

Topic: Alteration of Filed Documents Submitted with Extraneous Documents

Question by: Pamela Floyd

Jurisdiction: Washington

Date: 2011 June 22

Jurisdiction	Question(s)
	<b>If you are filing Articles of Incorporation, Certificates of Formation, or other scheduled documents and they include extraneous documents that are not required with the filing, do you file them as well, do you pull them out, throw them away, return them, etc.?</b>
<b>Manitoba</b>	
<b>Corporations Canada</b>	Documents not required by the incorporating statute are returned to the sender by Corporations Canada.
<b>Alabama</b>	
<b>Alaska</b>	
<b>Arizona</b>	
<b>Arkansas</b>	
<b>California</b>	
<b>Colorado</b>	We file whatever is included with the filing. Almost all of our filings must be done online.
<b>Connecticut</b>	
<b>Delaware</b>	
<b>District of Columbia</b>	In the District of Columbia we do not file documents that are not required unless statute allows so. We get quite a few documents that we do not typically retain – for example, bankruptcy notices, cover letters, etc. If there is an envelope included in the package then we would send it back otherwise we just discard it. In some cases we make an attempt to contact the sender to let them know what we are not the right party. If we can make the determination that the paperwork is intended for another division / agency then we will forward it to appropriate party ( we get a lot of tax/licensing filings that we forward).
<b>Florida</b>	In Florida, we return any paperwork or correspondence that is not relevant or required to the filer with their acknowledgment letter and any requested and paid for certification.
<b>Georgia</b>	
<b>Hawaii</b>	We file only what is required by statutes. If there are other documents, we send them back as not required or we keep it with the extra copies submitted and it is destroyed after one year.

Jurisdiction	Question(s)
	<b>If you are filing Articles of Incorporation, Certificates of Formation, or other scheduled documents and they include extraneous documents that are not required with the filing, do you file them as well, do you pull them out, throw them away, return them, etc.?</b>
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	The file clerks return the extra documents with a note that they are not needed for the filing. Usually everything is returned back all together with the filed documents and notes on the documents that were not included in the filing. We don't throw them away. We may have one process that currently doesn't work exactly like that but we are standardizing where we can.
Kentucky	
Louisiana	If we receive extraneous documentation, and that documentation is not referenced in the organic record that needs to be filed, we will return it with the acknowledged filing.
Maine	
Maryland	
Massachusetts	
Michigan	If we receive extraneous documents they are shredded, unless it is a completed tax form or similar type of document. If it is such a form, it is returned to the submitter with a note that the document is not filed in this office.
Minnesota	
Mississippi	
Missouri	Missouri will return extra documents that are not referenced in the filing itself.
Montana	
Nebraska	If they paid for it and referenced as a part of their to be filed document it is filed, (say an Exhibit A, B etc.); Cover letters we do not keep and we'd return any unnecessary pages with their acknowledgement.
Nevada	Generally, these documents are not scanned in and are not part of the public record. We do not return the docs. They are held for the retention period for general docs then destroyed.
New Hampshire	
New Jersey	
New Mexico	

Jurisdiction	Question(s)
	<b>If you are filing Articles of Incorporation, Certificates of Formation, or other scheduled documents and they include extraneous documents that are not required with the filing, do you file them as well, do you pull them out, throw them away, return them, etc.?</b>
<b>New York</b>	In NY we only file attachments required by law. Extraneous documents are either returned to the filer or maintained for 18 months in our correspondence files.
<b>North Carolina</b>	North Carolina returns them with the filed document.
<b>North Dakota</b>	If we receive extraneous documentation, and that documentation is not referenced in the organic record that needs to be filed, we will return it with the acknowledged filing.
<b>Ohio</b>	Ohio will file any attachments to a filing.
<b>Oklahoma</b>	
<b>Oregon</b>	If we receive extraneous documentation, and that documentation is not referenced in the organic record that needs to be filed, we will return it with the acknowledged filing (same as North Dakota).
<b>Pennsylvania</b>	
<b>Rhode Island</b>	In Rhode Island we tend to receive bylaws and/or operating agreements with organizational documents. We return them to the filer indicating that they are not public documents under the Rhode Island General Laws.
<b>South Carolina</b>	
<b>South Dakota</b>	
<b>Tennessee</b>	
<b>Texas</b>	Texas would return extraneous documents. Documents that are referenced in the filing instrument as an attachment are not considered extraneous.
<b>Utah</b>	If they paid for it and referenced as a part of their to be filed document it is filed, (say an Exhibit A, B etc.); Cover letters we do not keep and we'd return any unnecessary pages with their acknowledgement.
<b>Vermont</b>	
<b>Virginia</b>	In Virginia, we only file what is authorized to be filed by the Code of Virginia, and that does not include bylaws or operating agreements. And we do not allow them to sneak in as an attachment. Our Corporations and LLC Acts, however, do authorize provisions normally found in the bylaws or an operating agreements to be included in the articles. Generally, extraneous documents are returned, un-filed, with the evidence of the filing. But extra copies of submitted articles are often discarded.
<b>Washington</b>	
<b>West Virginia</b>	

Jurisdiction	Question(s)
	<b>If you are filing Articles of Incorporation, Certificates of Formation, or other scheduled documents and they include extraneous documents that are not required with the filing, do you file them as well, do you pull them out, throw them away, return them, etc.?</b>
<b>Wisconsin</b>	If we receive extraneous documentation, and that documentation is not referenced in the organic record that needs to be filed, we will return it with the acknowledged filing.
<b>Wyoming</b>	

**Additional comments:**

**Full text of email:**

All,

I am interested in how the rest of you handle extraneous documents. If you are filing Articles of Incorporation, Certificates of Formation, or other scheduled documents and they include extra documents that are not required with the filing, do you file them as well, do you pull them out, throw them away, return them, etc. ?

Thanks for any and all responses.

Pam

Pamela Floyd Director  
360-725-0310

*Office of the Secretary of State Division of Corporations and Charities  
Providing essential business and charitable information to promote public trust*