

FIFTY-SEVENTH BIENNIAL REPORT
July 1, 2005 - June 30, 2007



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November 30, 2007

The Honorable John Hoeven
Governor
State of North Dakota
600 East Boulevard Avenue
Bismarck ND 58505-0001

Dear Governor Hoeven,

As required by Section 54-06-04 of the North Dakota Century Code, I present for your review the biennial report for the office of the Secretary of State. This report covers the biennial period of July 1, 2005, to June 30, 2007. It represents the fifty-seventh biennial report submitted by the Secretary of State to the Governor since November 2, 1889, the year North Dakota became a state.

This report also includes, as mandated by Section 54-09-02(9) of the North Dakota Century Code, a detailed statement of the manner in which the appropriations for the Office of Secretary of State were expended during the reporting period. The oath, as prescribed in that section of law, is on page two.

In preparing this biennial report, my staff and I attempted to include useful information, which accurately documents the duties, functions, and accomplishments of the Secretary of State's office. If that goal has been achieved, this biennial report for the Secretary of State's office will be a helpful reference source for citizens, elected officials, legislators, students, politicians, reporters, historians, and unknown others, now and for years to come.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

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Acknowledgments

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

In particular, I thank my Executive Assistant, Kim Shaw, for her dedication in gathering, proofreading, and preparing the information used in this report.

In addition, the following individuals provided invaluable specific assistance: Clara Jenkins, Executive Staff Business Systems Director; Mary Feist, Executive Staff Operational Management Director; Tracy Fillbrandt, Unit Lead, Central Indexing; Lee Ann Oliver, Election Specialist, Elections Unit; and Jim Silrum, Deputy Secretary of State.

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:

1. That he is the duly elected Secretary of State for the State of North Dakota and makes this affidavit in his official capacity.
2. That pursuant to N.D.C.C. § 54-09-02(9), 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. That attached hereto and expressly incorporated by reference herein is a Statement of Revenues, Appropriations, and Expenditures which detail the manner in which the appropriations for his office have been expended during the previous two fiscal years.
4. That the attached Statement of Revenues, Appropriations, and Expenditures is derived from the official books and records maintained by the Office of Secretary of State for the previous two fiscal years.
5. That 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(9).

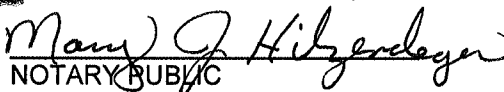
FURTHER AFFIANT SAYETH NOT.



Alvin A. Jaeger
Secretary of State

Subscribed and sworn to before me this
29 day of November, 2007.





NOTARY PUBLIC

Chapter One

Constitutional, Statutory, and Legislative Authority

The origins 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. Out of a total of 35,548 electors casting their ballot, 27,441 (77%) voters were in favor of adoption and 8,107 (23%) voters were opposed.

Currently, the office of Secretary of State is authorized in Article V, Section 2, of the North Dakota Constitution (as amended by the voters June 11, 1996 and as amended by the voters 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 choosing a winner 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 term of office; 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; Article X, Section 17, related to the certificates regarding bonds or evidence of indebtedness on the part of the state.

In the 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 50-22 related to charitable solicitation; in Chapter 53-01 related to boxing and mixed fighting styles; in Chapter 54-02-01 related to the state's Great Seal; in Chapter 54-05.1 related to lobbying; and in 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 capacities.

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 a ballot with 60,099 (52%) voters in favor of the measure and 55,294 (48%) voters opposed.

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, 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 was 49,391 (62%) voters in favor of the change and 30,431 (38%) voters who opposed 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, and 2007-2009 editions of the *North Dakota Blue Book*.

Chapter Three

Duties of Office

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

1. Custodian of Great Seal of North Dakota and other original state documents;
2. Attests the signature of the Governor on official acts and maintains a register for them;
3. Serves as a member of and secretary to the Emergency Commission; is a member of the Board of University and School Lands; is a member of the State Historical Board; and is a member of and secretary to the State Canvassing Board (elections);
4. Concur with Governor's selection for the Theodore Roosevelt Rough Rider Award;
5. Serves as the State Athletic Commissioner for boxing and mixed fighting styles;
6. Distributes the North Dakota Century Code, the North Dakota Administrative Code and supplements, and the North Dakota Session Laws books;
7. Biennially publishes and distributes the *North Dakota Blue Book*;
8. Receives and files original copies of legislative bills and resolutions;
9. Distributes copies of legislative resolutions as prescribed by law and directed by the legislature;
10. Serves as the state's chief election officer;
11. Prescribes the form and content of statewide election ballots;
12. Files campaign finance disclosure reports of statewide candidates, political parties, district political parties, political committees, political action committees (PAC), and measure committees;
13. Certifies the names of persons elected to each house of the Legislative Assembly;
14. Receives and files petitions for initiated, constitutional, and referred measures;
15. Files oaths of office for legislative, judicial, and executive officials;
16. Issues certificates of registration to lobbyists;
17. Licenses contractors, registers charitable organizations and home inspectors;
18. Commissions notaries public;
19. Completes service of process as required by law;
20. Files uniform commercial code (UCC) documents, various agricultural liens, and other miscellaneous liens;
21. Maintains the central indexing system and its network link to the state's fifty-three County Recorders (name changed from Register of Deeds, effective August 1, 2001);
22. Administers the Registered Agents Act;
23. Registers trademarks and trade names, partnership fictitious name certificates, real estate investment trusts, limited partnerships, limited liability partnerships, limited liability limited partnerships, and professional employer organizations;
24. Files and records articles of incorporation related to domestic and foreign business corporations, publicly traded corporation, domestic and foreign nonprofit corporations, state banks, credit unions, lodges and fraternal organizations, mutual aid cooperatives, and cooperatives;
25. Files and records articles of organization related to domestic and foreign limited liability companies;
26. Receives annual reports from various business entities as prescribed by state law;
27. Keep records of organized cities as prescribed by law.

Chapter Four

Office of 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 overall responsibility for carrying out 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 N.D.C.C. § 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 I. James (Jim) Silrum, Deputy Secretary of State, effective November 17, 2003.

Appointed August 1, 1995, Kim N. Shaw is 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 twenty-three 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. The divisions are as follows:

Administrative/Licensing Unit

Central Indexing Unit (UCC/CNS)

Business Registration Unit

Business Information Unit

Elections Unit

Technical Information Unit

Chapter Five (B)

Personnel in Office of the Secretary of State

(As of June 30, 2007)

Alvin (Al) A. Jaeger
Secretary of State

Jim Silrum
Deputy Secretary of State

Kim N. Shaw
Executive Assistant

Office Directors

Clara M. Jenkins, Business Systems Director
Executive Staff Officer
Mary B. Feist, Operational Management Director
Executive Staff Officer

Administrative/Licensing Unit

Mary J. Hilzendeger
Administrative Assistant I
Sheila S. Goehring
Accounting/Budget Specialist I
Charlotte Zander
Account Technician II
Vicky Miner
Office Assistant III
Allison Schumacher
Office Assistant III

Central Indexing Unit (UCC/CNS)

Tracy Fillbrandt, Unit Lead
Administrative Staff Officer I
Karen K. Weigel
Office Assistant III
Tina Axt
Office Assistant III
Cindy Doll
Office Assistant III

Technical Information Unit

Linda G. Gregoryk
Information Center Specialist I
Ramona Bernard
Information Center Specialist I

Business Registration Unit

Susan J. Rask, Unit Lead
Administrative Staff Officer I
Nancy L. Schlosser
Administrative Assistant II
Lori Feldman
Administrative Assistant II
Marian Hapip
Administrative Assistant II

Business Information Unit

Darcy D. Cermak, Unit Lead
Administrative Staff Officer I
Linda Sandeen
Office Assistant III
Lucille Van Dame
Office Assistant III
Susan Gimbel
Office Assistant III
Reyne White
Office Assistant III

Elections Unit

Lee Ann Oliver, Unit Lead
Administrative Staff Officer I
Steve Bourgois, Election Administration System
Manager
Administrative Staff Officer I

