

0890 Secretary of State

The Secretary of State, a constitutionally established office, is the chief elections officer of the state and is responsible for the administration and enforcement of election laws. The Office is also responsible for administering and enforcing laws pertaining to filing documents associated with corporations, limited liability companies, partnerships, limited partnerships, unincorporated associations and pertaining to filing bonds and perfecting security agreements. In addition, the Office is responsible for commissioning notaries public, enforcing the notary laws, and in conjunction with being the home of the State Archives, preserving documents and records having historical significance. The Secretary of State is the filing officer for lobbying and campaign registration and disclosure documents filed under the Political Reform Act. The Secretary of State also operates the Safe At Home program, maintains the Domestic Partners and Advanced Health Care Directives Registries, and is home to the California Museum for History, Women and the Arts.

Policy associated with the administration of the Office is accomplished through the divisions of Elections, Political Reform, Business Programs, Archives, Information Technology and Management Services.

3-YR EXPENDITURES AND PERSONNEL YEARS (Summary of Program Requirements)

	Personnel Years			Expenditures		
	2008-09	2009-10	2010-11	2008-09*	2009-10*	2010-11*
10 Filings and Registrations	261.6	261.8	256.8	\$45,185	\$45,413	\$46,872
20 Elections	57.5	66.0	67.3	119,323	30,171	115,027
30 Archives	25.9	26.2	25.8	10,344	10,241	10,242
50.01 Administration and Technology	112.1	102.9	101.4	15,455	23,363	23,529
50.02 Distributed Administration and Technology	-	-	-	-15,455	-23,363	-23,529
TOTALS, POSITIONS AND EXPENDITURES (All Programs)	457.1	456.9	451.3	\$174,852	\$85,825	\$172,141
FUNDING				2008-09*	2009-10*	2010-11*
0001 General Fund				\$121,170	\$30,852	\$99,101
0228 Secretary of State's Business Fees Fund				37,000	36,074	37,220
0890 Federal Trust Fund				5,174	10,605	27,221
0995 Reimbursements				11,430	6,737	7,038
3042 Victims of Corporate Fraud Compensation Fund				78	1,557	1,561
TOTALS, EXPENDITURES, ALL FUNDS				\$174,852	\$85,825	\$172,141

LEGAL CITATIONS AND AUTHORITY

DEPARTMENT AUTHORITY

The California Constitution, Article 5, Section 11, Government Code Sections 12159-12179.1.

PROGRAM AUTHORITY

10-Filings and Registrations:

Corporations Code, Titles 1-3; Government Code, Sections 1363, 6503.5, 6503.7, 6518, 7220, 7222, 7223, 7225, 7226, 7227, 7229, 8200, 8201, 8201.1, 8201.2, 8201.5, 8202.5, 8203.1-8203.4, 8204.1, 8205, 8206, 8207, 8207.1, 8207.2, 8207.3, 8213, 8213.6, 8214.1, 8214.15, 8214.4, 8214.5, 8214.8, 8219.5, 8220, 8222, 8228, 12160, 12163, 12168, 12168.5, 12168.7, 12176, 12177, 12178.1, 12179.1, 12180, 12182, 12182.1, 12183-12197, 23712-23714, 34459-34461, and 53051; Business and Professions Code, Sections 14230, 14233, 14240, 14241, 14427, 14461, 14482, 14483, 14492, 17550 et seq., 18896 et seq., 22370 et seq., 22443.1, 22908-22912, 22914, 22916, 22917, 22920, 22921, and 22923, ; Civil Code, Sections 912, 1363.6, 1789.10 et seq., 1812.50 et seq., 1812.80 et seq., 1812.100 et seq., 1812.503., 1812.510, 1812.515, 1812.525, 1812.600, and 3344.1; Commercial Code, Sections 9501, 9509, 9512-9516, 9518, 9519-9523, and 9525-9528; Code of Civil Procedure, Sections 488.375, 697.550, 697.570, 697.580, 697.640-697.670, 2101, and 2103-2105; Family Code, Section 297; Food and Agriculture Code, Sections 55702, 57405, 57408-57411, 57414, 57512, 57516-57517, 57519, 57530, 57531, and 57561 et seq.; Probate Code, Section 4800; Vehicle Code, Section 40305.5; California Code of Regulations, Title 2, Sections 20800 et seq., 21900 et seq., 22100 et seq., 22500 et seq., 22600 et seq., and 22610.1 et seq.; Government Code, Title 1, Division 7, Chapter 3.1; Family Code, Division 10, Part 1; and Penal Code, Title 15, Chapter 2.

20-Elections:

California Constitution, Article XVI, Section 1; California Elections Code, Section 10; California Government Code, Section 12172.5; Help America Vote Act of 2002 (Public Law 107-252) and other federal elections law; Government Code, Title 9.

30-Archives:

Chapter 1, Statutes of 1850; Government Code, Sections 6268, 9080, 9149.9, 11347.3, 12153, 12174, 12220-12237, 14755-14756, and 14765-14768; Civil Code, Sections 1798.24, and 1798.64; Evidence Code, Section 1605, and Military and Veterans Code, Section 1360.

* Dollars in thousands, except in Salary Range.

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DETAILED BUDGET ADJUSTMENTS

	2009-10*			2010-11*		
	General Fund	Other Funds	Personnel Years	General Fund	Other Funds	Personnel Years
Workload Budget Adjustments						
Workload Budget Change Proposals						
• Help America Vote Act Amended Spending Plan	\$-	\$-	-	\$-	\$4,215	-
• HAVA VoteCal	-	-	-	-	23,006	-
• Funding for Additional Measure on the November Statewide General Election Ballot	-	-	-	715	-	-
Totals, Workload Budget Change Proposals	\$-	\$-	-	\$715	\$27,221	-
Other Workload Budget Adjustments						
• May 19, 2009 Special Election - Counties	\$-	\$-	-	\$68,228	\$-	-
• Employee Compensation Adjustments	-9	-1,399	-	-	-31	-
• Retirement Rate Adjustment	19	48	-	19	47	-
• One Time Cost Reductions	-	-	-	-	-6,243	-
• Miscellaneous Adjustments	143	4,224	-	-560	-55	-
Totals, Other Workload Budget Adjustments	\$153	\$2,873	-	\$67,687	-\$6,282	-
Totals, Workload Budget Adjustments	\$153	\$2,873	-	\$68,402	\$20,939	-
Totals, Budget Adjustments	\$153	\$2,873	-	\$68,402	\$20,939	-

PROGRAM DESCRIPTIONS (Program Objectives Statement)

10 - FILINGS AND REGISTRATIONS

The Business Programs Division is the first stop for anyone wanting to do business in California. The California Business Portal provides online resources and services to businesses, connecting people with electronic versions of important documents and handbooks, searchable lists of registered businesses, a step-by-step guide to starting a business, and assistance for international businesses wanting to operate in California.

The Business Entities Section files articles of incorporation, foreign qualifications, and related documents to ensure that corporations and other business entities are properly formed, merged, amended, and dissolved in compliance with California law.

The Uniform Commercial Code Section provides for the filing of documents that allow lending institutions to verify the existence of collateral prior to making loans and to establish a priority scheme for property repossession in case of debtor default or bankruptcy.

The Notary Public and Special Filings Section appoints and commissions eligible notaries public. A notary public is a public official who performs services to the legal, business, financial and real estate communities by certifying or witnessing signatures on official documents. Special Filings include trademarks and service marks as well as bonds that certain business entities are required to file, joint power agreements, city and county charters, and claims for successor-in-interest. This Section also has disciplinary functions with regard to notaries public and immigration consultants.

The Safe at Home Program provides address protection, name change confidentiality, and confidential voter registration for survivors of domestic violence and stalking and their family members, and providers, employees, volunteers, and patients of reproductive health care facilities.

The Advance Health Care Directive (AHCD) Registry maintains AHCDs, which allow a person to indicate to their medical treatment preferences if they cannot speak or make decisions for themselves. The AHCD also may designate someone else to make decisions regarding medical treatment. AHCDs and related information can be provided upon request to the registrant's health care provider, public guardian or legal representative.

The Domestic Partners Registry registers same-sex couples regardless of the age of the partners, and opposite-sex couples in which one partner is at least 62 years old, as domestic partners in California when they file a Declaration of Domestic Partnership.

The Victims of Corporate Fraud Compensation Fund provides restitution to victims of corporate fraud who are unable to collect through other means on a judgment against a corporation for corporate fraud.

20 - ELECTIONS

* Dollars in thousands, except in Salary Range.

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The Secretary of State, as California's chief elections officer, has broad responsibility to administer the election process. This program oversees the modernization of voting equipment and the improvement of current electoral database systems, enhancing the voting processes, providing accessibility to voters, working to increase people's knowledge of the electoral system, and establishing a procedure to allow voters to file and have complaints resolved about voting-related issues.

This program includes the campaign and lobbying registration and disclosure provisions of the Political Reform Act of 1974. Under this law, the Office registers all levels of campaign committees, and reviews for compliance with statutory requirements all state-level campaign recipient, major donor, slate mailer, political party, and independent expenditure committees. The program also registers lobbyists, lobbying firms and lobbyist employers, reviews the periodic financial disclosure reports filed by lobbying entities, and publishes a Lobbying Directory both on paper and on the Internet. This program also supports the electronic filing requirements of the Political Reform Act and posts relevant registration and disclosure information to the Office's web site so voters can track where campaign money is raised and spent and what lobbying activity is occurring in state government. A searchable database of campaign and lobbying financial activity is also provided through the web site.

30 - ARCHIVES

The California State Archives acquires, indexes, preserves, and provides reference access to irreplaceable historic materials from the three branches of state government. The Archives acquires records that are legally required to be placed there, that possess legal, administrative or evidentiary value, or that have long-term historical significance. Materials of durable value are transferred to the Archives for long-term preservation.

50 - ADMINISTRATION AND TECHNOLOGY

This program develops and manages overall policy. It serves as the liaison to other state agencies, the Legislature, the federal government, and other states' Secretaries of State. This program responds to constituent correspondence and requests from the public and advocates in the Legislature, administers the Secretary's role as ex officio member of the World Trade Commission and as a member of the National Association of Secretaries of State, in the management of task forces and advisory committees, in the implementation of new federal and state statutory requirements, and coordinates and disseminates information about the Office and its initiatives to the public. It also provides the Office with the necessary personnel, general administrative, budgeting, fiscal services, and information technology expertise to plan, develop, implement, and operate innovative and effective business and information systems solutions.

DETAILED EXPENDITURES BY PROGRAM (Program Budget Detail)

		2008-09*	2009-10*	2010-11*
PROGRAM REQUIREMENTS				
10	FILINGS AND REGISTRATIONS			
	State Operations:			
0001	General Fund	\$768	\$1,053	\$1,053
0228	Secretary of State's Business Fees Fund	37,000	36,074	37,220
0995	Reimbursements	7,339	6,729	7,038
3042	Victims of Corporate Fraud Compensation Fund	78	1,557	1,561
	Totals, State Operations	\$45,185	\$45,413	\$46,872
PROGRAM REQUIREMENTS				
20	ELECTIONS			
	State Operations:			
0001	General Fund	\$24,750	\$19,558	\$19,578
0890	Federal Trust Fund	3,037	9,051	24,361
0995	Reimbursements	4,091	8	-
	Totals, State Operations	\$31,878	\$28,617	\$43,939
	Local Assistance:			
0001	General Fund	\$85,308	\$-	\$68,228
0890	Federal Trust Fund	2,137	1,554	2,860
	Totals, Local Assistance	\$87,445	\$1,554	\$71,088
PROGRAM REQUIREMENTS				
30	ARCHIVES			
	State Operations:			
0001	General Fund	\$10,344	\$10,241	\$10,242
	Totals, State Operations	\$10,344	\$10,241	\$10,242
TOTALS, EXPENDITURES				

* Dollars in thousands, except in Salary Range.

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	2008-09*	2009-10*	2010-11*
State Operations	87,407	84,271	101,053
Local Assistance	87,445	1,554	71,088
Totals, Expenditures	\$174,852	\$85,825	\$172,141

EXPENDITURES BY CATEGORY (Summary By Object)

1 State Operations	Positions/Personnel Years			Expenditures		
	2008-09	2009-10	2010-11	2008-09*	2009-10*	2010-11*
PERSONAL SERVICES						
Authorized Positions (Equals Sch. 7A)	457.1	505.0	505.0	\$24,467	\$25,953	\$26,453
Total Adjustments	-	-	-	-	-3,132	-1,574
Estimated Salary Savings	-	-48.1	-53.7	-	-1,782	-3,483
Net Totals, Salaries and Wages	457.1	456.9	451.3	24,467	21,039	21,396
Staff Benefits	-	-	-	9,521	9,575	9,441
Totals, Personal Services	457.1	456.9	451.3	33,988	30,614	30,837
OPERATING EXPENSES AND EQUIPMENT				\$35,892	\$44,648	\$60,492
SPECIAL ITEMS OF EXPENSE						
Parallel Monitoring				\$-	\$95	\$95
Printing ballot pamphlets				10,332	3,137	3,375
Mailing ballot pamphlets				3,616	2,813	3,290
Printing registration cards				786	1,664	1,664
Mailing registration cards				2,694	1,095	1,095
Election night reporting				99	205	205
Totals, Special Items of Expense				\$17,527	\$9,009	\$9,724
TOTALS, POSITIONS AND EXPENDITURES, ALL FUNDS (State Operations)				\$87,407	\$84,271	\$101,053

2 Local Assistance

	Expenditures		
	2008-09*	2009-10*	2010-11*
February 5, 2008 Presidential Primary Election	\$85,308	\$-	\$-
May 19, 2009 Statewide Special Election	-	-	68,228
P.L. 107-252 - Help America Vote Act of 2002	2,137	1,554	2,860
TOTALS, EXPENDITURES, ALL FUNDS (Local Assistance)	\$87,445	\$1,554	\$71,088

DETAIL OF APPROPRIATIONS AND ADJUSTMENTS (Reconciliation with Appropriations)

1 STATE OPERATIONS	2008-09*	2009-10*	2010-11*
0001 General Fund			
APPROPRIATIONS			
001 Budget Act appropriation as amended by Chapter 269, Statutes of 2008	\$36,380	-	-
Allocation for employee compensation	24	-	-
Adjustment per Section 3.60	-2	-	-
Reduction per Section 3.90	-187	-	-
Transfer from Item 8640-001-0001 (Political Reform Act)	703	-	-
Chapter 2, Statutes of 2009, Third Extraordinary Session	10,000	-	-
001 Budget Act appropriation	-	\$30,699	\$30,873
Adjustment per Section 3.60	-	19	-
Adjustment per Section 4.04	-	-560	-

* Dollars in thousands, except in Salary Range.

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1 STATE OPERATIONS	2008-09*	2009-10*	2010-11*
Adjustment per Section 3.55	-	-9	-
Transfer from Item 8640-001-0001 (Political Reform Act)	-	703	-
Totals Available	\$46,918	\$30,852	\$30,873
Unexpended balance, estimated savings	<u>-11,056</u>	<u>-</u>	<u>-</u>
TOTALS, EXPENDITURES	\$35,862	\$30,852	\$30,873
0228 Secretary of State's Business Fees Fund			
APPROPRIATIONS			
001 Budget Act appropriation	\$38,936	\$37,126	\$37,220
Allocation for employee compensation	59	-	-
Adjustment per Section 3.60	-8	39	-
Reduction per Section 3.90	-414	-1,071	-
Adjustment per Section 3.55	-	-20	-
Totals Available	\$38,573	\$36,074	\$37,220
Unexpended balance, estimated savings	<u>-1,573</u>	<u>-</u>	<u>-</u>
TOTALS, EXPENDITURES	\$37,000	\$36,074	\$37,220
0890 Federal Trust Fund			
APPROPRIATIONS			
001 Budget Act appropriation	\$41,674	\$5,388	\$24,361
Adjustment per Section 3.60	-	1	-
Revised expenditure authority per Provision 5	260	-	-
Increase expenditure authority per Provision 4	-	3,662	-
Budget Adjustment	<u>-38,897</u>	<u>-</u>	<u>-</u>
TOTALS, EXPENDITURES	\$3,037	\$9,051	\$24,361
0995 Reimbursements			
APPROPRIATIONS			
Reimbursements	\$11,430	\$6,737	\$7,038
3042 Victims of Corporate Fraud Compensation Fund			
APPROPRIATIONS			
001 Budget Act appropriation	<u>\$1,678</u>	<u>\$1,557</u>	<u>\$1,561</u>
Totals Available	\$1,678	\$1,557	\$1,561
Unexpended balance, estimated savings	<u>-1,600</u>	<u>-</u>	<u>-</u>
TOTALS, EXPENDITURES	\$78	\$1,557	\$1,561
TOTALS, EXPENDITURES, ALL FUNDS (State Operations)	\$87,407	\$84,271	\$101,053
2 LOCAL ASSISTANCE			
0001 General Fund			
APPROPRIATIONS			
101 Budget Act appropriation	\$85,695	-	-
119 Budget Act appropriation	-	-	\$68,228
Totals Available	\$85,695	\$-	\$68,228
Unexpended balance, estimated savings	<u>-387</u>	<u>-</u>	<u>-</u>
TOTALS, EXPENDITURES	\$85,308	\$-	\$68,228
0890 Federal Trust Fund			
APPROPRIATIONS			
101 Budget Act appropriation	\$914	\$1,000	\$2,860
Transfer from Item 8640-001-0001 (Political Reform Act)	1,465	554	-
Budget Adjustment	<u>-242</u>	<u>-</u>	<u>-</u>
TOTALS, EXPENDITURES	\$2,137	\$1,554	\$2,860
TOTALS, EXPENDITURES, ALL FUNDS (Local Assistance)	\$87,445	\$1,554	\$71,088

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2 LOCAL ASSISTANCE	2008-09*	2009-10*	2010-11*
TOTALS, EXPENDITURES, ALL FUNDS (State Operations and Local Assistance)	\$174,852	\$85,825	\$172,141
FUND CONDITION STATEMENTS			
	2008-09*	2009-10*	2010-11*
0228 Secretary of State's Business Fees Fund ^s			
BEGINNING BALANCE	\$2	-	-
Prior year adjustments	1,233	-	-
Adjusted Beginning Balance	\$1,235	-	-
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
124100 Domestic Corporation Fees	8,746	\$7,616	\$8,843
124200 Foreign Corporation Fees	965	917	965
124300 Notary Public License Fees	1,209	1,149	1,209
124400 Filing Financing Statements	2,154	2,046	2,154
125600 Other Regulatory Fees	5,575	5,296	5,575
142000 General Fees--Secretary of State	25,573	24,294	25,573
150300 Income From Surplus Money Investments	103	110	110
161400 Miscellaneous Revenue	51	49	51
Transfers and Other Adjustments:			
TO0001 To General Fund per Government Code Section 12176	-8,595	-5,373	-7,163
Total Revenues, Transfers, and Other Adjustments	\$35,781	\$36,104	\$37,317
Total Resources	\$37,016	\$36,104	\$37,317
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0840 State Controller (State Operations)	16	30	74
0890 Secretary of State (State Operations)	37,000	36,074	37,220
8880 Financial Information System for California (State Operations)	-	-	23
Total Expenditures and Expenditure Adjustments	\$37,016	\$36,104	\$37,317
FUND BALANCE	-	-	-
3042 Victims of Corporate Fraud Compensation Fund ^s			
BEGINNING BALANCE	\$9,591	\$11,618	\$11,918
Prior year adjustments	135	-	-
Adjusted Beginning Balance	\$9,726	\$11,618	\$11,918
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
142000 General Fees--Secretary of State	1,745	1,658	1,745
150300 Income From Surplus Money Investments	225	199	199
Total Revenues, Transfers, and Other Adjustments	\$1,970	\$1,857	\$1,944
Total Resources	\$11,696	\$13,475	\$13,862
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0890 Secretary of State (State Operations)	78	1,557	1,561
Total Expenditures and Expenditure Adjustments	\$78	\$1,557	\$1,561
FUND BALANCE	\$11,618	\$11,918	\$12,301
Reserve for economic uncertainties	11,618	11,918	12,301

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