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DENVER, COLORADO

MAY 17-21, 2009

*Crossing the Divide: Services in an e-World*

# Business Considerations When Implementing E-Filing

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## First Steps

- ❖ Information Gathering
- ❖ Working with Your IT Department
- ❖ Don't Reinvent the Wheel—Talk to or Visit Other States
- ❖ What questions should you have asked that you didn't ask?



## Do your Statutes Permit e-Filing?

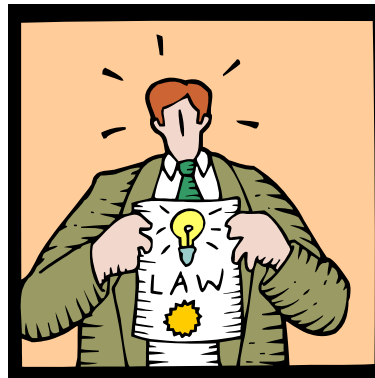
Are legislative changes necessary to implement e-filing?

Notarization

Signatures

Certificates from other departments or states

Other





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## Types of Filings

➤ How do you decide what filings to include in your e-filing system?

- Ease of Filing
- Ease of Development
- Volume
- Public Request
- Cost
- Other?





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## What Filings are Accepted

- ☑ Annual Reports
- ☑ Name Reservations
- ☑ Articles of Incorporation
- ☑ Foreign Registrations
- ☑ Changes to Registered Agent/Office, Amendments
- ☑ Dissolutions
- ☑ Reinstatements
- ☑ Mergers/Conversions



## Security

- 🔒 Security on log-in?
- 🔒 PIN number for entity or signatory?
- 🔒 Capture of payment information
- 🔒 Capture of URL
- 🔒 Other







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## Payment Methods

- Credit or Debit Cards
- Prepaid Accounts
- Electronic Funds Transfer/Automated Clearinghouse
- E-Checks
- Other
- How do you ensure that the payment information you collect is not compromised?



## Signatures

- ✍ Are documents required to be signed?
- ✍ How is an e-document signed?
- ✍ Does your state recognize electronic signatures?
- ✍ Do you validate whether the person has authority to sign?
- ✍ Documents signed under penalty for false statements?







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## Fraudulent Filings

- What is your experience with fraudulent filings?
- How is that experience different from paper filings?
- Are you in a better or worse position with respect to handling fraudulent filings?
- What steps have you taken or should you take to ensure the integrity of your filing system?





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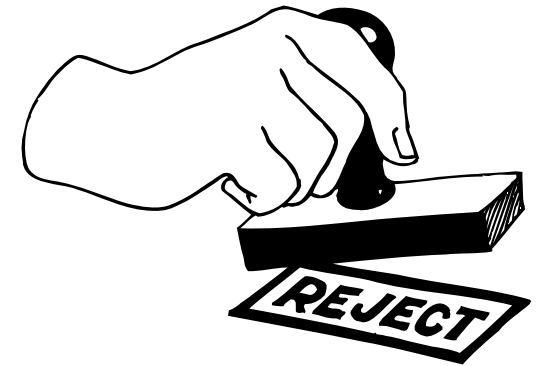
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## Review of E-Filing

- No review?
- Review of all filings?
- Review of some filings? If so, how do you decide which ones to review?
- What factors led you to determine whether to review or not?
- How do you deal with problems when there is no review?





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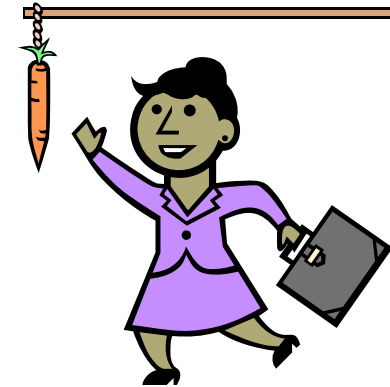
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## Incentives to Encourage E-Filing

- Mandatory?
- Lower Filing Fees
- Convenience Fees
- Waiver of Expedited or Other Fees
- Faster Turnaround and Delivery



## Priority of Processing

- ▣ FIFO
- ▣ Electronic has priority
- ▣ Based on which document is processed first
- ▣ Other
- ▣ Problems?



## Other Issues

- ◆ Do you allow attachments? TIF, PDF, TXT  
If attachments are allowed, how do you handle?
- ◆ Any free form text allowed?
- ◆ How are filed documents returned?
- ◆ Do you electronically stamp documents with filing data—filed, date, time, document number?
- ◆ Is your system interactive?
  - Allow searching for availability?
  - Provide for searching the database to identify the correct name and id number for filing entity?





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## Texas E-Stamp

**Filed in the Office of the  
Secretary of State of Texas  
Filing #: 801113406 04/22/2009  
Document #: 254906560002  
Image Generated Electronically  
for Web Filing**





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## Colorado's Stamps

**E-Filed**

Colorado Secretary of State  
Date and Time: 06/02/2008 05:52 PM  
Id Number: 19991048400  
Document number: 20081299556

20091228123 M  
\$ 100.00  
SECRETARY OF STATE  
04-23-2009 12:48:26



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## Welcome to the e-World

