number of cases investigated per year - 64; the number of cases not addressed - 0; the number of cases open at FY end - 19; the number of cases closed with no action - 53; the number of cases referred - seven; the number of Cease and Desist Orders - four; the number of stipulations - five; the number of injunctions - one; the number of other regulatory actions - five; the number of persons arrested - zero; the number of persons convicted/guilty pleas - two; the amount of

## General information

Joseph B. Meyer, secretary of state

## Agency contact

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307/777-5333

## Other locations

Does not apply

## Year established

1869

## 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 17-3-104

Professional Corporations

W.S. 17-10-101 through 17-10-126

Cooperative Marketing Associations

W.S. 17-10-201 through 17-10-253

Processing Cooperative

W.S. 17-11-101 through 17-11-120

Industrial Corporations

W.S. 17-14-201 through 17-14-1104

Uniform Limited Partnership Act

W.S. 17-15-101 through 17-15-144

Limited Liability Companies

W.S. 17-16-101 through 17-16-1803

Wyoming Business Corporation Act

W.S. 17-17-101 through 17-17-151

Close Corporation Supplement

W.S. 17-18-101 through 17-18-403

Wyoming Management Stability Act

W.S. 17-19-101 through 17-19-1807

Nonprofit Corporation Act

W.S. 17-20-101 through 17-20-1801

Wyoming Cooperative Utilities Act

W.S. 17-21-101 through 17-21-1103

Uniform Partnership Act

W.S. 17-21-1101 through 17-21-1105

Registered Limited Liability Partnerships

W.S. 17-22-101 through 17-22-115

restitution - \$50,000.00; the amount of fines, penalties, costs of investigation - \$503,709.92.

Five criminal investigations were made during the year. One of those matters was resolved by the two defendants being found guilty following a twelve-day trial. Of the remaining four criminal matters, two await prosecution and two are being investigated. One civil injunctive action was commenced to stop an investment scheme raising money for participation in a Nigerian scam. Administrative penalties netted \$502,450 in fines and \$1,260 toward recovery of the costs of investigation. One matter involving \$50,000 restitution to one person was made was this year.

The number of mutual fund notice filings - 70; the number of renewal filings - 269; the number of Reg. D notice filings - 179; the number of securities filing for registration by coordination - 28; the number of securities filing for registration by qualification - two; the number of new agent registrations - 14,389; the number of new broker-dealer registrations - 95; the total number of agents registered in Wyoming - 48,017; the total number of broker-dealers registered in WY - 1,338.

Five audits were completed. Three audits performed in FY02 were completed, two by letter and one by a stipulated settlement. In addition, two on-site branch office audits were conducted for cause. Each was initiated based on customer complaints which alleged sales practice violations. Both audits were resolved by letters admonishing agents and firms to address specified concerns.

The average number of user sessions per day for FY03 were 2,525. During FY03, the Secretary of State's office recorded 10,567,108 successful hits on our website, averaging approximately 9,737 hits per day.

The five random spot checks were all within the time frame noted above and all deposits were made. This procedure not only gives the Secretary of State's office the financial data needed for the agency, but also provides interest bearing revenues to the Treasurer's Office for the general fund in a timely manner.

During FY03, the citizens of Wyoming were provided with an average of more than 25 opportunities per month to meet with the Secretary of State. The public has broad opportunity to contact the Secretary of State in person, by telephone, by regular mail and by e-mail. The Secretary of State tries to accommodate walk-ins and telephone calls when available. These opportunities are not included in the count, however. Only those engagements that have been prearranged and are in the schedule book are tallied. Conferences/conventions, forums, workshops are counted as one appointment for that day even though many contacts with the public are made throughout the event. Unless a sign-in sheet with documented names of participants is available and the Secretary of State was a member of the presenting board or panel, those contacts are not individually counted.

This has been a very busy year in terms of contacts with the county clerks. The Secretary of State's office had 323 collective contacts just through routine information exchange. In addition, there were many contacts as a variety of clerks served on the Help America Vote Act Work Groups (HAVA). Such Work Groups included: the State HAVA Advisory Committee, the State-Based Complaint Procedures Work Group, Military and Overseas Voters Work Group, Provisional Voting Work Group, Voter Registration System Work Group, Voting Systems Work Group, Disability Issues Work Group and the State Plan Writing Work Group.

There were 644 licenses or Business Use Agreements at the beginning of FY03. By the end of FY03, there were 730 licenses or Business Use Agreements filed. That is an increase of 86 in the course of the fiscal year. The number of registrations continues to increase beyond original expectations as protection and promotion of the state's Bucking Horse & Rider trademark continues to be met with public popularity.

## Strategic plan changes

The one goal for the Wyoming Secretary of State's office has remained essentially the same as in previous years. However, 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 2003.

The agency's goal is: 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 redistricting, investor awareness and fraud prevention program.

Uniform Unincorporated Nonprofit Association Act  
 W.S. 17-23-101 through 17-23-302  
 Wyoming Statutory Trust Act  
 W.S. 17-25-101 through 17-25-109  
 Close Limited Liability Company Supplement  
 W.S. 34-21-1101 through 34-21-1107  
 Central Filing System  
 W.S. 34.1-9-101 through 34.1-9-709  
 Uniform Commercial Code  
 W.S. 37-4-101 through 37-4-104  
 Transmitting Utility Act  
 W.S. 40-1-101 through 40-1-116  
 Trademarks and Service Marks  
 W.S. 40-2-101 through 40-2-109  
 Trade 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 22-29-601  
 Elections  
 W.S. 28-7-101 through 28-7-201  
 Lobbyists  
 W.S. 9-13-101 through 9-13-109  
 Ethics  
 W.S. 32-1-101 through 32-1-113  
 Notaries Public  
 W.S. 16-3-101 through 16-3-115  
 State Agency Rules  
 W.S. 8-3-117  
 Bucking Horse & Rider (BH&R) Trademark

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

W.S. 7-3-223  
 Criminal 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. 16-2-102  
 City, 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. 18-7-105  
 Counties: Libraries - As soon as a library board is organized, it shall file with the Secretary of State a certificate showing their organization.  
 W.S. 18-8-104

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

W.S. 18-9-102

Counties: 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. The Secretary of State also has responsibilities pertaining to legislative redistricting which are carried out under Chapter 106, 1995 Session Laws of Wyoming.

W.S. 40-13-103, 106 and 108

Trade and Commerce: Copyrighted Music: Protection of Copyright Users - Secretary of State is to accept filing of performing rights contracts and license agreements.

W.S. 41-3-725

Water: 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.

P.L. 107-252

The Secretary of State, as the State's Chief Election Official, has the responsibility for implementation of the Help America Vote Act of 2002 (HAVA).

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

## **Number of authorized personnel**

26 full-time

## **Organization structure**

Corporations Division, Securities Division, Services Division

## **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 & 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 & 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.

**Budget information**

Expenditures*	
001-0101 Administration	\$1,545,459
001-0201 Reapportionment	\$46,980
001-0301 UCC Secured Transactions	\$249,421
001-0401 Securities Enforcement and Compliance	\$106,209
001-0601 Bucking Horse & Rider	\$38,273
<b>Total</b>	<b>\$1,986,342</b>

\* - Figures submitted are as of June 30, 2003. These figures do not reflect any pending encumbrances.

# Secretary of State organization chart

