

Agency Operations Plan 2015-17

Agency:

Secretary of State

Line of Business: (optional)

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 effective July 1, 1997). The duties of the Secretary of State are defined in various parts of the state's constitution, in numerous state statutes, and in the agency's administrative rules.

In the constitution, the duties are found in Article III, related to 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 state statute, the general duties of the Secretary of State are established in Chapter 54-09; in Title 16.1 as they relate to elections; in Title 10 as they pertain to various business structures. e.g., corporate and limited liability company farming, cooperative associations, business corporations, development corporations, venture capital corporations, community development corporations, professional organizations, limited liability companies, nonprofit corporations, and real estate investment trusts; in Title 35 as they relate to the filing of various liens; in Title 41 as they relate to the Uniform Commercial Code; in Title 45 as they pertain to general partnerships, limited partnerships, limited liability partnerships and limited liability limited partnerships; and in various other sections of state law related to the state's Great Seal, contractors, lobbying, charitable solicitation, and other 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) NDCC § 54-16-01)
- State Historical Board (NDCC § 55-01-01)
- State Canvassing Board (NDCC § 16.1-15-33)
- Theodore Roosevelt Rough Rider Award (NDCC § 54-02-07)

GENERAL DUTIES

- Custodian of the Great Seal and other official state documents;
- Keeps a register of and attests the official acts of the Governor;
- Serves as member and secretary of the Emergency Commission, member of the Board of University and School Lands, member of the Board for the State Historical Society, member of the Theodore Roosevelt Rough Rider Awards Committee, and secretary of the State Canvassing Board;
- Is the State Athletic (Boxing) Commissioner;
- Distributes the North Dakota Century Code, the North Dakota Administrative Code, and the

North Dakota sessions laws;

- Biennially publishes and distributes the North Dakota Blue Book;
- Receives, records, and files original bills and resolutions from each Legislative Assembly;
- Distributes copies of legislative resolutions as prescribed by law

ELECTIONS

- Is the state's chief election officer and trains county election officials;
- Prescribes the form and content of statewide election ballots;
- Receives and files petitions for initiated, constitutional, and referred measures;
- Files oaths of office for legislative, judicial, and executive officials;
- Files campaign disclosure reports of statewide and legislative candidates, state political parties, district political parties, political committees, political action committees, and measure committees;
- Certifies names of elected legislative members to each house of the Legislative Assembly

LICENSING

- Registers lobbyists;
- Licenses contractors;
- Registers charitable organizations;
- Registers professional fundraisers;
- Commissions notaries public;

CENTRAL INDEXING SYSTEM (CIS)

- Files Uniform Commercial Code (UCC) documents, agricultural liens, and other miscellaneous liens;
- Maintains computer network with state's fifty-three county Recorders;

BUSINESS

- Records trademarks and trade names;
- Files and maintains records for partnership fictitious name certificates, limited liability partnerships, limited partnerships, limited liability limited partnerships, and real estate investments trusts;
- Files and maintains records for domestic and foreign for-profit and nonprofit corporations, state banks, credit unions, and cooperatives;
- Files and maintains records for domestic and foreign limited liability companies;
- Files and maintains records for home rule cities and counties

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Technology Strategy:

The Secretary of State's office depends heavily on technology since we are the office of record. We could not process the information we receive and make it available to the public in today's environment without significant use of the tools available to us through technology.

We continue to explore all of the ways our customers seek to connect with our office and make improvements where we can. We are currently working to give online access to our customers to file and pay for their own reports instead of submitting paper reports along with their payment. We are also building access so customers can buy the available lists through a web interface as well.

Technology Infrastructure:

Elections:

- ND VOICES – The state's election management system used by the state and all 53 counties
 - 5 production Windows servers
 - 2 test Windows servers
 - These are all virtual servers
 - We own the source code of this application that BPro, Inc. of South Dakota built for us
- PowerProfile – The state's central voter file in which all 53 counties maintain all applicable election information pertaining to voters
 - 9 production Windows servers
 - 1 production Linux server
 - 2 test Windows servers
 - 1 test Linux server
 - These are all virtual servers
 - We license the use of this software from Election Systems & Software of Nebraska
- Campaign Finance – All reports and searches of these reports are handled through this WebSphere application on one WebSphere server.

Central Indexing, which files all Uniform Commercial Code documents, agricultural liens, as well as other miscellaneous liens, is currently handled through an application on the state's mainframe computer. These filings are then made available to the public through search requests of our office or any county recorder in the state.

Business Services (Business records, Trademarks, Trade Names, Lobbyists, Contractors, Charitable Organizations, Professional Fundraisers, and Notaries Public)

- All of these filings are processed in the state's AS400 computer.
- Reports that are currently made available to the public from these filings are done so through a WebSphere application on one WebSphere server.

All Business Services, Central Indexing, Campaign Finance, and several other miscellaneous filings will be processed in the near future in the SOS File 2.0 application we are building for these things with ITD. We anticipate the following environments and servers will be utilized:

- 2 Production Windows servers
- 2 Build Windows servers
- 2 User Acceptance Testing Windows servers
- 2 Quality Assurance Windows servers
- 2 Training Windows servers

- FileNet, which has the following instances
 - Production
 - User Acceptance Testing
 - Training
- All of these are virtual servers

All servers

- Hosted by ITD
- Replaced according to ITD's schedule
- Managed by ITD and vendor if necessary

Desktops (35)

- Windows 7
- We purchase Desktop Support from ITD
- Replaced every 4 years

Laptops (15)

- Windows 7
- We purchase Desktop Support from ITD
- Replaced every 4 years

Mobile Devices

- 1 Android Thunderbolt
- 1 iPhone
- 1 Cell Phone
- 6 iPads, but we will shortly add another 2
- These are operated under the security mandated by ITD
- Replaced as needed, but not less than 2 years

Client Applications

- Adobe Acrobat 9 Pro – PDF creation
- BlueZone – Mainframe access
- Client Access x86 and x64 – AS400
- DTM – Word processing in AS400
- Dymo Label Application
- ERM – Election Reporting – Election Systems & Software
- ES&S EXP – Election Reporting – Election Systems & Software
- FrontPage – Publishing our office intranet site
- FTP LE – transferring files
- IWPM – allows us the ability to look at images stored in the AS400
- Liquid Office – Forms creation
- Microsoft Office 2010
- Microsoft Communicator 2007
- Performance Now 4 – Staff evaluations
- Symantec - Antivirus
- ILinx – Viewing images in FileNet from the Mainframe

Data

- Backup is all handled by ITD
- Source data mostly comes from reports that are required to be filed by our customers, but some is populated from the Tax Department, Vital Records, Department of Transportation, and the state Court system.
- The other agencies that have a direct access to our data are the Tax Department, Job Service, Workforce Safety and Insurance, and Human Services. We provide secure file transfers of data to the state Courts.
- We provide all types of reporting services
 - Online publication
 - Online searches
 - Hard copy
 - Faxes
 - FTP
 - Secure File Transfer

Planned Activities:

The following activities will continue into the next biennium

1. Regarding the personal computers used by each staff member and those available to customers at our customer stations, we plan to continue on a four-year replacement cycle. Half of the computers are replaced at the end of a biennium and at the beginning of the next biennium every four years. Because the Secretary of State works with all county offices, we have added and plan to continue providing mobile technology for key staff members that are required to travel. We will be exploring additional ways to enhance our productivity in the mobile world.
2. SOS File 2.0 for business service filings will continue to be developed and deployed as the modules are developed and tested.
 - a. Business registration and maintenance module under construction will allow for Secretary of State staff members to process and file any paper filings submitted by businesses in the state. Also, for as many of these forms as can be filed online, this module will give this access to these same business customers that have filing requirements.
 - b. Other modules with the same functionality as described above in "a."
 - i. Contractor Licensing
 - ii. Professional Fundraiser Registration
 - iii. Charitable Solicitation Registration
 - iv. Notary Application
 - v. Home Inspector Registration
 - vi. Commercial Agent Registration
 - vii. Lobbyist Registration
 - viii. Professional Employer Organization Licensing
 - ix. Subscriptions
 - c. The deployment of modules in a and b above, which is scheduled to happen before the end of the 2015-2017 biennium, will allow our office to retire our dependence on the AS400 that we currently use for these filings.

- d. The Central Indexing System implementation should launch sometime in 2015. This will allow for the Secretary of State applications on the mainframe to be retired
- e. The project will have enhancements to add the following:
 - i. Public Document Inventory
 - ii. Boxing and Mixed Martial Arts Regulation
- 3. Enhancements to ND VOICES will continue as the need necessitates and in accordance with our Help America Vote Act State Plan calling for the improvement of federal election administration.
- 4. The Secretary of State's website will continue to go through enhancements as new online tools become available to the public.

Technologies being considered or investigated:

Continued improvements of our mobile services. Our tools for elections have seen a steady increase in the use of mobile devices. It seems obvious that this is the way our customer base is moving.