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The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

Utilities Division[199]

Replace Analysis

Replace reserved Chapter 30 with Chapter 30

Economic Development Authority[261]

Replace Analysis

Replace Chapter 7

Medicine Board[653]

Replace Analysis

Replace Chapter 8

Nursing Board[655]

Replace Chapter 3

Public Safety Department[661]

Replace Chapter 504

Secretary of State[721]

Replace Analysis

Replace Chapter 2

Replace Chapter 22

Replace Chapter 30

Replace Chapter 40

UTILITIES DIVISION[199]

Former Commerce Commission[250] renamed Utilities Division[199]
under the “umbrella” of Commerce Department[181] by 1986 Iowa Acts, Senate File 2175, section 740.

CHAPTER 1

ORGANIZATION AND OPERATION

1.1(17A,474)	Purpose
1.2(17A,474)	Scope of rules
1.3(17A,474,476)	Waivers
1.4(17A,474)	Duties of the board
1.5(17A,474)	Organization
1.6(68B)	Consent for the sale or lease of goods and services
1.7	Reserved
1.8(17A,474)	Matters applicable to all proceedings
1.9(22)	Public information and inspection of records

CHAPTER 2

FORMS

2.1(17A,474)	Forms—general
2.2(17A,474)	Specific forms
2.3	Reserved
2.4(17A,474)	Forms

CHAPTER 3

RULE MAKING

3.1(17A,474)	Purpose and scope
3.2(17A,474)	Notice of inquiry
3.3(17A,474)	Petition for adoption of rules
3.4(17A,474)	Commencement of proceedings
3.5(17A,474)	Written statements of position
3.6(17A,474)	Counterstatements of position
3.7(17A,474)	Requests for oral presentation
3.8(17A,474)	Rule-making oral presentation
3.9(17A,474)	Rule-making decisions
3.10(17A,474)	Regulatory analysis
3.11(17A,474)	Review of rules

CHAPTER 4

DECLARATORY ORDERS

4.1(17A)	Petition for declaratory order
4.2(17A)	Notice of petition
4.3(17A)	Intervention
4.4(17A)	Briefs
4.5(17A)	Inquiries
4.6(17A)	Service and filing of petitions and other papers
4.7(17A)	Agency consideration
4.8(17A)	Action on petition
4.9(17A)	Refusal to issue order
4.10(17A)	Contents of declaratory order—effective date
4.11(17A)	Copies of orders
4.12(17A)	Effect of a declaratory order

CHAPTER 5
PROCEDURE FOR DETERMINING THE COMPETITIVENESS
OF A COMMUNICATIONS SERVICE OR FACILITY

- 5.1(476) Purpose
- 5.2(476) Petition
- 5.3(476) Docketing
- 5.4(476) Statement of position
- 5.5(476) Oral presentation
- 5.6(476) Decision
- 5.7(476) Extent of deregulation
- 5.8(476) Hearing and order

CHAPTER 6
COMPLAINT PROCEDURES

- 6.1(476) Inquiry
- 6.2(476) Complaint
- 6.3(476) Processing the complaint
- 6.4(476) Proposed resolution
- 6.5(476) Initiating formal complaint proceedings
- 6.6(476) Applicable procedures
- 6.7(476) Record
- 6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services

CHAPTER 7
PRACTICE AND PROCEDURE

- 7.1(17A,474,476) Scope and applicability
- 7.2(17A,476) Definitions
- 7.3(17A,476) Presiding officers
- 7.4(17A,474,476) General information
- 7.5(17A,476) Time requirements
- 7.6(17A,476) Telephone proceedings
- 7.7(17A,476) Electronic information
- 7.8(17A,476) Delivery of notice of hearing
- 7.9(17A,476) Pleadings and answers
- 7.10(17A,476) Prefiled testimony and exhibits
- 7.11(17A,476) Documentary evidence in books and materials
- 7.12(17A,476) Motions
- 7.13(17A,476) Intervention
- 7.14(17A,476) Consolidation and severance
- 7.15(17A,476) Discovery
- 7.16(17A,476) Subpoenas
- 7.17(17A,476) Prehearing conference
- 7.18(17A,476) Settlements
- 7.19(17A,476) Stipulations
- 7.20(17A,476) Investigations
- 7.21(17A,476) Withdrawals
- 7.22(17A,476) Ex parte communication
- 7.23(17A,476) Hearings
- 7.24(17A,476) Reopening record
- 7.25(17A,476) Interlocutory appeals
- 7.26(17A,476) Appeals to board from a proposed decision of a presiding officer

- 7.27(17A,476) Rehearing and reconsideration
- 7.28(17A,476) Stay of agency decision
- 7.29(17A,476) Emergency adjudicative proceedings

CHAPTER 8 CIVIL PENALTIES

- 8.1(476) Civil penalty for willful violation
- 8.2(476) Procedure
- 8.3(476) Penalties assessed
- 8.4(476) Payment of penalty
- 8.5(476) Rate-regulated utilities

CHAPTER 9 RESTORATION OF AGRICULTURAL LANDS DURING AND AFTER PIPELINE CONSTRUCTION

- 9.1(479,479B) General information
- 9.2(479,479B) Filing of land restoration plans
- 9.3(479,479B) Procedure for review of plan
- 9.4(479,479B) Restoration of agricultural lands
- 9.5(479,479B) Designation of a pipeline company point of contact for landowner inquiries or claims
- 9.6(479,479B) Separate agreements
- 9.7(479,479B) Enforcement

CHAPTER 10 INTRASTATE GAS AND UNDERGROUND GAS STORAGE

- 10.1(479) General information
- 10.2(479) Petition for permit
- 10.3(479) Informational meetings
- 10.4(479) Notice of hearing
- 10.5(479) Objections
- 10.6(479) Hearing
- 10.7(479) Pipeline permit
- 10.8(479) Renewal permits
- 10.9(479) Amendment of permits
- 10.10(479) Fees and expenses
- 10.11(479) Inspections
- 10.12(479) Standards for construction, operation and maintenance
- 10.13 Reserved
- 10.14(479) Crossings of highways, railroads, and rivers
- 10.15 Reserved
- 10.16(479) When a permit is required
- 10.17(479) Reports to federal agencies
- 10.18(479) Reportable changes to pipelines under permit
- 10.19(479) Sale or transfer of permit

CHAPTER 11 ELECTRIC LINES

- 11.1(478) General information
- 11.2(478) Forms of petition for franchise, extension, or amendment of franchise
- 11.3(478) Additional filing instructions
- 11.4(478) Informational meetings
- 11.5(478) Notices

- 11.6(478) Common and joint use
- 11.7(478) Termination of franchise petition proceedings
- 11.8(478) Fees and expenses

CHAPTER 12
INTERSTATE NATURAL GAS PIPELINES
AND UNDERGROUND STORAGE

- 12.1(479A) Authority
- 12.2(479A) Inspections
- 12.3 to 12.5 Reserved
- 12.6(479A) Incident reporting

CHAPTER 13
HAZARDOUS LIQUID PIPELINES AND UNDERGROUND STORAGE

- 13.1(479B) General information
- 13.2(479B) Petition for permit
- 13.3(479B) Informational meetings
- 13.4(479B) Notice of hearing
- 13.5(479B) Objections
- 13.6(479B) Hearing
- 13.7(479B) Pipeline permit
- 13.8(479B) Renewal permits
- 13.9(479B) Amendment of permits
- 13.10(479B) Fees and expenses
- 13.11 Reserved
- 13.12(479B) Land restoration
- 13.13 Reserved
- 13.14(479B) Crossings of highways, railroads, and rivers
- 13.15 to 13.17 Reserved
- 13.18(479B) Reportable changes to pipelines under permit
- 13.19(479B) Sale or transfer of permit

CHAPTER 14
ELECTRONIC FILING

- 14.1(17A,476) Purpose
- 14.2(17A,476) Scope and applicability of electronic filing requirement
- 14.3(17A,476) Definitions
- 14.4(17A,476) Exceptions; number of paper copies required
- 14.5(17A,476) Electronic filing procedures and required formats
- 14.6(17A,476) Registration
- 14.7(17A,476) Electronic file
- 14.8(17A,476) Paper copies required
- 14.9(17A,476) When electronic filings can be made; official filing date
- 14.10(17A,476) Notice of system unavailability
- 14.11(17A,476) Technical difficulties
- 14.12(17A,476) Documents containing confidential material
- 14.13(17A,476) Signatures
- 14.14(17A,476) Original documents
- 14.15(17A,476) Transcripts
- 14.16(17A,476) Electronic service

*UTILITIES AND
TRANSPORTATION DIVISIONS*

CHAPTER 15

COGENERATION AND SMALL POWER PRODUCTION

- 15.1(476) Definitions
- 15.2(476) Scope
- 15.3(476) Information to board
- 15.4(476) Rate-regulated electric utility obligations under this chapter regarding qualifying facilities
- 15.5(476) Rates for purchases from qualifying facilities by rate-regulated electric utilities
- 15.6(476) Rates for sales to qualifying facilities and AEP facilities by rate-regulated utilities
- 15.7(476) Additional services to be provided to qualifying facilities and AEP facilities by rate-regulated electric utilities
- 15.8(476) Interconnection costs
- 15.9(476) System emergencies
- 15.10(476) Standards for interconnection, safety, and operating reliability
- 15.11(476) Additional rate-regulated utility obligations regarding AEP facilities
- 15.12 to 15.16 Reserved
- 15.17(476) Alternate energy purchase programs
- 15.18(476B) Certification of eligibility for wind energy tax credits under Iowa Code chapter 476B
- 15.19(476C) Certification of eligibility for wind energy and renewable energy tax credits under Iowa Code chapter 476C
- 15.20(476B) Applications for wind energy tax credits under Iowa Code chapter 476B
- 15.21(476C) Applications for renewable energy tax credits under Iowa Code chapter 476C
- 15.22(476) Small wind innovation zones

CHAPTER 16
ACCOUNTING

- 16.1(476) Accounting—general information
- 16.2(476) Uniform systems of accounts—electric
- 16.3(476) Uniform systems of accounts—gas
- 16.4(476) Uniform systems of accounts—water
- 16.5(476) Uniform systems of accounts—telephone
- 16.6 Reserved
- 16.7(476) Filing of promotional practices
- 16.8(476) Compiling advertisements and expenses
- 16.9(476) Postemployment benefits other than pensions

CHAPTER 17
ASSESSMENTS

- 17.1(475A,476,546) Purpose
- 17.2(475A,476) Definitions
- 17.3(476) Expenses to be included in direct assessments
- 17.4(476) Direct assessments under Iowa Code Supplement section 476.10
- 17.5(476) Reporting of operating revenues
- 17.6(475A,476) Compilation and billing of assessment
- 17.7(476) Funding of Iowa energy center and global warming center
- 17.8(476) Assessments under Iowa Code section 476.101(10)
- 17.9(478,479,479A,479B) Assessments under Iowa Code chapters 478, 479, 479A, and 479B

CHAPTER 18
UTILITY RECORDS

18.1(476)	Definitions
18.2(476)	Location of records
18.3(476)	Availability of records
18.4(476)	Electric utilities other than rural electric cooperatives
18.5(476)	Rural electric cooperatives
18.6(476)	Gas utilities
18.7(476)	Water utilities
18.8(476)	Telephone utilities

CHAPTER 19
SERVICE SUPPLIED BY GAS UTILITIES

19.1(476)	General information
19.2(476)	Records, reports, and tariffs
19.3(476)	General service requirements
19.4(476)	Customer relations
19.5(476)	Engineering practice
19.6(476)	Metering
19.7(476)	Standards of quality of service
19.8(476)	Safety
19.9	Reserved
19.10(476)	Purchased gas adjustment (PGA)
19.11(476)	Periodic review of gas procurement practices
19.12(476)	Flexible rates
19.13(476)	Transportation service
19.14(476)	Certification of competitive natural gas providers and aggregators
19.15(476)	Customer contribution fund
19.16(476)	Reserve margin
19.17(476)	Incident notification and reports
19.18(476)	Capital infrastructure investment automatic adjustment mechanism

CHAPTER 20
SERVICE SUPPLIED BY ELECTRIC UTILITIES

20.1(476)	General information
20.2(476)	Records, reports, and tariffs
20.3(476)	General service requirements
20.4(476)	Customer relations
20.5(476)	Engineering practice
20.6(476)	Metering
20.7(476)	Standards of quality of service
20.8(476)	Safety
20.9(476)	Electric energy sliding scale or automatic adjustment
20.10(476)	Ratemaking standards
20.11(476)	Customer notification of peaks in electric energy demand
20.12	Reserved
20.13(476)	Periodic electric energy supply and cost review [476.6(16)]
20.14(476)	Flexible rates
20.15(476)	Customer contribution fund
20.16	Reserved
20.17(476)	Ratemaking treatment of emission allowances

- 20.18(476,478) Service reliability requirements for electric utilities
 20.19(476,478) Notification of outages

CHAPTER 21

SERVICE SUPPLIED BY WATER UTILITIES

- 21.1(476) Application of rules
 21.2(476) Records and reports
 21.3(476) General service requirements
 21.4(476) Customer relations
 21.5(476) Engineering practice
 21.6(476) Meter testing
 21.7(476) Standards of quality of service
 21.8(476) Applications for water costs for fire protection services
 21.9(476) Incident reports

CHAPTER 22

SERVICE SUPPLIED BY TELEPHONE UTILITIES

- 22.1(476) General information
 22.2(476) Records and reports
 22.3(476) General service requirements
 22.4(476) Customer relations
 22.5 Reserved
 22.6(476) Standards of quality of service
 22.7(476) Protective measures
 22.8 to 22.11 Reserved
 22.12(476) Content of wholesale tariff filings proposing rate changes
 22.13 Reserved
 22.14(476) Intrastate access charge application, tariff procedures, and rates
 22.15(476) Interexchange utility service and access
 22.16(476) Discontinuance of service
 22.17(476) Resale of service
 22.18 Reserved
 22.19(476) Alternative operator services
 22.20(476) Service territories
 22.21 and 22.22 Reserved
 22.23(476) Unauthorized changes in telephone service
 22.24(476) Applications for numbering resources

CHAPTER 23

ANNUAL REPORT

- 23.1(476) General information
 23.2(476) Annual report requirements—rate-regulated utilities
 23.3(476) Annual report requirements—non-rate-regulated utilities

CHAPTER 24

LOCATION AND CONSTRUCTION OF ELECTRIC POWER
GENERATING FACILITIES

- 24.1(476A) Authority, purpose, and policy
 24.2(476A) Definitions
 24.3(476A) Form of application, place of filing
 24.4(476A) Application for a certificate—contents
 24.5(476A) Initial board review: Application acceptance
 24.6(476A) Procedural schedule

24.7(476A)	Informational meeting
24.8(476A)	Hearing procedure
24.9(476A)	Separate hearings on separate issues
24.10(476A)	Certification decision
24.11(476A)	Site preparation
24.12(476A)	Issuance of a certificate
24.13(476A)	Exemptions from certification application; application for amendment for certificate: Contents
24.14(476A)	Assessment of costs
24.15(476A)	Waiver

CHAPTER 25

IOWA ELECTRICAL SAFETY CODE

25.1(476,476A,478)	General information
25.2(476,476A,478)	Iowa electrical safety code defined
25.3(476,478)	Inspection and maintenance plans
25.4(476,478)	Correction of problems found during inspections and pole attachment procedures
25.5(476,478)	Accident reports

CHAPTER 26

RATE CASES, TARIFFS, AND

RATE REGULATION ELECTION PRACTICE AND PROCEDURE

26.1(17A,476)	Scope and applicability
26.2(17A,476)	Defective filings
26.3(17A,476)	Proposal of settlements
26.4(476)	Rate case expense
26.5(476)	Applications and petitions
26.6(476)	Answers
26.7(476)	Rate investigation
26.8(476)	Procedural schedule in Iowa Code sections 476.3 and 476.6 proceedings
26.9(476)	Consumer comment hearing in docketed rate case of an investor-owned utility company
26.10(476)	Appeal from administrative law judge's decision
26.11(476)	Consideration of current information in rate regulatory proceedings
26.12(476)	Rate regulation election—electric cooperative corporations and associations

CHAPTERS 27 and 28

Reserved

CHAPTER 29

MANAGEMENT EFFICIENCY STANDARDS

29.1(476)	Policy and purpose
29.2(476)	Efficiency considered in rate case
29.3(476)	Management efficiency standards
29.4(476)	Rewards and penalties

CHAPTER 30

RENEWABLE ENERGY PERCENTAGE VERIFICATION

30.1(476)	General information
30.2(476)	Process for verification
30.3(476)	Reasonableness and prudence of REC retirement
30.4(476)	Renewable energy claims

CHAPTER 31
ACCESS TO AFFILIATE RECORDS, REQUIREMENTS FOR ANNUAL FILINGS,
AND ASSET AND SERVICE TRANSFERS

- 31.1(476) Applicability and definition of terms
- 31.2(476) Availability of records
- 31.3(476) Annual filing
- 31.4 Reserved
- 31.5(476) Verified copies and confidential treatment
- 31.6(476) Comparable information
- 31.7(476) Standards for costing service transfers between regulated operations and nonregulated affiliates
- 31.8(476) Standards for costing asset transfers between regulated operations and non-regulated affiliates valued at less than \$2 million
- 31.9(476) Waivers

CHAPTER 32
REORGANIZATION

- 32.1(476) Applicability and definition of terms
- 32.2(476) Substantial part of a public utility's assets
- 32.3(476) Declaratory orders
- 32.4(476) Proposal for reorganization—filing requirements
- 32.5(476) Effective date
- 32.6(476) Insufficient filing
- 32.7(476) Additional information authorized
- 32.8(476) Waivers
- 32.9(476) Procedural matters

CHAPTER 33
NONUTILITY ACTIVITIES—RECORD KEEPING
AND COST ALLOCATIONS

- 33.1(476) Applicability
- 33.2(476) Definitions
- 33.3(476) Availability of records
- 33.4(476) Costing methodology
- 33.5(476) Cost allocation manuals
- 33.6(476) Standards for costing service transfers within a regulated subsidiary or utility
- 33.7(476) Standards for costing asset transfers within a regulated subsidiary or utility

CHAPTER 34
NONUTILITY SERVICE

- 34.1(476) Statement of purpose
- 34.2(476) Definition—nonutility service
- 34.3(476) Definition—systematic marketing effort
- 34.4(476) Engaged primarily in providing the same competitive nonutility services in the area—defined
- 34.5(476) Charges permitted
- 34.6(476) Procedures for utilization of billing and collection system
- 34.7(476) Complaints

CHAPTER 35
ENERGY EFFICIENCY PLANNING AND COST REVIEW

- 35.1(476) Policy and purpose
- 35.2(476) Definitions

35.3(476)	Applicability
35.4(476)	Schedule of filings
35.5	Reserved
35.6(476)	Procedures
35.7(476)	Waivers
35.8(476)	Assessment of potential and energy efficiency plan requirements
35.9(476)	Additional requirements for electric utilities
35.10(476)	Additional requirements for gas utilities
35.11(476)	Additional filing requirements
35.12(476)	Energy efficiency cost recovery
35.13(476)	Prudence review
35.14(476)	New structure energy conservation standards
35.15(476)	Exterior flood lighting

CHAPTER 36

ENERGY EFFICIENCY PLANNING AND REPORTING

FOR NATURAL GAS AND ELECTRIC UTILITIES NOT REQUIRED TO BE RATE-REGULATED

36.1(476)	Utilities not required to be rate-regulated
36.2(476)	Definitions
36.3(476)	Initial energy efficiency plan filing
36.4	Reserved
36.5(476)	Energy efficiency report and plan update requirements
36.6(476)	Joint filing of initial energy efficiency plans or energy efficiency reports
36.7(476)	New Structure energy conservation standards
36.8(476)	Exterior flood lighting

CHAPTER 37

EQUIPMENT DISTRIBUTION PROGRAM

37.1(477C)	Policy and purpose
37.2(477C)	Program structure
37.3(477C)	Eligibility
37.4(477C)	Equipment
37.5(477C)	Complaints

CHAPTER 38

LOCAL EXCHANGE COMPETITION

38.1(476)	General information
38.2(476)	Number portability
38.3(476)	Interconnection requirements
38.4(476)	Unbundled facilities, services, features, functions, and capabilities
38.5(476)	Cost standards
38.6(476)	Compensation for termination of telecommunications services
38.7(476)	Mediation and arbitration

CHAPTER 39

UNIVERSAL SERVICE

39.1(476)	Authority and purpose
39.2(476)	Definition of terms
39.3(476)	Applying for designation as an eligible telecommunications carrier
39.4(476)	Lifeline-only applicants
39.5(476)	Service area
39.6(476)	Universal service support for low-income consumers (Lifeline program and Tribal Link Up program)

- 39.7(476) Schedule of filings
- 39.8(476) Relinquishment of ETC designation

CHAPTER 40

COMPETITIVE BIDDING PROCESS

- 40.1(476) General information
- 40.2(476) Competitive resource acquisition procedure
- 40.3(476) Utility-build or lease cost estimates
- 40.4(476) Utility affiliate bids
- 40.5(476) Request for proposals (RFP)
- 40.6(476) Complaints

CHAPTER 41

Reserved

CHAPTER 42

CROSSING OF RAILROAD RIGHTS-OF-WAY

- 42.1(476) Definitions
- 42.2(476) Applicability and purpose
- 42.3(476) General notice and specification exhibit requirements and payment of fee
- 42.4(476) Emergency notice and repairs
- 42.5(476) Relocation of public utility facilities
- 42.6(476) Engineering standards for electric and communications lines
- 42.7(476) Engineering standards for pipelines
- 42.8(476) Liability
- 42.9(476) Insurance
- 42.10(476) Removal of equipment
- 42.11(476) Assignment
- 42.12(476) Prohibition against mechanic's liens
- 42.13(476) Taxes
- 42.14(476) Protection of signal systems
- 42.15(476) Safety regulations
- 42.16(476) Recording
- 42.17(17A,476) Complaints and petitions for relief—general information
- 42.18(17A,476) Filing of complaint or petition
- 42.19(17A,476) Presiding officer
- 42.20(17A,476) Answer
- 42.21(17A,476) Parties and appearances
- 42.22(17A,476) Procedural order and notice of hearing
- 42.23(17A,476) Discovery
- 42.24(17A,476) Hearing procedures
- 42.25(17A,476) Decision

CHAPTER 43

Reserved

CHAPTER 44

CERTIFICATES OF FRANCHISE AUTHORITY FOR
CABLE AND VIDEO SERVICE

- 44.1(17A,476,477A) Authority and purpose
- 44.2(17A,476,477A) Definitions
- 44.3(17A,476,477A) Certificate of franchise authority
- 44.4(17A,476,477A) Notice to municipality and incumbent cable provider

- 44.5(17A,476,477A) Conversion of municipal franchise by incumbent cable provider
- 44.6(17A,476,477A) Revocation of certificates, termination of service, reinstatement of previously terminated municipal franchises
- 44.7(17A,476,477A) Renewal of certificate of franchise authority
- 44.8(17A,476,477A) Assessment of board costs

CHAPTER 45

ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES

- 45.1(476) Definitions
- 45.2(476) Scope
- 45.3(476) Technical standards
- 45.4(476) Interconnection requests
- 45.5(476) General requirements
- 45.6(476) Lab-certified equipment
- 45.7(476) Determining the review level
- 45.8(476) Level 1 expedited review
- 45.9(476) Level 2 expedited review
- 45.10(476) Level 3 expedited review
- 45.11(476) Level 4 review
- 45.12(476) Disputes
- 45.13(476) Records and reports

CHAPTER 30
RENEWABLE ENERGY PERCENTAGE VERIFICATION

199—30.1(476) General information.

30.1(1) Scope and limitation. This chapter establishes the process by which, upon a petition from a utility, the board will verify that a specified percentage of a utility's energy generation is renewable energy.

30.1(2) Definitions. Except where otherwise specifically defined by law:

“*M-RETS*” means the Midwest Renewable Energy Tracking System.

“*PJM-GATS*” means the PJM Generation Attribute Tracking System.

“*Prior period*” means the calendar year immediately preceding the utility's request for verification of the REP.

“*RECs*” means the renewable energy certificates for renewable generation in a tracking system.

“*Renewable energy claim*” means a claim made by a utility or a customer of a utility concerning the percentage of renewable energy used by the customer in a calendar year.

“*Renewable energy percentage*” or “*REP*” means the amount of renewable energy purchased and produced by a utility and used to serve its retail sales in a calendar year as a percentage of its overall retail sales.

“*Renewable generation*” means energy produced at any facility described in Iowa Code section 476.42(1)“a”(1).

“*Retired RECs*” means the quantity of RECs that (1) represent renewable generation in the prior period registered in accordance with tracking system rules and requirements, and (2) are retired by the utility in the tracking system in accordance with the tracking system rules and requirements, for the benefit of all of the utility's customers prior to the calculation of the REP for such prior period. “Retired RECs” cannot include RECs that are obligated to specific entities or for purposes outside of this program. However, “retired RECs” does include RECs associated with any renewable energy mandates set forth in the Iowa Code.

“*Total retail sales*” means the amount of retail sales recorded by the utility in its IE-1 annual report to the board.

“*Tracking system*” means M-RETS, PJM-GATS or such other tracking systems as may be approved for use by the board, provided that renewable generation may be registered and retired in only one tracking system.

[ARC 3469C, IAB 11/22/17, effective 12/27/17]

199—30.2(476) Process for verification.

30.2(1) Procedure for verification of renewable energy percentage.

a. A utility may file a petition requesting that the board verify the percentage of the utility's retail sales that were served using renewable generation during the prior period.

b. Interested person(s) may file a response to the petition within 20 days from the date of the filing.

30.2(2) Renewable energy percentage formula. The formula to be used for calculating the percentage of renewable energy used by a utility to serve retail sales in a given calendar year is:

REP = Retired RECs divided by total retail sales

30.2(3) Required evidence. A utility requesting verification of its REP shall file the following information to support its request:

a. Evidence that the utility records all of its RECs in a tracking system or has transferred RECs recorded in other tracking systems to a tracking system.

b. Evidence that the MWh of qualifying renewable generation claimed to have been generated during the prior period were in fact generated by the utility's own renewable generation facilities or purchased by the utility from a renewable facility along with the associated RECs during the prior period. Purchased RECs that are not bundled with the associated energy will not be counted as part of the REP unless the purchased RECs were used to replace otherwise eligible RECs. The purchased RECs must

be purchased during the prior period, and their purchase price must be lower than the price of the sold RECs.

c. Evidence that the number of RECs claimed to have been retired were in fact retired on behalf of the utility's retail customers in the tracking system. Such evidence shall consist of a screenshot of the tracking system's web page that shows the certificate numbers of the retired RECs, the retirement account to which the RECs were transferred and the date of retirement. The utility shall authorize the board to access the tracking system for purposes of verifying the information. Verification of the information shall not constitute personal investigation in connection with any future contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties.

d. An affidavit signed by a corporate officer verifying the accuracy of the REP calculation, the underlying data used in the calculation, compliance with this rule, and the evidence filed in support of it. [ARC 3469C, IAB 11/22/17, effective 12/27/17]

199—30.3(476) Reasonableness and prudence of REC retirement.

30.3(1) Board verification of a utility's renewable energy percentage shall not constitute a determination that the retirement of RECs by the utility in the prior period was reasonable and prudent, nor shall it create any presumption of reasonableness and prudence.

30.3(2) A utility seeking verification of its renewable energy percentage under this rule shall file the estimated market value of prior period retired RECs as part of its petition. [ARC 3469C, IAB 11/22/17, effective 12/27/17]

199—30.4(476) Renewable energy claims. After the board has verified the percentage of the utility's retail sales that were served using renewable energy generation, the board's findings will provide sample renewable energy claims that may be used by the utility and its customers. The language will be in substantially the following form, where "x" is the verified REP:

30.4(1) Utility: x percent of the electricity that the utility sold to retail customers during the prior period was from renewable energy generation. The utility provided its retail customers with x percent renewable energy during the prior period.

30.4(2) Utility retail customer: x percent of the electricity used by the customer during the prior period and purchased from the utility was from renewable energy generation. [ARC 3469C, IAB 11/22/17, effective 12/27/17]

These rules are intended to implement Iowa Code chapter 476.

[Filed ARC 3469C (Notice ARC 3118C, IAB 6/21/17), IAB 11/22/17, effective 12/27/17]

ECONOMIC DEVELOPMENT AUTHORITY[261]

[Created by 1986 Iowa Acts, chapter 1245]

[Prior to 1/14/87, see Iowa Development Commission[520] and Planning and Programming[630]]

[Prior to 9/7/11, see Economic Development, Iowa Department of[261];
renamed Economic Development Authority by 2011 Iowa Acts, House File 590]

PART I

DEPARTMENT STRUCTURE

CHAPTER 1

ORGANIZATION

- 1.1(15) History and mission
- 1.2(15) Definitions
- 1.3(15) Economic development authority board
- 1.4(15) Authority structure
- 1.5(15) Information

CHAPTERS 2 and 3

Reserved

PART II

WORKFORCE DEVELOPMENT COORDINATION

CHAPTER 4

WORKFORCE DEVELOPMENT ACCOUNTABILITY SYSTEM

- 4.1(15) Purpose
- 4.2(15) Compilation of information

CHAPTER 5

IOWA INDUSTRIAL NEW JOBS TRAINING PROGRAM

- 5.1(15,260E) Authority
- 5.2(15,260E) Purpose
- 5.3(15,260E) Definitions
- 5.4(15,260E) Agreements
- 5.5(15,260E) Resolution on incremental property tax
- 5.6(15,260E) New jobs withholding credit
- 5.7(15,260E) Notice of intent to issue certificates
- 5.8(15,260E) Standby property tax levy
- 5.9(15,260E) Reporting
- 5.10(15,260E) Monitoring
- 5.11(15,260E) State administration
- 5.12(15,260E) Coordination with communities
- 5.13(15,76GA,SF2351) Supplemental 1½ percent withholding

CHAPTER 6

Reserved

CHAPTER 7

IOWA JOBS TRAINING PROGRAM

- 7.1(260F) Authority
- 7.2(260F) Purpose
- 7.3(260F) Definitions
- 7.4(260F) Program funding
- 7.5(260F) Funding for projects which include one business
- 7.6(260F) Funding for projects which include multiple businesses
- 7.7(260F) Funding for high technology apprenticeship programs
- 7.8(260F) Matching funds requirement

7.9(260F)	Use of program funds
7.10(260F)	Use of 260F earned interest
7.11	Reserved
7.12(260F)	Separate account
7.13 to 7.17	Reserved
7.18(260F)	Letter of intent
7.19(260F)	Project commencement date
7.20(260F)	Application process
7.21(260F)	Application scoring criteria
7.22(260F)	Training agreement
7.23(260F)	Special requirements for community college consortium projects
7.24(260F)	Special requirements for community college-sponsored business network projects
7.25(260F)	Special requirements for authority-sponsored business network projects
7.26(260F)	Special requirements for community college-sponsored high technology apprenticeship projects
7.27(260F)	Special requirements for authority-sponsored high technology apprenticeship projects
7.28 and 7.29	Reserved
7.30(260F)	Events of default
7.31(260F)	Options and procedures on default
7.32(260F)	Remedies upon default
7.33(260F)	Return of unused funds
7.34(260F)	Open records
7.35(260F)	Required forms

CHAPTER 8

WORKFORCE DEVELOPMENT FUND

8.1(15,76GA,ch1180)	Purpose
8.2(15,76GA,ch1180)	Definitions
8.3(15,76GA,ch1180)	Workforce development fund account
8.4(15,76GA,ch1180)	Workforce development fund allocation
8.5(15,76GA,ch1180)	Workforce development fund reporting
8.6(15,76GA,ch1180)	Training and retraining programs for targeted industries
8.7(15,76GA,ch1180)	Projects under Iowa Code chapter 260F
8.8(15,76GA,chs1180,1219)	Apprenticeship programs under Iowa Code section 260C.44 (including new or statewide building trades apprenticeship programs)
8.9(15,76GA,chs1180,1219)	Innovative skill development activities
8.10(15,76GA,ch1180)	Negotiation and award
8.11(15,76GA,ch1180)	Administration
8.12(15,76GA,ch1180)	Training materials and equipment
8.13(15,76GA,ch1180)	Redistribution of funds

CHAPTER 9

WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT FUNDS

9.1(15G,260C)	Purpose
9.2(15G,260C)	Definitions
9.3(15G,260C)	Funds allocation
9.4(15G,260C)	Community college workforce and economic development plan and progress report
9.5(15G,260C)	Use of funds
9.6(15G,260C)	Approval of projects
9.7(15G,260C)	Community college workforce and economic development plan
9.8(15G,260C)	Reporting

- 9.9(15G,260C) Annual progress report approval
 9.10(15G,260C) Options upon default or noncompliance

CHAPTER 10
 Reserved

CHAPTER 11
 CERTIFIED SCHOOL TO CAREER PROGRAM

- 11.1(15) Purpose
 11.2(15) Definitions
 11.3(15) Certified program work site agreement
 11.4(15) Payroll expenditure refund

CHAPTER 12
 APPRENTICESHIP TRAINING PROGRAM

- 12.1(15,15B) Authority
 12.2(15,15B) Purpose
 12.3(15,15B) Definitions
 12.4(15,15B) Annual appropriations—amount of assistance available—standard contract—use of funds
 12.5(15,15B) Eligibility for assistance
 12.6(15,15B) Determination of financial assistance grants
 12.7(15,15B) Application submittal and review process
 12.8(15,15B) Notice and reporting

CHAPTERS 13 to 19
 Reserved

CHAPTER 20
 ACCELERATED CAREER EDUCATION (ACE) PROGRAM

DIVISION I - GENERAL PROVISIONS

- 20.1(260G) Purpose
 20.2(260G) Definitions
 20.3(260G) ACE program eligibility and designation
 20.4(260G) Funding allocation
 20.5(260G) Eligible and ineligible business
 20.6(260G) Program agreements
 20.7(260G) Administration
 20.8(260G) Customer tracking system
 20.9(260G) Program costs recalculation

DIVISION II - CAPITAL COSTS COMPONENT

- 20.10 to 20.12 Reserved

DIVISION III - PROGRAM JOB CREDITS

- 20.13(260G) Threshold requirements—program job credits
 20.14(260G) Job credits allocation
 20.15(260G) Determination of job credits, notice, and certification
 20.16(260G) Evaluation criteria for quality assurance—program job credits
 20.17(260G) Committed funds

DIVISION IV - ACCELERATED CAREER EDUCATION GRANTS COMPONENT

20.18(260G) ACE program serving demand occupations

DIVISION V - WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT PROGRAM OPERATING COSTS

20.19(81GA, HF868, HF809) Grow Iowa values fund assistance

PART III

COMMUNITY DEVELOPMENT DIVISION

CHAPTER 21

DIVISION RESPONSIBILITIES

21.1(15) Mission

21.2(15) Division responsibilities

CHAPTER 22

NUISANCE PROPERTY AND ABANDONED BUILDING REMEDIATION ASSISTANCE

22.1(15) Authority and purpose

22.2(15) Definitions

22.3(15) Program description

22.4(15) Program eligibility, application scoring, and funding decisions

22.5(15) Contract required

CHAPTER 23

IOWA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

23.1(15) Purpose

23.2(15) Definitions

23.3(15) Annual action plan

23.4(15) Allocation of funds and eligible applicants

23.5(15) Common requirements for funding

23.6(15) Requirements for the water and sewer and community facilities funds

23.7(15) Requirements for the economic development set-aside fund

23.8(15) Requirements for the public facilities set-aside fund

23.9(15) Requirements for the career link program

23.10(15) Requirements for the opportunities and threats fund

23.11(15) Requirements for the housing fund program

23.12 and 23.13 Reserved

23.14(15) Disaster recovery fund

23.15(15) Administration of a CDBG award

23.16(15) Requirements for the downtown revitalization fund

23.17(15) Section 108 Loan Guarantee Program

CHAPTER 24

EMERGENCY SHELTER GRANTS PROGRAM

24.1(PL100-628) Purpose

24.2(PL100-628) Definitions

24.3(PL100-628) Eligible applicants

24.4(PL100-628) Eligible activities

24.5(PL100-628) Ineligible activities

24.6(PL100-628) Application procedures

24.7(PL100-628) Application review process

24.8(PL100-628) Matching requirement

24.9(PL100-628) Grant awards

24.10(PL100-628) Restrictions placed on grantees

24.11(PL100-628) Compliance with applicable federal and state laws and regulations

24.12(PL100-628) Administration

CHAPTER 25
HOUSING FUND

- 25.1(15) Purpose
- 25.2(15) Definitions
- 25.3(15) Eligible applicants
- 25.4(15) Eligibility and forms of assistance
- 25.5(15) Application review
- 25.6(15) Minimum application requirements
- 25.7(15) Application review criteria
- 25.8(15) Allocation of funds
- 25.9(15) Administration of awards

CHAPTER 26
VARIANCE PROCEDURES FOR TAX INCREMENT
FINANCING (TIF) HOUSING PROJECTS

- 26.1(403) Goals and objectives
- 26.2(403) Definitions
- 26.3(403) Requirements for benefit to low- and moderate-income families
- 26.4(403) Ability to request a variance
- 26.5(403) Variance request procedure
- 26.6(403) Criteria for review

CHAPTER 27
NEIGHBORHOOD STABILIZATION PROGRAM

- 27.1(15) Purpose
- 27.2(15) Definitions
- 27.3(15) Program eligibility
- 27.4(15) Allocation of funding
- 27.5(15) Application procedures
- 27.6(15) Plan and application review process
- 27.7(15) Award process
- 27.8(15) Project management

CHAPTER 28
LOCAL HOUSING ASSISTANCE PROGRAM

- 28.1(15) Purpose
- 28.2(15) Definitions
- 28.3(15) Eligible applicants
- 28.4(15) Eligible activities and forms of assistance
- 28.5(15) Application procedure
- 28.6(15) Minimum application requirements
- 28.7(15) Application review criteria
- 28.8(15) Allocation of funds
- 28.9(15) Administration of awards

CHAPTER 29
HOMELESS SHELTER OPERATION GRANTS PROGRAM

- 29.1(15) Purpose
- 29.2(15) Definitions
- 29.3(15) Eligible applicants
- 29.4(15) Eligible activities
- 29.5(15) Ineligible activities
- 29.6(15) Application procedures

29.7(15)	Application review process
29.8(15)	Matching requirement
29.9(15)	Grant awards
29.10(15)	Compliance with applicable federal and state laws and regulations
29.11(15)	Administration

CHAPTER 30
JOB OPPORTUNITIES FOR
PERSONS WITH DISABILITIES PROGRAM

30.1(76GA,SF2470)	Purpose
30.2(76GA,SF2470)	Definitions
30.3(76GA,SF2470)	Eligible applicant
30.4(76GA,SF2470)	Project awards
30.5(76GA,SF2470)	Eligible and ineligible use of grant funds
30.6(76GA,SF2470)	General guidelines for applications
30.7(76GA,SF2470)	Review and award process
30.8(76GA,SF2470)	Program management

CHAPTER 31
ECONOMIC DEVELOPMENT REGION INITIATIVES

31.1(15E)	Purpose
31.2(15E)	Types of assistance
31.3(15E)	Financial assistance
31.4(15E)	Definitions

DIVISION I
ECONOMIC DEVELOPMENT REGION INITIATIVE—FINANCIAL ASSISTANCE

31.5(15E)	Uses of funds under the economic development region initiative
31.6(15E)	Application process and approval process
31.7(15E)	Reporting requirements

DIVISION II
ECONOMIC ENTERPRISE AREAS

31.8(15E)	Description
31.9(15E)	Funding
31.10(15E)	Eligible use of funds
31.11(15E)	Application process and approval process
31.12(15E)	Reporting requirements

DIVISION III
BUSINESS ACCELERATORS

31.13(15E)	Description and purpose
31.14(15E)	Definitions
31.15(15E)	Requirements and qualifications for business accelerator entities
31.16(15E)	Other considerations
31.17(15E)	Application procedures
31.18(15E)	Reporting

CHAPTER 32
TAX CREDITS FOR ECONOMIC DEVELOPMENT REGION REVOLVING LOAN FUND

32.1(81GA,HF868,HF809)	Purpose
32.2(81GA,HF868,HF809)	Definitions
32.3(81GA,HF868,HF809)	Allocation of funds
32.4(81GA,HF868,HF809)	Credit amount

- 32.5(81GA,HF868,HF809) Eligible contributions
- 32.6(81GA,HF868,HF809) Requests for tax credits

CHAPTER 33

IOWA WINE AND BEER PROMOTION GRANT PROGRAM

- 33.1(15) Purpose
- 33.2(15) Definitions
- 33.3(15) Application and review processes

CHAPTER 34

WELCOME CENTER PROGRAM

- 34.1(72GA,HF540) Purpose
- 34.2 and 34.3 Reserved
- 34.4(72GA,HF540) Pilot projects

CHAPTER 35

REGIONAL TOURISM MARKETING GRANT PROGRAM

- 35.1(82GA,SF302) Purpose
- 35.2(82GA,SF302) Definitions
- 35.3(82GA,SF302) Eligible applicants
- 35.4(82GA,SF302) Use of funds
- 35.5(82GA,SF302) Application procedures and content
- 35.6(82GA,SF302) Application review and approval procedures
- 35.7(82GA,SF302) Funding of grants; contracting

CHAPTER 36

FILM, TELEVISION, AND VIDEO PROJECT PROMOTION PROGRAM

- 36.1(15) Purpose
- 36.2(15) Definitions
- 36.3(15) Request for registration of a film, television, or video project
- 36.4(15) IDED list of registered film, television, or video projects
- 36.5(15) Contract administration
- 36.6(15) Benefits available
- 36.7(15) Qualified expenditure tax credit
- 36.8(15) Qualified investment tax credit
- 36.9(15) Reduction of gross income due to payments received from qualified expenditures in registered projects

CHAPTER 37

CITY DEVELOPMENT BOARD

- 37.1(368) Expenses, annual report and rules
- 37.2(17A) Forms

CHAPTER 38

REGIONAL SPORTS AUTHORITY DISTRICTS

- 38.1(15E) Definitions
- 38.2(15E) Program description
- 38.3(15E) Program eligibility and application requirements
- 38.4(15E) Application scoring and certification of districts
- 38.5(15E) Contract administration
- 38.6(15E) Expenses, records, and reimbursements

CHAPTER 39
MAIN STREET IOWA PROGRAM

39.1(15)	Purpose
39.2(15)	Definitions
39.3(15)	Program administration
39.4 and 39.5	Reserved
39.6(15)	Application and selection process
39.7(15)	Selection criteria
39.8	Reserved
39.9(15)	Reports
39.10(15)	Noncompliance
39.11(15)	Forms

CHAPTER 40
IOWA JOBS MAIN STREET PROGRAM

40.1(83GA,SF2389)	Authority
40.2(83GA,SF2389)	Purpose
40.3(83GA,SF2389)	Definitions
40.4(83GA,SF2389)	Highest-priority list
40.5(83GA,SF2389)	Funding
40.6(83GA,SF2389)	Financial management
40.7(83GA,SF2389)	Reports
40.8(83GA,SF2389)	Signs
40.9(83GA,SF2389)	Noncompliance
40.10(83GA,SF2389)	Great places consideration

CHAPTER 41
COMMUNITY DEVELOPMENT FUND

41.1(79GA,HF718)	Purpose
41.2(79GA,HF718)	Program eligibility
41.3(79GA,HF718)	General policies for applications
41.4(79GA,HF718)	Application procedures
41.5(79GA,HF718)	Application contents
41.6(79GA,HF718)	Review process
41.7(79GA,HF718)	Award process
41.8(79GA,HF718)	Project management
41.9(79GA,HF718)	Performance reviews

CHAPTER 42
IOWA TOURISM GRANT PROGRAM

42.1(15)	Definitions
42.2(15)	Program description
42.3(15)	Program eligibility and application requirements
42.4(15)	Application scoring and approval process
42.5(15)	Contract administration
42.6(15)	Expenses, records, and reimbursements

CHAPTER 43
Reserved

CHAPTER 44
COG ASSISTANCE

44.1(28H)	Purpose
44.2(28H)	Definitions
44.3(28H)	Eligibility
44.4(28H)	Eligible activities
44.5(28H)	Application procedure
44.6(28H)	Grant awards
44.7(28H)	Funding
44.8(28H)	Financial management standards
44.9(28H)	Record keeping and retention
44.10(28H)	Progress reports
44.11(28H)	Noncompliance
44.12(28H)	Grant closeouts
44.13(28H)	Compliance with state laws and regulations

CHAPTER 45
COMMUNITY CATALYST BUILDING REMEDIATION PROGRAM

45.1(15)	Purpose
45.2(15)	Definitions
45.3(15)	Program description
45.4(15)	Program eligibility, application scoring, and funding decisions
45.5(15)	Agreement required

CHAPTER 46
ENDOW IOWA GRANTS PROGRAM

46.1(81GA, HF868)	Purpose
46.2(81GA, HF868)	Definitions
46.3(81GA, HF868)	Program procedures
46.4(81GA, HF868)	Eligible applicants
46.5(81GA, HF868)	Application and review criteria
46.6(81GA, HF868)	Reporting requirements

CHAPTER 47
ENDOW IOWA TAX CREDITS

47.1(15E)	Purpose
47.2(15E)	Definitions
47.3(15E)	Authorization of tax credits to taxpayers
47.4(15E)	Distribution process and review criteria
47.5(15E)	Reporting requirements

CHAPTER 48
WORKFORCE HOUSING TAX INCENTIVES PROGRAM

48.1(15)	Authority
48.2(15)	Purpose
48.3(15)	Definitions
48.4(15)	Housing project requirements
48.5(15)	Housing project application and agreement
48.6(15)	Workforce housing tax incentives
48.7(15)	Annual program funding allocation, reallocation, and management of excess demand
48.8(15)	Application submittal and review process

CHAPTER 49
HISTORIC PRESERVATION AND CULTURAL AND
ENTERTAINMENT DISTRICT TAX CREDITS

49.1(303,404A)	Purpose
49.2(404A)	Program transition
49.3(404A)	Definitions
49.4(404A)	Qualified rehabilitation expenditures
49.5(404A)	Historic preservation and cultural and entertainment district tax credit
49.6(404A)	Management of annual aggregate tax credit award limit
49.7(404A)	Application and agreement process, generally
49.8(404A)	Small projects
49.9(404A)	Who may apply for the tax credit
49.10(404A)	Part 1 application—evaluation of significance
49.11(404A)	Preapplication meeting
49.12(404A)	Part 2 application—description of rehabilitation
49.13(404A)	Registration application
49.14(404A)	Agreement
49.15(404A)	Part 3 application—request for certification of completed work and verification of qualified rehabilitation expenditures
49.16(404A)	Fees
49.17(404A)	Compliance
49.18(404A)	Certificate issuance; claiming the tax credit
49.19(303,404A)	Appeals

PART IV
BUSINESS DEVELOPMENT DIVISION

CHAPTER 50
DIVISION RESPONSIBILITIES

50.1(15)	Mission
50.2(15)	Division responsibilities

CHAPTER 51
SELF-EMPLOYMENT LOAN PROGRAM

51.1(15)	Transition
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CHAPTER 52
Reserved

CHAPTER 53
COMMUNITY ECONOMIC BETTERMENT ACCOUNT (CEBA) PROGRAM

53.1(15)	Purpose and administrative procedures
53.2(15)	Definitions
53.3	Reserved
53.4(15)	Eligible applicants
53.5(15)	Provision of assistance
53.6(15)	Application for assistance
53.7(15)	Selection criteria
53.8(15)	Small business gap financing
53.9(15)	New business opportunities and new product development components
53.10(15)	Venture project components
53.11(15)	Modernization project component
53.12(15)	Comprehensive management assistance and entrepreneurial development

53.13 to 53.17 Reserved
 53.18(15,83GA,SF344) Applicability of CEBA program after July 1, 2009

CHAPTER 54

IOWA TARGETED SMALL BUSINESS PROCUREMENT PROGRAM

54.1(73) Purpose
 54.2(73) Definitions
 54.3(73) Preliminary procedures
 54.4(73) Identification of targeted small businesses
 54.5(73) IDED administration
 54.6(73) Certification
 54.7(73) Request for review of certification denial
 54.8(73) Certification review board
 54.9(73) Decertification
 54.10(73) Notice of solicitation for bids
 54.11 Reserved
 54.12(73) Determination of ability to perform
 54.13(73) Other procurement procedures
 54.14(73) Reporting requirements
 54.15(73) Maintenance of records

CHAPTER 55

TARGETED SMALL BUSINESS FINANCIAL ASSISTANCE PROGRAM

55.1(15) Targeted small business financial assistance program (TSBFAP)
 55.2(15) Definitions
 55.3(15) Eligibility requirements
 55.4(15) Loan and grant program
 55.5(15) Loan guarantee program
 55.6(15) Award agreement
 55.7(15) Monitoring and reporting for loan, grant, and loan guarantee programs

CHAPTER 56

EMPLOYEE STOCK OWNERSHIP PLAN (ESOP) FORMATION ASSISTANCE

56.1(85GA,HF648) Purpose
 56.2(85GA,HF648) Definitions
 56.3(85GA,HF648) Program description
 56.4(85GA,HF648) Program eligibility, application scoring, and funding decisions
 56.5(85GA,HF648) Contract required

CHAPTER 57

VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL ASSISTANCE PROGRAM (VAAPFAP)

57.1(15E) Purpose and administrative procedures
 57.2(15E) Definitions
 57.3(15E) General eligibility
 57.4(15E) Program components and eligibility requirements
 57.5(15E) Ineligible projects
 57.6(15E) Awards
 57.7(15E) Application procedure
 57.8(15E) Review process
 57.9 Reserved
 57.10(15E) Evaluation and rating criteria

57.11 to 57.15 Reserved
 57.16(15E,83GA,SF344) Applicability of VAAPFAP program after July 1, 2009

CHAPTER 58
 NEW JOBS AND INCOME PROGRAM

58.1(15) Purpose
 58.2(15) Definitions
 58.3(15) Agreement prerequisites
 58.4(15) Program benefits
 58.5(15) Limitation on incentives
 58.6(15) Application
 58.7(15) Eligibility requirements
 58.8(15) Ineligibility
 58.9(15) Application
 58.10(15) Department and board action
 58.11(15) Agreement
 58.12 Reserved
 58.13(15) Compliance monitoring; notice of noncompliance and penalties
 58.14(15) Repayment
 58.15(15) Amendments
 58.16(81GA,HF868) Applicability of new jobs and income program after July 1, 2005

CHAPTER 59
 ENTERPRISE ZONE (EZ) PROGRAM

59.1(15E) Purpose and administrative procedures
 59.2(15E) Definitions
 59.3(15E) Enterprise zone certification
 59.4(15E) Enterprise zone commission
 59.5(15E) Eligibility and negotiations
 59.6(15E) Eligible business
 59.7 Reserved
 59.8(15E) Eligible housing business
 59.9 Reserved
 59.10(15E) Commission review of businesses' applications
 59.11(15E) Other commission responsibilities
 59.12(15E) Department action on eligible applications
 59.13 and 59.14 Reserved
 59.15(15E) Applicability on or after July 1, 2014

CHAPTER 60
 ENTREPRENEURIAL VENTURES
 ASSISTANCE (EVA) PROGRAM

60.1(15) Purpose and administrative procedures
 60.2(15) Definitions
 60.3(15) Eligibility requirements
 60.4(15) Financial assistance
 60.5(15) Technical assistance
 60.6(15) Application process
 60.7(15) Review criteria
 60.8 and 60.9 Reserved
 60.10(15,83GA,SF344) Applicability of EVA program after July 1, 2009

CHAPTER 61

PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM (PIAP)

- 61.1(15E) Purpose and administrative procedures
- 61.2(15E) Eligible activities
- 61.3(15E) Eligibility requirements
- 61.4(15E) Application procedures
- 61.5(15E) Application review criteria, performance measures
- 61.6 Reserved
- 61.7(15E) Forms of assistance available; award amount
- 61.8 Reserved
- 61.9(15E) Applicability of PIAP program after July 1, 2009

CHAPTER 62

COGENERATION PILOT PROGRAM

- 62.1(80GA,HF391) Purpose
- 62.2(80GA,HF391) Eligible activities
- 62.3(80GA,HF391) Eligibility requirements
- 62.4(80GA,HF391) Application procedures
- 62.5(80GA,HF391) Application review
- 62.6(80GA,HF391) Award process
- 62.7(80GA,HF391) Annual progress report

CHAPTER 63

UNIVERSITY-BASED RESEARCH UTILIZATION PROGRAM

- 63.1(80GA,HF692,HF683) Purpose
- 63.2(80GA,HF692,HF683) Definitions
- 63.3(80GA,HF692,HF683) Business eligibility
- 63.4(80GA,HF692,HF683) Program benefits
- 63.5(80GA,HF692,HF683) Funding appropriation to the regents university
- 63.6(80GA,HF692,HF683) Business application
- 63.7(80GA,HF692,HF683) Application and award process
- 63.8(80GA,HF692,HF683) Program administration

CHAPTER 64

NEW CAPITAL INVESTMENT PROGRAM

- 64.1(80GA,HF677) Purpose
- 64.2(80GA,HF677) Definitions
- 64.3(80GA,HF677) Applying for benefits
- 64.4(80GA,HF677) Benefits
- 64.5(80GA,HF677) Agreement, compliance, and repayment provisions
- 64.6(80GA,HF677) Amendments
- 64.7(80GA,HF677) Other benefits
- 64.8(81GA,HF868) Applicability of new capital investment program after July 1, 2005

CHAPTER 65

BROWNFIELD AND GRAYFIELD REDEVELOPMENT

- 65.1(15) Purpose
- 65.2(15) Definitions
- 65.3(15) Eligible applicants
- 65.4(15) Eligible forms of assistance and limitations
- 65.5(15) Repayment to economic development authority
- 65.6(15) General procedural overview
- 65.7(15) Application to the brownfield redevelopment program—agreements

- 65.8(15) Application to the redevelopment tax credits program—registration of projects—agreements
- 65.9(15) Application review criteria
- 65.10(15) Administration of awards
- 65.11(15) Redevelopment tax credit
- 65.12(15) Review, approval, and repayment requirements of redevelopment tax credit

CHAPTER 66

ASSISTIVE DEVICE TAX CREDIT

- 66.1(78GA,ch1194) Purpose
- 66.2(78GA,ch1194) Definitions
- 66.3(78GA,ch1194) Eligibility criteria
- 66.4(78GA,ch1194) Application process
- 66.5(78GA,ch1194) Review, decision and award process
- 66.6(78GA,ch1194) Certification
- 66.7(78GA,ch1194) Monitoring and misuse of funds
- 66.8(78GA,ch1194) Tax credit

CHAPTER 67

LIFE SCIENCE ENTERPRISES

- 67.1(78GA,ch1197) Purpose
- 67.2(78GA,ch1197) Definitions
- 67.3(78GA,ch1197) Filing of notice of intent
- 67.4(78GA,ch1197) Filing of life science enterprise plan
- 67.5(78GA,ch1197) Review by board
- 67.6(78GA,ch1197) Life science enterprise land ownership exemption
- 67.7(78GA,ch1197) Amendment of plan
- 67.8(78GA,ch1197) Successor enterprise
- 67.9(78GA,ch1197) Filing

CHAPTER 68

HIGH QUALITY JOBS PROGRAM (HQJP)

- 68.1(15) Administrative procedures and definitions
- 68.2(15) Eligibility requirements
- 68.3(15) Application process and review
- 68.4(15) Tax incentives
- 68.5(15) Project completion assistance

CHAPTER 69

LOAN AND CREDIT GUARANTEE PROGRAM

- 69.1(15E,81GA,HF868) Purpose
- 69.2(15E,81GA,HF868) Definitions
- 69.3(15E,81GA,HF868) Application and review process
- 69.4(15E,81GA,HF868) Application approval or rejection
- 69.5(15E,81GA,HF868) Terms and conditions
- 69.6(15E,81GA,HF868) Administrative costs and program fees
- 69.7(15E,81GA,HF868) Administration of guarantees
- 69.8(15E,83GA,SF344) Applicability of LCG program after July 1, 2009

CHAPTER 70

PORT AUTHORITY GRANT PROGRAM

- 70.1(81GA,HF2782) Purpose
- 70.2(81GA,HF2782) Definitions

- 70.3(81GA, HF2782) Program procedures
- 70.4(81GA, HF2782) Eligibility
- 70.5(81GA, HF2782) Application and review criteria
- 70.6(81GA, HF2782) Monitoring, reporting and follow-up

CHAPTER 71

TARGETED JOBS WITHHOLDING TAX CREDIT PROGRAM

- 71.1(403) Definitions
- 71.2(403) Eligibility requirements
- 71.3(403) Pilot project city application process and review
- 71.4(403) Withholding agreements
- 71.5(403) Project approval
- 71.6(403) Reporting requirements
- 71.7(403) Applicability

CHAPTER 72

IOWA EXPORT TRADE ASSISTANCE PROGRAM

- 72.1(78GA, ch197) Purpose
- 72.2(78GA, ch197) Definitions
- 72.3(78GA, ch197) Eligible applicants
- 72.4(78GA, ch197) Eligible reimbursements
- 72.5(78GA, ch197) Applications for assistance
- 72.6(78GA, ch197) Selection process
- 72.7(78GA, ch197) Limitations
- 72.8(78GA, ch197) Forms

CHAPTER 73

Reserved

CHAPTER 74

GROW IOWA VALUES FINANCIAL ASSISTANCE PROGRAM

- 74.1(83GA, SF344) Purpose and administrative procedures
- 74.2(83GA, SF344) 130 percent wage component
- 74.3(83GA, SF344) 100 percent wage component
- 74.4(83GA, SF344) Entrepreneurial component
- 74.5(83GA, SF344) Infrastructure component
- 74.6(83GA, SF344) Value-added agriculture component
- 74.7(83GA, SF344) Disaster recovery component
- 74.8(15) Applicability of the grow Iowa values financial assistance program on or after July 1, 2012

CHAPTER 75

OPPORTUNITIES AND THREATS PROGRAM

- 75.1(83GA, SF344) Purpose
- 75.2(83GA, SF344) Administrative procedures
- 75.3(83GA, SF344) Eligible applicants
- 75.4(83GA, SF344) Review criteria
- 75.5(83GA, SF344) Award criteria
- 75.6(15) Applicability of the opportunities and threats program on or after July 1, 2012

CHAPTER 76
AGGREGATE TAX CREDIT LIMIT FOR
CERTAIN ECONOMIC DEVELOPMENT PROGRAMS

76.1(15)	Authority
76.2(15)	Purpose
76.3(15)	Definitions
76.4(15)	Tax credit cap—exceeding the cap—reallocation of declinations
76.5(15)	Programs subject to the cap
76.6(15)	Allocating the tax credit cap
76.7	Reserved
76.8(15)	Reporting to the department of revenue

CHAPTER 77
SITE DEVELOPMENT PROGRAM

DIVISION I
GENERAL PROVISIONS

77.1(15E)	Purposes
77.2(15E)	Authority
77.3(15E)	Definitions
77.4 to 77.10	Reserved

DIVISION II
CERTIFICATE OF READINESS

77.11(15E)	Eligibility
77.12(15E)	Application; review; approval
77.13(15E)	Evaluation criteria
77.14(15E)	Certificate of readiness
77.15 to 77.20	Reserved

DIVISION III
CONSULTATION

77.21(15E)	Consultation
------------	--------------

CHAPTER 78
SMALL BUSINESS DISASTER RECOVERY FINANCIAL ASSISTANCE PROGRAM

DIVISION I
2008 NATURAL DISASTER SMALL BUSINESS DISASTER RECOVERY
FINANCIAL ASSISTANCE PROGRAM

78.1(15)	Purpose
78.2(15)	Definitions
78.3(15)	Distribution of funds to administrative entities
78.4(15)	Eligible business
78.5(15)	Eligible program activities; maximum amount of assistance
78.6(15)	Allowable types of assistance to eligible businesses
78.7(15)	Program administration and reporting
78.8 to 78.10	Reserved

DIVISION II
2010 IOWANS HELPING IOWANS BUSINESS ASSISTANCE PROGRAM

78.11(15)	Purpose
78.12(15)	Definitions
78.13(15)	Eligible business
78.14(15)	Eligible program activities; maximum amount of assistance
78.15(15)	Distribution of funds; application
78.16(15)	Form of assistance available to eligible businesses

- 78.17(15) Grants to administrative entities
78.18(15) Award; acceptance

CHAPTER 79

DISASTER RECOVERY BUSINESS RENTAL ASSISTANCE PROGRAM

- 79.1(15) Purpose
79.2(15) Definitions
79.3(15) Eligible business; application review
79.4(15) Eligible program activities; maximum amount of assistance
79.5(15) Distribution of funds to administrative entities
79.6(15) Program administration; reporting requirements

CHAPTER 80

IOWA SMALL BUSINESS LOAN PROGRAM

- 80.1(83GA,SF2389) Purpose
80.2(83GA,SF2389) Authority
80.3(83GA,SF2389) Definitions
80.4(83GA,SF2389) Administrator
80.5(83GA,SF2389) General loan terms
80.6(83GA,SF2389) Eligibility
80.7(83GA,SF2389) Application
80.8(83GA,SF2389) Application review
80.9(83GA,SF2389) Recommendation; loan agreement
80.10(83GA,SF2389) Repayment
80.11(83GA,SF2389) Default

CHAPTER 81

RENEWABLE CHEMICAL PRODUCTION TAX CREDIT PROGRAM

- 81.1(15) Purpose
81.2(15) Definitions
81.3(15) Eligibility requirements
81.4(15) Application process and review
81.5(15) Agreement
81.6(15) Renewable chemical production tax credit
81.7(15) Claiming the tax credit
81.8(15) Process to add building block chemicals
81.9(15) Additional information—confidentiality—annual report

CHAPTERS 82 to 100

Reserved

PART V

INNOVATION AND COMMERCIALIZATION ACTIVITIES

CHAPTER 101

MISSION AND RESPONSIBILITIES

- 101.1(15) Mission
101.2(15) Responsibilities

CHAPTER 102

ENTREPRENEUR INVESTMENT AWARDS PROGRAM

- 102.1(15E) Authority
102.2(15E) Purpose
102.3(15E) Definitions
102.4(15E) Program description, application procedures, and delegation of functions

- 102.5(15E) Program funding
- 102.6(15E) Eligibility requirements and competitive scoring process
- 102.7(15E) Contract and report information required

CHAPTER 103

INFORMATION TECHNOLOGY TRAINING PROGRAM

- 103.1(15,83GA,SF142) Authority—program termination and transition
- 103.2(15,83GA,SF142) Purpose
- 103.3(15,83GA,SF142) Definitions
- 103.4(15,83GA,SF142) Program funding
- 103.5(15,83GA,SF142) Matching funds requirement
- 103.6(15,83GA,SF142) Use of program funds
- 103.7(15,83GA,SF142) Eligible business
- 103.8(15,83GA,SF142) Ineligible business
- 103.9(15,83GA,SF142) Eligible employee
- 103.10(15,83GA,SF142) Ineligible employee
- 103.11(15,83GA,SF142) Application and review process
- 103.12(15,83GA,SF142) Application scoring criteria
- 103.13(15,83GA,SF142) Contract and reporting

CHAPTER 104

INNOVATIVE BUSINESSES INTERNSHIP PROGRAM

- 104.1(15) Authority
- 104.2(15) Purpose
- 104.3(15) Definitions
- 104.4(15) Program funding
- 104.5(15) Eligible business
- 104.6(15) Ineligible business
- 104.7(15) Eligible students
- 104.8(15) Ineligible students
- 104.9(15) Application submittal and review process
- 104.10(15) Application content and other requirements
- 104.11(15) Selection process
- 104.12(15) Application scoring criteria
- 104.13(15) Contract and reporting

CHAPTER 105

DEMONSTRATION FUND

- 105.1(15) Authority
- 105.2(15) Purpose
- 105.3(15) Definitions
- 105.4(15) Project funding
- 105.5(15) Matching funds requirement
- 105.6(15) Eligible applicants
- 105.7(15) Ineligible applicants
- 105.8(15) Application and review process
- 105.9(15) Application selection criteria
- 105.10(15) Contract and reporting

CHAPTER 106
SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY
TRANSFER OUTREACH PROGRAM

106.1(15)	Authority
106.2(15)	Purpose and goals
106.3(15)	Definitions
106.4(15)	Program description, application procedures, and delegation of functions
106.5(15)	Program funding
106.6(15)	Eligibility requirements
106.7(15)	Agreement and report information required

CHAPTER 107
TARGETED INDUSTRIES NETWORKING FUND

107.1(82GA,ch122)	Authority—fund termination and transition
107.2(82GA,ch122)	Purpose
107.3(82GA,ch122)	Definitions
107.4(82GA,ch122)	Program funding
107.5(82GA,ch122)	Eligible applicants
107.6(82GA,ch122)	Application and review process
107.7(82GA,ch122)	Application selection criteria
107.8(82GA,ch122)	Contract and reporting

CHAPTER 108
ACCELERATION AND DEVELOPMENT OF INNOVATIVE IDEAS AND BUSINESSES

108.1(15)	Authority
108.2(15)	Purpose and description of program components
108.3(15)	Definitions
108.4(15)	Program description, application procedures, and delegation of functions
108.5(15)	Program funding
108.6(15)	Contract and report information required

CHAPTER 109
TARGETED INDUSTRIES CAREER AWARENESS FUND

109.1(82GA,ch122)	Authority—fund termination and transition
109.2(82GA,ch122)	Purpose
109.3(82GA,ch122)	Definitions
109.4(82GA,ch122)	Program funding
109.5(82GA,ch122)	Matching funds requirement
109.6(82GA,ch122)	Eligible applicants
109.7(82GA,ch122)	Application and review process
109.8(82GA,ch122)	Application selection criteria
109.9(82GA,ch122)	Contract and reporting

CHAPTER 110
STEM INTERNSHIP PROGRAM

110.1(15,85GA,ch1132,86GA,SF510)	Authority
110.2(15,85GA,ch1132,86GA,SF510)	Purpose
110.3(15,85GA,ch1132,86GA,SF510)	Definitions
110.4(15,85GA,ch1132,86GA,SF510)	Program funding and disbursement
110.5(15,85GA,ch1132,86GA,SF510)	Eligible employers
110.6(15,85GA,ch1132,86GA,SF510)	Ineligible employers
110.7(15,85GA,ch1132,86GA,SF510)	Eligible students
110.8(15,85GA,ch1132,86GA,SF510)	Ineligible students

- 110.9(15,85GA,ch1132,86GA,SF510) Application submittal and review process
- 110.10(15,85GA,ch1132,86GA,SF510) Application content and other requirements
- 110.11(15,85GA,ch1132,86GA,SF510) Award process
- 110.12(15,85GA,ch1132,86GA,SF510) Application scoring criteria
- 110.13(15,85GA,ch1132,86GA,SF510) Contract and reporting

CHAPTER 111

SUPPLY CHAIN DEVELOPMENT PROGRAM

- 111.1(15,83GA,SF142) Authority—program termination and transition
- 111.2(15,83GA,SF142) Purpose
- 111.3(15,83GA,SF142) Definitions
- 111.4(15,83GA,SF142) Program funding
- 111.5(15,83GA,SF142) Matching funds requirement
- 111.6(15,83GA,SF142) Eligible applicants
- 111.7(15,83GA,SF142) Ineligible applicants
- 111.8(15,83GA,SF142) Application process
- 111.9(15,83GA,SF142) Application selection criteria
- 111.10(15,83GA,SF142) Intellectual property
- 111.11(15,83GA,SF142) Contract and reporting

CHAPTERS 112 and 113

Reserved

CHAPTER 114

IOWA INNOVATION COUNCIL

- 114.1(15) Authority
- 114.2(15) Purpose
- 114.3(15) Definitions
- 114.4(15) Iowa innovation council funding
- 114.5(15) Council membership
- 114.6(15) Responsibilities and deliverables
- 114.7(15) Executive committee
- 114.8(15) Application and review process for board-appointed council members
- 114.9(15) Voting
- 114.10(15) Meetings and commitment of time
- 114.11(15) Nonattendance
- 114.12(15) Council work groups
- 114.13(15) Reporting

CHAPTER 115

TAX CREDITS FOR INVESTMENTS IN QUALIFYING BUSINESSES AND COMMUNITY-BASED SEED CAPITAL FUNDS

- 115.1(15E) Tax credits for investments in qualifying businesses and community-based seed capital funds
- 115.2(15E) Definitions
- 115.3(15E) Cash investments required
- 115.4(15E) Applying for an investment tax credit
- 115.5(15E) Verification of qualifying businesses and community-based seed capital funds
- 115.6(15E) Approval, issuance and distribution of investment tax credits
- 115.7(15E) Claiming the tax credits
- 115.8(15E) Notification to the department of revenue
- 115.9(15E) Rescinding tax credits
- 115.10(15E) Additional information—confidentiality—annual report

CHAPTER 116

TAX CREDITS FOR INVESTMENTS IN CERTIFIED INNOVATION FUNDS

116.1(15E)	Tax credit for investments in certified innovation funds
116.2(15E)	Definitions
116.3(15E)	Certification of innovation funds
116.4(15E)	Maintenance, reporting, and revocation of certification
116.5(15E)	Application for the investment tax credit certificate
116.6(15E)	Approval, issuance and distribution of investment tax credits
116.7(15E)	Transferability of the tax credit
116.8(15E)	Vested right in the tax credit
116.9(15E)	Claiming the tax credits
116.10(15E)	Notification to the department of revenue
116.11(15E)	Additional information

CHAPTER 117

SSBCI DEMONSTRATION FUND

117.1(84GA,HF590)	Authority
117.2(84GA,HF590)	Purposes, goals, and promotion
117.3(84GA,HF590)	Definitions
117.4(84GA,HF590)	Project funding
117.5(84GA,HF590)	Leverage of financial assistance required
117.6(84GA,HF590)	Eligible applicants
117.7(84GA,HF590)	Ineligible applicants
117.8(84GA,HF590)	Application and review process
117.9(84GA,HF590)	Application selection criteria
117.10(84GA,HF590)	Contract and reporting

CHAPTER 118

STRATEGIC INFRASTRUCTURE PROGRAM

118.1(15)	Authority
118.2(15)	Purpose
118.3(15)	Definitions
118.4(15)	Program description, disbursement of funds, and contract administration
118.5(15)	Program eligibility and application requirements
118.6(15)	Application submittal and review process
118.7(15)	Application scoring criteria
118.8(15)	Notice of award and reporting

CHAPTERS 119 to 162

Reserved

PART VI

ADMINISTRATION DIVISION

CHAPTER 163

DIVISION RESPONSIBILITIES

163.1(15)	Mission
163.2(15)	Structure

CHAPTER 164

USE OF MARKETING LOGO

164.1(15)	Purpose and limitation
164.2(15)	Definitions
164.3(15)	Guidelines

- 164.4(15) Review and approval of applications
- 164.5(15) Licensing agreement; use of logo
- 164.6(15) Denial or suspension of use of logo
- 164.7(15) Request for hearing
- 164.8(15) Requests for information

CHAPTER 165

ALLOCATION OF GROW IOWA VALUES FUND

- 165.1(15G,83GA,SF344) Purpose
- 165.2(15G,83GA,SF344) Definitions
- 165.3(15G,83GA,SF344) Grow Iowa values fund (2009)
- 165.4(15G,83GA,SF344) Allocation of annual appropriation for grow Iowa values fund moneys—\$50M
- 165.5(15G,83GA,SF344) Board allocation of other moneys in fund
- 165.6(15G,83GA,SF344) Annual fiscal year allocations by board
- 165.7(15) Applicability of the grow Iowa values financial assistance program on or after July 1, 2012

CHAPTERS 166 to 170

Reserved

PART VII

ADDITIONAL APPLICATION REQUIREMENTS AND PROCEDURES

CHAPTER 171

SUPPLEMENTAL CREDIT OR POINTS

- 171.1(15A) Applicability
- 171.2(15A) Brownfield areas, blighted areas and distressed areas
- 171.3(15A) Good neighbor agreements
- 171.4(82GA,HF647) Iowa great places agreements

CHAPTER 172

ENVIRONMENTAL LAW COMPLIANCE; VIOLATIONS OF LAW

- 172.1(15A) Environmental law compliance
- 172.2(15A) Violations of law

CHAPTER 173

STANDARD DEFINITIONS

- 173.1(15) Applicability
- 173.2(15) Definitions

CHAPTER 174

WAGE, BENEFIT, AND INVESTMENT REQUIREMENTS

- 174.1(15) Applicability
- 174.2(15) Qualifying wage threshold calculations
- 174.3(15) Qualifying wage threshold requirements—prior to July 1, 2009
- 174.4 Reserved
- 174.5(15) Qualifying wage threshold requirements—on or after July 1, 2009, and on or before June 30, 2012
- 174.6(15) Qualifying wage threshold requirements—effective on or after July 1, 2014
- 174.7(15) Job obligations
- 174.8(15) Benefit requirements—prior to July 1, 2009
- 174.9(15) Sufficient benefits requirement—on or after July 1, 2009
- 174.10(15) Capital investment, qualifying investment for tax credit programs, and investment qualifying for tax credits

CHAPTER 175

APPLICATION REVIEW AND APPROVAL PROCEDURES

- 175.1(15) Applicability
- 175.2(15) Application procedures for programs administered by the authority
- 175.3(15) Standard program requirements
- 175.4(15) Review and approval of applications
- 175.5(15) Local match requirements for project awards

CHAPTERS 176 to 186

Reserved

PART VIII

LEGAL AND COMPLIANCE

CHAPTER 187

CONTRACTING

- 187.1(15) Applicability
- 187.2(15) Contract required
- 187.3(15) Project completion date and maintenance period completion date
- 187.4(15) Contract and award amendment approval procedures
- 187.5(15) Default
- 187.6(15) Compliance cost fees

CHAPTER 188

CONTRACT COMPLIANCE AND JOB COUNTING

- 188.1(15) Applicability
- 188.2(15) Contract compliance
- 188.3(15) Job counting and tracking
- 188.4(15) Business's employment base
- 188.5(15) Job counting using base employment analysis
- 188.6(15) Wage determination for contract compliance purposes

CHAPTER 189

ANNUAL REPORTING

- 189.1(15) Annual reporting by businesses required (for period ending June 30)
- 189.2(15) January 31 report by authority to legislature

CHAPTERS 190 to 194

Reserved

PART IX

UNIFORM PROCEDURES: RECORDS, RULE MAKING, DECLARATORY ORDERS, RULE WAIVERS

CHAPTER 195

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

- 195.1(17A,22) Statement of policy, purpose and scope of chapter
- 195.2(17A,22) Definitions
- 195.3(17A,22) Requests for access to records
- 195.4(17A,22) Access to confidential records
- 195.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination
- 195.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 195.7(17A,22) Consent to disclosure by the subject of a confidential record
- 195.8(17A,22) Notice to suppliers of information

195.9(17A,22)	Disclosures without the consent of the subject
195.10(17A,22)	Routine use
195.11(17A,22)	Consensual disclosure of confidential records
195.12(17A,22)	Release to subject
195.13(17A,22)	Availability of records
195.14(17A,22)	Personally identifiable information
195.15(17A,22)	Other groups of records

CHAPTER 196

DEPARTMENT PROCEDURE FOR RULE MAKING

196.1(17A)	Applicability
196.2(17A)	Advice on possible rules before notice of proposed rule adoption
196.3(17A)	Public rule-making docket
196.4(17A)	Notice of proposed rule making
196.5(17A)	Public participation
196.6(17A)	Regulatory analysis
196.7(17A,25B)	Fiscal impact statement
196.8(17A)	Time and manner of rule adoption
196.9(17A)	Variance between adopted rule and published notice of proposed rule adoption
196.10(17A)	Exemptions from public rule-making procedures
196.11(17A)	Concise statement of reasons
196.12(17A)	Contents, style, and form of rule
196.13(17A)	Department rule-making record
196.14(17A)	Filing of rules
196.15(17A)	Effectiveness of rules prior to publication
196.16(17A)	Review by department of rules
196.17(17A)	Written criticisms of department rules

CHAPTER 197

PETITION FOR RULE MAKING

197.1(17A)	Petition for rule making
197.2(17A)	Briefs
197.3(17A)	Inquiries
197.4(17A)	Department consideration

CHAPTER 198

PETITION FOR DECLARATORY ORDER

198.1(17A)	Petition for declaratory order
198.2(17A)	Notice of petition
198.3(17A)	Intervention
198.4(17A)	Briefs
198.5(17A)	Inquiries
198.6(17A)	Service and filing of petitions and other papers
198.7(17A)	Consideration
198.8(17A)	Action on petition
198.9(17A)	Refusal to issue order
198.10(17A)	Contents of declaratory order—effective date
198.11(17A)	Copies of orders
198.12(17A)	Effect of a declaratory order

CHAPTER 199
UNIFORM WAIVER AND VARIANCE RULES

- 199.1(ExecOrd11) Applicability
- 199.2(ExecOrd11) Director/board discretion
- 199.3(ExecOrd11) Requester's responsibilities in filing a waiver or variance petition
- 199.4(ExecOrd11) Notice
- 199.5(ExecOrd11) Department responsibilities regarding petition for waiver or variance
- 199.6(ExecOrd11) Public availability
- 199.7(ExecOrd11) Voiding or cancellation
- 199.8(ExecOrd11) Violations
- 199.9(ExecOrd11) Defense
- 199.10(ExecOrd11,17A) Appeals

PART X
COMMUNITY ATTRACTION AND INVESTMENT PROGRAMS

CHAPTER 200
REINVESTMENT DISTRICTS PROGRAM

- 200.1(15J) Purpose
- 200.2(15J) Definitions
- 200.3(15J) Program overview
- 200.4(15J) Preapplication process
- 200.5(15J) Program eligibility and application requirements
- 200.6(15J) Application scoring and determination of benefits
- 200.7(15J) Final application and approval process
- 200.8(15J) Adoption of ordinance and use of funds
- 200.9(15J) Plan amendments and reporting
- 200.10(15J) Cessation of deposits, district dissolution, and revenue rules

CHAPTERS 201 to 210
Reserved

CHAPTER 211
COMMUNITY ATTRACTION AND
TOURISM DEVELOPMENT (CATD) PROGRAMS

DIVISION I
GENERAL PROVISIONS

- 211.1(15F) Purpose
- 211.2(15F) Definitions
- 211.3(15F) Program components
- 211.4(15F) Eligible applicants
- 211.5(15F) Eligible projects and forms of assistance
- 211.6(15F) Ineligible projects
- 211.7(15F) Threshold application requirements
- 211.8(15F) Application review criteria
- 211.9(15F) Application procedure
- 211.10(15F) Administration
- 211.11 to 211.49 Reserved

DIVISION II
COMMUNITY ATTRACTION AND TOURISM (CAT) FUND

- 211.50(15F) Applicability
- 211.51(15F) Allocation of funds
- 211.52 to 211.100 Reserved

DIVISION III
RIVER ENHANCEMENT COMMUNITY ATTRACTION AND TOURISM (RECAT) FUND

- 211.101(15F) Applicability
211.102(15F) Allocation of funds

DIVISION IV
CAT AND RECAT WAIVERS

- 211.103(15F) Procedures for waiver of local or private matching moneys

CHAPTER 212
VISION IOWA PROGRAM

- 212.1(15F) Purpose
212.2(15F) Definitions
212.3(15F) Allocation of funds
212.4(15F) Eligible applicants
212.5(15F) Eligible projects and forms of assistance
212.6(15F) Ineligible projects
212.7(15F) Threshold application requirements
212.8(15F) Application review criteria
212.9(15F) Application procedure
212.10(15F) Administration of awards

CHAPTER 213
VISION IOWA BOARD: UNIFORM WAIVER
AND VARIANCE RULES

- 213.1(17A,ExecOrd11) Applicability
213.2(17A,ExecOrd11) Board discretion
213.3(17A,ExecOrd11) Requester's responsibilities in filing a waiver or variance petition
213.4(17A,ExecOrd11) Notice
213.5(17A,ExecOrd11) Board responsibilities regarding petition for waiver or variance
213.6(17A,ExecOrd11) Public availability
213.7(17A,ExecOrd11) Voiding or cancellation
213.8(17A,ExecOrd11) Violations
213.9(17A,ExecOrd11) Defense
213.10(17A,ExecOrd11) Appeals

CHAPTER 214
ENHANCE IOWA BOARD

- 214.1(15F) Definitions
214.2(15F) Enhance Iowa board
214.3(15F) Authority duties

CHAPTER 215
SPORTS TOURISM PROGRAM

- 215.1(15F) Definitions
215.2(15F) Eligible applicants
215.3(15F) Eligible projects
215.4(15F) Threshold application requirements
215.5(15F) Application process
215.6(15F) Administration

CHAPTERS 216 to 299
Reserved

PART XI
RENEWABLE FUEL INFRASTRUCTURE BOARD

CHAPTERS 300 to 310
Reserved

CHAPTER 311
RENEWABLE FUEL INFRASTRUCTURE BOARD—ORGANIZATION

- 311.1(15G) Definitions
311.2(15G) Renewable fuel infrastructure board

CHAPTER 312
RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR
RETAIL MOTOR FUEL SITES

- 312.1(15G) Purpose
312.2(15G) Eligible applicants

CHAPTER 313
RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR
BIODIESEL TERMINAL GRANTS

- 313.1(15G) Purpose
313.2(15G) Eligible applicants

CHAPTER 314
RENEWABLE FUEL INFRASTRUCTURE PROGRAM ADMINISTRATION

- 314.1(15G) Allocation of awards by congressional district
314.2(15G) Form of award available; award amount
314.3(15G) Application process
314.4(15G) Review process
314.5(15G) Contract administration

CHAPTERS 315 to 399
Reserved

PART XII
ENERGY DIVISION

CHAPTER 400
RULES APPLICABLE TO PART XII

- 400.1(84GA,HF590) Definitions
400.2(84GA,HF590) Purpose, administrative information, and implementation

CHAPTER 401
ADMINISTRATION OF FINANCIAL ASSISTANCE

- 401.1(84GA,HF590) Purpose
401.2(84GA,HF590) Appropriations
401.3(84GA,HF590) Control of fund assets
401.4(84GA,HF590) Allocation of fund moneys
401.5(84GA,HF590) Eligible applicants
401.6(84GA,HF590) Eligibility criteria for financial assistance
401.7(84GA,HF590) Forms of assistance
401.8(84GA,HF590) Application process
401.9(84GA,HF590) Confidentiality
401.10(84GA,HF590) Contents of full application

- 401.11(84GA,HF590) Selection criteria
- 401.12(84GA,HF590) Contract administration

CHAPTER 402

ENERGY EFFICIENCY COMMUNITY GRANT PROGRAM

- 402.1(84GA,HF590) Purpose
- 402.2(84GA,HF590) Definitions
- 402.3(84GA,HF590) Requests for applications
- 402.4(84GA,HF590) Geographic distribution
- 402.5(84GA,HF590) Criteria for review
- 402.6(84GA,HF590) Project approval and award of funds

CHAPTERS 403 to 409

Reserved

PART XIII

IOWA BROADBAND DEPLOYMENT GOVERNANCE BOARD

CHAPTER 410

Reserved

CHAPTER 411

IOWA BROADBAND DEPLOYMENT PROGRAM

- 411.1(83GA,SF376) Purpose
- 411.2(83GA,SF376) Definitions
- 411.3(83GA,SF376) Eligible applicants
- 411.4(83GA,SF376) Forms of assistance
- 411.5(83GA,SF376) Threshold application requirements
- 411.6(83GA,SF376) Application process
- 411.7(83GA,SF376) Application review procedures
- 411.8(83GA,SF376) Administration of awards

CHAPTER 412

FAIR INFORMATION PRACTICES, WAIVER AND VARIANCE,
AND PETITION FOR RULE MAKING

- 412.1(83GA,SF376) Fair information practices
- 412.2(83GA,SF376) Waiver and variance
- 412.3(83GA,SF376) Petition for rule making

CHAPTER 7
IOWA JOBS TRAINING PROGRAM
[Prior to 1/14/87 Iowa Development Commission(520), Ch 7]
[Prior to 7/8/92, see 261—Chs 6 and 7]

261—7.1(260F) Authority. The authority for establishing rules governing the development of training projects under the Iowa jobs training Act is provided in Iowa Code chapter 260F.

261—7.2(260F) Purpose. The purpose of the Act is to foster the growth and competitiveness of Iowa's workforce and industry by ensuring that Iowa's workforce has the skills and expertise to compete with any workforce outside the state of Iowa.

261—7.3(260F) Definitions.

“Act” means Iowa Code chapter 260F.

“Agreement” means the agreement between a business and a community college concerning a project.

“Apprentice” means a person who is at least 16 years of age, except where a higher minimum age is required by law, who is employed in an apprenticeable occupation, and is registered with the United States Department of Labor, Bureau of Apprenticeship and Training.

“Apprenticeable occupation” means an occupation approved for apprenticeship by the United States Department of Labor, Bureau of Apprenticeship and Training.

“Apprenticeship program” means a program registered with the U.S. Bureau of Apprenticeship and Training which contains the terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including the requirement for a written apprenticeship agreement.

“Apprenticeship sponsor” means an entity operating an apprenticeship program or in whose name an apprenticeship program is being operated, registered or approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

“Authority” means the economic development authority created in Iowa Code section 15.105.

“Business network” means five or more businesses which are located in two or more community college districts and which share a common training need. A business network training project must have a designated lead community college, business, or organization to serve as the administrative entity that will coordinate the training program.

“Certification” means the community college and business agree that the information contained in the application is accurate. The certification also gives the authority permission to research the history of the business and perform other related activities necessary for the evaluation of the application.

“Community college” means a community college established under Iowa Code chapter 260C.

“Community college consortium” means two or more businesses located in the same community college district which share a common training need.

“Date of commencement of the project” means the date of the preliminary agreement or the date an application for assistance is received by the authority.

“Eligible business” or *“business”* means a business training employees which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, warehousing or wholesaling products, conducting research and development, or providing services in interstate commerce, but excludes retail, health, or professional services and which meets the other criteria established by the authority. A business engaged in the provision of services must have customers outside of Iowa to be eligible. The business site to receive training must be located in Iowa. “Eligible business” does not include a business whose training costs can be economically funded under Iowa Code chapter 260E, a business which closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operation to another area of the state, or a business which is involved in a strike, lockout, or other labor dispute in Iowa. If a business closes or substantially reduces its workforce by more than 20 percent at existing operations

in order to relocate substantially the same operation to another area of the state, then the business is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

“Employee” means a person currently employed by a business who is to be trained. An employee for whom training is planned must hold a current position intended by the employer to exist on an ongoing basis with no planned termination date. Training is available only to an employee who is hired by the business, is currently employed by the business, and for whom the business pays withholding tax. However, “employee” does not include a person with executive responsibilities, a replacement worker who is hired as a result of a strike, lockout, or other labor dispute in Iowa, or an employee hired as a temporary worker.

“High technology apprenticeship program” means a program that includes the definitions of apprenticeship program and high technology training.

“High technology training” means training that provides knowledge or skills that are clearly recognized throughout the industry as technologically up to date or advanced for a particular occupation.

“Jobs training program” or *“program”* means the project or projects established by a community college for the training of employees.

“Lead apprenticeship sponsor” means an apprenticeship sponsor that is the applicant for an apprenticeship project.

“Lead organization” means a trade organization, labor organization or other incorporated entity representing a group of businesses that is the applicant for a business network project.

“Participating business” means a business training employees which enters into an agreement with the community college.

“Program costs” means all necessary and incidental costs of providing program services.

“Program services” includes but is not limited to the following:

1. Training of employees;
2. Adult basic education and job-related instruction;
3. Career and technical skill-assessment services and testing;
4. Training facilities, equipment, materials, and supplies;
5. Administrative expenses for the jobs training program;
6. Subcontracted services with institutions governed by the state board of regents, private colleges or universities, or other federal, state, or local agencies;
7. Contracted or professional services;
8. Training-related travel and meals.

“Project” means a training arrangement which is the subject of an agreement entered into between a community college and an eligible business to provide program services. “Project” also means an authority-sponsored training arrangement which is sponsored by the authority and administered under Iowa Code sections 260F.6A and 260F.6B.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.4(260F) Program funding.

7.4(1) Program funds consist of any moneys allocated by the authority and the board for the purpose of this program, all repayments of loans or other awards or recaptures of awards, and earned interest, including interest earned on program funds held by the community colleges.

7.4(2) A community college 260F account is established in the authority. The allocation of funds in this account, to the community colleges, shall be determined using the distribution formula established in Iowa Code section 260C.18C.

7.4(3) Any unexpended or uncommitted funds remaining in the community college 260F account on May 1 of the fiscal year shall revert to a general account to be available on a first-come, first-served basis, based on the date an application is received by the authority.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.5(260F) Funding for projects which include one business.

7.5(1) The maximum award which may be approved for each project at a business site is \$50,000 in a fiscal year.

7.5(2) A business site may be approved for multiple projects, but the total of the awards for two or more projects shall not exceed \$100,000 within a three-year period. The three-year period shall begin with the authority approval date of the first project approved within the three-year period.

7.5(3) Awards shall be made in the form of forgivable loans.

7.5(4) Financial assistance awarded to a project must be based on the actual cost of allowable services as identified in 261—7.9(260F).

7.5(5) Funds requested must be commensurate with training needs. Program funds shall not be used to cash flow a business.

7.5(6) Community colleges shall issue the proceeds of an award to a business on a reimbursement basis or directly pay for training expenses from the college-administered separate program account.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.6(260F) Funding for projects which include multiple businesses.

7.6(1) A community college consortium of two or more businesses as defined in 261—7.3(260F) is eligible for a maximum award of \$50,000 per training project.

7.6(2) A community college-sponsored business network training project as defined in 261—7.3(260F) is eligible for a maximum project award of \$50,000 from each of the participating community colleges.

7.6(3) Authority-sponsored business network training projects as defined in 261—7.3(260F) are not subject to a funding maximum.

7.6(4) Participation in a community college consortium or business network does not affect a business site's financial eligibility for individual project assistance.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.7(260F) Funding for high technology apprenticeship programs.

7.7(1) A community college high technology apprenticeship program as defined in 261—7.3(260F) may be funded at the discretion of each specific community college at an amount up to, but not exceeding, the specific community college's apprenticeship distribution for the year.

7.7(2) Authority-sponsored high technology apprenticeship programs as defined in 261—7.3(260F) are not subject to a funding maximum.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.8(260F) Matching funds requirement.

7.8(1) An apprenticeship sponsor, business, community college consortium, or business network shall provide matching funds in order to be eligible for a program award.

7.8(2) An apprenticeship sponsor, business, community college consortium, or business network requesting a program award of less than \$5,000 shall provide in-kind matching funds.

7.8(3) An apprenticeship sponsor, business, community college consortium, or business network requesting a program award of \$5,000 or more shall provide cash to pay at least 25 percent of the total project cost, including training and administration costs.

7.8(4) In-kind matching funds include employee wages paid by the business during the training period, the value of business-provided facilities and equipment used for training, or the value of any other resources provided by the business or apprenticeship sponsor to facilitate the training program.

261—7.9(260F) Use of program funds.

7.9(1) The following costs associated with the administration of any project are eligible for program funding:

a. Community college administrative costs associated with the development and operation of a project, not to exceed 15 percent of the project cost.

b. Legal fees.

7.9(2) The costs associated with the provision of program services for any project are eligible for program funding.

7.9(3) Reimbursement of employee wages while the employee is in training is not allowed.

7.9(4) Production equipment, when used for training, may be an allowable cost. The cost of equipment used in training but subsequently used in production shall be prorated, as identified in 261—8.12(15), with the percentage of “used in production” cost paid by the business.

7.9(5) A community college may use funds awarded to a project to cover reasonable administrative costs and legal fees for that project.

7.9(6) A community college may not use funds from one project’s program award to cover any costs incurred by another project.

[ARC 3383C, IAB 10/11/17, effective 11/15/17; ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.10(260F) Use of 260F earned interest.

7.10(1) The community college is authorized to use interest earned on program funds to pay administrative costs incurred as a result of administering the program. Administrative costs include all costs incurred from the time the application process commences minus any costs covered by application fees paid by applicants.

7.10(2) Earned interest which has not been spent by the end of any state fiscal year shall be refunded to the authority within ten days of the end of the state fiscal year. The community college may designate and carry forward specified interest funds, as permitted by these rules, for identified payments which will occur during the next state fiscal year.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.11(260F) Application fee. Rescinded ARC 3463C, IAB 11/22/17, effective 12/27/17.

261—7.12(260F) Separate account. The community college shall establish a separate program account to document all program transactions and from which repayments for loans shall be made to the authority.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.13(260F) Eligible business. Rescinded ARC 3463C, IAB 11/22/17, effective 12/27/17.

261—7.14(260F) Ineligible business. Rescinded ARC 3463C, IAB 11/22/17, effective 12/27/17.

261—7.15(260F) Eligible employee. Rescinded ARC 3463C, IAB 11/22/17, effective 12/27/17.

261—7.16(260F) Ineligible employee. Rescinded ARC 3463C, IAB 11/22/17, effective 12/27/17.

261—7.17(260F) Entrepreneurial training. Rescinded ARC 3463C, IAB 11/22/17, effective 12/27/17.

261—7.18(260F) Letter of intent.

7.18(1) A letter of intent allows training to start on a specific date.

7.18(2) A community college and a business or apprenticeship sponsor may, but are not required to, enter into a letter of intent.

7.18(3) A community college and a business which enter into a letter of intent shall use Letter of Intent, Form 260F-2. A college and an apprenticeship sponsor which enter into a letter of intent shall use Apprenticeship Letter of Intent, Form 260F-2A.

7.18(4) A letter of intent shall remain in effect for a maximum of one calendar year from the date of the letter. A letter of intent for one project does not establish the commencement date for subsequent projects.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.19(260F) Project commencement date. The earliest date on which program funds may be used to pay training expenses incurred by the project is the effective date of the agreement of intent or the date the application is received by the authority, whichever is first.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.20(260F) Application process.

7.20(1) An application for training assistance must be submitted to the authority by a community college on behalf of a business or apprenticeship sponsor. An application shall not be accepted by the authority if submitted directly by a business.

7.20(2) Community colleges shall use Application for Assistance, available in the 260F data system, to apply for 260F business assistance. Apprenticeship Application for Assistance, Form 260F-1D, shall be used for apprenticeship assistance.

7.20(3) Required contents of the application will be described in the application package.

7.20(4) Applications must be submitted via the 260F data system to the authority.

7.20(5) The authority will score applications according to the criteria specified in 261—7.21(260F).

7.20(6) To be funded, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified elsewhere in these rules.

7.20(7) The authority may approve, reject, or defer an application.

7.20(8) The authority reserves the right to require additional information from the business or apprenticeship sponsor.

7.20(9) Application approval shall be contingent on the availability of funds. The authority shall reject or defer an application if funds are not available.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.21(260F) Application scoring criteria.

7.21(1) The criteria used for scoring 260F business or consortium applications and the points for each criteria are as follows:

- a. The business has a plan for future potential growth and product diversification. 10 points.
- b. The majority of the business's employees are permanent full-time. 10 points.
- c. Average wages for employees are at or above the laborshed wages for the business's location. 10 points.
- d. The business provides a cash match greater than 25 percent (minimum). 10 points.
- e. The application explains why the business needs the training identified in the training plan. 10 points.
- f. The application explains how the training will contribute to the continued existence of the business. 10 points.
- g. The application identifies which skills the employees will acquire from the training and how the skills will increase the employees' marketability. 5 points.
- h. The average cost of training per employee is comparable to the cost of training at Iowa community colleges or universities. 5 points.
- i. The application documents that all considerations, including funding required to begin the training project, have been addressed. 5 points.
- j. The employer provides health insurance and at least one other employee benefit. 5 points.
- k. Employee skills, knowledge, and abilities will be improved as a result of this training. 10 points.
- l. The business's competitive stance will be improved as a result of this training. 10 points.

To be funded, applications must receive a minimum score of 65 out of 100 points and meet all other applicable eligibility criteria.

7.21(2) The criteria used for scoring an authority-sponsored business network or community college business consortium or community college-sponsored business network application, and the points for each criterion are as follows:

- a. The training will have a positive impact on the skills, knowledge and abilities of trainees, 29 points.
- b. The training will help improve the competitive stance of participating businesses or the industry for which training is being provided, 28 points.
- c. The training will result in economic benefits for the state, 28 points.

d. The average of the average wage rates for the businesses participating in the project is above the state average wage rate, which will be computed using the current county average wage rates, 10 points.

e. The project cost of training per employee does not exceed comparable costs for training at a state of Iowa community college or university, 5 points.

To be funded, applications must receive a minimum score of 65 out of 100 points and meet all other applicable eligibility criteria. Authority-sponsored business network applications which receive a minimum score of 65 out of 100 points will be referred to the authority board for approval.

7.21(3) The criteria used for scoring a community college-sponsored high technology apprenticeship or an authority-sponsored high technology apprenticeship application and the points for each criterion are as follows:

a. The application represents high technology area training, 20 points.

b. The application shall identify the occupation or occupations for which training will be provided from the list of occupations in the Iowa workforce development annual wage survey. The most recent Iowa workforce development Iowa statewide wage survey average wage rate for the occupation(s) as identified shall be compared to the lowest of the average wage rate for the county or region where the training is to be provided. Ten points will be awarded if the wage rate for the occupation(s) exceeds the lowest of the average wage rates for the county or region. If the program will be providing training for more than one occupation or be conducted in more than one location, the points shall be awarded on a prorated basis by occupation and location. “Region” is the service delivery area as defined in Iowa Code section 84B.2.

c. New skills which employees acquire from the training program will increase the marketability of successful program participants, 20 points.

d. The application has established the need for training, 20 points.

e. The cost of training per trainee does not exceed comparable costs for training at a state of Iowa community college or university, 5 points.

f. The application documents that all considerations, including funding required to begin the training project, have been addressed, 10 points.

g. The application establishes a positive impact on the state’s workforce competitiveness, 15 points.

To be funded, applications must receive a minimum score of 65 out of 100 points and meet all other applicable eligibility criteria. Authority-sponsored high technology apprenticeship applications which receive a minimum score of 65 out of 100 points will be referred to the authority board for approval.

7.21(4) Rescinded IAB 11/22/17, effective 12/27/17.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.22(260F) Training agreement.

7.22(1) A community college shall enter into a training agreement with the business(es), lead business, lead organization, apprenticeship sponsor(s), or lead apprenticeship sponsor within 90 days of written notice of application approval from the authority, using Training Agreement, Form 260F-4, for 260F business-driven projects and using Form 260F-4D for apprenticeship projects.

7.22(2) A business or apprenticeship sponsor shall not modify any provision of the agreement without the written approval of the community college.

7.22(3) The community college, with the written consent of the business or apprenticeship sponsor, has the authority to modify all provisions of the agreement except for 260F business, business network and consortium project modifications which result in a reduction of the number of employees to be trained or which significantly change the training program.

7.22(4) The community college and the business or apprenticeship sponsor are authorized to change the ending date of training, training provider, or other minor modifications to the training program. All modifications must be uploaded to the 260F data system prior to the ending date of training. If the modification authorizes a change of the ending date of training, the modification must be uploaded to the 260F data system prior to the original ending date of training. For example, if a training agreement

specifies an ending date of training of December 31, 2018, and a community college and business agree to extend the ending date of training to December 31, 2019, then the modification must be uploaded prior to December 31, 2018.

7.22(5) Modifications of 260F business, business network and consortium projects which result in a reduction of the number of employees to be trained or change the training program content must be approved by the authority, community college, and business.

7.22(6) The agreement shall not be modified in any way that would result in a violation of Iowa Code chapter 260F.

7.22(7) Lead businesses, lead apprenticeship sponsors and lead organizations that choose to be the only signatory on the training contract for an authority-sponsored business network, community college-sponsored business network, authority-sponsored apprenticeship or community college-sponsored apprenticeship project shall be responsible for all default and reporting requirements on behalf of the other businesses or apprenticeship sponsors participating in the project.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.23(260F) Special requirements for community college consortium projects.

7.23(1) The community college shall submit Consortium Application for Assistance, available on the 260F data system, to the authority for project approval.

7.23(2) The community college shall enter into a training agreement with the consortium within 90 days of written notice of application approval from the authority, using Consortium Training Agreement, Form 260F-4A.

7.23(3) All default provisions specified in 261—7.30(260F) shall apply to consortium projects.

7.23(4) In the event of a default, a financial penalty will be assigned by the authority to the consortium business or businesses identified by the community college as being responsible for the default.

7.23(5) Each business that participates in the consortium shall complete a Final Performance Report, Form 260F-5, at the completion of training as a condition of the loan's being forgiven.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.24(260F) Special requirements for community college-sponsored business network projects. The community colleges and the authority are authorized to fund business network training projects which include five or more businesses and are located in two or more community college districts. A business network training project must have a designated organization or lead business to serve as the administrative entity that will coordinate the training program. The businesses must have common training needs and develop a plan to meet those needs.

7.24(1) A business network must have a designated community college to serve as the project coordinator.

7.24(2) The designated community college shall serve as the network's representative and shall serve as the authority's contact regarding all project matters.

7.24(3) The participating community colleges shall select one college as the project's designated organization and representative.

7.24(4) Business Network Application for Assistance, Form 260F-1B, shall be signed by each participating community college and shall be submitted by the designated community college to the authority for project approval.

7.24(5) The designated community college shall enter into a training contract with the business network within 90 days of written notice of application approval from the authority, using Business Network Training Contract, Form 260F-4B.

7.24(6) All authority communications concerning a business network project, including notice of project approval or denial and issuance of financial awards, shall be with the designated community college.

7.24(7) All default provisions specified in 261—7.30(260F) shall apply to college-sponsored business network training projects.

7.24(8) In the event of a default, a financial penalty will be assigned by the authority to the network business or businesses identified by the designated community college as being responsible for the default.

7.24(9) Each business that participates in the network shall complete a Final Performance Report, Form 260F-5, at the completion of training as a condition of the loan's being forgiven.

7.24(10) In the case of business network training assistance, the authority shall make a good faith effort to determine the probability that the proposed project will cause the displacement of employees of existing Iowa businesses. Any business network training project which would have the effect of displacing employees of existing Iowa end-product manufacturers shall not be approved.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.25(260F) Special requirements for authority-sponsored business network projects.

7.25(1) Eligible applicants include a group of businesses who will be the beneficiaries of the proposed training program, a trade association, a labor organization, or other incorporated entity representing a group of businesses.

7.25(2) Each project shall designate a lead organization or business which shall serve as the project's representative.

7.25(3) An individual project may not be funded for more than three fiscal years.

7.25(4) Administrative costs shall be limited to 15 percent of the total project cost.

7.25(5) All administrative costs must be directly related to the project's operation, including but not limited to the costs of schedule coordination, securing facilities, and contracting with training providers.

7.25(6) The lead organization or business shall submit Business Network Application for Assistance, Form 260F-1C, to the authority for project approval.

7.25(7) Applications shall be accepted on a first-come, first-served basis.

7.25(8) Application review shall be based on the positive impact that training will have on the skills, knowledge, and abilities of employees, improved competitive stance of the participating businesses, and economic benefits gained by the state.

7.25(9) Application approval is at the discretion of the authority board and shall consider recommendations made by authority staff.

7.25(10) The authority shall enter into a training contract with the business network within 90 days of written notice of application approval from the authority, using Business Network Training Contract, Form 260F-4C.

7.25(11) All default provisions specified in 261—7.30(260F) shall apply to college-sponsored business network training projects.

7.25(12) In the event of a default, a financial penalty will be assigned by the authority to the business or businesses identified responsible for the default.

7.25(13) The lead business or organization shall submit quarterly progress reports for the duration of the project which detail training progress to date.

7.25(14) Each business that participates in the business network shall complete a Final Performance Report, Form 260F-5, at the completion of training as a condition of the loan's being forgiven.

7.25(15) Each project shall receive a two-month advance of total project funds to cover initial costs incurred, the use of which must be documented to the authority, after which documented costs incurred will be reimbursed on a monthly basis.

7.25(16) In the case of business network training assistance, which takes the form of supplier network training as defined in 261—7.3(260F), the authority shall make a good faith effort to determine the probability that the proposed project will cause the displacement of employees of existing Iowa businesses. Any business network training project which takes the form of supplier network training and would have the effect of displacing employees of existing Iowa end-product manufacturers shall not be approved.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.26(260F) Special requirements for community college-sponsored high technology apprenticeship projects. The community colleges and the authority are authorized to fund high

technology apprenticeship programs which comply with the requirements specified in Iowa Code section 260C.44 and which may include both new and statewide apprenticeship programs. Notwithstanding the provisions of Iowa Code section 260F.6(2), relating to maximum award amounts, moneys allocated to the community colleges with high technology apprenticeship programs shall be distributed to the community colleges based upon contact hours under the programs administered during the prior fiscal year as determined by the department of education.

7.26(1) An apprenticeship sponsor must have a designated community college to serve as the project coordinator.

7.26(2) The designated community college shall serve as the apprenticeship sponsor's representative and shall serve as the authority's contact regarding all project matters.

7.26(3) If more than one community college is involved in the project, the participating community colleges shall designate one college as the project's representative.

7.26(4) Apprenticeship Application for Assistance, Form 260F-1D, shall be signed by the community college or, in the case of a multicollege project, by each participating community college and shall be submitted by the community college to the authority for project approval.

7.26(5) The community college shall enter into a training contract with the apprenticeship sponsor within 90 days of written notice of application approval from the authority, using Apprenticeship Training Contract, Form 260F-4D.

7.26(6) All authority communications concerning an apprenticeship project, including notice of project approval or denial and issuance of financial awards, shall be with the community college.

7.26(7) All default provisions specified in 261—7.30(260F) shall apply to college-sponsored apprenticeship training projects.

7.26(8) In the event of a default, a financial penalty will be assigned by the authority to the apprenticeship sponsor identified by the designated community college as being responsible for the default.

7.26(9) Each apprenticeship sponsor that participates in the project shall complete a Final Performance Report, Form 260F-5A, at the completion of training as a condition of the loan's being forgiven.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.27(260F) Special requirements for authority-sponsored high technology apprenticeship projects.

7.27(1) Eligible applicants include any organization that is approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training to provide an apprenticeship program. This group shall be referred to as an apprenticeship sponsor.

7.27(2) Administrative costs shall be limited to 15 percent of the total project cost.

7.27(3) All administrative costs must be directly related to the project's operation, including but not limited to the costs of schedule coordination, securing facilities, and contracting with training providers.

7.27(4) The apprenticeship sponsor shall submit an Apprenticeship Application for Assistance, Form 260F-1E, to the authority for project approval.

7.27(5) Applications shall be accepted on a first-come, first-served basis.

7.27(6) Application approval is at the discretion of the authority board and shall consider recommendations made by authority staff.

7.27(7) The authority shall enter into a training contract with the apprenticeship sponsor within 90 days of board approval, using Apprenticeship Training Contract, Form 260F-4E.

7.27(8) All default provisions specified in 261—7.30(260F) shall apply to college-sponsored apprenticeship training projects.

7.27(9) In the event of a default, a financial penalty will be assigned by the authority to the business or apprenticeship sponsor identified as responsible for the default.

7.27(10) The apprenticeship sponsor shall submit quarterly progress reports for the duration of the project which detail training progress to date.

7.27(11) Each apprenticeship sponsor that participates in the high technology apprenticeship program shall complete a Final Performance Report, Form 260F-5A, at the completion of training as a condition of the loan's being forgiven.

7.27(12) Each project shall receive a two-month advance of total project funds to cover initial costs incurred, the use of which must be documented to the authority, after which documented costs incurred will be reimbursed on a monthly basis.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.28(81GA, HF868, HF809) Special requirements for job retention program projects. Rescinded ARC 3463C, IAB 11/22/17, effective 12/27/17.

261—7.29(81GA, HF868, HF809) Special requirements for projects funded through the grow Iowa values fund. Rescinded ARC 3463C, IAB 11/22/17, effective 12/27/17.

261—7.30(260F) Events of default.

7.30(1) A business or apprenticeship sponsor fails to complete the training project within the agreed period of time as specified in the training agreement. Such business or apprenticeship sponsor shall be required to repay 20 percent of total project funds expended by the community college and the business.

7.30(2) A business or apprenticeship sponsor fails to train the agreed number of employees as specified in the training agreement. Such business or apprenticeship sponsor shall be required to repay a proportionate amount of total project funds expended by the community college and the business or apprenticeship sponsor. The proportion shall be based on the number of employees not trained compared to the number of employees to have been trained.

7.30(3) If both 7.30(1) and 7.30(2) occur, both penalties shall apply.

7.30(4) A business or apprenticeship sponsor fails to comply with any requirements contained in the training agreement. The business or apprenticeship sponsor shall be sent written notice by the community college which specifies the issue(s) of noncompliance and shall be allowed 20 days from the date notice is sent to effect a cure. If noncompliance is of such a nature that a cure cannot be reasonably accomplished within 20 days, the community college has the discretion to extend the period of cure to a maximum of 60 days.

7.30(5) A business or apprenticeship sponsor ceases or announces the cessation of operations at the project site prior to completion of the training program.

7.30(6) A business or apprenticeship sponsor directly or indirectly makes any false or misleading representations or warranties in the program application or training agreement, reports, or any other documents which are provided to the community college or the authority.

7.30(7) A business or apprenticeship sponsor acts in any manner contrary to, or fails to act in accordance with, any provision of the training contract.

7.30(8) A business takes corporate action to effect any of the preceding conditions of default.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.31(260F) Options and procedures on default.

7.31(1) The community college shall notify the authority whenever the community college determines that an event of default has occurred or is likely to occur.

7.31(2) The community college shall document its efforts to reconcile the condition(s) responsible for the default and shall provide the authority with copies of all related correspondence and documents of the community college and the business or apprenticeship sponsor.

7.31(3) The community college shall notify the authority when it has determined that an event of default cannot be cured.

7.31(4) When notice of failure to cure the default is received from the community college, the authority shall communicate with the business or apprenticeship sponsor, in writing, in an attempt to resolve the default.

7.31(5) When the authority's efforts to reconcile are successful, the authority shall notify the community college, in writing, to continue project operations. Continuation of project operations may be subject to new conditions imposed by the authority as part of the reconciliation.

7.31(6) When the authority's efforts to reconcile are unsuccessful and upon the authority's request, the community college shall assign the agreement to the authority for appropriate proceedings at which time the authority shall institute collection procedures or notify the attorney general to initiate appropriate legal actions.

7.31(7) When a community college assigns an agreement to the authority for a project declared to be in default, the community college shall return all remaining 260F funds to the authority within 45 days of assignment.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.32(260F) Remedies upon default.

7.32(1) When a community college determines that a business or apprenticeship sponsor is in default, and the default has not been cured within the time period stated in the contract, the community college is authorized to withhold training funds and payments to the business or apprenticeship sponsor, without notice to the business or apprenticeship sponsor.

7.32(2) The attorney general may take whatever action at law or in equity as necessary and desirable to satisfy the default.

7.32(3) No demand of amount due, from the community college to the business or apprenticeship sponsor, written or otherwise, is required to establish the business's or apprenticeship sponsor's financial liability.

7.32(4) No remedy conferred upon or reserved to the community college, the authority, or the attorney general by the Act, these rules, or the training agreement is intended to be exclusive of any other current or future remedies existing in law, in equity, or by statute.

7.32(5) Any delay or omission by the community college, the authority, or the attorney general, to exercise any right or power prescribed by the Act, these rules, or the training agreement does not relinquish or diminish authority to act and does not constitute a waiver of default status. Any such right or power may be exercised at any time required and as often as may be deemed expedient.

7.32(6) Unless required by these rules, neither the community college, authority, nor attorney general is required to provide written or other notice to the business or apprenticeship sponsor regarding any circumstance related to and including a declaration of an event of default.

7.32(7) In the event any requirement of the Act, these rules, or the training agreement, relating to a default, should be breached by either party and then waived by the other party, such waiver shall be limited to the specific breach being waived and shall have no bearing on any subsequent breach.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.33(260F) Return of unused funds. The community college shall return all unused funds to the authority within 45 days of project completion or within 45 days after being notified by the authority that a project is in default.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.34(260F) Open records. Information submitted to the authority is subject to Iowa Code chapter 22, the public records law. Applications for training funds submitted to the authority are available for public examination. If a business provides information which the business believes contains trade secrets recognized and protected as such by law, or the release of which would give an advantage to competitors and serves no public purpose or which meets other provisions for confidential treatment as authorized in Iowa Code section 22.7, and establishes that such information is subject to confidential treatment under Iowa Code section 22.7 or as otherwise provided for by law, then such information shall be kept confidential. Rule 261—195.5(17A,22) describes how a person may request a record to be treated as confidential and withheld from public examination. Businesses requesting confidential

treatment of certain information submitted to the authority shall follow the procedures described in rule 261—195.5(17A,22). The authority will process such requests as outlined in rule 261—195.5(17A,22). [ARC 3463C, IAB 11/22/17, effective 12/27/17]

261—7.35(260F) Required forms. The community college is required to complete and upload the following forms, as applicable, within the 260F data system:

1. General Application for Assistance, Form 260F-1;
2. Consortium Application for Assistance, Form 260F-1A;
3. Business Network Application for Assistance (Community College), Form 260F-1B;
4. Business Network Application for Assistance (Authority), Form 260F-1C;
5. Apprenticeship Application for Assistance (Community College), Form 260F-1D;
6. Apprenticeship Application for Assistance (Authority), Form 260F-1E;
7. Letter of Intent, Form 260F-2;
8. Apprenticeship Letter of Intent, Form 260F-2A;
9. Request for Release of Funds, Form 260F-3;
10. Training Agreement, Form 260F-4;
11. Consortium Training Agreement, Form 260F-4A;
12. Business Network Training Agreement (Community College), Form 260F-4B;
13. Apprenticeship Training Agreement (Community College), Form 260F-4D;
14. Business Network Training Agreement (Authority), Form 260F-4C;
15. Apprenticeship Training Agreement (Authority), Form 260F-4E;
16. Performance Report, Form 260F-5;
17. Notice of Possible Default, Form 260F-6;
18. Declaration of Default, Form 260F-7;
19. College and Business Certification, 260F-8;
20. Environmental Quality Form, to include a Solid Waste Plan and Hazardous Waste Plan (if applicable), Form 260F-9.

[ARC 3463C, IAB 11/22/17, effective 12/27/17]

These rules are intended to implement Iowa Code chapter 260F.

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[Filed ARC 3463C (Notice ARC 3268C, IAB 8/30/17), IAB 11/22/17, effective 12/27/17]

MEDICINE BOARD[653]

[Prior to 5/4/88, see Health Department[470], Chs 135 and 136, renamed Medical Examiners Board[653] under the "umbrella" of Public Health Department[641] by 1986 Iowa Acts, ch 1245]
[Prior to 7/4/07, see Medical Examiners Board[653]; renamed by 2007 Iowa Acts, Senate File 74]

CHAPTER 1

ADMINISTRATIVE AND REGULATORY AUTHORITY

- 1.1(17A,147) Definitions
- 1.2(17A) Purpose of board
- 1.3(17A) Organization of board
- 1.4(17A) Official communications
- 1.5(17A) Office hours
- 1.6(17A) Meetings
- 1.7(17A,147) Petition to promulgate, amend or repeal a rule
- 1.8(17A) Public hearings prior to the adoption, amendment or repeal of any rule
- 1.9(17A) Declaratory orders
- 1.10(68B) Selling of goods or services by members of the board or Iowa physician health committee (IPHC)

CHAPTER 2

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

- 2.1(17A,22) Definitions
- 2.3(17A,22) Requests for access to records
- 2.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 2.7(17A,22) Consent to disclosure by the subject of a confidential record
- 2.9(17A,22) Disclosures without the consent of the subject
- 2.10(17A,22) Routine use
- 2.11(17A,22) Consensual disclosure of confidential records
- 2.12(17A,22) Release to subject
- 2.13(17A,22) Availability of records
- 2.14(17A,22) Personally identifiable information
- 2.15(17A,22) Other groups of records
- 2.16(17A,22) Data processing system
- 2.17(17A,22) Applicability

CHAPTER 3

WAIVERS AND VARIANCES

- 3.1(17A,147,148) Definition
- 3.2(17A,147,148) Scope of chapter
- 3.3(17A,147,148) Applicability of chapter
- 3.4(17A,147,148) Criteria for waiver or variance
- 3.5(17A,147,148) Filing of petition
- 3.6(17A,147,148) Content of petition
- 3.7(17A,147,148) Additional information
- 3.8(17A,147,148) Notice
- 3.9(17A,147,148) Hearing procedures
- 3.10(17A,147,148) Ruling
- 3.11(17A,147,148) Public availability
- 3.12(17A,147,148) Summary reports
- 3.13(17A,147,148) Cancellation of a waiver
- 3.14(17A,147,148) Violations

- 3.15(17A,147,148) Defense
- 3.16(17A,147,148) Judicial review
- 3.17(17A,147,148) Sample petition for waiver

CHAPTERS 4 to 7

Reserved

CHAPTER 8

FEES

- 8.1(147,148,272C) Definitions
- 8.2(147,148,272C) Application and licensure fees for acupuncturists
- 8.3(147,148,272C) Interstate medical licensure compact (IMLC)
- 8.4(147,148,272C) Application and licensure fees to practice medicine and surgery or osteopathic medicine and surgery or administrative medicine
- 8.5(147,148,272C) Fees for verification of physician licensure and certification of examination scores
- 8.6(147,148,272C) Public records
- 8.7(147,148,272C) Licensee data list
- 8.8(147,148,272C) Returned checks
- 8.9(147,148,272C) Copies of the laws and rules
- 8.10(147,148,272C) Refunds
- 8.11(17A,147,148,272C) Waiver or variance prohibited
- 8.12(8,147,148,272C) Request for reports
- 8.13(8,147,148,272C) Monitoring fee

CHAPTER 9

PERMANENT PHYSICIAN LICENSURE

- 9.1(147,148) Definitions
- 9.2(147,148) General licensure provisions
- 9.3(147,148) Eligibility for permanent licensure
- 9.4(147,148) Licensure by examination
- 9.5(147,148) Licensure by endorsement
- 9.6(147,148) Licensure by expedited endorsement
- 9.7(147,148) Licensure examinations
- 9.8(147,148) Permanent licensure application review process
- 9.9(147,148) Licensure application cycle
- 9.10(147,148) Discretionary board actions on licensure applications
- 9.11(147,148) Issuance of a permanent license
- 9.12(147,148) Notification required to change the board's data system
- 9.13(147,148) Renewal of a permanent license
- 9.14(147,148) Inactive status and reinstatement of a permanent license
- 9.15(147,148) Reinstatement of an unrestricted Iowa license
- 9.16(147,148) Reinstatement of a restricted Iowa license
- 9.17(147,148) Denial of licensure
- 9.18(17A,147,148,272C) Waiver or variance requests
- 9.19(147,148) Relinquishment of license to practice
- 9.20(147,148) Administrative medicine licensure

CHAPTER 10

RESIDENT, SPECIAL AND TEMPORARY PHYSICIAN LICENSURE

- 10.1(147,148) Definitions
- 10.2(148) Licensure required
- 10.3(147,148) Resident physician licensure

- 10.4(147,148) Special licensure
- 10.5(147,148) Temporary licensure
- 10.6(17A,147,148,272C) Waiver or variance requests

CHAPTER 11
CONTINUING EDUCATION AND
TRAINING REQUIREMENTS

- 11.1(272C) Definitions
- 11.2(272C) Continuing education credit and alternatives
- 11.3(272C) Accreditation of providers
- 11.4(272C) Continuing education and training requirements for renewal or reinstatement
- 11.5(272C) Failure to fulfill requirements for continuing education and training for identifying and reporting abuse
- 11.6(17A,147,148E,272C) Waiver or variance requests

CHAPTER 12
NONPAYMENT OF STATE DEBT

- 12.1(272D) Definitions
- 12.2(272D) Issuance or renewal of a license—denial
- 12.3(272D) Suspension or revocation of a license

CHAPTER 13
STANDARDS OF PRACTICE AND PRINCIPLES OF MEDICAL ETHICS

- 13.1(148,272C) Standards of practice—packaging, labeling and records of prescription drugs dispensed by a physician
- 13.2(148,272C) Standards of practice—appropriate pain management
- 13.3 Reserved
- 13.4(148) Supervision of pharmacists engaged in collaborative drug therapy management
- 13.5(147,148) Standards of practice—chelation therapy
- 13.6(79GA, HF726) Standards of practice—automated dispensing systems
- 13.7(147,148,272C) Standards of practice—office practices
- 13.8(148,272C) Standards of practice—medical directors at medical spas—delegation and supervision of medical aesthetic services performed by qualified licensed or certified nonphysician persons
- 13.9(147,148,272C) Standards of practice—interventional chronic pain management
- 13.10(147,148,272C) Standards of practice—physicians who prescribe or administer abortion-inducing drugs
- 13.11(147,148,272C) Standards of practice—telemedicine
- 13.12(135,147,148,272C,280) Standards of practice—prescribing epinephrine auto-injectors in the name of an authorized facility
- 13.13 to 13.19 Reserved
- 13.20(147,148) Principles of medical ethics
- 13.21(17A,147,148,272C) Waiver or variance prohibited

CHAPTER 14
IOWA PHYSICIAN HEALTH COMMITTEE

- 14.1(272C) Iowa physician health committee
- 14.2(272C) Definitions
- 14.3(272C) Purpose
- 14.4(272C) Organization of the committee
- 14.5(272C) Eligibility
- 14.6(272C) Type of program
- 14.7(272C) Terms of participation

- 14.8(272C) Limitations
- 14.9(272C) Confidentiality
- 14.10(28E) Authority for 28E agreements
- 14.11(272C) Board referrals to the Iowa physician health program

CHAPTER 15

CHILD SUPPORT NONCOMPLIANCE

- 15.1(252J) Definitions
- 15.2(252J) Issuance or renewal of a license—denial
- 15.3(252J) Suspension or revocation of a license

CHAPTER 16

STUDENT LOAN DEFAULT OR NONCOMPLIANCE

- 16.1(261) Definitions
- 16.2(261) Issuance or renewal of a license—denial
- 16.3(261) Service of denial notice
- 16.4(261) Suspension or revocation of a license
- 16.5(261) Share information

CHAPTER 17

LICENSURE OF ACUPUNCTURISTS

- 17.1(148E) Purpose
- 17.2(148E) Scope of chapter
- 17.3(148E) Definitions
- 17.4(147,148E) Eligibility for licensure
- 17.5(147,148E) Application requirements
- 17.6(147,148E) Display of license and disclosure of information to patients
- 17.7(147,148E,272C) Biennial renewal of license required
- 17.8(147,272C) Reinstatement of an inactive license
- 17.9(272C) Continuing education requirements
- 17.10(147,148E,272C) General provisions
- 17.11(147,148E,272C) General disciplinary provisions
- 17.12(147,148E,272C) Grounds for discipline
- 17.13(272C) Procedure for peer review
- 17.14(272C) Reporting duties and investigation of reports
- 17.15(272C) Complaints, immunities and privileged communications
- 17.16(272C) Confidentiality of investigative files
- 17.17 to 17.28 Reserved
- 17.29(17A,147,148E,272C) Disciplinary procedures
- 17.30(147,148E,272C) Waiver or variance prohibited

CHAPTER 18

MILITARY SERVICE AND VETERAN RECIPROCITY

- 18.1(85GA,ch1116) Definitions
- 18.2(85GA,ch1116) Military education, training, and service credit
- 18.3(85GA,ch1116) Veteran reciprocity

CHAPTERS 19 and 20

Reserved

CHAPTER 21

PHYSICIAN SUPERVISION OF A PHYSICIAN ASSISTANT

- 21.1(148,272C) Ineligibility determinants
- 21.2(148,272C) Exemptions from this chapter

- 21.3(148) Board notification
- 21.4(148,272C) Supervisory agreements
- 21.5(148,272C) Grounds for discipline
- 21.6(148,272C) Disciplinary sanction
- 21.7(148,272C) Communication with physician assistant supervisees
- 21.8(17A,147,148,272C) Waiver or variance requests

CHAPTER 22

MANDATORY REPORTING

- 22.1(272C) Mandatory reporting—judgments or settlements
- 22.2(272C) Mandatory reporting—wrongful acts or omissions
- 22.3(272C) Mandatory reporting—disciplinary action in another jurisdiction
- 22.4(272C) Mandatory reporting—child abuse and dependent adult abuse
- 22.5(272C) Mandatory reporting—hospital disciplinary action

CHAPTER 23

GROUNDS FOR DISCIPLINE

- 23.1(272C) Grounds for discipline

CHAPTER 24

COMPLAINTS AND INVESTIGATIONS

- 24.1(17A,147,148,272C) Complaints
- 24.2(17A,147,148,272C) Processing complaints and investigations
- 24.3(272C) Peer review
- 24.4(272C) Order for physical, mental, or clinical competency evaluation

CHAPTER 25

CONTESTED CASE PROCEEDINGS

- 25.1(17A) Definitions
- 25.2(17A) Scope and applicability
- 25.3(17A) Combined statement of charges and settlement agreement
- 25.4(17A) Statement of charges
- 25.5(17A) Legal representation
- 25.6(17A) Presiding officer in a disciplinary contested case
- 25.7(17A) Presiding officer in a nondisciplinary contested case
- 25.8(17A) Disqualification
- 25.9(17A) Consolidation—severance
- 25.10(17A) Pleadings
- 25.11(17A) Service and filing
- 25.12(17A) Discovery
- 25.13(17A,272C) Subpoenas in a contested case
- 25.14(17A) Motions
- 25.15(17A) Prehearing conferences
- 25.16(17A) Continuances
- 25.17(272C) Settlement agreements
- 25.18(17A) Hearing procedures
- 25.19(17A) Evidence
- 25.20(17A) Default
- 25.21(17A) Ex parte communication
- 25.22(17A) Recording costs
- 25.23(17A) Interlocutory appeals
- 25.24(17A) Decisions
- 25.25(272C) Disciplinary sanctions

- 25.26(17A) Application for rehearing
- 25.27(17A) Stays of agency actions
- 25.28(17A) No factual dispute contested cases
- 25.29(17A) Emergency adjudicative proceedings
- 25.30(17A) Appeal of license denial
- 25.31(17A) Judicial review and appeal
- 25.32(17A) Open record
- 25.33(272C) Disciplinary hearings—fees and costs

CHAPTER 26

REINSTATEMENT AFTER DISCIPLINARY ACTION

- 26.1(17A) Reinstatement

CHAPTER 8 FEES

[Prior to 5/30/01, see 653—Chapter 11]

653—8.1(147,148,272C) Definitions.

“*Board*” means the Iowa board of medicine.

“*Online transaction fee*” means a fee of \$7 assessed by the board for completing an online purchase.

The online transaction fee is in addition to the actual service provided.

[ARC 3464C, IAB 11/22/17, effective 12/27/17]

653—8.2(147,148,272C) Application and licensure fees for acupuncturists.

8.2(1) *Licensure provisions for acupuncturists.* For licensure provisions for acupuncturists, see 653—Chapter 17, “Licensure of Acupuncturists.”

8.2(2) *Fees for acupuncturists.* The following fees apply to licensure for acupuncturists.

a. Initial application fee for licensure as an acupuncturist, \$300.

b. Reactivation of application for licensure, \$100.

c. Renewal fee for licensure as an acupuncturist, \$300.

d. Upon written request and payment of the designated fee, the board shall provide the following information about the status of an acupuncturist’s license or acupuncturist’s past registration:

(1) Certified statement that verifies the status of licensure or past registration in Iowa that requires the board seal or a letter of good standing, \$25.

(2) Verification of the status of licensure or past registration in Iowa that does not require a certified statement or letter, \$20.

e. Fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks, \$45.

f. Fee for reinstatement of an acupuncture license, \$400.

[ARC 8707B, IAB 5/5/10, effective 6/9/10; ARC 1187C, IAB 11/27/13, effective 1/1/14; ARC 3464C, IAB 11/22/17, effective 12/27/17]

653—8.3(147,148,272C) Interstate medical licensure compact (IMLC). Provisions for the interstate medical licensure compact are located in 653—Chapter 9, “Permanent and Administrative Medicine Physician Licensure.” The following fees shall apply to the compact.

8.3(1) *Service fee for an application for an IMLC letter of qualification.* The service fee, described in Chapter 3 of the rules of the interstate medical licensure compact commission, is paid directly to the interstate medical licensure compact commission. The interstate commission retains a portion of this service fee and remits a portion of this service fee to the board. The service fee paid to the interstate commission includes the \$45 fee for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).

8.3(2) *Licensure fee for an Iowa license issued through the IMLC.* The licensure fee is paid directly to the interstate medical licensure compact commission. An applicant shall pay a licensure fee of \$450 plus a service fee retained by the interstate commission.

8.3(3) *Licensure fee for renewal of active Iowa license issued through the IMLC.* The licensure fee is paid directly to the interstate medical licensure compact commission. The licensee shall pay the licensure fee described in 8.4(1) “c”(1) plus a service fee retained by the interstate commission. If the license is not renewed prior to expiration, the licensee will incur a penalty as described in 8.4(1) “d.”

[ARC 3464C, IAB 11/22/17, effective 12/27/17]

653—8.4(147,148,272C) Application and licensure fees to practice medicine and surgery or osteopathic medicine and surgery or administrative medicine.

8.4(1) Fees for permanent licensure. For provisions for permanent licensure, see 653—Chapter 9, “Permanent and Administrative Medicine Physician Licensure.” The following fees shall apply to permanent licensure.

a. Initial licensure, \$450 plus the \$45 fee for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).

b. Reactivation of application for licensure, \$150.

c. Renewal of an active license to practice.

(1) \$550 if renewal is made via paper application or \$450 if renewal is made via on-line application, per biennial period or a prorated portion thereof if the current license was issued for a period of less than 24 months.

(2) There is no renewal fee due for a physician who was on active duty in the U.S. armed forces, reserves or national guard during the renewal period. “Active duty” means full-time training or active service in the U.S. armed forces, reserves or national guard. A physician who fails to renew before the expiration of the license shall be charged a penalty fee as set forth in 8.4(1) “*d.*”

d. Penalty for failure to renew before expiration, \$100 per calendar month after the expiration date of the license up to \$200. For example, if the license expired on January 1, a penalty of \$100 shall be charged for January and an additional \$100, or a total of \$200, shall be charged for renewal in February.

e. There is no fee for placing a license on inactive status or allowing a license to become inactive.

f. Reinstatement of a license to practice one year or more after becoming inactive, \$500 plus the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

g. Reinstatement of a license within one year of becoming inactive, \$550 except when the license in the most recent license period had been granted for less than 24 months. In that case, the reinstatement fee is prorated according to the date of issuance and the physician’s month and year of birth.

8.4(2) Fees for resident physician licensure. For provisions for resident physician licensure, see 653—Chapter 10, “Resident, Special and Temporary Physician Licensure.” The following fees apply to resident physician licensure.

a. Application for a resident physician license, \$100 plus the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

b. Extension of a resident physician license, \$25.

c. Late fee for extension of a resident physician license, \$50, to be paid in addition to the extension fee.

8.4(3) Fees for special physician licensure. For provisions for special physician licensure, see 653—Chapter 10, “Resident, Special and Temporary Physician Licensure.” The following fees apply to special physician licensure.

a. Application for a special physician license, \$300 plus the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

b. Renewal of a special physician license, \$200.

8.4(4) Fees for temporary physician licensure. For provisions for temporary physician licensure, see 653—Chapter 10, “Resident, Special and Temporary Physician Licensure.” The following fees apply to temporary physician licensure.

a. Application for a temporary physician license, \$100 plus the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

b. Renewal of a temporary physician license, \$50.

8.4(5) Fee for photocopy of a licensure application. Fee for a photocopy of a licensure application is \$20.

8.4(6) Fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks, \$45.

[ARC 0871C, IAB 7/24/13, effective 8/28/13; ARC 1187C, IAB 11/27/13, effective 1/1/14; ARC 3464C, IAB 11/22/17, effective 12/27/17]

653—8.5(147,148,272C) Fees for verification of physician licensure and certification of examination scores.

8.5(1) *Verification fees.*

a. Physicians shall use VeriDoc to secure a certified statement that verifies Iowa licensure status for any state medical board that accepts VeriDoc. VeriDoc is accessible at www.veridoc.org. The fee for this service is \$30.

b. A physician who needs a certified statement that verifies Iowa licensure status for a state medical board that does not accept verification from VeriDoc shall make a written request for a certified statement with payment of a \$30 verification fee to the Iowa Board of Medicine. The Iowa board shall provide a certified statement that verifies Iowa licensure status to the nonaccepting state medical board.

c. The fee for verification of Iowa licensure status that does not require a certified statement or letter is \$15.

d. The board shall provide an automated telephone or electronic verification service whereby users can input the licensee's license number to learn the licensee's current licensure status. There is no fee for this service.

The board shall provide a license number for an individual caller to use in the automated telephone or electronic verification service. Businesses that utilize verifications will be required to utilize the automated telephone or electronic verification service or the alternative outlined in 8.5(1) "c."

8.5(2) Fees for certification of physician examination scores. Upon request and payment of the designated fee, the board may provide certification of scores of an examination given by the board in Iowa as permitted under Iowa Code section 147.21 and 653—paragraph 2.13(2) "f." The scores available from the board are those from examinees who took the state-constructed examination.

a. Certified statement of grades attained by examination, \$45.

b. Certified statement of grades attained by examination including examination history or additional documentation, \$55.

[ARC 1187C, IAB 11/27/13, effective 1/1/14; ARC 3464C, IAB 11/22/17, effective 12/27/17]

653—8.6(147,148,272C) Public records.

8.6(1) Public records available at no cost. The following records are available at no cost to the public:

a. Public action taken by the board against a licensee may be found under the licensee's name on the board's website, www.medicalboard.iowa.gov, under "Find A Physician." Public actions are posted on the board's website within approximately one week after the board has taken action.

b. Electronic files of press releases, statements of charges, final orders and consent agreements from each board meeting are available within approximately one week after the board has taken action. These files are available on the board's website, www.medicalboard.iowa.gov.

8.6(2) Purchase of public records. Public records are available according to 653—Chapter 2, "Public Records and Fair Information Practices." Payment made to the Iowa Board of Medicine shall be received in the board office prior to the release of the records.

a. Printed copies of public records shall be calculated at \$.25 per page plus labor. The board may charge a \$16 per hour fee for labor in excess of one-quarter hour for searching and copying documents or retrieving and copying information stored electronically. No additional fee shall be charged for delivery of the records by mail, fax, or email. Fax is an option if the requested records are fewer than 30 pages. The board office shall not require payment when the fees for the request would be less than \$5 total.

b. Electronic copies of public records delivered by email shall be provided at no charge per page. The board may charge a \$16 per hour fee for labor in excess of one-quarter hour for searching and copying documents or retrieving and copying information stored electronically.

[ARC 1187C, IAB 11/27/13, effective 1/1/14]

653—8.7(147,148,272C) Licensee data list. A data list of all physicians and acupuncturists includes the following information about each licensee: full name, year of birth, work address and telephone number (or other contact information on file if licensee's work address and telephone number are not available), Iowa county (if applicable), medical school (if applicable), year of graduation from medical school (if applicable), two medical specialties (if available), license issue date, license expiration date, license number, license type, license status, and an indicator of whether the board has taken any public action on the license. There is no fee for an electronic file of this list. A printed copy of the data list is

available at the board's office at fees described in rule 653—8.6(147,148,272C). Payment made to the Iowa Board of Medicine shall be received in the board office prior to the release of a printed copy of the list.

[ARC 1187C, IAB 11/27/13, effective 1/1/14; ARC 3464C, IAB 11/22/17, effective 12/27/17]

653—8.8(147,148,272C) Returned checks. The board shall charge a fee of \$25 for a check returned for any reason. If a license had been issued by the board office based on a check that is later returned by the bank, the board shall request payment by certified check or money order. If the fees are not paid within two weeks of notification of the returned check by certified mail, the licensee shall be subject to disciplinary action for noncompliance with board rules.

653—8.9(147,148,272C) Copies of the laws and rules. Electronic copies of laws and rules pertaining to the practice of medicine or acupuncture are available at www.legis.iowa.gov at no cost. Printed copies of these laws and rules are available at the board's office at fees described in rule 653—8.6(147,148,272C). [ARC 1187C, IAB 11/27/13, effective 1/1/14; ARC 3464C, IAB 11/22/17, effective 12/27/17]

653—8.10(147,148,272C) Refunds. Application and licensure fees shall be collected by the board and shall not be refunded except by board action in unusual instances, e.g., documented illness or death of the applicant. The board shall consider the cost of the work completed on the application and the cost of the work to grant a refund in determining the amount of refund to be granted.

653—8.11(17A,147,148,272C) Waiver or variance prohibited. Licensure and examination fees in this chapter are not subject to waiver or variance pursuant to 653—Chapter 3 or any other provision of law.

653—8.12(8,147,148,272C) Request for reports. The board may request a report from the National Practitioner Data Bank regarding an applicant or licensee. The cost of obtaining the report is included within the fee for initial licensure or licensure reinstatement or renewal. [ARC 1187C, IAB 11/27/13, effective 1/1/14]

653—8.13(8,147,148,272C) Monitoring fee. The board may require payment of up to \$300 per quarter to cover the board's expenses to monitor a licensee's compliance with a settlement agreement or final decision and order.

[ARC 1187C, IAB 11/27/13, effective 1/1/14]

These rules are intended to implement Iowa Code sections 147.11, 147.80, 148.3, 148.5, 148.10, and 148.11.

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CHAPTER 3
LICENSURE TO PRACTICE—REGISTERED NURSE/LICENSED PRACTICAL NURSE

655—3.1(17A,147,152,272C) Definitions.

“Accredited or approved nursing program” means a nursing education program whose status has been recognized by the board or by a similar board in another jurisdiction that prepares individuals for licensure as a licensed practical nurse, registered nurse, or advanced registered nurse practitioner; or grants a baccalaureate, master’s or doctorate degree with a major in nursing.

“Address” means a street address in any state when a street address is available or a rural route address when a street address is not available.

“Applicant” means a person who is qualified to take the examination or apply for licensure by endorsement.

“Endorsement” means the process by which a registered nurse/licensed practical nurse licensed in another jurisdiction becomes licensed in Iowa.

“Examination” means the tests used to determine minimum competency prior to the issuance of a registered nurse/licensed practical nurse license.

“Fees” means those fees collected which are based upon the cost of sustaining the board’s mission to protect the public health, safety and welfare. The nonrefundable fees set by the board are as follows:

1. Application for original license based on the registered nurse examination, \$93 (plus the fee for evaluation of the fingerprint cards and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI)).
2. Application for original license based on the practical nurse examination, \$93 (plus the fee for evaluation of the fingerprint cards and the criminal history background checks by the DCI and the FBI).
3. Application for registered nurse/licensed practical nurse license by endorsement, \$119 (plus the fee for evaluation of the fingerprint cards and the criminal history background checks by the DCI and the FBI).
4. Application for original license or renewal as an advanced registered nurse practitioner, \$81 for any period of licensure up to three years.
5. For a certified statement that a registered nurse/licensed practical nurse is licensed in this state or registered as an advanced registered nurse practitioner, \$25.
6. For written verification of licensure status, not requiring certified statements, \$3 per license.
7. For reactivation of a license to practice as a registered nurse/licensed practical nurse, \$175 for a license lasting more than 24 months up to 36 months (plus the fee for evaluation of the fingerprint cards and the criminal history background checks by the DCI and the FBI).
8. For reactivation of a license to practice as an advanced registered nurse practitioner, \$81 for any period of licensure up to three years.
9. For the renewal of a license to practice as a registered nurse/licensed practical nurse, \$99 for a three-year period.
10. For a duplicate or reissued wallet card or original certificate to practice as a registered nurse, licensed practical nurse, or advanced registered nurse practitioner, \$20.
11. For late renewal of a registered nurse/licensed practical nurse license, \$50, plus the renewal fee as specified in paragraph “9” of this definition.
12. For a check returned for any reason, \$15. If licensure/registration has been issued by the board office based on a check for the payment of fees and the check is later returned by the bank, the board shall request payment by certified check or money order.
13. For a certified copy of an original document, \$20.
14. For special licensure, \$62.
15. For the evaluation of the fingerprint cards and the DCI and FBI criminal history background checks, \$50.

“Inactive license” means a registered nurse or licensed practical nurse license that has been placed on inactive status because it was not renewed by the fifteenth day of the month following the expiration date, or the board has received notification that a licensee has declared another compact state as primary

state of residency. Pursuant to 655—subrule 16.2(8), the former home state license shall no longer be valid upon the issuance of a new home state license.

“*Late license*” means a registered nurse or licensed practical nurse license that has not been renewed by the expiration date on the wallet card. The time between the expiration date and the fifteenth day of the month following the expiration date is considered a grace period.

“*Licensee*” means a person who has been issued a license to practice as a registered nurse, licensed practical nurse or advanced registered nurse practitioner under the laws of this state.

“*NCLEX®*” means National Council Licensure Examination for registered nurse/licensed practical nurse licensure.

“*Overpayment*” means payment in excess of the required fee. Overpayment less than \$10 received by the board shall not be refunded.

“*Reactivation*” means the process whereby an inactive licensee obtains a current license.

“*Reinstatement*,” pursuant to rule 655—20.36(17A,147,152,272C), means the process by which any person whose license to practice nursing has been suspended, revoked or voluntarily surrendered by order of the board may apply for license consideration.

“*Temporary license*” means a license issued on a short-term basis for a specified time pursuant to subrule 3.5(4).

“*Unlicensed student*” means a person enrolled in a nursing education program who has never been licensed as a registered nurse or licensed practical/vocational nurse in any U.S. jurisdiction.

“*Verification*” means the process whereby the board provides a certified statement that the license of a registered nurse/licensed practical nurse/advanced registered nurse practitioner is active, inactive, or encumbered/disciplined.

This rule is intended to implement Iowa Code sections 147.80 and 147.82.

[ARC 1130C, IAB 10/30/13, effective 12/4/13; ARC 1815C, IAB 1/7/15, effective 2/11/15; ARC 2339C, IAB 1/6/16, effective 2/10/16]

655—3.2(17A,147,152,272C) Mandatory licensure.

3.2(1) A person who practices nursing in the state of Iowa as defined in Iowa Code section 152.1, outside of one’s family, shall have a current Iowa license, whether or not the employer is in Iowa and whether or not the person receives compensation. Any nurse who participates in the care of a patient situated in Iowa, whether that care is provided through telephonic, electronic or in-person means, and regardless of the location of the nurse, must obtain Iowa licensure unless specifically exempted by the licensure compact agreement. The nurse shall maintain verification of licensure and shall have it available for inspection when engaged in the practice of nursing in Iowa.

3.2(2) Current Iowa licensure is not mandatory when:

a. A nurse who resides in another party state is recognized for licensure in this state pursuant to the nurse licensure compact contained in Iowa Code chapter 152E. The nurse shall maintain verification of licensure and shall have it available for inspection when engaged in the practice of nursing in Iowa.

b. A nurse who holds an active license in another state provides services to patients in Iowa only during interstate transit.

c. A nurse who holds an active license in another state provides emergency services in an area in which the governor of Iowa has declared a state of emergency.

3.2(3) A nurse who is enrolled in an approved nursing program shall hold an active license in the U.S. jurisdiction(s) in which the nurse provides patient care.

This rule is intended to implement Iowa Code section 147.2.

[ARC 1815C, IAB 1/7/15, effective 2/11/15]

655—3.3(17A,147,152,272C) Licensure qualifications for registered nurse and licensed practical nurse.

3.3(1) Applicants shall meet the requirements set forth in Iowa Code sections 147.3 and 152.7. Requirements include:

a. Graduation from an approved nursing program preparing registered nurses as defined in Iowa Code section 152.5(1) for registered nurse applicants or graduation from an approved nursing

program preparing practical nurses as defined in Iowa Code section 152.5(1) for licensed practical nurse applicants.

b. Passing NCLEX® or the State Board Test Pool Examination, the national examination used prior to 1982.

c. Board approval of an applicant with a criminal history or a record of prior disciplinary action, regardless of jurisdiction.

3.3(2) The requirement listed in paragraph 3.3(1) “*b*” is subject to the following exceptions:

a. A practical nurse applicant must have written the same examination as that administered in Iowa and achieved a score established as passing for that test by the board unless the applicant graduated and was licensed prior to July 1951.

b. An applicant whose national examination scores do not meet the Iowa requirements in effect at the time of the examination and who wishes to become licensed in Iowa may appeal to the board. The board may require the applicant to pass the current examination.

This rule is intended to implement Iowa Code sections 147.2 and 152.7(3).

[ARC 8222B, IAB 10/7/09, effective 11/11/09; ARC 1815C, IAB 1/7/15, effective 2/11/15]

655—3.4(17A,147,152,272C) Licensure by examination.

3.4(1) Applicants shall meet qualifications for licensure set forth in subrule 3.3(1).

3.4(2) The board contracts with the National Council of State Boards of Nursing, Inc. to use the NCLEX® for registered nurses and licensed practical nurses.

a. The NCLEX® is administered according to guidelines and passing standards established by the National Council of State Boards of Nursing, Inc.

b. NCLEX® results are reported as pass or fail.

c. Examination statistics are available to the public.

3.4(3) Application—graduates of approved programs.

a. The board shall:

(1) Provide information about licensure application to applicants, nursing education programs in Iowa, and others upon request.

(2) Determine eligibility of each applicant upon receipt of an application, fees, official nursing transcript, fingerprint cards and a signed waiver form.

b. The applicant shall:

(1) Submit a completed application for license by examination.

(2) Submit two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint cards and the DCI and FBI criminal history background checks will be assessed to the applicant.

(3) Submit fee for application for license by examination plus the fee for evaluation of the fingerprint cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.

(4) Register for the NCLEX® and submit registration fee to the national test service agency.

(5) Direct the nursing program to submit to the board an official nursing transcript denoting the date of graduation and diploma or degree conferred.

(6) Inform the board that the primary state of residence is Iowa or a noncompact state and provide a current street address and mailing address, if different.

(7) Submit a copy of the court document(s) with the license application if the applicant has a criminal history.

(8) Complete NCLEX® registration through the national test service agency within 12 months of board receipt of the application for license, fingerprint cards, signed waiver form, and fees. The board reserves the right to destroy documents after 12 months.

(9) Self-schedule the examination with an approved testing center.

(10) Applicants who do not test within 91 days of authorization from the national test service agency are required to submit a new application and fee to the board.

3.4(4) Application—individuals educated and licensed in another country.

- a.* The board shall:
- (1) Provide information about licensure application to applicants and others upon request.
 - (2) Determine eligibility of each applicant upon receipt of:
 1. Application for license by examination.
 2. Two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check.
 3. Application fee for license by examination plus the fee for evaluation of the fingerprint cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.
 4. Official nursing transcript denoting date of graduation validated by the Commission on Graduates of Foreign Nursing Schools (CGFNS) International.
 5. Validation of licensure/registration in the original country by CGFNS International.
 6. Credentials Evaluation Service Professional report submitted by CGFNS International for licensed practical nurse and registered nurse applicants.
 7. Verification of ability to read, write, speak and understand the English language as determined by the results of the International English Language Testing System (IELTS), Pearson Test of English Academic (PTE), or Test of English as a Foreign Language (TOEFL) for licensed practical nurse and registered nurse applicants. Applicants shall be exempt from the IELTS, PTE or TOEFL examination when the native language is English; nursing education was completed in a college, university or professional school located in Australia, Barbados, Canada (except Quebec), Ireland, Jamaica, New Zealand, South Africa, Trinidad and Tobago, or the United Kingdom; language of instruction in the nursing program was English; and language of the textbooks in the nursing program was English.
- b.* The applicant shall:
- (1) Submit completed application for license by examination, including two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check.
 - (2) Submit fee for application for license by examination plus the fee for evaluation of the fingerprint cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.
 - (3) Register for the NCLEX® and submit registration fee to the national test service agency.
 - (4) Direct CGFNS International to validate the official nursing transcript.
 - (5) Direct CGFNS International to validate licensure/registration in the original country.
 - (6) Complete the Credentials Evaluation Service Professional report application through CGFNS International for licensed practical nurse and registered nurse applicants.
 - (7) Complete IELTS, PTE or TOEFL requirements for licensed practical nurse and registered nurse applicants, unless exempt.
 - (8) Inform the board of primary state of residence and a current street address and mailing address, if different.
 - (9) Submit a copy of the court document(s) with the license application if the applicant has a criminal history.
 - (10) Self-schedule the examination with an approved testing center.
 - (11) Complete NCLEX® registration through the national test service agency within 12 months of board receipt of the application for license, fingerprint cards, signed waiver form, and fees. The board reserves the right to destroy documents after 12 months.
 - (12) Applicants who do not test within 91 days of authorization from the national test service agency are required to submit a new application and fee to the board.
- 3.4(5) Application—individuals with disabilities.** Individuals with disabilities as defined in the Americans with Disabilities Act shall be provided modifications during the NCLEX®.
- a.* The board shall:
- (1) Notify applicants of the availability of test modifications for individuals with documented disabilities.
 - (2) Upon request, notify applicants of the process for obtaining board approval of test modification as defined in paragraph 3.4(5) “*b.*”

- (3) Determine eligibility for test modification upon receipt of:
 1. Written request from the applicant for test modifications during the NCLEX®.
 2. Written documentation of the applicant's disability and need for test modifications, including results of appropriate diagnostic testing, submitted by a qualified professional with expertise in the area of the diagnosed disability.
 3. Written documentation of test modifications, if any, granted to the applicant while enrolled in the nursing education program.
 - b.* The applicant shall:
 - (1) Submit to the board a written request for specific modifications during the NCLEX®.
 - (2) Obtain appropriate documentation supporting the request for accommodations, including results of appropriate diagnostic testing, submitted by a qualified professional with expertise in the areas of the diagnosed disability. Documentation could include recent reports, test results, evaluations and assessments of the candidate's need for accommodations due to a disability (physical or mental impairment) that substantially limits one or more major life activities.
 - (3) Direct the nursing program to submit to the board documentation of test modifications provided to the applicant while enrolled in the nursing education program, if any were granted.
 - (4) Complete examination application requirements defined in subrule 3.4(3) or 3.4(4).

3.4(6) Reexamination.

- a.* An applicant who has graduated from an approved practical nurse program and has failed the NCLEX-PN® is eligible to take the NCLEX-PN® an indefinite number of times.
- b.* An applicant who has graduated from an approved registered nurse program and has failed the NCLEX-RN® is eligible to take the NCLEX-RN® an indefinite number of times.
- c.* An applicant who fails the NCLEX® and reapplies within 12 months for license by examination shall be required to complete an application for license by examination, submit the fee for application by examination, complete NCLEX® registration and submit a registration fee to the national test service agency.
- d.* An applicant who fails the NCLEX® and reapplies, after 12 months have passed, for license by examination shall be required to complete an application for license by examination, submit two completed fingerprint cards, a signed waiver form, and the fee for evaluation of the fingerprint cards and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI), pursuant to rule 655—3.1(17A,147,152,272C), complete NCLEX® registration and submit a registration fee to the national test service agency.
- e.* Applicants for the examination who do not appear for the appointment or do not complete the examination will be required to complete the examination requirements defined in paragraphs 3.4(6) "a" to "d."

3.4(7) Certificate of license by examination. Upon completion of the relevant qualifications for license by examination and passing of the NCLEX® as defined in these rules, the board shall issue a certificate of license by examination and a current license to practice as a registered nurse/licensed practical nurse. The board staff may issue a certificate of license prior to receipt of a report on the applicant from the DCI/FBI.

This rule is intended to implement Iowa Code sections 147.36, 147.80 and 152.7(3).
 [ARC 8222B, IAB 10/7/09, effective 11/11/09; ARC 8810B, IAB 6/2/10, effective 7/7/10; ARC 1131C, IAB 10/30/13, effective 12/4/13; ARC 1815C, IAB 1/7/15, effective 2/11/15]

655—3.5(17A,147,152,272C) Licensure by endorsement.

3.5(1) Qualifications for licensure by endorsement. The endorsee shall meet the qualifications for licensure defined in subrule 3.3(1).

3.5(2) Applicants currently licensed in another state. Application for licensure to practice as a registered nurse or licensed practical nurse by endorsement shall be made according to the following process:

- a.* The board shall:
 - (1) Provide application forms and instructions to applicants upon request.

(2) Determine eligibility of each applicant upon receipt of an application, fees, official nursing transcript, and verification of license submitted by state of original license or the National Council of State Boards of Nursing, Inc., electronic nurse licensure system (NURSYS®).

b. The applicant shall:

(1) Submit a completed application form for license by endorsement.

(2) Submit two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint cards and the DCI and FBI criminal history background checks will be assessed to the applicant.

(3) Submit the fee for license by endorsement plus the fee for evaluation of the fingerprint cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.

(4) Direct the nursing program to submit to the board an official nursing transcript denoting the date of graduation and diploma or degree conferred.

(5) Provide verification of state of original licensure by one of the following:

1. Submit the application form for verification of original licensure to state of original licensure.

2. Apply directly to the online verification system (NURSYS®) if the original state of licensure participates in NURSYS®.

(6) Attest that Iowa is the primary state of residence if the applicant is changing primary state of residence from another party state as outlined in rule 655—16.2(152E) or that the primary state of residence is a noncompact state. The board may request evidence of residency.

(7) Complete the application process within 12 months from the date of receipt of the application. The board reserves the right to destroy the documents after 12 months.

c. An endorsement applicant who has been disciplined by a licensing authority in another state must indicate the jurisdiction of the action(s) when submitting application materials. A copy of all relevant disciplinary documents will be obtained for board review prior to a determination regarding licensure. The board may impose conditions for licensure.

d. An endorsement applicant who has a criminal history must submit a copy of the court document(s) when submitting application materials. The board may impose conditions for licensure.

e. An applicant who fails to complete the licensure process within 12 months from the date of receipt of the application must reapply.

3.5(3) *Application—individuals educated and licensed in another country.*

a. The board shall:

(1) Provide application forms and instructions to applicants upon request.

(2) Determine eligibility of each applicant upon receipt of an application, two completed fingerprint cards and a signed waiver form, fees, official nursing transcript denoting date of graduation validated by CGFNS International, validation of licensure/registration in the original country by CGFNS International, Credentials Evaluation Service Professional report from CGFNS International, and verification of original license submitted by state of original license or the National Council of State Boards of Nursing, Inc., electronic nurse licensure system (NURSYS®).

b. The applicant shall:

(1) Submit completed application for licensure by endorsement, including two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check.

(2) Submit fee for application for licensure by endorsement plus the fee for evaluation of the fingerprint cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C). All fees are nonrefundable.

(3) Direct CGFNS International to validate the official nursing transcript.

(4) Direct CGFNS International to validate licensure/registration in the original country.

(5) Complete the Credentials Evaluation Service Professional report application through CGFNS International for licensed practical nurse and registered nurse applicants, or direct CGFNS International to verify that a certificate letter was issued, or send the completed Credentials Evaluation Service Professional report to the board.

(6) Inform the board of primary state of residence and a current street address and mailing address, if different.

(7) Submit a copy of the court document(s) with the license application if an applicant has a criminal history.

3.5(4) Temporary license. A temporary license shall be issued to an applicant who is licensed in another state if the applicant meets the qualifications for a license as outlined in subrule 3.3(1). The application form and endorsement fee plus the fee for evaluation of the fingerprint cards and the criminal history background checks as identified in the definition of “fees” in rule 655—3.1(17A,147,152,272C), verification of license form and two completed fingerprint cards and signed waiver form to facilitate a national criminal history background check shall be on file in the office of the board prior to the issuance of the temporary license.

a. A temporary licensee may use the appropriate title of registered nurse or licensed practical nurse and the appropriate abbreviation R.N. or L.P.N.

b. The temporary wallet card must be signed by the licensee to be valid. The temporary license shall be issued for a period of 30 days. A second temporary license may be issued for a period not to exceed 30 days or at the discretion of the executive director.

c. A temporary license may be issued to an applicant who has incurred disciplinary action in another state when the license is not currently encumbered.

d. A temporary license may not be issued to an applicant with a criminal history.

e. A temporary license shall not be issued to an applicant educated and licensed in another country until the Credentials Evaluation Service Professional report application through CGFNS International has been received by the board, CGFNS International has verified that a certificate letter was issued, or CGFNS International submits a previously completed Credentials Evaluation Service Professional report to the board.

3.5(5) Certificate of license by endorsement. Upon completion of the endorsement procedures defined in these rules, the board shall issue a certificate of license by endorsement and a current license to practice as a registered nurse/licensed practical nurse. The board staff may issue a certificate of license prior to receipt of a report on the applicant from the DCI/FBI.

This rule is intended to implement Iowa Code sections 147.2 and 152.9.

[ARC 8222B, IAB 10/7/09, effective 11/11/09; ARC 8810B, IAB 6/2/10, effective 7/7/10; ARC 1815C, IAB 1/7/15, effective 2/11/15]

655—3.6(17A,147,152,272C) Special licensure for those licensed in another country. A special license may be granted by the board on an individual basis to allow a nurse licensed in another country who is not eligible for endorsement to practice nursing in Iowa for a fixed period of time under certain conditions. Special licensure shall allow the nurse to provide care in a specialty area, provide consultation or teaching where care is directed, serve as a research or teaching assistant, or obtain clinically based continuing education.

1. Upon request, the board shall provide application materials to the applicant or sponsor.

2. The applicant shall provide identifying information, criminal history, history of licensure in another jurisdiction, and reason for special licensure.

3. The applicant shall complete the application, submit a fee as identified in rule 655—3.1(17A,147,152,272C), and provide evidence of certification by CGFNS International, official results of the TOEFL test or official results of the International English Language Testing System (IELTS). The applicant shall have a minimum score of 540 for the paper-based TOEFL test, a minimum score of 207 for the computer-based TOEFL test, or a minimum score of 83 for the Internet-based TOEFL test. The applicant shall score a minimum of 6.5 for the IELTS test.

4. Board staff shall determine the validity of the request based on the need, duration and location of special licensure identified on the application, and staff shall notify the applicant of ineligibility for special licensure if the application is incomplete or indicates a criminal history or evidence of licensure in another jurisdiction.

5. The board shall grant special licensure to eligible applicants. The license shall be identified as a special license and identify duration and conditions as designated in this rule. The period of special licensure shall be determined by the board and may be extended at the request of the applicant.

6. If the board denies special licensure, the individual may be eligible for licensure by examination in accordance with subrule 3.4(4).

7. The licensee shall be subject to all rules and regulations promulgated by the board except those pertaining to verification, renewal, late renewal, inactivation, reactivation and continuing education requirements.

This rule is intended to implement Iowa Code section 147.2.

[ARC 8222B, IAB 10/7/09, effective 11/11/09; ARC 1815C, IAB 1/7/15, effective 2/11/15]

655—3.7(17A,147,152,272C) License cycle.

3.7(1) Name and address changes. Written notification to the board of name and address changes is required within 30 days of the event. Licensure documents are mailed to the licensee at the address on file in the board office. There is no fee for a change of name or address in board records.

3.7(2) New licenses. The board shall issue licenses by endorsement and examination for a 24- to 36-month period. When the license is renewed, it will be placed on a three-year renewal cycle. Expiration shall be on the fifteenth day of the birth month.

3.7(3) Renewal. The licensee may renew the license beginning 60 days prior to license expiration. Renewal is available online at the board's website or by mail upon request. When the licensee has satisfactorily completed the requirements for renewal, a wallet card shall be mailed to the licensee.

a. The licensee shall:

(1) Attest that Iowa is the primary state of residence as outlined in rule 655—16.2(152E) or that the primary state of residence is a noncompact state. The board may request evidence of residency.

(2) Submit the renewal application and the renewal fee as specified in rule 655—3.1(17A,147,152, 272C).

(3) Meet the continuing education requirement as set forth in 655—Chapter 5, prior to license renewal.

(4) Complete the required mandatory reporter training set forth in paragraph 3.7(3)“b.”

b. Mandatory reporter training.

(1) The course shall be a curriculum approved by the Iowa department of public health.

(2) A licensee who regularly examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for rule suspension as identified in subparagraph 3.7(3)“b”(6).

(3) A licensee who regularly examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for rule suspension as identified in subparagraph 3.7(3)“b”(6).

(4) A licensee who regularly examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training on abuse identification and reporting in dependent adults and children or condition(s) for rule suspension as identified in subparagraph 3.7(3)“b”(6). Training may be completed through separate courses as identified in subparagraphs 3.7(3)“b”(2) and (3) or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse.

(5) The licensee shall maintain written documentation for five years after mandatory training as identified in subparagraphs 3.7(3)“b”(2) to (4), including program date(s), content, duration, and proof of participation.

(6) The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

1. Is engaged in active duty in the military service of this state or the United States.

2. Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including waiver of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 655—Chapter 5.

(7) The board may select licensees for audit of compliance with the requirements in subparagraphs 3.7(3)“b”(1) to (6).

3.7(4) *Late renewal.* The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in rule 655—3.1(17A,147,152,272C).

To renew a late license, the licensee shall complete the renewal requirements and submit the late fee before the fifteenth day of the month following the expiration date on the wallet card.

3.7(5) *Inactive status.* The license shall become inactive when the license has not been renewed by the fifteenth day of the month following the expiration date on the wallet card or the board office has been notified by another compact state that a licensee has declared a new primary state. Pursuant to 655—subrule 16.2(8), the former home state license shall no longer be valid upon the issuance of a new home state license.

a. If the inactive license is not reactivated, it shall remain inactive.

b. If the licensee resides in Iowa or a noncompact state, the licensee shall not practice nursing in Iowa until the license is reactivated to active status. If the licensee is identified as practicing nursing with an inactive license, disciplinary proceedings shall be initiated.

c. The licensee is not required to obtain continuing education credit or pay fees while the license is inactive.

d. To reactivate the license, the licensee shall complete the reactivation requirements.

(1) The licensee shall be provided an application, a continuing education report form, two fingerprint cards, a waiver form, and statement of the fees. The reactivation fee and criminal history background check fee are specified in the definition of “fees” in rule 655—3.1(17A,147,152,272C).

(2) The licensee shall have obtained 36 contact hours of continuing education, as specified in 655—Chapter 5, within the 36 months prior to reactivation.

(3) Upon receipt of the completed reactivation application, required continuing education materials, two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, fees for both the reactivation and the criminal history background check and verification that the primary state of residence is Iowa or a noncompact state, the licensee shall be issued a license for a 24- to 36-month period. At the time of the next renewal, the license will be placed on a three-year renewal cycle. Expiration shall be on the fifteenth day of the licensee’s birth month. The board staff may issue a certificate of license prior to receipt of a report on the applicant from the DCI/FBI.

(4) An applicant who fails to complete the reactivation of licensure process within 12 months from the date of initial application must reapply. All fees are nonrefundable.

3.7(6) *Duplicate wallet card or certificate.* A duplicate wallet card or certificate shall be required if the current card or certificate is lost, stolen, destroyed or not received by the licensee within 60 days from the date the license is issued. The licensee shall be issued a duplicate wallet card or certificate upon receipt of an application for a duplicate wallet card or certificate and receipt of the fee as specified in rule 655—3.1(17A,147,152,272C). If the licensee notifies the board that the wallet card or certificate has not been received within 60 days after being issued, no fee shall be required. A fee is applicable when the licensee fails to notify the board of a name or address change.

3.7(7) *Reissue of a certificate or wallet card.* The board shall reissue a certificate or current wallet card upon receipt of a written request from the licensee, return of the original document and payment of

the fee as specified in rule 655—3.1(17A,147,152,272C). No fee shall be required if an error was made by the board on the original document.

This rule is intended to implement Iowa Code sections 147.2, 147.10, 147.11, 272C.2, and 272C.3 and chapter 152.

[ARC 8222B, IAB 10/7/09, effective 11/11/09; ARC 1815C, IAB 1/7/15, effective 2/11/15; ARC 3465C, IAB 11/22/17, effective 1/1/18]

655—3.8(17A,147,152,272C) Verification. Upon written request from the licensee or another jurisdiction and payment of the verification fee as specified in rule 655—3.1(17A,147,152,272C), the board shall provide a certified statement to another jurisdiction or entity that the license of a registered nurse, licensed practical nurse or advanced registered nurse practitioner is active, inactive or encumbered/disciplined in Iowa.

This rule is intended to implement Iowa Code sections 147.2 and 147.8.

[ARC 1815C, IAB 1/7/15, effective 2/11/15]

655—3.9(17A,272C) License denial.

3.9(1) Prior to the denial of licensure to an applicant, the board shall issue a preliminary notice of denial that cites the factual and legal basis for denying the application, notifies the applicant of the appeal process and specifies the date upon which the denial will become final if not appealed.

3.9(2) An applicant who has been issued a preliminary notice of denial may appeal the notice and request a hearing on the issues related to the preliminary notice of denial by serving a request for hearing upon the executive director within 30 days following the date the preliminary notice of denial was mailed. The request for hearing shall specify the factual or legal errors in the preliminary notice of denial and provide any additional written information or documents in support of the licensure.

3.9(3) All hearings held pursuant to this rule shall be held in accordance with the process outlined in 655—Chapter 20.

3.9(4) If an applicant does not appeal a preliminary notice of denial, the preliminary notice of denial automatically becomes final and a notice of denial will be issued.

This rule is intended to implement Iowa Code chapters 17A and 272C.

[ARC 7664B, IAB 3/25/09, effective 4/29/09; ARC 1815C, IAB 1/7/15, effective 2/11/15; ARC 2339C, IAB 1/6/16, effective 2/10/16]

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- [Filed ARC 1130C (Notice ARC 0810C, IAB 6/26/13), IAB 10/30/13, effective 12/4/13]
- [Filed ARC 1131C (Notice ARC 0876C, IAB 7/24/13), IAB 10/30/13, effective 12/4/13]
- [Filed ARC 1815C (Notice ARC 1569C, IAB 8/6/14), IAB 1/7/15, effective 2/11/15]
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◊ Two or more ARCs

¹ History relating also to “Licensure to Practice—Licensed Practical Nurse,” Ch 4 prior to IAC 5/23/84.

² Effective date of 11/9/88 delayed 70 days by the Administrative Rules Review Committee at its October meeting. Delay lifted by ARRC 11/16/88.

CHAPTER 504
STANDARDS FOR ELECTRICAL WORK

661—504.1(103) Installation requirements. The provisions of the National Electrical Code, 2017 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, are adopted as the requirements for electrical installations performed by persons licensed pursuant to 661—Chapters 500 through 503 and to installations subject to inspection pursuant to Iowa Code chapter 103 with the following amendments:

504.1(1) Delete section 210.12(D).

504.1(2) Delete section 406.4(D)(4).

This rule is intended to implement Iowa Code chapter 103.

[ARC 9825B, IAB 11/2/11, effective 1/1/12; ARC 1715C, IAB 11/12/14, effective 1/1/15; ARC 3466C, IAB 11/22/17, effective 12/27/17]

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SECRETARY OF STATE[721]DIVISION I
ADMINISTRATIONCHAPTER 1
DESCRIPTION OF ORGANIZATION

1.1(17A)	Central organization
1.2(17A)	Corporations
1.3(17A)	Uniform Commercial Code
1.4(17A)	Elections
1.5(17A)	Land office
1.6(17A)	Notaries public
1.7(17A)	Legislative division—enrolled bills
1.8(17A)	Process agent
1.9(17A)	Oaths and bonds
1.10(17A)	Joint governmental agreements
1.11	Reserved
1.12(17A)	Judiciary

CHAPTER 2
RULES OF PRACTICE

2.1(17A)	Forms used
2.2(17A)	Filing complaints
2.3(631)	Payment for services
2.4(17A)	Examination and preservation of records
2.5(17A)	Telecopier service

CHAPTER 3
ADMINISTRATIVE HEARINGS

3.1(17A)	Scope
3.2(17A)	Definitions
3.3(17A)	General information
3.4(17A)	Commencing the contested case
3.5(17A)	Notice of hearing
3.6(17A)	Contested case hearing procedures
3.7(17A)	Presiding officer
3.8(17A)	Decisions
3.9(17A)	Request for rehearing
3.10(17A)	Judicial review

CHAPTER 4
FORMS

4.1(17A)	Forms and instructions
4.2(17A)	Corporation forms
4.3(17A)	Election forms
4.4(17A)	Uniform Commercial Code forms
4.5(17A)	Verified lien statement forms
4.6(9A,17A)	Athlete agent

CHAPTER 5
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES
(Uniform Rules)

5.1(17A,22)	Definitions
5.3(17A,22)	Requests for access to records
5.6(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
5.9(17A,22)	Disclosures without the consent of the subject
5.10(17A,22)	Routine use
5.11(17A,22)	Consensual disclosure of confidential records
5.12(17A,22)	Release to subject
5.13(17A,22)	Availability of records
5.14(17A,22)	Personally identifiable information
5.15(17A,22)	Personnel files
5.16(17A,22)	Other groups of records

CHAPTER 6
SAFE AT HOME PROGRAM

6.1(9E)	Definitions
6.2(9E)	Failure to notify secretary of changes in information; cancellation
6.3(9E)	Renewal of certification; recertification
6.4(9E)	Cancellation of voter registration in the statewide voter registration database
6.5(9E)	Change of voter registration through the program
6.6(9E)	Cancellation of absentee ballot voting through the program

CHAPTER 7
AGENCY PROCEDURE FOR RULE MAKING

7.1(17A)	Applicability
7.2(17A)	Advice on possible rules before notice of proposed rule adoption
7.3(17A)	Public rule-making docket
7.4(17A)	Notice of proposed rule making
7.5(17A)	Public participation
7.6(17A)	Regulatory analysis
7.7(17A,25B)	Fiscal impact statement
7.8(17A)	Time and manner of rule adoption
7.9(17A)	Variance between adopted rule and published notice of proposed rule adoption
7.10(17A)	Exemptions from public rule-making procedures
7.11(17A)	Concise statement of reasons
7.12(17A)	Contents, style, and form of rule
7.13(17A)	Agency rule-making record
7.14(17A)	Filing of rules
7.15(17A)	Effectiveness of rules prior to publication
7.16(17A)	General statements of policy
7.17(17A)	Review by agency of rules

CHAPTER 8
PETITIONS FOR RULE MAKING

8.1(17A)	Petition for rule making
8.2(17A)	Briefs
8.3(17A)	Inquiries
8.4(17A)	Agency consideration

CHAPTER 9
DECLARATORY ORDERS

9.1(17A)	Petition for declaratory order
9.2(17A)	Notice of petition
9.3(17A)	Intervention
9.4(17A)	Briefs
9.5(17A)	Inquiries
9.6(17A)	Service and filing of petitions and other papers
9.7(17A)	Consideration
9.8(17A)	Action on petition
9.9(17A)	Refusal to issue order
9.10(17A)	Contents of declaratory order—effective date
9.11(17A)	Copies of orders
9.12(17A)	Effect of a declaratory order

CHAPTER 10
WAIVER AND VARIANCE RULES

10.1(17A)	Definition
10.2(17A)	Scope of chapter
10.3(17A)	Applicability
10.4(17A)	Criteria for waiver or variance
10.5(17A)	Filing of petition
10.6(17A)	Content of petition
10.7(17A)	Additional information
10.8(17A)	Notice
10.9(17A)	Hearing procedures
10.10(17A)	Ruling
10.11(17A)	Public availability
10.12(17A)	Summary reports
10.13(17A)	Cancellation of a waiver
10.14(17A)	Violations
10.15(17A)	Defense
10.16(17A)	Judicial review

CHAPTER 11
Reserved

CHAPTER 12
DISASTER RECOVERY FOR OUT-OF-STATE ENTITIES

12.1(29C)	Definitions
12.2(29C)	Notification and insurance verification
12.3(29C)	Transmittal of notification

CHAPTERS 13 to 19
Reserved

DIVISION II
ELECTIONS

CHAPTER 20
DEPUTY COMMISSIONERS OF ELECTIONS

20.1(47)	Deputy secretary of state and deputy county auditor to act
20.2(47)	County commissioner of elections may appoint special deputies

CHAPTER 21
ELECTION FORMS AND INSTRUCTIONS

DIVISION I
GENERAL ADMINISTRATIVE PROCEDURES

21.1(47)	Emergency election procedures
21.2(47)	Electronic submission of absentee ballot applications and affidavits of candidacy
21.3(49,48A)	Voter identification documents
21.4(49)	Changes of address at the polls
21.5(49)	Eligibility declarations in the election register
21.6	Reserved
21.7(48A)	Election day registration
21.8(48A)	Notice to election day registrant
21.9(49)	“Vote here” signs
21.10(43)	Application for status as a political party
21.11(49)	Statement to provisional voter
21.12(47,53)	Absentee ballot receipt deadline when the United States post office is closed on the deadline for receipt of absentee ballots
21.13(47,50)	Canvass date adjustment when the United States post office is closed on the deadline for receipt of absentee ballots
21.14(53)	Intelligent Mail barcode (IMb) Tracing
21.15(49)	Proof of residence or identification after casting provisional ballot
21.16 to 21.19	Reserved
21.20(62)	Election contest costs
21.21(62)	Limitations
21.22(49)	Photocopied ballot procedures
21.23 and 21.24	Reserved
21.25(50)	Administrative recounts
21.26 to 21.29	Reserved
21.30(49)	Inclusion of annexed territory in city reprecincting and redistricting plans
21.31(275)	School director district maximum allowable deviation between director districts
21.32(372)	City ward maximum allowable deviation between city wards
21.33(49)	Redistricting special election blackout period
21.34 to 21.49	Reserved
21.50(49)	Polling place accessibility standards
21.51	Reserved
21.52(48A)	Request for new voter identification card
21.53 to 21.74	Reserved
21.75(49)	Voting centers for certain elections
21.76(48A)	Electronic poll book training for poll workers
21.77(49)	Photographing ballots
21.78 to 21.100	Reserved
21.101(47)	State commissioner’s review of complaints
21.102(49)	Commissioner’s filings and notifications to state commissioner
21.103 to 21.199	Reserved

DIVISION II
BALLOT PREPARATION

21.200(49)	Constitutional amendments and public measures
21.201(44)	Competing nominations by nonparty political organizations
21.202(43,52)	Form of primary election ballot
21.203(49,52)	Form of general election ballot
21.204(260C)	Tabulating election results by school district for merged area special elections
21.205 to 21.299	Reserved

DIVISION III
ABSENTEE VOTING

21.300(53)	Satellite absentee voting stations
21.301(53)	Absentee ballot requests from voters whose registration records are “inactive”
21.302(48A)	In-person absentee registration
21.303(53)	Mailing absentee ballots
21.304(53)	Absentee ballot requests from voters whose registration records are “pending”
21.305(53)	Confirming commissioner’s receipt of an absentee ballot on election day
21.306(53)	Incomplete absentee ballot applications
21.307(49,53)	Updating signatures on file
21.308 to 21.319	Reserved
21.320(53)	Absentee voting by UOCAVA voters
21.321 to 21.350	Reserved
21.351(53)	Receiving absentee ballots
21.352(53)	Review of returned envelopes marked with affidavits
21.353(53)	Opening the return carrier envelopes that are not marked with voters’ affidavits
21.354(53)	Review process
21.355(53)	Notice to voter
21.356 to 21.358	Reserved
21.359(53)	Processing absentee ballots before election day
21.360	Reserved
21.361(53)	Rejection of absentee ballot
21.362 to 21.399	Reserved

DIVISION IV
INSTRUCTIONS FOR SPECIFIC ELECTIONS

21.400(376)	Signature requirements for certain cities
21.401(376)	Signature requirements in cities with primary or runoff election provisions
21.402(372)	Filing deadline for charter commission appointment petition
21.403(372)	Special elections to fill vacancies in elective city offices for cities that may be required to conduct primary elections
21.404(372)	Special elections to fill vacancies in elective city offices for cities without primary election requirements
21.405(69)	Special elections to fill a vacancy in the office of representative in Congress
21.406 to 21.499	Reserved
21.500(277)	Signature requirements for school director candidates
21.501 to 21.600	Reserved
21.601(43)	Plan III supervisor district candidate signatures after a change in the number of supervisors or method of election
21.602(43)	Primary election—nominations by write-in votes for certain offices
21.603 to 21.799	Reserved
21.800(423B)	Local sales and services tax elections
21.801(423B)	Form of ballot for local option tax elections
21.802(423B)	Local vehicle tax elections
21.803(423F)	Revenue purpose statement ballots
21.804 to 21.809	Reserved
21.810(34A)	Referendum on enhanced 911 emergency telephone communication system funding
21.811 to 21.819	Reserved
21.820(99F)	Gambling elections
21.821 to 21.829	Reserved
21.830(357E)	Benefited recreational lake district elections

CHAPTER 22
VOTING SYSTEMS AND ELECTRONIC POLL BOOKS

TESTING AND EXAMINATION OF VOTING EQUIPMENT

22.1(52)	Definitions for certification of voting equipment
22.2(52)	Voting system standards
22.3(52)	Examiners
22.4(52)	Fees and expenses paid to the examiners
22.5(52)	Examination of voting equipment—application
22.6(52)	Review of application by examiners
22.7(52)	Consultant
22.8(52)	Contact other users
22.9(52)	Testing the equipment
22.10(52)	Test primary election for three political parties
22.11(52)	Test general election
22.12(52)	Report of findings
22.13(52)	Notification
22.14(52)	Denial of certification
22.15(52)	Application for reconsideration
22.16(52)	Appeal
22.17(52)	Changes to certified voting systems
22.18(52)	Rescinding certification
22.19 to 22.29	Reserved
22.30(50,52)	Electronic transmission of election results
22.31(52)	Acceptance testing
22.32 to 22.40	Reserved
22.41(52)	Public testing of optical scan systems
22.42(52)	Preparing test decks
22.43(52)	Conducting the public test
22.44 to 22.49	Reserved
22.50(52)	Voting system security
22.51(52)	Memory storage devices
22.52(52)	Voting equipment malfunction at the polls
22.53 to 22.99	Reserved

OPTICAL SCAN VOTING SYSTEMS

22.100	Reserved
22.101(52)	Definitions
22.102(52)	Optical scan ballots
22.103 to 22.199	Reserved

PRECINCT COUNT SYSTEMS

22.200(52)	Security
22.201(52)	Programming and testing the tabulating devices for precinct count systems
22.202(50)	Unique race and candidate ID numbers for election night results reporting
22.203(50)	Reporting election night results electronically
22.204 to 22.220	Reserved
22.221(52)	Sample ballots and instructions to voters
22.222 to 22.230	Reserved
22.231(52)	Emergency ballot box or bin
22.232(52)	Manner of voting
22.233 to 22.239	Reserved
22.240(52)	Results
22.241(52)	Electronic transmission of election results

22.242 to 22.249	Reserved
22.250(52)	Absentee voting instructions
22.251 to 22.259	Reserved
22.260(52)	Specific precinct count systems
22.261(52)	Election Systems & Software Voting Systems—preparation and use in elections
22.262(52)	Premier Election Solutions' AccuVote OS and AccuVote OSX precinct count devices
22.263(52)	AutoMARK Voter Assist Terminal (VAT)
22.264(52)	Unisyn OpenElect OVO unit—preparation and use in elections
22.265(52)	Unisyn OpenElect OVI unit
22.266(52)	Dominion Democracy Suite Voting Systems—preparation and use in elections
22.267 to 22.339	Reserved

OPTICAL SCAN VOTING SYSTEM USED FOR ABSENTEE AND SPECIAL VOTERS PRECINCT

22.340(52)	Processing
22.341(52)	Reporting results from absentee ballots and provisional ballots
22.342(52)	Tally list for absentee and special voters precinct
22.343(39A,53)	Counting absentee ballots on the day before the general election
22.344 to 22.599	Reserved

E-POLL BOOKS

22.600(47)	Revolving loan fund
22.601(47)	Operational features of e-poll books
22.602(47)	Security features of e-poll books

CHAPTER 23

VOTER REGISTRATION IN STATE AGENCIES

23.1(48A)	Definitions
23.2(48A)	Registration forms
23.3(48A)	Declination forms
23.4(48A)	Electronic declination records
23.5(48A)	Retention and storage of declination forms
23.6(48A)	Distribution of voter registration forms
23.7(48A)	Applications, recertifications, renewals and changes of address received from applicant representatives
23.8(48A)	Recertification and renewal applications
23.9(48A)	Change of address notices
23.10(48A)	Ineligible applicants
23.11(48A)	Other voter registration agencies

CHAPTER 24

UNOFFICIAL CANVASS OF VOTES

24.1(47)	Unofficial canvass
24.2(47)	Duties of the county commissioner of elections
24.3(47)	Duties of the state commissioner of elections

CHAPTER 25

ELECTION ADMINISTRATION—ADMINISTRATIVE COMPLAINT PROCEDURE

25.1(17A,39A,47)	General provisions
25.2(17A,39A,47)	Form of complaint
25.3(17A,39A,47)	Filing, service, and initial review of complaint
25.4(17A,39A,47)	Notice of proceedings
25.5(17A,39A,47)	Informal settlement
25.6(17A,39A,47)	Answer

- 25.7(17A,39A,47) Presiding officer
- 25.8(17A,39A,47) Proceedings based upon written submissions
- 25.9(17A,39A,47) Written decisions, available remedies
- 25.10(17A,39A,47) Hearings
- 25.11(17A,39A,47) Time requirements
- 25.12(17A,39A,47) Waiver of procedures
- 25.13(17A,39A,47) Telephone and electronic proceedings
- 25.14(17A,39A,47) Disqualification
- 25.15(17A,39A,47) Consolidation—severance
- 25.16(17A,39A,47) Service and filing of pleadings and other papers
- 25.17(17A) Discovery
- 25.18(17A) Issuance of subpoenas in a complaint proceeding
- 25.19(17A) Motions
- 25.20(17A) Continuances
- 25.21(17A) Withdrawals
- 25.22(17A) Intervention
- 25.23(17A) Hearing procedures
- 25.24(17A) Evidence
- 25.25(17A) Default
- 25.26(17A) Ex parte communication
- 25.27(17A) Recording costs
- 25.28(17A) Final decisions, publication and party notification
- 25.29(17A) Interlocutory appeals
- 25.30(17A) Appeals and review
- 25.31(17A) Applications for rehearing
- 25.32(17A) Stays of orders
- 25.33(17A) No factual dispute complaint proceedings
- 25.34(17A) Alternate dispute resolution
- 25.35(17A) Judicial review

CHAPTER 26 COUNTING VOTES

PART I—GENERAL PROVISIONS

- 26.1(49) Definitions
- 26.2(49) Counting votes on election day
- 26.3(50) Reporting overvotes and undervotes
- 26.4(50) Absentee and special voters precinct
- 26.5 to 26.9 Reserved

PART II—OPTICAL SCAN VOTING SYSTEMS

- 26.10(50) Systems affected
- 26.11(50) Examples used
- 26.12(50) Wrong ballots
- 26.13(50) Ballot properly marked by the voter
- 26.14(50) Ballots with identifying marks
- 26.15(49) Voter's choice
- 26.16(49) Determination of voter's choice
- 26.17(49) Marks not counted
- 26.18(49) Acceptable marks
- 26.19 Reserved
- 26.20(49) Write-in votes
- 26.21(49) Corrections by voter

26.22 to 26.49 Reserved

PART III—PAPER BALLOTS

26.50(49) Standards
 26.51(49) Write-in votes
 26.52 to 26.59 Reserved

PART IV—VOTING MACHINES

26.60 to 26.99 Reserved

PART V—RECOUNTS

26.100(50) Requester
 26.101(50) Recounts for candidates who run as a team
 26.102(50) Bond
 26.103(50) Recount board
 26.104(50) Responsibilities of the recount board
 26.105(50) Duties of commissioner and commissioner's staff
 26.106(50) Access to meeting
 26.107(50) Report of the recount board

CHAPTER 27

HELP AMERICA VOTE ACT GRANTS

27.1(47,80GA,SF2298) Purpose
 27.2(47,80GA,SF2298) Definitions
 27.3(47,80GA,SF2298) Eligibility and requirements
 27.4(47,80GA,SF2298) Application process
 27.5(47,80GA,SF2298) Application contents
 27.6(47,80GA,SF2298) Application review
 27.7(47,80GA,SF2298) Award process
 27.8(47,80GA,SF2298) Reports
 27.9(47,80GA,SF2298) Access to records

CHAPTER 28

VOTER REGISTRATION FILE (I-VOTERS) MANAGEMENT

28.1(47,48A) State registrar's responsibility
 28.2(48A) Access and fees
 28.3(48A) Duplicate and multiple voter registration record deletion process
 28.4(48A) Cancellations and restorations of voter registration due to felony conviction
 28.5(47,48A) Noncitizen registered voter identification and removal process
 28.6(48A) Cancellations and restorations of voter registration due to jury declination

CHAPTER 29

Reserved

DIVISION III
 UNIFORM COMMERCIAL CODE

CHAPTER 30

UNIFORM COMMERCIAL CODE

30.1(554) General provisions
 30.2(554) Acceptance and refusal of documents
 30.3(554) UCC information management system
 30.4(554) Filing and data entry procedures
 30.5(554) Search requests and reports
 30.6(554) Other notices of liens

CHAPTERS 31 to 39

Reserved

DIVISION IV
CORPORATIONSCHAPTER 40
CORPORATIONS

- 40.1(490,499,504A) Filing of documents
- 40.2(490,499,504A) Reinstatement of corporations
- 40.3(487,490,504A) Names distinguishable upon corporate records
- 40.4(490,491,496C,497,498,499,504A) Payment and refund of fees
- 40.5(491,496A,499,504A,548) Document to county recorder
- 40.6(548) Registration and protection of marks
- 40.7(80GA,SF2274) Revised nonprofit corporation Act fees
- 40.8(488,489,490) Biennial reports
- 40.9(488,489,490,504) Online filing requirements

CHAPTER 41

Reserved

CHAPTER 42
ATHLETE AGENT REGISTRATION

- 42.1(9A,17A) Fees
- 42.2 and 42.3 Reserved
- 42.4(9A,17A) General information

CHAPTER 43
NOTARIAL ACTS

- 43.1(9B) Certificate of notarial acts
- 43.2(9B) Short form certificates
- 43.3(9B) Conflict of interest
- 43.4(9B) Commission as notary public
- 43.5(9B) Performance of notarial act on electronic record
- 43.6(9B) Sanctions

CHAPTER 44

Reserved

CHAPTER 45
MECHANICS' NOTICE AND LIEN REGISTRY

- 45.1(572) General provisions
- 45.2(572) Creation of mechanics' notice and lien registry
- 45.3(572) Administrator identification
- 45.4(572) Posting of notice of commencement of work
- 45.5(572) Posting of preliminary notice
- 45.6(572) Posting of mechanic's lien
- 45.7(572) Forfeiture and cancellation of mechanics' liens
- 45.8(572) Discharge of mechanic's lien by submission of a bond
- 45.9(572) Action against general contractor or owner-builder to recover amount due
- 45.10(572) Delay by administrator
- 45.11(572) Nondisclosure of MNLR information
- 45.12(572) Obligation to update information
- 45.13(572) Fees and services
- 45.14(572) Grounds for refusal of a posting or submission

- 45.15(572) Posting of a filing office statement, correction statement, or withdrawal statement
- 45.16(572) Assignment of date and time stamp and MNLN number
- 45.17(572) Penalties
- 45.18(572) Preservation and access by the public

CHAPTER 2
RULES OF PRACTICE

[Prior to 7/13/88, see Secretary of State[750], Ch 7]

721—2.1(17A) Forms used. Copies of all forms are kept in the main office and may be inspected by anyone during the working day.

721—2.2(17A) Filing complaints. All complaints or objections relating to any matter involving the secretary of state's office shall be in writing addressed to the secretary of state. The complaint or objection may be either mailed or hand delivered. Oral complaints or objections will be handled in an informal procedure by the secretary or secretary's designee with the complainant at the convenience of both parties.

721—2.3(631) Payment for services. The secretary of state may approve accounts to be used for the payment of services provided by the secretary of state. A user of a service provided by the secretary of state may make payment for the service by authorizing a charge to be made upon an account held by the user.

2.3(1) The secretary of state may prescribe and furnish forms for the purpose of authorizing a charge to be made upon an account. The secretary of state may refuse to charge an account for service requested without the appropriate form.

2.3(2) Application for account. Application for an account shall be made upon a form prescribed and furnished by the secretary of state. The account holder is subject to the terms and conditions contained in the application. The secretary of state reserves the right to adopt changes to the terms and conditions of the account. The secretary of state reserves the right to close a delinquent account.

2.3(3) Account holders will receive a monthly statement of account. The statement will include, for each transaction, the date and amount of the transaction. A transaction may include more than one filing fee.

2.3(4) Payment in full is due within 15 days of the date of the statement of account. An account is considered delinquent after the expiration of 30 days from the date of the statement of account. Interest and finance charges may be assessed on delinquent accounts in accordance with Iowa Code chapter 535.

2.3(5) An annual fee of \$100 shall be paid by an account holder for the privilege of maintaining an account. The annual fee shall cover a 12-month period measured from the first day of the month in which the account is approved by the secretary of state. An account that is not delinquent one month prior to the expiration of the annual period shall be renewed upon the payment of the annual fee. The secretary of state shall charge the annual fee to the account on the statement of the account for the monthly period prior to the expiration date. The annual fee shall be used for the purpose of offsetting the expenses incurred by the secretary of state in maintaining the account.

2.3(6) Accounts maintained by the secretary of state prior to July 1, 1989, shall be terminated at the close of business on June 30, 1989, unless the holder of the account complies with subrule 2.3(5) and authorizes the secretary of state to continue the account by filing a renewal application on a form prescribed and furnished by the secretary of state.

2.3(7) The secretary of state shall assess a fee of \$10 for the receipt of a document filed under Iowa Code section 631.4(1)“d.”

[ARC 0804C, IAB 6/26/13, effective 7/31/13; ARC 3467C, IAB 11/22/17, effective 12/31/17]

721—2.4(17A) Examination and preservation of records.

2.4(1) “Lawful custodian” shall include the secretary of state and staff personnel authorized by the secretary of state.

2.4(2) No person, except the lawful custodian, shall place a mark upon, or in any manner damage, deface, alter, or destroy a public record.

2.4(3) Examination and copying of public records shall be conducted under the supervision of the lawful custodian.

2.4(4) Public records shall not be removed from the offices of the secretary of state, except for the purposes of:

- a. Complying with a subpoena duces tecum,
- b. Microfilming the records by the department of general services, or
- c. Retaining and preserving the public records pursuant to Iowa Code chapter 304.
- d. Complying with Iowa Code section 2B.10.

721—2.5(17A) Telecopier service. The secretary of state may provide copies of official records by telecopier to persons who hold an account authorized by the secretary of state pursuant to rule 721—2.3(17A). In addition to any fee imposed by statute for reproduction of the record, the secretary of state shall charge to the account a fee of \$1 per page to offset the cost of the telecopier service.

These rules are intended to implement Iowa Code chapters 17A, 490, 491, 497, 498, 499, 504, and 554 (Article 9) and 2017 Iowa Acts, Senate File 516, section 23.

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CHAPTER 22
VOTING SYSTEMS AND ELECTRONIC POLL BOOKS
[Prior to 7/13/88, see Secretary of State[750] Ch 10]

TESTING AND EXAMINATION OF VOTING EQUIPMENT

721—22.1(52) Definitions for certification of voting equipment.

“*Accredited independent test authority*” means a person or agency that was formally recognized by the National Association of State Election Directors as competent to design and perform qualification tests for voting system hardware and software. “Accredited independent test authority” also includes voting system test laboratories accredited by the Election Assistance Commission to test voting systems for compliance with federal voting system standards and guidelines, as required by the Help America Vote Act, Section 231.

“*Audio ballot*” means the presentation of the contents of a ballot on an electronic ballot marking device in a recorded format, played to the voter over headphones.

“*Automatic tabulating equipment*” means apparatuses that are utilized to ascertain the manner in which optical scan ballots have been marked by voters or by electronic ballot marking devices and to count the votes marked on the ballots.

“*Ballot*” means the official document that includes all of the offices or public measures to be voted upon at a single election, whether they appear on one or more paper ballots. The term includes optical scan paper ballots designed to be read by automatic tabulating equipment. In appropriate contexts, “ballot” also includes conventional paper ballots.

“*Ballot marking device*” means a pen, pencil, or similar writing tool, or an electronic device, all designed for use in marking an optical scan ballot, and so designed or fabricated that the mark it leaves may be detected and the vote so cast counted by automatic tabulating equipment.

“*Certification*” means formal approval of an optical scan voting system for use in Iowa pursuant to Iowa Code sections 52.5 and 52.26.

“*De minimis change*” means a change to a certified voting system’s hardware, software, technical data package (TDP), or data, the nature of which will not materially alter the system’s reliability, functionality, capability, or operation. Under no circumstances shall a change be considered de minimis if it has reasonable and identifiable potential to impact the system’s performance and compliance with the applicable voting standard.

“*Early voting*” means the process of receiving ballots from voters before election day without using absentee voting procedures. Iowa law does not authorize this process.

“*Electronic ballot marking device*” means a component of an optical scan voting system designed to assist voters with disabilities by displaying audio and visual ballot information to the voter, providing accessible methods for the voter to make selections, and then printing the voter’s choices on an optical scan ballot.

“*Electronic poll book,*” “*epollbook,*” “*e-poll book,*” or “*electronic register*” means hardware and software components used to verify and process voting activity and changes in voter registration and to check in voters. This definition includes e-poll books in use in the commissioner’s office. However, this definition does not apply to the I-Voters statewide voter registration database.

“*Electronic transmission*” means using hardware and software components to send data over distances both within and external to the polling place and to receive an accurate copy of the transmission.

“*Examiners*” means the board of examiners for voting systems described in Iowa Code section 52.4.

“*Memory storage device*” means a small, removable device containing data files of the election definition programmed for use in voting equipment for each election.

“*Modification*” means a change to a certified voting system’s software or firmware. Modification also means a change to a certified voting system’s hardware that has the potential to affect the reliability, functionality, capability, security or operability of a system.

“*Optical scan ballot*” means a printed ballot designed to be marked by a voter with a ballot marking device and to be counted by use of automatic tabulating equipment.

“*Optical scan voting system*” means a system employing paper ballots under which votes are cast by voters by marking paper ballots with a ballot marking device and thereafter counted by use of automatic tabulating equipment.

“*Program*” means the written record of the set of instructions defining the operations to be performed by a computer in examining, counting, tabulating, and printing votes.

“*Qualification test*” means the examination and testing of a voting system by an independent test authority using the voting system standards required by Iowa Code section 52.5 and rule 721—22.2(52) to determine whether the system complies with those standards.

“*Vendor*” means a person or representative of a person owning or being interested in an optical scan voting system and seeking certification of the equipment for use in elections in Iowa.

“*Voting booth*” means an enclosure designed to be used by a voter while marking a conventional paper ballot, optical scan ballot or ballot card.

“*Voting equipment*” means an optical scan voting system which is required by Iowa Code sections 52.5 and 52.26 to be approved for use by the examiners.

“*Voting equipment malfunction*” means a problem with the voting equipment that renders the equipment inoperable for a period of time when it has been deployed for use during an election. “Voting equipment malfunction” does not include interruptions of equipment operations due to routine error messages as referred to in subrule 22.261(5), 22.262(6) or 22.266(5).

“*Voting system*” means the total combination of mechanical, electromechanical or electronic equipment (including the software, firmware and documentation required to program, control and support the equipment that is used to define ballots, to cast and count votes, to report or display election results and to maintain and produce any audit trail information). “Voting system” also includes the practices and associated documentation used to identify system components and versions of such components, to test the system during its development and maintenance, to maintain records of system errors and defects, to determine specific system changes to be made to a system after the initial qualification of the system and to make available any materials to the voter such as notices, instructions, forms or paper ballots. (See Section 301(b) of HAVA.)

[ARC 8244B, IAB 10/21/09, effective 10/2/09; ARC 9468B, IAB 4/20/11, effective 5/25/11; ARC 0801C, IAB 6/26/13, effective 7/31/13; ARC 3468C, IAB 11/22/17, effective 12/31/17]

721—22.2(52) Voting system standards. All electronic voting systems approved for use by the board of examiners after April 9, 2003, shall meet Voting Systems Performance and Test Standards, as adopted by the Federal Election Commission April 30, 2002, or the 2005 Voluntary Voting Systems Guidelines, as adopted by the U.S. Election Assistance Commission in December 2005. The report of an accredited independent test authority certifying that the system is in compliance with these standards shall be submitted with the application for examination.

This rule is intended to implement Iowa Code section 52.5.
[ARC 9468B, IAB 4/20/11, effective 5/25/11; ARC 9762B, IAB 10/5/11, effective 9/8/11]

721—22.3(52) Examiners. The examiners annually shall elect a chairperson. All three examiners must be present for any formal action. Approval by two of the three examiners is required to approve any action to be taken by the examiners.

22.3(1) Notice of the time and place of any meeting by the board of examiners must be published pursuant to Iowa Code section 21.4.

22.3(2) Meetings of the examiners are open to the public, except that closed meetings may be held as permitted by Iowa Code section 21.5.

22.3(3) Correspondence and materials required to be filed with the board of examiners shall be addressed to the examiners in care of the Elections Division, Office of the Secretary of State, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.

721—22.4(52) Fees and expenses paid to the examiners.

22.4(1) The examiners shall be reimbursed for travel to and from the meeting place at the rate specified in Iowa Code section 70A.9. The examiners shall also be reimbursed for actual expenses for meals and lodging, if necessary.

a. If the meeting was called for the purpose of examining, reexamining, testing, or discussing the certification of voting equipment offered by a vendor, the examiners' expenses shall be paid by the vendor within seven days following the completion of the examination and testing of the voting equipment.

b. If the meeting was called for the purpose of advising the secretary of state regarding administrative rules for the examiners, or to hear complaints or requests for decertification of voting equipment, or any other business of interest to the examiners, the expenses shall be paid by the secretary of state.

22.4(2) The vendor shall pay the examiners the amount of compensation specified in Iowa Code section 52.6 at the beginning of each meeting for which compensation is required to be provided to the examiners. The fee shall be paid as follows:

a. For each meeting or series of meetings held for the purpose of certifying an optical scan voting system or component thereof.

b. For each meeting or series of meetings for reconsideration of an optical scan voting system or component thereof after denial of certification.

This rule is intended to implement Iowa Code sections 17A.19, 49.25(3), 52.5, 52.6, and 52.26.
[ARC 8244B, IAB 10/21/09, effective 10/2/09]

721—22.5(52) Examination of voting equipment—application. Any vendor who wishes to apply for certification of voting equipment for use in the state of Iowa shall apply to the secretary of state for an appointment with the examiners. The application shall include five copies of each of the following:

22.5(1) History of the equipment to be examined. This history shall include a complete description of the equipment to be examined, descriptions of any previous models of the equipment, the date the system to be examined went into production, and a complete list of jurisdictions which have used the equipment. The user list shall include jurisdictions which used the equipment experimentally without purchasing it, jurisdictions which purchased earlier versions of the equipment to be examined, and jurisdictions which purchased the current version of the equipment to be examined.

22.5(2) Copies of all manuals developed for use with the system including, but not limited to, technical manuals for repair and maintenance of the equipment, operations manuals for election officials, printer's manuals for ballot production, and any other written documents prepared by the vendor that describe the operation, use, and maintenance of the machine.

22.5(3) Report of an accredited independent test authority certifying that the system is in compliance with the voting systems standards required by rule 721—22.2(52). Copies of these reports are confidential records as defined by Iowa Code section 22.7 and Iowa Code chapter 550. Independent test authority reports shall be available to the secretary of state, deputy secretary of state, director of elections, members of the board of examiners, and any other person designated by the secretary of state to have a bona fide need to review the report. No other person shall have access to the reports, and no copies shall be made. All independent test authority reports shall be marked "CONFIDENTIAL" and shall also be accompanied by a list of those persons who are authorized to examine the report. The reports shall be kept in a locked cabinet.

22.5(4) Copies of the reports of any test authority who has examined the equipment in conjunction with certification requirements of other states.

22.5(5) Reports of the certifying authorities of any other states that have examined the equipment, whether or not the equipment was approved for use.

22.5(6) Brochures, photographs and advertising material used to encourage sales of the equipment.

22.5(7) Manuals for the use and maintenance of any components of the equipment that are not manufactured by the vendor.

22.5(8) Rescinded IAB 4/20/11, effective 5/25/11.

22.5(9) Reserved.

22.5(10) The form prescribed by the state commissioner of elections to request examination and testing of voting systems.

[ARC 8244B, IAB 10/21/09, effective 10/2/09; ARC 9468B, IAB 4/20/11, effective 5/25/11]

721—22.6(52) Review of application by examiners. Upon receipt of the application, the secretary of state shall immediately forward copies of the application to each of the examiners. The examiners shall review the application and within seven days a date shall be set for the examiners to meet and examine the equipment. If additional information is needed by the examiners, they may delay setting a date for the examination pending the submission of the requested materials.

721—22.7(52) Consultant. If the examiners determine that a consultant is necessary to determine whether a system meets the requirements of Iowa law or whether a change to a voting system is de minimis or a modification, the examiners shall notify the vendor of the decision. The vendor may suggest the names of reliable independent test authorities to the examiners and may decline to submit the equipment to the examination of an individual for good reason.

A consultant may be employed if no other state has certified the equipment for use. The examiners may require a consultant if the equipment has been modified following certification by other states, or if the examiners believe it to be necessary.

If a test authority has been determined to be necessary by the examiners and a suitable consultant cannot be agreed upon by the examiners and the vendor, the equipment shall not be approved for use.

[ARC 8244B, IAB 10/21/09, effective 10/2/09]

721—22.8(52) Contact other users. The examiners shall contact a representative sample of the users of the equipment to determine the nature of the experience of other users.

721—22.9(52) Testing the equipment. The vendor shall provide to the examiners one, or more, if deemed necessary by the examiners, production models of the equipment submitted for certification. The equipment shall be prepared by the examiners with the aid of the vendor to be tested at two sample elections: a sample partisan primary election, and a sample general election.

22.9(1) Test county for absentee voting. Voting equipment which is designed to be used for tabulation of absentee ballots shall be tested using a model county consisting of 155 precincts, with 180,000 registered voters. The county shall include one U.S. congressional district, five state senate districts, 11 state house of representatives districts, and 30 townships. Each township shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

22.9(2) Test county for absentee systems. Voting equipment which is designed to be used for tabulation of absentee ballots only shall be tested using a model county consisting of 155 precincts, with 180,000 registered voters. The county shall include one U.S. Congressional District, five state senate districts, 11 state house of representatives districts, and 30 townships. Each township shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

22.9(3) Test precinct for precinct count systems. The test precinct shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

22.9(4) All requirements for preparation and printing of test ballots shall be met in the preparation of ballots for the test elections including, but not limited to, rotation of candidates' names and the provision of space for write-in votes.

22.9(5) Test ballots provided by vendor. The vendor shall provide the ballots to be used in the testing of the equipment. A total of at least 2000 ballots shall be printed for each of the two test elections. One thousand ballots for each test election shall be marked and manually tabulated by the vendor to use as a test of the ability to tabulate results accurately. The balance of the ballots shall be delivered to the examiners before the date set for the examination. The examiners shall mark and manually tabulate an additional set of at least 300 test ballots.

22.9(6) Accessibility testing by other interested parties. Any party interested in the accessibility of voting equipment that is being considered for state certification may request to be included on notices of meetings of the board of examiners. Requests shall be sent to the examiners, in care of the Elections Division, Office of the Secretary of State, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Any parties present at the meeting may complete accessibility testing on the equipment and submit a report on the accessibility of the voting system to the examiners within 30 days of the date of the examination and test. The report may be made in written or oral form. If an interested party would like to make an oral report, the examiners may hear the report either in person or by conference call organized by the elections division, whichever the examiners prefer.

[ARC 0736C, IAB 5/15/13, effective 6/19/13]

721—22.10(52) Test primary election for three political parties.

22.10(1) *Closed primary election.* Voters may only cast votes for the candidates of one of the parties.

22.10(2) *Offices.* The following offices shall each have two candidates for each party. Candidate names shall be rotated as required by Iowa Code section 43.28.

- a. U.S. Senator
- b. U.S. Representative
- c. Governor
- d. Secretary of State
- e. Auditor of State
- f. Treasurer of State
- g. Secretary of Agriculture
- h. Attorney General
- i. State Senator
- j. State Representative
- k. County Supervisor (vote for no more than three of six candidates)
- l. County Treasurer
- m. County Recorder
- n. County Attorney
- o. and p. Rescinded IAB 8/1/07, effective 7/13/07.

22.10(3) *Write-in votes.* Spaces for write-in votes shall be provided for each office on the ballot. The number of spaces shall equal the number of persons to be elected to the office.

721—22.11(52) Test general election. The ballots for the test general election shall include the following:

22.11(1) *Offices.* In the test general election all of the above offices shall be included with the addition of candidates for lieutenant governor to be voted for jointly with each candidate for governor. Each political party and nonparty political organization shall have one candidate for each office that appeared on the primary ballot, except county supervisor, which shall have three candidates for each party and nonparty political organization. Names of candidates for county supervisor shall be rotated as required by Iowa Code section 49.31, subsection 2.

The following nonpartisan offices shall also be included on the ballot with the heading “Nominated by Petition”:

- a. Township Trustee
- b. Township Clerk
- c. County Public Hospital Trustee
- d. Soil and Water Conservation District Commissioners
- e. Agricultural Extension Council

22.11(2) *Judicial ballot.* Portions of the judicial ballot may be printed separately if necessary.

- a. Supreme Court (five justices)
- b. Appeals (four judges)
- c. District Court (six judges)

d. District Associate Judges (three judges)

22.11(3) Public measures.

a. Constitutional Amendments (two)

b. Local public measures (three)

22.11(4) Rescinded IAB 11/8/17, effective 12/31/17.

22.11(5) Write-in votes. Spaces for write-in votes shall be provided for each office on the ballot. The number of spaces shall equal the number of persons to be elected to the office. This does not include judges standing for retention.

[ARC 3447C, IAB 11/8/17, effective 12/31/17]

721—22.12(52) Report of findings. Within 60 days of examining a voting system pursuant to this chapter, the examiners shall complete a report showing their findings. The report shall include a checklist containing all statutory requirements for voting systems and shall indicate whether each requirement applies to the voting system being examined and whether the voting system is compliant or not compliant. The checklist must indicate that all applicable items are compliant with statutory requirements in order for the examiners to find that the voting system may be approved for use.

22.12(1) Accessibility reports. If interested parties are present at the examination and test and participate in accessibility testing of the equipment, the examiners shall wait a minimum of 30 days from the date of the examination and test before completing the report required by this rule so that the examiners have sufficient time to receive and review any accessibility reports submitted by interested parties pursuant to subrule 22.9(6).

22.12(2) Approval prior to use. If the report states that the voting system has been approved for use, the voting system may be adopted for use at elections.

22.12(3) Report filed with the secretary of state. The report shall be filed with the secretary of state. The secretary of state shall retain the vendor's application and other documents submitted pertaining to the certification as long as the voting system remains certified.

[ARC 0736C, IAB 5/15/13, effective 6/19/13]

721—22.13(52) Notification. The examiners shall promptly notify the vendor of their decision and shall provide the vendor with a copy of their report.

721—22.14(52) Denial of certification. If the examiners find that the equipment does not meet the requirements prescribed by the Code of Iowa and the Iowa Administrative Code, the examiners shall deny certification to the equipment. The report of the board shall specify the reasons for the denial, as well as all areas in which the equipment complied with the requirements of the law. Certification may be denied for any of the following reasons:

22.14(1) The absence of any feature required by Iowa Code section 52.5 or 52.26.

22.14(2) Failure to pay the examiners' fees and expenses, or the fees of any consultant mutually agreed upon by the examiners and the vendor.

22.14(3) Failure to provide the examiners with a complete application as required by rule 721—22.5(52).

22.14(4) Failure of the equipment to produce accurate results in one or both of the test elections. The test groups of ballots shall be tabulated manually to determine the expected outcome of each test election. If the equipment fails to reproduce exactly the results of the manual tabulation, the system shall not be approved for use, unless it can be demonstrated that the manual tabulation was in error and the machine tabulation was accurate.

[ARC 9468B, IAB 4/20/11, effective 5/25/11]

721—22.15(52) Application for reconsideration. Following denial of certification a vendor may make the necessary modifications to the system and apply for reconsideration. Aspects of the equipment which were approved in the initial application do not need to be reexamined unless the examiners find that the modifications may have affected the ability of the equipment to comply in other areas. If certification was

denied for the reasons cited in 22.14(1) or 22.14(4), both test elections must be completed satisfactorily, or approval shall not be granted.

721—22.16(52) Appeal. If the vendor believes the denial of certification is in error, the vendor must file written exceptions with the examiners within 30 days after issuance of the report. The examiners will issue a response to the exceptions within 30 days after filing of the exceptions. A vendor who is aggrieved or adversely affected by a denial after a ruling on exceptions may seek judicial review pursuant to Iowa Code section 17A.19.

721—22.17(52) Changes to certified voting systems. The procedures in this rule shall be followed anytime a change is made to a certified voting system, including a change in tabulation software, firmware, or hardware.

22.17(1) Notification of change. The vendor shall notify the examiners of any changes in a certified voting system. The vendor shall provide the examiners with the following information at the time the vendor provides notice of the change(s):

- a. A description of the changes made.
- b. Reports of test results conducted by an accredited independent test authority, and any reports of test results conducted by or for other states following the changes to the voting system.
- c. Copies of manuals, instructions, advertisements and other documents submitted with the voting system's original application for certification that have been updated since the original application was submitted.
- d. An assessment from an accredited independent test authority of the change as either a de minimis change or a modification to the voting system.

22.17(2) Commencing review proceedings. Within seven days of receiving a voting system change notice from a vendor, the examiners shall commence review proceedings to independently determine whether the change submitted by the vendor is a de minimis change or a modification to the voting system. In making this independent determination, the examiners may use any means available, including hiring a consultant pursuant to rule 721—22.7(52).

22.17(3) De minimis changes. If the examiners determine a change to a voting system is de minimis, the examiners may approve the changes by motion and certify the changed voting system for use in the state.

22.17(4) Modifications to voting systems. If the examiners determine a change to a voting system is a modification to the voting system, the examiners shall require the vendor to submit a new application for certification and testing of the voting system pursuant to rules 721—22.5(52) to 721—22.11(52).

[ARC 8244B, IAB 10/21/09, effective 10/2/09]

721—22.18(52) Rescinding certification.

22.18(1) Grounds for rescinding certification. Certification may be rescinded if it is found that:

- a. The equipment does not produce accurate results and reports as required for an election.
- b. Modifications have been made in a certified voting system that have not been approved by the examiners.
- c. Equipment which has been certified for use has not been adopted by any county in Iowa, or is no longer used by any county in Iowa, and is no longer available for purchase from the manufacturer. The examiners may rescind certification of such voting equipment without a complaint or contested case proceedings.
- d. Equipment that has been certified for use no longer complies with the requirements of Iowa law.
- e. Any other grounds that may materially affect delivery or performance of the equipment.

22.18(2) Procedure for rescinding certification. Complaints regarding voting equipment certified for use in Iowa shall be filed with the secretary of state. The examiners shall review all complaints and may initiate a contested case to rescind certification on any ground listed above. The contested case may be conducted before the examiners or before an administrative law judge. A contested case for

rescinding certification shall be conducted, to the extent applicable, in accordance with the procedural rules specified in 481—Chapter 10, Iowa Administrative Code.

22.18(3) *Suspension of certification.* If the administrative law judge hearing the contested case, or the examiners, as the case may be, find that the voting equipment can be modified to correct the deficiency, certification may be suspended until the deficiency is corrected. If it is found that the deficiency is limited to a specific flaw not present in all models of the equipment, the suspension may be limited to the deficient models. While certification is suspended, the equipment may not be used for any election.

After the required modifications have been made the vendor may apply for reexamination of the equipment following the procedure described in rule 721—22.17(52).

22.18(4) *Further use prohibited.* If certification of voting equipment is rescinded without qualification, no further use shall be permitted by any county.

[ARC 8244B, IAB 10/21/09, effective 10/2/09]

These rules are intended to implement Iowa Code sections 17A.12, 21.4, 21.5, 52.4, 52.5, 52.6, 52.7, 52.26, and 70A.9.

721—22.19(52) Examination of voting booths—application. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.20(52) Review of application by examiners. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.21(52) Contact other users. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.22(52) Criteria for approval. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.23(52) Report. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.24(52) Notification. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.25(52) Denial of certification. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.26(52) Application for reconsideration. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.27(52) Appeal. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.28(52) Reexamination following changes in voting booth. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.29(52) Rescinding certification. Rescinded IAB 10/21/09, effective 10/2/09.

721—22.30(50,52) Electronic transmission of election results.

22.30(1) *Certification of equipment.* On or after December 17, 2003, new components for transmission of election results by any electronic means may be used in elections in Iowa only if the components are approved by the board of examiners for use with a certified voting system. Existing systems containing electronic transmission components in use before December 17, 2003, may continue to be used until January 1, 2006, when the Help America Vote Act voting system requirements become effective.

The examiners shall review the qualification test report submitted with the application for examination and testing of the voting system. If the test report for the voting system under examination shows that the electronic transmission components have met the voting system standards and the examiners concur, the electronic transmission components may be used in conjunction with the voting system. If the qualification test report or the examiners conclude that the electronic transmission components do not meet the voting system standards, or if this feature is not mentioned in the report, purchasers of the voting system may not transmit election results electronically.

22.30(2) Procedures on election day. The election results may be transmitted electronically from voting equipment to the county commissioner of elections' office only after the precinct election officials have produced a written report of the election results as required by Iowa Code section 50.11. All election officials of the precinct shall sign the printed report of the election results. The signed copy shall be the official tabulation from that precinct.

22.30(3) Procedures after election day. Before the canvass by the board of supervisors, the county commissioner of elections shall compare the signed, printed report from each precinct with the results transmitted electronically from the precinct on election night. The commissioner shall report any discrepancies between the two sets of election results to the board of supervisors. The signed, printed results produced pursuant to Iowa Code section 50.11 shall be considered the correct results.

This rule is intended to implement Iowa Code sections 50.11 and 52.41.

721—22.31(52) Acceptance testing. When the commissioner receives voting equipment from a vendor, the commissioner shall carefully examine and test the equipment to:

22.31(1) Verify that the system delivered is certified for use in Iowa. The commissioner shall compare the voting system version numbers with the list of certified voting equipment provided by the state commissioner;

22.31(2) Verify that everything in the contract has been delivered by:

- a. Comparing a copy of the purchase contract with the items received;
- b. Making certain that all components, such as power cords, casters, and keys, are included;
- c. Reviewing instruction and maintenance manuals to be sure that the correct version of each manual was provided; and

22.31(3) Verify that everything delivered actually works. The commissioner shall run a simulated election to confirm that each part of the system and the system as a whole function properly.

721—22.32(52) Optical scan voting system purchase program. Rescinded IAB 4/20/11, effective 5/25/11.

721—22.33 to 22.38 Reserved.

721—22.39(52) Public testing for direct recording electronic voting machines. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.40(52) Public testing of lever voting machines. Rescinded IAB 8/1/07, effective 7/13/07.

721—22.41(52) Public testing of optical scan systems. All automatic tabulating equipment (including equipment used to tabulate absentee ballots) shall be tested before use at any election, as required by Iowa Code section 52.35. The process and results of the test shall be documented and available for inspection.

22.41(1) Each automatic tabulating device (including equipment that will be used for counting absentee ballots) shall be tested to determine the following:

a. The device and its programs will accurately tabulate votes for each candidate and question on the ballot.

b. Votes cast for more candidates for any office than the number to be elected will result in the rejection of all votes cast for that office on that ballot. Votes properly cast for other offices on the same ballot shall be counted.

c. The tabulating equipment records all votes cast and no others. A written tally of the test votes shall be prepared before the test. The results of the test voting shall be recorded. The results of the machine tabulation shall be printed and compared with the test plan.

d. The voter may cast as many write-in votes for each office on the ballot as there are positions to be filled, and the write-in votes are tallied correctly.

e. For primary elections, the tabulating equipment accurately records votes cast for all political parties.

22.41(2) Conducting the test.

a. The commissioner shall follow the process described in rule 721—22.42(52) for preparing test decks.

b. If, during the test, there are differences between the test plan and the results produced by the optical scan device, the cause of the discrepancy shall be determined. If the cause of the discrepancy cannot be determined and corrected, the faulty program or equipment shall not be used in the election.

c. The test decks, the preparer's tally, and the printed results of the test shall be kept with the records of the election and preserved as required by Iowa Code section 50.19.

[ARC 3447C, IAB 11/8/17, effective 12/31/17]

721—22.42(52) Preparing test decks. The commissioner shall prepare test decks from all ballots printed for use in the election, including those for use at the polling places and for absentee balloting. Each of the following test decks shall be prepared for every precinct and ballot style in the election. Commissioners may use additional test methods to supplement the process described in this rule.

22.42(1) Requirements for all test decks prepared by the commissioner and used in public testing. The commissioner shall:

a. Replace ballots spoiled during the marking process instead of attempting to correct errors.

b. Fill in each oval completely using the recommended pen, pencil or voter assist terminal.

c. Mark each ballot "Test Ballot."

d. Mark at least one valid vote for each candidate and question on the ballot using the OVI unit (if applicable). The ballots marked by the OVI unit may be used as part of the systematic test deck (if applicable).

e. Mark at least one valid vote for each candidate and question on the ballot using the ImageCast Evolution or ImageCast Precinct with audio and printer (if applicable). The ballots marked by one of these units may be used as part of the systematic test deck (if applicable).

22.42(2) Required test method. The commissioner shall:

a. Prepare a test plan showing the planned number of votes, including undervotes and overvotes for each oval on the ballot. Follow the instructions in subrules 22.42(3) through 22.42(5) in preparing the test decks.

b. Mark the test ballots according to the test plan.

c. Print a zero totals report from the optical scan tabulator before inserting any ballots.

d. Insert the ballots into the optical scan tabulator and print a report showing the number of votes recorded for all offices, questions and judges, including undervotes and overvotes.

e. Compare the printed report with the test plan to ensure that the correct number of votes was counted for each oval.

f. If the commissioner finds errors, the commissioner shall identify and correct them. The commissioner shall repeat the testing process until the printed results from the tabulator match the test plan. If the commissioner cannot produce an errorless test, the equipment shall not be used in the election.

22.42(3) Systematic test deck. The commissioner shall determine a unique number of votes for each candidate in each office, such as one vote for each write-in oval for the office, two votes for the first candidate listed (or "NO" votes on public measures and judges), three votes for the second candidate, etc. It is not necessary to have a different number of votes for each write-in oval for offices for which the voter may select more than one candidate. However, the write-in oval shall have a different number of votes marked than any candidate for the office. The commissioner shall:

a. For offices without candidates, mark all of the write-in ovals for that office.

b. For offices in which the voter may vote for more than one candidate, vote for the maximum allowed on at least one ballot.

c. On a ballot that contains at least one valid vote, overvote one other office or question.

22.42(4) System-specific testing requirements. Separate tests are prescribed for each certified voting system.

a. Election Systems & Software, Unisyn OpenElect and Dominion Democracy Suite—overvote and blank ballot test. For an overvote and blank ballot test, the commissioner shall:

(1) Overvote all offices and questions (including judges) on one ballot, by marking one more vote than permitted. Do not mark the write-in ovals for any offices for which there are no candidates' names on the ballot.

(2) When the overvoted ballots are rejected by the optical scan tabulator, override the rejection and include the ballot in the tally. Add to the manual tally the number of overvotes in this test. The tally for this part of the test deck will show no votes for any candidate.

(3) Insert a blank ballot. When the blank ballot is rejected by the optical scan tabulator, override the rejection and include the ballot in the tally. This is a very important test of the accuracy of ballot printing. Printing errors sometimes put readable marks in the voting target area.

(4) Orientation test. Mark the maximum number of choices for each office and question on one ballot.

Scan this ballot in each of the four possible orientations:

- Face up, head first.
- Face down, head first.
- Face up, feet first.
- Face down, feet first.

b. Premier Election Solutions.

(1) Blank and fully voted test. The commissioner shall use two ballots for this test.

1. Leave one ballot completely blank.

2. On the second ballot, mark every oval on both sides of the ballot.

3. Select "Test Blank Ballots" and insert the blank ballot in all four orientations:

- Face up, head first.
- Face down, head first.
- Face up, feet first.
- Face down, feet first.

4. Select "Test Fully Voted Ballots" and insert the second ballot in each of the four orientations listed in numbered paragraph "3" above.

5. Reinsert the blank ballot and the fully voted ballot and override the rejection feature.

(2) Overvote. Overvote all offices and questions (including judges) on one ballot, by marking one more vote than permitted. Do not mark the write-in ovals for any offices for which there are no candidates' names on the ballot.

[ARC 0238C, IAB 8/8/12, effective 7/11/12; ARC 0801C, IAB 6/26/13, effective 7/31/13; ARC 3447C, IAB 11/8/17, effective 12/31/17]

721—22.43(52) Conducting the public test.

22.43(1) The equipment shall be inspected to determine whether it has been prepared properly for the election at which it will be used. The following information shall be verified:

a. The correct program cartridge or memory card is in place for the election and the precinct or precincts in which it will be used.

b. All counters are set at zero before the test is begun.

22.43(2) The commissioner shall conclude the test not later than 12 hours before the polls open on election day. Following the test, the tabulating equipment shall be inspected to determine that:

a. All counters have been returned to zero.

b. All required locks or seals are in place.

c. The automatic tabulating equipment is ready for operation at the election.

The results tape from each scanner produced during the public test shall be signed by the person conducting the test and by any observers present at the test. The signers shall write their signatures at the end of the tape where it will be detached from the machine. The tape shall be torn or cut across the signatures, so that a portion of the signature is on the tape remaining on the tabulating device. The test

results tape, including a part of the tester's signature, shall be retained with the appropriate test deck for the period of time required by Iowa Code section 50.19.

22.43(3) Test deck submitted by observers. Any person who is present at the public test may mark ballots to be used to test the voting equipment. The following conditions apply:

- a. Not more than ten ballots may be submitted by any person.
- b. Only official ballots provided by the commissioner at the test shall be used.
- c. The observer submitting the test shall provide a written tally of the test deck.
- d. The results of the machine tabulation shall be printed and compared with the observer's tally.

If there are differences, the cause of the discrepancy shall be determined. If the cause of the discrepancy cannot be determined and corrected, the program or equipment shall not be used at the election.

e. The test decks, the tally, and the printed results of the test shall be kept with the records of the election and preserved as required by Iowa Code section 50.19.

Rules 721—22.41(52) through 721—22.43(52) are intended to implement Iowa Code section 52.35.

721—22.44 to 22.49 Reserved.

721—22.50(52) Voting system security. Each county shall have a written security policy. The policy shall include detailed plans to protect the election equipment and data from unauthorized access. The policy shall describe the methods to be used to preserve the integrity of the election and to document the election process.

22.50(1) Staff access. The security policy shall describe who shall have access to the voting equipment, including the computers used in the commissioner's office to prepare ballots and voting equipment programs or to compile election results.

22.50(2) Computers. For security purposes, computers used in the commissioner's office to prepare ballots and voting equipment programs or to compile election results shall not be used for any other function and shall not be linked to any computer network or to the Internet unless the commissioner has on file in the office of the state commissioner a current Election Computer Risk Acceptance Form indicating acceptance of this security risk. The Election Computer Risk Acceptance Form, once submitted, is current until the end of the next even-numbered calendar year.

a. If the election computers are linked to a network or to the Internet, the commissioner shall use a firewall to filter network traffic. Data transmissions over the Internet shall be encrypted and password-protected. Information posted to a website shall not be considered transmission of data over the Internet.

b. Access to the computer(s) used to prepare ballots and voting equipment programs or to compile election results shall be limited to persons specified by the commissioner in the written security policy. The level of access granted to each person identified in the policy shall be specified.

(1) Uniqueness. The usernames and passwords for each user authorized in the security policy shall be unique. The creation of generic or shared usernames is specifically prohibited. Each user shall have exactly one username and password, except where job requirements necessitate the creation of multiple usernames to access different business functions.

(2) Authority. Each user shall be granted only the level of access specifically required by the user's job. Use of "Administrator," "Super User," "Security Administrator," or "SA" levels of authority shall be severely restricted.

(3) Generic usernames. Staff members with generic usernames are not allowed to sign on to voting systems.

(4) Password standards.

Account Policy	Recommended Setting
Maximum Password Age	90 days
Minimum Password Age	2 days
Minimum Password Length	8 characters
Enforced Password History	6 passwords (last 6 cannot be used)
Account Lockout (number of unsuccessful log-on attempts)	3 bad attempts
Account Lockout Duration	6 hours
Reset Account Lockout Counter After	6 hours

c. Hardened operating system. For security purposes, users of Election Systems & Software, Unity 3.4.0.1, Election Systems & Software EVS 5.3.0.0, Democracy Suite 4.6 and Democracy Suite 4.14B shall harden the operating system on the computer on which the election management system is housed according to the specifications of the vendor and the recommendations of the county information technology department (if any).

22.50(3) Evacuation. If it is necessary to evacuate the election office, a satellite absentee voting station or a polling place, the precinct election staff or the election officials shall immediately attempt to notify the commissioner and take the following actions:

a. Keep people safe.

b. If possible, gather and secure voted ballots, election equipment and critical election documents. [ARC 0801C, IAB 6/26/13, effective 7/31/13; ARC 1746C, IAB 12/10/14, effective 1/14/15; ARC 2074C, IAB 8/5/15, effective 9/9/15]

721—22.51(52) Memory storage devices. For all voting equipment, the following security measures for memory storage devices are required:

22.51(1) Serial number. Each memory storage device shall have a serial number printed on a readily visible label. The label shall include the name of the county.

22.51(2) Inventory. Memory storage devices owned by the county and retained in the custody of the county commissioner shall be maintained under perpetual inventory, with a record of inventory activity. The commissioner shall maintain a similar record of relevant actions if the memory storage devices are acquired from a vendor for each election. The record of inventory activity shall reflect:

a. The date each memory storage device was acquired;

b. Each use of each memory storage device in an election;

c. Each maintenance activity to a memory storage device, such as changing the battery;

d. Any problems or errors detected while using the memory storage device during its life;

e. Records of the disposal of any memory storage devices at the end of their useful life or upon return to the vendor for maintenance or warranty claims.

22.51(3) Custody.

a. In counties where the commissioner has the necessary software and equipment to program the memory storage devices locally, the commissioner shall maintain a memory storage device log for each election as required in subrule 22.51(4) during the period when the memory storage devices are removed from storage, prepared for an election, and until they are sealed into a voting device. Only county employees and precinct election officials, as applicable, authorized by the county's security policy shall be permitted to handle the memory storage devices. No one individual should be alone with the unsecured memory storage devices at any time. If a person who is not authorized by the security policy to have access to the memory storage devices transports them to another location, such as a warehouse, the memory storage devices shall be enclosed in a transport container with a tamper-evident seal.

b. In counties where the commissioner purchases programming services from a vendor, the memory storage devices shall be shipped to and from the vendor by a shipping service that employs tracking numbers. The memory storage devices shall be enclosed in a package sealed with a numbered, tamper-evident seal. Programmed memory storage devices shall be shipped in a package sealed with a numbered, tamper-evident seal from the vendor to the commissioner. If the seal is not intact upon

Memory Storage Device Shipping Record for _____ County

Shipped for programming:

Record each storage device number before packing to ship, and check out each storage device number on the chain of custody record. Enclose a photocopy of the Memory Storage Device Record with the storage devices.

Shipped by: _____ Date: ___/___/___ Time: ___:___ a.m./p.m.
Print name Signature

Shipped to: _____ Shipped via: _____
Tracking number: _____

Instructions to vendor:
 Check in each storage device number on the enclosed chain of custody record when unpacking storage devices.

By: _____ Date: ___/___/___ Time: ___:___ a.m./p.m.
 Print name Signature

- If memory storage devices are removed from this inventory for any reason, make a notation of which storage device(s) on the Memory Storage Device Record.
- Replacement storage device(s) if issued should be added to the bottom of the Memory Storage Device Record as a new storage device. A serial number will be assigned later by the receiving county.

Shipped via: _____ Date: _____ Tracking number: _____

Received by County Election Department on Date: ___/___/___

Was the package sealed? _____ Was the seal intact? _____ Notes: _____

Keep the memory storage devices in secure storage after they are received and until they are installed in the voting equipment.

22.51(5) Preparation and installation. When memory storage devices are installed, they shall be sealed immediately into the machine using a numbered, tamper-evident seal. Appropriate log entries shall be completed.

22.51(6) Replacing seals or memory storage devices. If a seal is accidentally broken or a memory storage device is replaced for any reason, the issuance of a new seal and the entry into the log shall be witnessed by more than one person. The facts of the incident and the names of the individuals who detected and resolved it shall be recorded.

22.51(7) Opening the polls. Immediately before the polls open on election day, the precinct election officials shall turn on the voting equipment and print the report showing that all counters are set at zero.

22.51(8) Verification log. The commissioner shall provide to each precinct a precinct verification log with the ballot record and receipt. The verification log shall provide places for precinct election officials to record or check the following information before the polls open and again before leaving the polling place at the end of the day:

- a. Seal numbers from the voting equipment; and
- b. Condition of seals on ballot containers.

22.51(9) Election day.

- a. Before the polls are opened, the precinct election officials shall verify the required information in the verification log and sign the log.
- b. After the polls are closed, the precinct election officials shall verify the required information in the verification log and sign the log before leaving the polling place.
- c. If the precinct election officials remove the memory storage devices from the voting equipment, the officials shall first print the results report from the voting equipment.

22.51(10) Return of memory storage devices. If the precinct election officials remove the memory storage devices from the voting equipment on election night, they shall return to the commissioner the memory storage devices and the seals used to secure them in a sealed envelope or other container. All officials of the precinct shall witness the statement on the envelope or other container. The label on the envelope or other container shall be in substantially the following form:

Memory Storage Devices

Election Date: _____
 Precinct: _____

This envelope contains Memory Storage Devices and memory storage device access seals from this precinct.

Machine Number	Memory Storage Device #	Memory Storage Device Seal #

[Signatures of all precinct election officials shall be included on the label.]

22.51(11) Storage. If the memory storage devices are returned inside the voting equipment to the commissioner, the machine serial numbers and the seal numbers shall be verified against the verification log described in subrule 22.51(8). When the memory storage devices are removed, their serial numbers shall also be verified against the verification log returned by the precinct’s election officials. The memory storage device audit log shall be retained for the time period required by Iowa Code section 50.19.

22.51(12) Results verified. Before the conclusion of the canvass of votes, the individual results reports from the precincts, as signed by the precinct election officials at the polls on election night, shall be compared to the election results compiled for the canvass (either manually or electronically) to verify that transmitted and accumulated totals match the results witnessed by the election officials. Any discrepancies in these totals shall be reconciled before the supervisors conclude the canvass.

22.51(13) Retention of programmed memory storage devices. The election information on all memory storage devices used for an election shall be retained on the memory storage devices until after the time to file requests for recounts and election contests has passed. If a contest is pending, the memory storage devices shall be retained until the contest is resolved. Before the memory storage devices are permanently erased, the commissioner shall print the memory storage device audit log from each storage device.

22.51(14) Retention of program information. The commissioner shall retain all instructions and other written records of the process for programming the memory storage devices and the memory storage device audit logs for the period required by Iowa Code section 50.19. The contents of memory storage devices and other electronic records of the election process shall be collected and retained in an electronic or other medium and stored with the other election records for the time period required by Iowa Code section 50.19.

[ARC 0801C, IAB 6/26/13, effective 7/31/13]

721—22.52(52) Voting equipment malfunction at the polls. The precinct election officials shall immediately cease using any malfunctioning voting equipment and report the problem to the commissioner. Only a person who is authorized in writing by the commissioner to do so shall be permitted to attempt to repair malfunctioning voting equipment. The person shall show identification to the precinct election official. The commissioner shall keep a written record of all known malfunctions and their resolution. The precinct election officials shall return the voting equipment to service only if the malfunction is corrected.

22.52(1) Routine resolution. Some problems may be easily resolved by following simple instructions. If the commissioner and the precinct election officials are able to resolve a problem without replacing the equipment, the officials shall document the problem, the time it occurred, how it was resolved, and by whom.

22.52(2) Repair or replacement. Repairs to voting equipment at the polls on election day shall be limited. If the problem cannot be easily resolved, a person who is authorized to do so by the commissioner shall replace the equipment as soon as possible. Two election officials, one from each political party, shall witness repair or replacement of any voting equipment, including memory cards. The authorized person making the repair or replacement and the two election officials shall sign a report of the incident.

721—22.53 to 22.99 Reserved.

OPTICAL SCAN VOTING SYSTEMS

721—22.100(52) Optical scan ballots, automatic tabulating equipment, and absentee voting. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.101(52) Definitions. The definitions established by this rule shall apply whenever the terms defined appear in relation to an optical scan system used with the type of ballot defined in this rule.

“Ballot” means the official document that includes all of the offices or public measures to be voted upon at a single election, whether they appear on one or more optical scan ballots.

“Optical scan voting system” means a system employing optical scan ballots under which votes are cast by voters by marking the optical scan ballots with a ballot marking device and thereafter counted by use of automatic tabulating equipment.

“Overvote” means to vote for more than the permitted number of choices for any office or question on a ballot.

“Secrecy envelope” means a reusable envelope of sufficient construction that when the optical scan ballot is inserted in it all portions indicating voting marks are hidden from view.

“Tabulating device” means the portable apparatus which examines and counts the votes recorded on the optical scan ballot and produces a paper printout of the results of the voting.

“Ticket” means each list of candidates nominated by a political party or group of petitioners.

“Undervote” means to vote for fewer than the permitted number of choices for any office or question on a ballot.

“Voting system” means the total combination of mechanical, electromechanical or electronic equipment (including the software, firmware and documentation required to program, control and support the equipment that is used to define ballots, to cast and count votes, to report or display election results and to maintain and produce any audit trail information). “Voting system” also includes the practices and associated documentation used to identify system components and versions of such components, to test the system during its development and maintenance, to maintain records of system errors and defects, to determine specific system changes to be made to a system after the initial qualification of the system and to make available any materials to the voter such as notices, instructions, forms or paper ballots. (See Section 301(b) of HAVA.)

“Voting target” means the space on an optical scan ballot which the voter marks to cast a vote for a candidate, judge or question. This target shall be printed according to the requirements of the voting system to be used to read the ballots.

721—22.102(52) Optical scan ballots. The optical scan ballots shall be printed pursuant to Iowa Code chapters 43 and 49 and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the system.

22.102(1) The optical scan ballots may be printed on both sides of a sheet of paper. If both sides are used, the words “Turn the ballot over” shall be clearly printed on the front and the back of the optical scan ballot, at the bottom.

22.102(2) Printed at the top of the front side of the optical scan ballot shall be the name and date of the election; the words “Official Ballot”; a designation of the ballot style or precinct, if any; and a facsimile of the commissioner’s signature.

22.102(3) The voting target shall be printed opposite each candidate’s name and write-in line on the optical scan ballot, and opposite the “yes” and “no” for each public measure and judge. The voting target shall be printed on the left side of the name or “yes” and “no”. The voting target shall be an oval unless the voting system requires a target with a different shape.

22.102(4) For partisan primary elections, the names of candidates representing each political party shall be printed on separate optical scan ballots. The ballots shall be uniform in quality, texture and size. The name of the political party shall be printed in at least 24-point type ($\frac{1}{4}$ ” high) at the top of the ballot.

22.102(5) There shall be printed on the ballot a line to accommodate the initials of the precinct election official who endorses the ballot as provided in Iowa Code sections 43.36 and 49.82.

22.102(6) It is not necessary for public measures to be printed on colored paper.

22.102(7) Ballots shall be coded as necessary to allow the tabulation program to identify the appropriate ballots for the precinct. Ballots shall be coded so the tabulating device can identify by precinct the votes cast for each office and question on the ballot by precinct. The votes from the absentee and special voters precinct shall be reported as a single precinct except in general elections pursuant to Iowa Code section 53.20 as amended by 2008 Iowa Acts, House File 2367. Identical ballots shall not be coded to identify groups of voters within a precinct.

22.102(8) No office or public measure on any ballot shall be divided to appear in more than one column or on more than one page of a ballot. If the full text of a public measure will not fit on a single column of the ballot, the commissioner shall prepare a summary for the ballot and post the full text in the voting booth as required by Iowa Code section 52.25.

22.102(9) Ballots shall be stored in a locked room or storage area. Access to the storage area shall be restricted to those persons identified in the election security plan. Throughout the election process, the commissioner shall keep accurate records of the number of each type of ballot or ballot style printed for the election. This record shall include the number of ballots:

- a.* Ordered from the printer.
- b.* Printed and delivered by the printer to the commissioner. The commissioner may store sealed, unopened packages of ballots without verifying the number of ballots in the package.
- c.* Used for testing as required by Iowa Code sections 52.9 and 52.35 and rule 721—22.41(52).
- d.* Held in reserve for emergencies as required by Iowa Code section 49.66.
- e.* Delivered to and returned from the polling places as required by Iowa Code sections 49.65 and 50.10.
- f.* Used for absentee voting, including any spoiled ballots.
- g.* Issued as sample ballots to the public as permitted by Iowa Code section 43.30.
- h.* Photocopied ballots used pursuant to Iowa Code section 49.67.
- i.* Printed by the commissioner using any voting system program, such as Election Systems & Software’s Ballot on Demand program.

721—22.103 to 22.199 Reserved.

PRECINCT COUNT SYSTEMS

721—22.200(52) Security.

22.200(1) At least one tabulating device shall be provided at each precinct polling place for an election. If the tabulating device is delivered to the polling place before election day, it shall be secured against tampering or kept in a locked room.

22.200(2) The maintenance key or keys used to gain access to the internal parts of the tabulating device shall be kept in a secure place and in a secure manner, in the custody of the commissioner. On election day, the key used to obtain the paper printout shall be kept by the chairperson of the precinct election officials in a secure manner. Small electronic devices, such as memory cards, cartridges or other data storage devices used to activate tabulation equipment or to store election information, shall be in the custody of the precinct chairperson when the devices are not installed on the voting equipment.

22.200(3) If a password is needed for precinct election officials to have routine access to the tabulating device during election day, the password shall be changed for every election. The commissioner shall restrict access to the password in the written security policy.

721—22.201(52) Programming and testing the tabulating devices for precinct count systems.

22.201(1) All programming of tabulating devices shall be performed under the supervision of the commissioner. The devices shall be programmed to ensure that all votes will be counted in accordance with the laws of Iowa. Tabulating devices shall be programmed to return to the voter any ballots:

- a. That are not coded to be used in the precinct.
- b. That are read as blank.
- c. That have one or more overvoted offices or public measures.

22.201(2) Digital ballot images that are saved as the voted ballots are scanned and the portions of those images that are printed on the results tapes may be used for the purpose of tallying write-in votes cast in the election. Digital ballot images that are saved as the voted ballots are scanned shall not be transferred to the election computer used as part of the voting system as defined by rule 721—22.1(52). Digital ballot images shall be treated as voted ballots under Iowa Code section 50.12 in terms of preservation, access, retention, and destruction, except the images shall not be accessed in the event of an official recount as required by Iowa Code section 50.48(4) “a” or election contest unless the actual physical ballots are unavailable.

[ARC 1548C, IAB 7/23/14, effective 8/27/14]

721—22.202(50) Unique race and candidate ID numbers for election night results reporting. All tabulating devices programmed for primary and general elections and for special elections conducted pursuant to Iowa Code section 69.14 shall be programmed using the unique race and candidate ID numbers assigned by the state commissioner. The unique race and candidate ID numbers will be provided to the county commissioners with the candidate certification prepared by the state commissioner.

This rule is intended to implement Iowa Code chapter 50.

[ARC 9989B, IAB 2/8/12, effective 1/17/12]

721—22.203(50) Reporting election night results electronically. For all primary and general elections, the county commissioner shall provide the state commissioner with an electronic results file generated from the county’s vote tabulation software system, if any. For special elections conducted pursuant to Iowa Code section 69.14, the county commissioner shall provide election night results in the manner requested by the state commissioner.

This rule is intended to implement Iowa Code chapter 50.

[ARC 9989B, IAB 2/8/12, effective 1/17/12]

721—22.204 to 22.220 Reserved.

721—22.221(52) Sample ballots and instructions to voters. Sample special paper ballots and printed instructions for casting votes on special paper ballots shall be prominently displayed in each polling place. Instructions shall also be displayed inside each voting booth. Each special paper ballot shall

also include an example of the method of marking the ballot recommended by the manufacturer of the tabulating device. Further instructions shall be provided to any voter who requests assistance in accordance with Iowa Code section 49.90.

721—22.222 to 22.230 Reserved.

721—22.231(52) Emergency ballot box or bin. Each precinct shall be furnished with an emergency ballot box or bin that is suitably equipped with a lock and key or numbered, tamperproof seal. In the event of power failure or malfunction of the tabulating device, voted ballots shall be deposited in the locked or sealed emergency ballot box or bin. A precinct election official shall put the ballot into the emergency ballot box or bin for the voter. The voted ballots so deposited may be removed from the locked emergency ballot box or bin and tabulated before the polls close whenever a properly functioning tabulating device becomes available, or the voted ballots so deposited may be removed and counted electronically or manually immediately after the polls are closed. If the ballots are counted manually, the precinct election officials shall follow the requirements of 721—Chapter 26.

721—22.232(52) Manner of voting. After the precinct election official has endorsed a ballot, the official shall instruct the voter to use only the marker provided. The ballot shall be inserted in a secrecy folder and given to the person who is entitled to receive the ballot in accordance with the provisions of Iowa Code section 49.77.

22.232(1) The precinct officials shall provide each voter with a secrecy folder. The commissioner may print basic ballot marking instructions on the secrecy folder. It is not necessary to print information on secrecy folders that will limit the usefulness of the secrecy folder to one or more elections or election types. Upon receipt of the ballot in the secrecy folder, the voter shall retire alone to a voting booth and without delay mark the ballot.

22.232(2) The voter shall vote upon the ballot by marking the appropriate voting target with an appropriate pen or pencil in the manner described in the instructions printed on the ballot.

When a write-in vote has been cast, the ballot must also be marked in the corresponding voting target in order to be counted.

22.232(3) After marking the ballot, the voter shall replace it in the secrecy folder and leave the voting booth at once.

22.232(4) The voter shall at once deposit the ballot, still enclosed in the secrecy folder, in the tabulating device so that the ballot is automatically removed from the secrecy folder, the votes tabulated, and the ballot deposited in the ballot box.

22.232(5) If the tabulating device is equipped with a mechanism that will not permit more than one ballot to be inserted at one time, the voter may insert the ballot into the tabulating device. If the tabulating device cannot detect and reject multiple ballots, the voter shall be required to hand the ballot in the secrecy folder to the precinct election official without revealing any of the marks on the ballot. The precinct election official shall at once deposit the ballot in the manner described in subrule 22.232(4).

22.232(6) If the tabulating device returns a ballot, the precinct official attending the device shall ask the voter to wait. Without examining the ballot, the official shall enclose the returned ballot in a secrecy folder. If necessary, the official shall read to the voter the information provided by the device about the reason the ballot was returned. The official shall offer the voter the opportunity to correct the ballot. The precinct official shall mark the returned ballot “spoiled” and shall also tear or mark the ballot so that the tabulating device cannot count it. The voter may use the spoiled ballot as a guide for marking the corrected ballot. After the voter has marked the corrected ballot, the precinct officials shall collect the spoiled ballot and keep it with other spoiled ballots.

22.232(7) If the voter who cast the returned ballot is not available, or declines to correct the ballot, the precinct official shall not mark the ballot “spoiled.” Either the voter or the official shall reset the tabulating device to accept the ballot. The voter, or the official if the voter has gone, shall insert the ballot into the precinct counter without further examination.

721—22.233 to 22.239 Reserved.

721—22.240(52) Results. After the polls are closed and the tabulating device has processed all of the ballots, including any ballots from the emergency ballot box or bin, the precinct election officials shall:

22.240(1) Unlock the tabulating device and obtain a paper printout showing the votes cast for each candidate and public measure.

22.240(2) Fasten the paper printout to the official tally sheet.

22.240(3) Unlock or remove the seal on the ballot box or bin containing ballots with write-in votes and open it. The precinct officials shall remove the ballots and manually count the write-in votes as required by 721—Chapter 26. The officials shall record the write-in votes in the tally list. A single tally list is sufficient for use when tabulating write-in votes.

22.240(4) Seal all ballots in a transfer case to be returned to the commissioner in accordance with Iowa Code section 50.12.

22.240(5) It is not necessary for the precinct officials to separate primary election ballots by political party.

721—22.241(52) Electronic transmission of election results. If the equipment includes a modem for the electronic transmission of election results, the precinct officials may transmit the results after a printed copy has been made. If the voting system includes a data card, cartridge or other small device that contains an electronic copy of the election results, the precinct chairperson shall secure the device and ensure its safe delivery to the commissioner.

721—22.242 to 22.249 Reserved.

721—22.250(52) Absentee voting instructions. Printed instructions shall be included with the ballot or ballots given to or mailed to each absentee voter. Written instructions to the voter shall be sent with every absentee ballot. For federal elections, the commissioner shall use only the instructions provided by the state commissioner.

721—22.251(52) Absentee voting instructions. Rescinded IAB 11/23/05, effective 12/28/05.

721—22.252 to 22.259 Reserved.

721—22.260(52) Specific precinct count systems. Additional rules are provided for each voting system approved for use in Iowa. The requirements in rules 721—22.261(52) through 721—22.265(52) apply only to the voting systems indicated and are in addition to the general provisions set forth in rules 721—22.200(52) through 721—22.250(52).

[ARC 0238C, IAB 8/8/12, effective 7/11/12]

721—22.261(52) Election Systems & Software Voting Systems—preparation and use in elections.

22.261(1) Security. The commissioner shall have a written security plan for the voting system. Access to equipment, programs and passwords shall be limited to those persons authorized in writing by the commissioner. The security plan shall be reviewed at least annually.

a. Passwords used at the polling places on election day shall be changed for each election.

b. The control key for the precinct automatic tabulators shall be in the possession of the precinct chairperson on election day.

22.261(2) Precinct automatic tabulator configuration choices. The following settings are mandatory for all elections.

a. Ballot control. In an official election, the commissioner shall not program the precinct automatic tabulators for unconditional acceptance of all ballots, shall not divert blank ballots to the write-in bin, and shall always accept undervoted ballots. The system shall be programmed to query the voter in each of the following situations:

(1) Overvoted ballot.

- (2) Blank ballot.
- (3) Unreadable ballot.

b. Unit control. The commissioner shall not select automatic transmission of election results by modem. The precinct officials must print the official results at the polling place before transmitting them.

c. Reports. The following are required reports:

- (1) Opening the polls. Print the Zero Certification report.
- (2) Closing the polls. Print the poll report before transmitting the election results by modem.

The poll report is the official record of the votes cast in the precinct on election day. The following certification text shall appear at the end of the poll report:

We, the undersigned precinct election officials of this precinct, hereby attest that this tape shows the results of all ballots cast and counted by the Optical Scan tabulation device at this election.

[print lines for each of the officials to sign]

Precinct Election Officials

Date: _____

Time: _____

d. Reopen polls. The commissioner shall enable the option to reopen the polls, but protect it against unauthorized use. If it is necessary to reopen the polls, the chairperson of the precinct board shall contact the commissioner for the password.

e. Ballot images. Rescinded IAB 7/23/14, effective 8/27/14.

22.261(3) Central count automatic tabulator configuration choices. The following settings are mandatory for all elections in which the M650 or DS850 is used.

a. Ballot control. In an official election, the commissioner shall program the central count automatic tabulator to accept overvoted ballots and undervoted ballots. The commissioner shall program the central count automatic tabulator to sort blank ballots and unreadable ballots as required by Iowa Code section 52.37. Ballots with write-in votes may be sorted for further review by the absentee and special voters precinct board at the commissioner's discretion.

b. Reports. The following are required reports:

(1) Opening the polls. Before ballots are tabulated in the central count automatic tabulator, a Zero Certification report shall be printed.

(2) Closing the polls. After all ballots are tabulated by the central count automatic tabulator, a poll report shall be printed. The poll report is the official record of ballots tabulated in the absentee precinct. The following certification text shall appear at the end of the poll report:

We, the undersigned precinct election officials of this precinct, hereby attest that this tape shows the results of all ballots cast and counted by the Optical Scan tabulation device at this election.

[print lines for each of the officials to sign]

Precinct Election Officials

Date: _____

Time: _____

c. Reopen polls. The commissioner shall enable the option to reopen the polls, but protect it against unauthorized use.

d. Ballot images. Rescinded IAB 7/23/14, effective 8/27/14.

22.261(4) Ballot printing.

a. Format. The office title, instructions about the maximum number of choices the voter can make for the office, the candidate names and all write-in lines associated with each office on the ballot shall be printed in a single column on the same side of the ballot. When describing the maximum number of choices the voter can make for the office, the following description for each office shall be used: "Vote for no more than xx." Do not include "vote for" language for public measures or judges. All text and the "yes" and "no" choices for each public measure and for each individual judge on a ballot shall be printed in a single column on the same side of the ballot. No office or public measure on any ballot shall be divided to appear in more than one column or on more than one page of a ballot.

b. Instructions for voters. The following instructions shall be printed on ballots:

(1) Voting mark. “To vote, fill in the oval next to your choice.”

(2) Public measures. “Notice to voters. To vote to approve any question on this ballot, fill in the oval in front of the word ‘Yes’. To vote against a question, fill in the oval in front of the word ‘No’.”

22.261(5) System error messages. At the discretion of the commissioner, precinct election officials may be provided with a list of routine error messages, including messages that relate to paper jams, which do not rise to the level of voting equipment malfunctions and the appropriate responses. The officials may be instructed to contact the commissioner or the commissioner’s designee on election day for all other messages or routine errors for which appropriate responses have not been provided by the commissioner.

22.261(6) Record retention. The precinct automatic tabulating equipment uses thermal printers. The maximum anticipated life span of the results from each automatic tabulator is only five years. In order to preserve the permanent record of the precinct results required by Iowa Code section 50.19, the commissioner shall print a copy of the results of each precinct on permanent paper and store these copies with the tally lists from precincts where the precinct automatic tabulators were used.

[ARC 9468B, IAB 4/20/11, effective 5/25/11; ARC 0801C, IAB 6/26/13, effective 7/31/13; ARC 1548C, IAB 7/23/14, effective 8/27/14; ARC 3447C, IAB 11/8/17, effective 12/31/17]

721—22.262(52) Premier Election Solutions’ AccuVote OS and AccuVote OSX precinct count devices.

22.262(1) Security. The commissioner shall have a written security plan for the voting system. Access to voting equipment, programs and passwords shall be limited to those persons authorized in writing by the commissioner. The security plan shall be reviewed at least annually.

a. Passwords used at polling places shall be changed for each election.

b. For each election, the precinct chairperson shall be responsible for the custody and security of the control card and ballot box keys and the security of the voting system.

22.262(2) Configuration choices. The following selections are mandatory for all elections:

a. Reject settings shall be configured as follows:

(1) Return to voters ballots that include one or more overvoted races and blank-voted ballots. Include on the override log the number of times the override option was used for overvoted and blank-voted ballots.

(2) Divert to the write-in ballot bin only ballots with write-in votes.

(3) Do not include reject settings for blank voted races, undervoted races, or duplicate votes.

b. Tally settings shall be as follows: The write-in setting shall be “Combined.”

22.262(3) Zero totals reports. Long form zero totals reports showing all counters at zero shall be printed following memory card programming, before counting ballots in the Pre-Election Mode and as the ballot reader is opened on election day.

22.262(4) Ballot printing. Although the Premier Election Solutions’ GEMS voting system software includes choices for variations in ballot layout, all ballots shall be prepared according to the requirements of Iowa Code sections 43.26 through 43.29 and 49.30 through 49.48. For all elections the voting target shall be an oval printed on the left side of each choice on the ballot.

22.262(5) Preelection testing. All voting equipment shall be tested pursuant to the provisions of Iowa Code section 52.30 and rule 721—22.42(52). At the commissioner’s discretion, the commissioner may conduct additional tests.

22.262(6) System error messages. At the discretion of the commissioner, precinct election officials may be provided with a list of routine error messages, including messages that relate to paper jams, which do not rise to the level of voting equipment malfunctions and the appropriate responses. The officials may be instructed to contact the commissioner or the commissioner’s designee on election day for all other messages or routine errors for which appropriate responses have not been provided by the commissioner.

[ARC 0801C, IAB 6/26/13, effective 7/31/13; ARC 3447C, IAB 11/8/17, effective 12/31/17]

721—22.263(52) AutoMARK Voter Assist Terminal (VAT).

22.263(1) Acceptance testing. Upon receipt of the equipment from the vendor, the commissioner shall subject each AutoMARK VAT to an acceptance test. The test shall be in addition to any testing provided by the vendor and shall include a demonstration of all functionalities of the device.

22.263(2) Audio ballot preparation. Each candidate shall have the opportunity to provide a record of the proper pronunciation of the candidate's name. The same voice shall be used for recording the entire ballot including instructions, office titles, candidate names and the full text of all public measures.

22.263(3) Preelection testing. Each AutoMARK VAT shall be tested before each election in which it will be used. The commissioner may use the AutoMARK VAT to prepare some ballots for test decks required by rule 721—22.42(52). In addition, the commissioner shall:

a. Perform the test ballot print, then review the ballot to be sure that all ovals are darkened and the appropriate names are printed on each line.

b. Calibrate the touchscreen.

c. Select, then deselect each voting position in each race.

d. Verify that the overvote and undervote functions are programmed correctly.

e. Test the write-in function for each office on one ballot, and test all of the letters in the alphabet.

f. Use the audio ballot function to mark one ballot.

g. Tabulate the marked ballots from this test on the appropriate optical scanner.

h. Ensure that the AutoMARK VAT is available for demonstration at public tests.

22.263(4) Compact flash memory cartridge or memory card. The compact flash memory cartridge shall be installed before the AutoMARK VAT is locked, sealed and shipped to the polling place for election day. In addition to locking the memory cartridge access door, the commissioner shall seal the door with a numbered seal, record the seal number, and provide the number to the precinct election officials as required by rule 721—22.51(52). From the time the AutoMARK VAT is delivered to the polling place until the time the precinct election officials arrive, the AutoMARK VAT shall be stored securely to prevent tampering. On election day, the precinct election officials shall inspect the seal and verify that the original numbered seal is present and undamaged.

22.263(5) Calibration testing. The commissioner may provide for printer and touchscreen calibration testing after delivery of the AutoMARK VAT to the polling place. If calibration testing is performed at the polling place, the delivery staff shall complete the testing before the polls open on election day and shall keep a log for each AutoMARK VAT and record the machine serial number, the precinct name or number, the date and time of the test, the name of the person performing the test, and the lifetime printer counter number at the completion of the test. The ballot to be used in the calibration test shall be provided to the tester and shall be labeled with the precinct name and election date. The completed calibration test ballot shall be returned to the commissioner and kept with the election records.

22.263(6) AutoMARK VAT keys. Possession of the AutoMARK VAT keys shall be restricted to precinct election officials and authorized members of the commissioner's staff.

22.263(7) Table. The table used to support the AutoMARK VAT shall meet the following requirements: The table shall be sturdy enough to hold the 40-pound AutoMARK VAT safely. Clearance shall be at least 27 inches high, 30 inches wide, and 26 inches deep. The top of the table shall be from 28 inches to 34 inches above the floor.

22.263(8) Privacy. The commissioner may provide each AutoMARK VAT with a privacy shield to protect the secrecy of each voter's ballot. The commissioner shall instruct the precinct election officials to position the AutoMARK VAT to provide maximum access for voters (especially voters who use wheelchairs) as well as privacy.

22.263(9) Abandoned ballots. If a voter or precinct election official discovers that a voter has left the AutoMARK VAT without printing the voter's ballot, the two precinct election officials designated to assist voters shall print the ballot without reviewing the ballot or making any changes, enclose the ballot in a secrecy folder, and immediately deposit the ballot in the tabulating device.

721—22.264(52) Unisyn OpenElect OVO unit—preparation and use in elections.

22.264(1) Security. The commissioner shall have a written security plan for the voting system. Access to equipment, programs and passwords shall be limited to those persons authorized in writing by the commissioner. The security plan shall be reviewed at least annually.

a. Passwords used at the polling places on election day shall be changed for each election.

b. For each election, the precinct chairperson shall be responsible for the custody and security of the keys for the voting equipment, the ballot boxes and the security of the voting system on election day.

22.264(2) Configuration choices. The following selections are mandatory for all elections:

a. Access, messaging and tabulating selections. In the Election Manager, “Election Options” menu, the following selections shall be made:

(1) “Allow Add Precinct” shall be checked.

(2) “Full Voter Ballot Review” shall not be checked. The commissioner may select either “Alert Print Only” or “Alert on-screen.”

(3) “Show Precinct Split Totals” shall not be checked.

(4) “Overvote by Vote For” shall be checked.

(5) “No Undervote Check” shall be selected in the Undervote Checking dropdown menu.

b. Printing selections. In the Election Manager, “Printing Options” menu, the following selections shall be made:

(1) “Auto Print Alerts” may be checked.

(2) “Voter Receipts” shall not be checked.

(3) “Show Contest Results on Election Day” shall be checked.

c. Ballot acceptance by the OVO unit. In an official election, the commissioner shall not program the OVO for unconditional acceptance of all ballots and shall program the OVO unit to accept undervoted ballots. The system shall also be programmed to query the voter and give the voter the on-screen option to “Cast Ballot as Marked” in each of the following situations:

(1) Overvoted ballot.

(2) Blank ballot.

(3) Unreadable ballot.

d. Reports. The following are required reports:

(1) Opening the polls. Print a zero vote totals report.

(2) Closing the polls. The poll report is the official record of the votes cast in the precinct on election day.

(3) Certification text. The following shall appear at the end of the poll report:

We, the undersigned precinct election officials of this precinct, hereby attest that this tape shows the results of all ballots cast and counted on this tabulating device at this election.

(Include signature lines for each of the officials to sign.)

22.264(3) Ballot layout. Although the Unisyn OpenElect voting system software includes choices for variations in ballot layout, all ballots shall be prepared according to the requirements of Iowa Code sections 43.26 through 43.29 and 49.30 through 49.48.

a. Format. The office title, instructions about the maximum number of choices the voter can make for the office, the candidate names and all write-in lines associated with each office on the ballot shall be printed in a single column on the same side of the ballot. All text and the “yes” and “no” choices for each public measure and for each individual judge on a ballot shall be printed in a single column on the same side of the ballot. No office or public measure on any ballot shall be divided to appear in more than one column or on more than one page of a ballot. For all elections, the voting target shall be printed on the left side of each choice on the ballot.

b. Instructions for voters. The ballots shall contain instructions for voters, including:

(1) How to mark the ballot;

(2) Where to find the judicial ballot (if any); and

(3) Constitutional amendment (if any) as required by Iowa Code section 49.48 and notices to voters on ballots with public measures (if any) as required by Iowa Code section 49.47.

22.264(4) System error messages. Precinct election officials shall be provided with a list of known system error messages and the appropriate responses. The officials shall be instructed to contact the commissioner or the commissioner's designee for all other messages, errors or voting equipment malfunctions on election day.

22.264(5) Preelection testing. All voting equipment shall be tested pursuant to the provisions of Iowa Code section 52.30 and rule 721—22.42(52). At the commissioner's discretion, additional logic and accuracy tests may be conducted.

22.264(6) Record retention. The OVO unit uses a thermal printer. The maximum anticipated life span of the results from each OVO unit is only five years. In order to preserve the permanent record of the precinct results required by Iowa Code section 50.19, the commissioner shall print a copy of the results of each precinct on permanent paper and store these copies with the tally lists from precincts where the OVO unit was used.

22.264(7) Central count automatic tabulator configuration choices. The following settings are mandatory for all elections in which the OVCS is used.

a. Ballot control. In an official election, the commissioner shall program the central count automatic tabulator to accept overvoted ballots and undervoted ballots. The commissioner shall program the central count automatic tabulator to sort blank ballots and unreadable ballots as required by Iowa Code section 52.37. Ballots with write-in votes may be sorted for further review by the absentee and special voters precinct board at the commissioner's discretion.

b. Reports. The following are required reports:

(1) Opening the polls. Before ballots are tabulated in the central count automatic tabulator, a Zero Certification report shall be printed and shall be signed by the members of the absentee and special voters precinct board.

(2) Closing the polls. After all ballots are tabulated by the central count automatic tabulator, a poll report shall be printed. The poll report is the official record of ballots tabulated in the absentee precinct and shall be signed by the members of the absentee and special voters precinct board.

c. Reopen polls. The commissioner shall enable the option to reopen the polls, but protect it against unauthorized use.

[ARC 0238C, IAB 8/8/12, effective 7/11/12; ARC 0801C, IAB 6/26/13, effective 7/31/13; ARC 1548C, IAB 7/23/14, effective 8/27/14; ARC 1746C, IAB 12/10/14, effective 1/14/15; ARC 3447C, IAB 11/8/17, effective 12/31/17]

721—22.265(52) Unisyn OpenElect OVI unit.

22.265(1) Acceptance testing. Upon receipt of the equipment from the vendor, the commissioner shall subject each OVI unit to an acceptance test. The test shall be in addition to any testing provided by the vendor and shall include a demonstration of the functionalities of the device.

22.265(2) Audio ballot preparation. Each candidate shall have an opportunity to provide a record of the proper pronunciation of the candidate's name. The same voice shall be used for recording the entire ballot including instructions, office titles, candidate names and the full text of all public measures.

22.265(3) Timeout value. The OVI timeout value shall be set to 600 seconds. Precinct election officials shall monitor the use of the OVI unit to ensure that voting sessions are not automatically terminated due to inactivity. If a voter abandons a voting session initiated on the OVI unit without printing a ballot, the two precinct election officials designated to assist voters shall print the ballot without reviewing it or making any changes to the voter's choices before the OVI unit times out due to inactivity, enclose the ballot in a secrecy folder, and immediately deposit the ballot in the tabulating device.

22.265(4) Preelection testing. Each OVI unit shall be tested before each election in which it will be used. The commissioner must use the OVI unit to prepare some ballots for the test decks as required by paragraph 22.42(1) "d." In addition, the commissioner shall verify that:

- a.* The vote response fields on the screen align with the candidate names or choices.
- b.* All contests and candidates appear on the screen for each precinct.
- c.* All contests and candidates are included in the audio ballot for each precinct.

d. All voting positions in each race can be selected, then deselected, using the touchscreen and the keypad.

e. Selections on the printed ballots accurately reflect the voter's choices.

f. Overvote and undervote functions are programmed correctly.

g. The write-in function for each office is working correctly. All letters in the alphabet must be tested.

h. There is enough paper on the paper roll to print a minimum of ten ballots for the election in which the OVI unit is being used.

22.265(5) *Availability at public test.* The commissioner shall ensure that the OVI unit is available for demonstration at public tests.

22.265(6) *TM.* The TM device used with the OVI unit shall be installed before the OVI unit is locked, sealed and transported to the polling place for election day. The commissioner shall lock and seal the OVI unit, record the seal number and provide the number to the precinct election officials as required by rule 721—22.51(52). From the time the OVI unit is delivered to the polling place until the time the precinct officials arrive, the OVI unit shall be stored securely to prevent tampering. On election day, the precinct election officials shall inspect the seal and verify that the original numbered seal is present and undamaged.

22.265(7) *Touchscreen and printer testing.* The commissioner may provide for printer and touchscreen testing after delivery of the OVI unit to the polling place. If touchscreen testing is performed at the polling place, the delivery staff shall complete the testing before the polls open on election day. Staff shall keep a log for each OVI unit and record the machine serial number, precinct name or number, nature of the test, date and time of the test and name of the person performing the test.

22.265(8) *OVI unit keys.* Possession of the OVI unit keys shall be restricted to the precinct chairperson and authorized members of the commissioner's staff.

22.265(9) *Table or voting booth.* The table or voting booth used to support the OVI unit shall meet the following requirements:

a. The table shall be sturdy enough to hold the OVI unit safely.

b. Clearance shall be at least 27 inches high, 30 inches wide, and 26 inches deep.

c. The top of the table shall be from 28 inches to 34 inches above the floor.

22.265(10) *Privacy.* The commissioner shall instruct the precinct election officials to position the OVI unit to provide maximum privacy and access to voters.

22.265(11) *Abandoned ballots.* If a voter or a precinct election official discovers that a voter has left the voter's ballot at the OVI unit, the two precinct election officials designated to assist voters shall enclose the ballot in a secrecy folder and immediately deposit the ballot in the tabulating device.

22.265(12) *Extra paper rolls.* Each precinct in which an OVI unit is being used shall be equipped with an extra paper roll for the OVI unit, and precinct election officials shall be instructed as to the method of replacing the paper roll.

[ARC 0238C, IAB 8/8/12, effective 7/11/12]

721—22.266(52) Dominion Democracy Suite Voting Systems—preparation and use in elections.

22.266(1) *Security.* The commissioner shall have a written security plan for the voting system. Access to equipment, programs and passwords shall be limited to those persons authorized in writing by the commissioner. The security plan shall be reviewed at least annually.

a. Passwords used at the polling places on election day shall be changed for each election.

b. For each election, the precinct chairperson shall be responsible for the custody and security of the keys for the voting equipment and the ballot boxes and the security of the voting system on election day.

22.266(2) *Precinct automatic tabulator configuration choices.* The following selections are mandatory for all elections.

a. Access, messaging and tabulating selections. The Machine Behavioral Settings shall be configured as follows:

(1) The option to allow voters to review ballot selections detected by the precinct automatic tabulator shall be disabled.

(2) Results for each precinct automatic tabulator shall be consolidated by precinct and shall not be reported by split within a precinct.

(3) The automatic tabulators shall be configured to report write-in votes when the oval is darkened, regardless of whether there is text written on the corresponding write-in line.

b. Ballot acceptance. In an official election, the commissioner shall not program the precinct automatic tabulators for unconditional acceptance of all ballots and shall program the automatic tabulators to accept undervoted ballots. The automatic tabulators shall also be programmed to query the voter in each of the following situations:

(1) Overvoted ballot.

(2) Blank ballot.

(3) Unreadable ballot.

(4) Ambiguous marks. Ambiguous marks shall be defined as those marks where 5 to 24 percent of the voting target is darkened.

c. Reports. The following are required reports:

(1) Opening the polls. Print a zero vote totals report.

(2) Closing the polls. The poll report is the official record of the votes cast in the precinct on election day.

(3) Certification text. Substantially the following text shall appear at the end of the poll report:

We, the undersigned precinct election officials of this precinct, hereby attest that this tape shows the results of all ballots cast and counted on this tabulating device at this election.

(Include signature lines for each of the officials to sign.)

22.266(3) *Central count automatic tabulator configuration choices.* The following settings are mandatory for all elections in which the ImageCast Central automatic tabulator is used.

a. Ballot control. In an official election, the commissioner shall program the central count automatic tabulator to accept overvoted ballots and undervoted ballots. The commissioner shall program the central count automatic tabulator to sort or notify the user when blank ballots, unreadable ballots and ballots with write-in votes are detected so such ballots can be separated for further review by the absentee and special voters precinct board as required by Iowa Code section 52.37.

b. Reports. The following are required reports:

(1) Opening the polls. Before ballots are tabulated in the central count automatic tabulator, a Zero Certification report shall be printed and shall be signed by the members of the absentee and special voters precinct board.

(2) Closing the polls. After all ballots are tabulated by the central count automatic tabulator, a poll report shall be printed. The poll report is the official record of ballots tabulated in the absentee precinct and shall be signed by the members of the absentee and special voters precinct board.

c. Reopen polls. The commissioner shall enable this option, but protect it against unauthorized use.

22.266(4) *Ballot layout.* Although the Dominion Democracy Suite voting system software includes choices for variations in ballot layout, all ballots shall be prepared according to the requirements of Iowa Code sections 43.26 through 43.29 and 49.30 through 49.48.

a. Format. The office title, instructions about the maximum number of choices the voter can make for the office, the candidate names and all write-in lines associated with each office on the ballot shall be printed in a single column on the same side of the ballot. When describing the maximum number of choices the voter can make for the office, the following description for each office shall be used: "Vote for no more than xx." Do not include "vote for" language for public measures or judges. All text and the "yes" and "no" choices for each public measure and for each individual judge on a ballot shall be printed in a single column on the same side of the ballot. No office or public measure on any ballot shall

be divided to appear in more than one column or on more than one page of a ballot. For all elections, the voting target shall be printed on the left side of each choice on the ballot.

b. Instructions for voters. The ballots shall contain instructions for voters, including:

- (1) How to mark the ballot;
- (2) Where to find the judicial ballot (if any); and
- (3) Constitutional amendment (if any) as required by Iowa Code section 49.48 and notices to voters on ballots with public measures (if any) as required by Iowa Code section 49.47.

22.266(5) *System error messages.* At the discretion of the commissioner, precinct election officials may be provided with a list of routine error messages, including messages that relate to paper jams, which do not rise to the level of voting equipment malfunctions and the appropriate responses. The officials may be instructed to contact the commissioner or the commissioner's designee on election day for all other messages or routine errors for which appropriate responses have not been provided by the commissioner.

22.266(6) *Preelection testing of automatic tabulators.* Each ImageCast Evolution or ImageCast Precinct with or without audio and printer unit shall be tested pursuant to the provisions of Iowa Code section 52.30 and rule 721—22.42(52). At the commissioner's discretion, additional logic and accuracy tests may be conducted.

22.266(7) *Audio ballot preparation.* Each candidate shall have an opportunity to provide a record of the proper pronunciation of the candidate's name. The same voice shall be used for recording the entire ballot, including instructions, office titles, candidate names and the full text of all public measures.

22.266(8) *Preelection testing of accessible components.* The accessible components of each ImageCast Evolution or ImageCast Precinct with audio and printer unit shall be tested before each election in which the unit will be used. The commissioner must use the ImageCast Evolution or ImageCast Precinct with audio and printer unit to prepare some ballots for the test decks as required by paragraph 22.42(1) "e." In addition, the commissioner shall verify that:

- a.* The vote response fields on the screen align with the candidate names or choices on the ImageCast Evolution.
- b.* All contests and candidates appear on the screen for each precinct on the ImageCast Evolution.
- c.* All contests and candidates are included in the audio ballot for each precinct on the ImageCast Evolution or ImageCast Precinct with audio and printer unit.
- d.* All voting positions in each race can be selected, then deselected, using the touchscreen on the ImageCast Evolution and the keypad on the ImageCast Evolution or ImageCast Precinct with audio and printer unit.
- e.* Selections on the printed ballots accurately reflect the voter's choices.
- f.* Overvote and undervote functions are programmed correctly.
- g.* The write-in function for each office is working correctly. All letters in the alphabet must be tested.

22.266(9) *Touchscreen and printer testing.* The commissioner may provide for printer and touchscreen testing after delivery of the ImageCast Evolution or ImageCast Precinct with audio and printer unit to the polling place. If touchscreen testing is performed at the polling place, the delivery staff shall complete the testing before the polls open on election day. Staff shall keep a log for each unit and record the machine serial number, precinct name or number, nature of the test, date and time of the test and name of the person performing the test.

22.266(10) *Table or voting booth.* A table or voting booth shall be available to a voter using the ImageCast Precinct with audio and printer unit. A chair shall be provided for voters using the ImageCast Evolution keypad and headphones components. Any table or voting booth used shall meet the following requirements:

- a.* Clearance shall be at least 27 inches high, 30 inches wide, and 26 inches deep.
- b.* The top of the table shall be from 28 inches to 34 inches above the floor.

22.266(11) *Privacy.* The commissioner shall instruct the precinct election officials to position the ImageCast Precinct with audio and printer unit to provide maximum privacy and access to voters.

22.266(12) Abandoned ballots. If a voter or a precinct election official discovers that a voter has left the voter's ballot at the ImageCast Precinct with audio and printer unit, the two precinct election officials designated to assist voters shall enclose the ballot in a secrecy folder and immediately deposit the ballot in the tabulating device.

22.266(13) Ballot stock. Each precinct in which an ImageCast Precinct with audio and printer unit is being used shall be equipped with ballot stock for the printer. The ballot stock shall be kept in a secure place throughout election day. Precinct election officials shall be instructed as to appropriate methods for securing the ballot stock and shall only place a sheet of ballot stock in the printer when an audio ballot is authorized on the unit.

22.266(14) Record retention. The ImageCast Evolution, ImageCast Precinct and ImageCast Precinct with audio and printer unit use thermal printers. The maximum anticipated life span of the results from each unit is only five years. In order to preserve the permanent record of the precinct results required by Iowa Code section 50.19, the commissioner shall print a copy of the results of each precinct on permanent paper and store these copies with the tally lists from precincts where the units were used. [ARC 0801C, IAB 6/26/13, effective 7/31/13; ARC 1548C, IAB 7/23/14, effective 8/27/14; ARC 3447C, IAB 11/8/17, effective 12/31/17]

721—22.267 to 22.339 Reserved.

OPTICAL SCAN VOTING SYSTEM USED FOR ABSENTEE AND SPECIAL VOTERS PRECINCT

721—22.340(52) Processing. All scanners used to tabulate absentee and provisional ballots shall be configured to sort blank ballots and ballots containing marks in write-in vote targets for review by the resolution board. The scanners shall not be configured to sort ballots with overvotes. However, if it is not possible to configure the scanners used to count absentee ballots differently from those used at the polling places, the person operating the scanner shall override the scanner and accept overvoted ballots as they are processed. The resolution board shall follow the requirements of 721—subrule 26.2(2). The commissioner shall provide the resolution board with a copy of 721—Chapter 26, "Counting Votes."

This rule is intended to implement Iowa Code section 52.33 as amended by 2007 Iowa Acts, Senate File 369, section 9.

721—22.341(52) Reporting results from absentee ballots and provisional ballots. Absentee and provisional ballot results shall be reported as a single precinct as required by subrule 22.102(7).

721—22.342(52) Tally list for absentee and special voters precinct.

22.342(1) Write-in votes shall be reported on a separate tally sheet which provides a column for the names of offices, a column for the names of persons receiving votes, space to tally the votes received, and a column in which to report the total number of votes cast for each person. In tally lists provided for primary elections, separate pages shall be provided to tally the write-in votes for each political party. Each member of the board who participated in the count shall attest to each tally sheet for write-in votes.

22.342(2) The officials shall certify the procedures followed. The certification shall be in substantially the following form:

Absentee and Special Voters Tally Certificate

_____ County

We, the undersigned officials of the Absentee and Special Voters Precinct for this county, do hereby certify that all ballots delivered to the Board for this election were tabulated as shown in the attached report.

We further certify that a record of any write-in votes or other votes manually counted pursuant to Iowa Code chapter 52 is included in this Tally List, and that the numbers entered in the column headed "Total Votes" are the correct totals of all votes manually counted by us.

Signed at _____ on ____/____/____, ____:____ a.m./p.m.

[signatures of officials] 1. _____
2. _____ (etc.)

22.342(3) The record generated by the tabulating equipment shall be attached to or enclosed with the tally list and shall constitute the official return of the precinct.

This rule is intended to implement Iowa Code section 52.33 as amended by 2007 Iowa Acts, Senate File 369, section 9.

721—22.343(39A,53) Counting absentee ballots on the day before the general election. When absentee ballots are tabulated on the day before the election as permitted or required by Iowa Code section 53.23 as amended by 2009 Iowa Acts, House File 670, the absentee and special voters precinct board and county commissioner shall implement the following security precautions:

22.343(1) *Seal and label voted ballot envelopes or other containers with date of tabulation.* The precinct election officials shall seal all ballots tabulated on the day before the election in a voted ballot envelope or other container labeled with the date of tabulation. The precinct election officials shall seal and sign the envelope or other container in a manner that will make it evident if the envelope or other container is opened.

22.343(2) *Ensure secure storage of all ballots.* Before adjourning for the day, the precinct election officials shall transfer custody of all absentee ballots to the commissioner. The commissioner shall ensure all absentee ballots are stored in a secure location until tabulation is resumed on election day.

22.343(3) *Ensure memory card security.* Before the absentee and special voters precinct board adjourns for the day, the memory card used in the tabulator(s) on the day before the election shall be secured by the precinct election officials in one of the following ways:

a. The memory card may be left in the tabulator when a tamper-evident seal is affixed over the memory card in a manner that will make it evident if the seal is removed.

b. The memory card may be removed from the tabulator and placed in an envelope. The precinct election officials shall seal the envelope in a manner that will make it evident if the envelope is opened.

22.343(4) *Ensure security of the tabulator(s).* Before adjourning for the day, the precinct election officials shall ensure the security of the tabulator(s). The tabulator(s) must be stored in a secure location until the absentee and special voters precinct board resumes tabulation on election day.

22.343(5) *No results tape printing on the day before the election.* No results tapes may be printed from the tabulator(s) on the day before the election.

22.343(6) *No upload of results to tabulating software until election day.* No results may be uploaded or input into tabulating software on the day before the election.

22.343(7) *Verify no tampering before resuming tabulation on election day.* Before tabulation resumes on election day, the absentee and special voters precinct board shall verify the tabulator(s), memory card(s) and memory card port(s) have not been obviously tampered with overnight.

22.343(8) *Resume tabulation.* The absentee and special voters precinct board shall resume tabulation using one of the following methods:

a. Using the same memory card(s) used on the day before the election and resuming tabulation.

b. Using a new memory card(s) and compiling the results contained on the memory card(s) used on election day and on the day before the election.

22.343(9) *Print audit logs.* After the election, the audit logs must be printed and be available for public inspection.

This rule is intended to implement Iowa Code section 39A.5, section 1, paragraph “a,” subparagraph (3), and Iowa Code section 53.23 as amended by 2009 Iowa Acts, House File 670.
[ARC 8698B, IAB 4/21/10, effective 6/15/10]

721—22.344 to 22.349 Reserved.

721—22.350(52) Election Systems & Software models. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.351(52) Diebold Election Systems’ AccuVote-OS central count process. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.352 to 22.430 Reserved.

721—22.431(52) Temporary use of printed ballots in voting machine precincts. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.432(52) Abandoned ballots. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.433(52) Prohibited uses for direct recording electronic voting machines. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.434(52) Audio ballot preparation. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.435 to 22.460 Reserved.

721—22.461(52) MicroVote Absentee Voting System. Rescinded IAB 8/1/07, effective 7/13/07.

721—22.462(52) Fidler & Chambers’ Absentee Voting System. Rescinded IAB 10/30/02, effective 1/1/03.

721—22.463(52) Election Systems & Software iVotronic. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.464(52) Diebold Election Systems AccuVote TSX DRE. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.465 to 22.499 Reserved.

721—22.500(52) Blended systems. Rescinded IAB 10/8/08, effective 9/19/08.

721—22.501 to 22.599 Reserved.

These rules are intended to implement Iowa Code chapter 52.

E-POLL BOOKS

721—22.600(47) Revolving loan fund. The purpose of this rule is to establish an e-poll book and polling place modernization panel to review applications submitted to the state commissioner for distribution of moneys from the revolving loan fund created by 2017 Iowa Acts, House File 516, section 37, to be codified at Iowa Code section 47.11.

22.600(1) Definitions.

“*E-poll book*” is as defined in rule 721—22.1(52).

“*Vendor*,” for purposes of this rule, means a person or representative of a person developing, offering, or supporting an e-poll book.

22.600(2) In order to ensure that the public funds in this rule are used responsibly and efficiently, this rule creates a panel consisting of designees of the state commissioner of elections, the state auditor, and the director of the department of management. Attendance by two of the three members constitutes a quorum. The panel shall conform to the party and gender balance requirements of Iowa Code sections 69.16 and 69.16A.

22.600(3) The state commissioner shall convene the panel whenever necessary to review loan applications received from county commissioners requesting moneys from the fund.

22.600(4) The state commissioner may convene the panel to review proposed expenditures for updating technology standards for elections. If the state commissioner determines that there is an urgent need that an expenditure of moneys from the fund be used to update technology standards, the state commissioner may spend the moneys without convening the panel. In such instance, the state commissioner shall report that expenditure at the next meeting of the panel.

22.600(5) The panel shall create guidelines for loaning moneys from the fund to county commissioners for the updating of polling place technology. The guidelines shall be published on the state commissioner's website.

22.600(6) Before distributing or loaning funds, the panel shall consider the published guidelines, but may take additional factors into consideration. The panel shall not waive any information technology security standards, but may waive other requirements. A majority vote of the panel members present is sufficient to approve funding.

22.600(7) Before any funds from the revolving loan fund are provided for the acquisition of e-poll books, the e-poll book system shall conform to the security requirements within this chapter.

This rule is intended to implement 2017 Iowa Acts, House File 516, section 37.
[ARC 3468C, IAB 11/22/17, effective 12/31/17]

721—22.601(47) Operational features of e-poll books.

22.601(1) Definitions.

"E-poll book" is as defined in rule 721—22.1(52).

"Vendor," for purposes of this rule, means a person or representative of a person developing, offering, or supporting an e-poll book.

22.601(2) Operational features. When assessing applications for funding from the revolving loan fund established by 2017 Iowa Acts, House File 516, section 37, as implemented in rule 721—22.600(47), the e-poll book and polling place modernization panel shall consider whether the e-poll book sought includes the operational features described in this subrule. Commissioners using only county funds for the purchase of e-poll book systems are not subject to the operational features described below, but are subject to all of the security requirements set forth in rule 721—22.602(47). The panel shall consider:

a. Whether the e-poll book is able to accept a secure data file that imports voter registration data into the e-poll book application from the statewide voter registration system. This requirement may not be waived by the panel.

b. Whether the e-poll book is able to securely export data files that can be imported into the statewide voter registration system, including a file to update the voter activity portion of the statewide voter registration system.

c. Whether the e-poll book is able to scan the barcodes of driver's licenses, DOT-issued nonoperator identification cards, and the voter identification card issued pursuant to 2017 Iowa Acts, House File 516, section 18, to be codified at Iowa Code section 48A.10A.

d. Whether the e-poll book is able to verify the voter against the felon database.

e. Whether the e-poll book is able to process, record, and export the complete range of possible voter registration updates available to voters under Iowa law. The state commissioner shall maintain a form that lists the possible updates that are required by this subrule.

f. Whether the e-poll book is able to complete and print the following forms:

(1) State of Iowa Official Voter Registration Form.

(2) Election Day Voter Registration Form, including Voter's Oath and Attester's Oath, if applicable.

(3) Provisional Ballot Form, including the State of Iowa Official Voter Registration Form and Statement to Person Casting a Provisional Ballot.

(4) Challenger's Statement.

(5) Affidavit of Voter Requesting Assistance.

22.601(3) Certification. A vendor providing an e-poll book platform in this state shall certify in writing to the state commissioner that the requirements of subrule 22.601(2) are met. If any of the requirements are not met, the vendor shall note the exceptions conspicuously.

This rule is intended to implement 2017 Iowa Acts, House File 516, section 37.
[ARC 3468C, IAB 11/22/17, effective 12/31/17]

721—22.602(47) Security features of e-poll books. All e-poll book systems in use in this state, including those funded by county moneys, shall conform to the following security standards.

22.602(1) Definitions.

"E-poll book" is as defined in rule 721—22.1(47).

"Secure," for purposes of this rule, means "encryption" as defined by Iowa Code section 715C.1(5).

"Vendor," for purposes of this rule, means a person or representative of a person developing, offering, or supporting an e-poll book.

22.602(2) Encryption of data at rest. The e-poll book system shall ensure that all voter data is encrypted at rest. "Encrypted at rest" includes encryption of the whole hard drive, database, application data deemed confidential, and removable media. The data encryption keys shall be stored separately from the e-poll book hardware and software.

22.602(3) Encryption of data in transit. The e-poll book system shall ensure that all voter data is encrypted in transit via secure transfer protocols.

22.602(4) Security updates. The commissioner shall ensure that the computer maintains the most recent security updates available for the computer's operating system. The vendor shall ensure that the e-poll book software remains compatible with all security updates issued for the computer's operating system. An e-poll book system in use in Iowa shall not be installed on an operating system that is no longer supported by the developer.

22.602(5) Authentication. Every e-poll book system shall require authentication to the operating system and to the e-poll book application separately through a minimum of a username-password combination. A commissioner shall use a unique username-password combination for each precinct.

22.602(6) Decommissioning. At the time of decommissioning, the hard drive from the computer shall be destroyed by the owner of the hardware. This shall occur before the commissioner or vendor resells, gifts, repurposes, or otherwise disposes of the equipment. A record of the destruction shall be kept by the owner.

22.602(7) Notification. A vendor upon offering a new e-poll book platform, or upon making a change to the security features of an existing e-poll book, shall notify the state commissioner of the encryption and authentication standards utilized.

This rule is intended to implement 2017 Iowa Acts, House File 516, section 37.
[ARC 3468C, IAB 11/22/17, effective 12/31/17]

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DIVISION III
UNIFORM COMMERCIAL CODE
CHAPTER 30
UNIFORM COMMERCIAL CODE
[Prior to 7/13/88, see Secretary of State [750], Ch 1]

721—30.1(554) General provisions.

30.1(1) Policy statement. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:

- a. Determine the legal sufficiency or insufficiency of a document.
- b. Determine that a security interest in collateral exists or does not exist.
- c. Determine that information in the document is correct or incorrect, in whole or in part.
- d. Create a presumption that information in the document is correct or incorrect, in whole or in part.

30.1(2) Definitions. The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

“*Active*” means a UCC record that has not reached the one-year anniversary of its lapse date.

“*Amendment*” means a UCC document that purports to amend the information contained in a financing statement. Amendments include assignments, continuations and terminations.

“*Assignment*” means an amendment that purports to reflect an assignment of all or a part of a secured party’s power to authorize an amendment to a financing statement.

“*Continuation*” means an amendment that purports to continue the effectiveness of a financing statement.

“*Correction statement*” means a UCC document that purports to indicate that a financing statement is inaccurate or wrongfully filed.

“*File number*” means the unique identifying information assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer’s information management system. The filing number bears no relation to the time of filing and is not an indicator of priority.

“*Filing office*” and “*filing officer*” mean the office of the secretary of state. The address of the office is Lucas State Office Building, First Floor, 321 East 12th Street, Des Moines, Iowa 50319.

“*Financing statement*” means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.

“*Inactive*” means a UCC record that has reached the first anniversary of its lapse date.

“*Individual*” means a human being, or a decedent in the case of a debtor that is such decedent’s estate.

“*Initial financing statement*” means a UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by 2000 Iowa Acts, chapter 1149, sections 83, 85, and 89.

“*Organization*” means a legal person who is not an individual as defined above.

“*Remitter*” means a person who tenders a UCC document to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. “*Remitter*” does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service, but does include a service provider who acts as a filer’s representative in the filing process.

“*Secured party of record*” means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under 2000 Iowa Acts, chapter 1149, section 85, subsection 1, the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. If an amendment of a financing statement which provides

the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under 2000 Iowa Acts, chapter 1149, section 85, subsection 2, the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

“*Termination*” means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.

“*UCC*” means the Uniform Commercial Code as adopted in this state and in effect from time to time.

“*UCC document*” means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement. The word “document” in the term “UCC document” shall not be deemed to refer exclusively to paper or paper-based writings; it being understood that UCC documents may be expressed or transmitted electronically or through media other than such writings. (NOTE: This definition is used for the purpose of these rules only. The use of the term “UCC document” in these rules has no relation to the definition of the term “document” in 2000 Iowa Acts, chapter 1149, section 2, subsection 1, paragraph “*ad.*”)

30.1(3) *Singular and plural forms.* Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.

30.1(4) *Place to file.* The filing office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral (2000 Iowa Acts, chapter 1149, section 2, subsection 1, paragraph “*f*”) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. Regardless of the nature of the collateral, the filing office is the office for filing all UCC documents where the debtor is a transmitting utility.

30.1(5) *Filing office identification.* In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its Internet and other electronic “addresses” through usual and customary means.

a. On-line information service. The filing officer offers on-line information services at www.sos.state.ia.us.

b. Electronic mail. Electronic mail cannot be used for filing UCC documents or for requesting searches of the records of financing statements.

30.1(6) *Office hours.* Although the filing office maintains regular office hours (8 a.m. to 4:30 p.m. Monday through Friday, except holidays), it receives transmissions electronically and by telefacsimile 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the filing office is open for business) on a batch basis.

30.1(7) *UCC document delivery.* UCC documents may be tendered for filing at the filing office as follows:

a. Personal delivery at the filing office’s street address. The file time for a UCC document delivered by this method is when delivery of the UCC document is accepted by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

b. Courier delivery at the filing office’s street address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

c. Postal service delivery to the filing office’s mailing address. The file time for a UCC document delivered by this method is the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

d. Telefacsimile delivery to the filing office's fax filing telephone number. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

In order for delivery of UCC documents by telefacsimile to be accepted, remitter must have a preapproved charge account as provided in 30.1(11)“d” or an acceptable credit card as provided by 30.1(11)“e.”

e. Electronic filing. UCC documents may be transmitted electronically using the XML standard approved by the International Association of Corporation Administrators as described in 30.3(3). UCC documents may also be transmitted electronically through on-line entry as described in 30.3(4). The file time for a UCC document delivered by this method is the time that the filing office's UCC information management system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.

30.1(8) Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office, except as provided in 30.1(7)“e.” Requirements concerning search requests are set forth in 30.5(2). UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is entitled to be filed with the standard form fee and the relevant search fee is also tendered with the initial financing statement.

30.1(9) Approved forms. Forms for UCC documents that conform to the requirements of this rule will be accepted by the filing office. Other forms will not be accepted by the filing office.

a. Approved forms. Only those forms approved for the relevant UCC document by the International Association of Corporation Administrators (the UCC National Forms) will be acceptable. Copies of these forms are available on the secretary of state's website at www.sos.state.ia.us or by request to the secretary of state's office.

NOTE: The debtor's taxpayer identification number (TAX ID #), social security number (SSN), and employer identification number (EIN) are not required, and will be readily available to the public if entered on UCC documents.

b. Form—UCC search. The information request form approved by the International Association of Corporation Administrators will be acceptable. Other request forms will also be acceptable, provided they contain the information required by 30.5(2).

c. Electronic filings. A UCC document transmitted electronically pursuant to the International Association of Corporation Administrators' XML standard and the procedures set forth in 30.3(3) or pursuant to on-line data entry procedures set forth in 30.3(4) will be acceptable.

30.1(10) Filing fees.

a. Filing fee. The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format (including faxes) is \$20. If there are additional pages, the fee is \$40. But the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$10. Upon the expiration of the technology modernization fund in Iowa Code section 9.4A, as created by 2017 Iowa Acts, Senate File 516, section 23, the fees will revert back to the amounts authorized prior to July 1, 2017. Funds generated by these fees shall be exclusively used for improving business services technology.

b. UCC search fee. The fee for a UCC search request communicated verbally, on paper or in a paper-based format is \$5.

c. UCC search—copies. The fee for paper copies of UCC documents is \$1 per page.

30.1(11) Methods of payment. Filing fees and fees for public records services rendered by the secretary of state may be paid to the secretary of state by the following methods.

a. Cash. The filing officer discourages cash payment unless made in person to the cashier at the filing office.

b. Checks. Checks made payable to the filing office, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, will be accepted for payment if they are cashier's checks or certified checks drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office.

c. Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

d. Accounts receivable. Payment for services shall be in accordance with 721—2.3(17A).

e. Credit card. The filing office may accept payments using credit cards issued by approved credit card issuers.

30.1(12) Overpayment and underpayment policies.

a. Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10 to the remitter. The filing officer shall refund an overpayment of \$10 or less only upon the written request of the remitter.

b. Underpayment. Upon receipt of a document with an insufficient fee, the filing officer shall return the document to the remitter as provided in 30.2(5). A refund of a partial payment may be included with the document or delivered under separate cover.

30.1(13) Public records services. Public records services are provided on a nondiscriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system.

a. Individually identified documents. Copies of individually identified UCC documents are available in the following forms.

- (1) Paper.
- (2) TIF files.

b. Bulk copies of documents. Bulk copies of UCC documents are available in a TIF format on CD-ROM or DVD.

c. Data from the information management system. A list of available data elements from the UCC information management system and the file layout of the data elements are available from the filing officer upon request. Data from the information management system is available as follows.

(1) Full extract. A bulk data extract of information from the UCC information management system is available on a weekly basis.

(2) Format. Extracts from the UCC information management system are available via downloads from the filing office or CD-ROM.

d. Direct on-line services. On-line services make UCC data and images available.

30.1(14) Fees for public records services. Fees for public records services are established as follows.

a. Paper copies of individual documents.

- (1) Regular delivery method—\$1 per page.
- (2) Fax delivery—\$2 per page.

b. Bulk copies of documents.

- (1) Subscription basis—4 cents per page plus \$25 per week (delivered on CD-ROM).
- (2) Document image master file—4 cents per document.

c. Data from the information management system—full extract.

- (1) Download—\$300.
- (2) CD-ROM—\$325.

30.1(15) New practices and technologies. The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical or other technologies and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies.

[ARC 3467C, IAB 11/22/17, effective 12/31/17]

721—30.2(554) Acceptance and refusal of documents.

30.2(1) *Duty to file.* Provided that there is no ground to refuse acceptance of the document under 30.2(2), a UCC document is filed upon its receipt by the filing officer with the filing fee, and the filing officer shall promptly assign a file number to the UCC document and index it in the information management system.

30.2(2) *Grounds for refusal of UCC document.* The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

a. Debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.

b. Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization's type, state of organization and organization number (if it has one) or a statement that it does not have one.

c. Secured party name and address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address, and some names or addresses are missing or illegible, the filing officer shall refuse the UCC document.

d. Lack of identification of initial financing statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed.

e. Identifying information. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by 2000 Iowa Acts, chapter 1149, sections 83, 85, and 89, is an initial financing statement.

f. Timeliness of continuation. A continuation shall be refused if it is not received during the six-month period concluding on the day upon which the related financing statement would lapse.

(1) First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.

g. Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in 30.1(11).

h. Means of communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.

i. XML refusal. UCC documents communicated by XML may be refused as provided in 30.3(3) for reasons not applicable to other communications methods.

30.2(3) Grounds not warranting refusal. The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in 30.2(2). The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

a. Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.

b. Incorrect names.

(1) The UCC document appears to identify a debtor incorrectly.

(2) The UCC document appears to identify a secured party or a secured party of record incorrectly.

c. Extraneous information. The UCC document contains additional or extraneous information of any kind.

d. Insufficient information. The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in 30.2(2) "a" through 30.2(2) "e."

NOTE: The debtor's taxpayer identification number (TAX ID #), social security number (SSN), and employer identification number (EIN) are not required, and will be readily available to the public if entered on UCC documents.

e. Collateral description. The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

f. Excess fee. The document is accompanied by funds in excess of the full filing fee.

30.2(4) Time limit. The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period.

30.2(5) Procedure upon refusal. If the filing officer finds grounds under 30.2(2) to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter and will refund the filing fee. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document) and a brief description of the reason for refusal to accept the document under 30.2(2). The notice shall be sent to a secured party or the remitter as provided in 30.4(2) "e" no later than the second business day after the filing office receives the document. The refund may be delivered with the notice or under separate cover.

30.2(6) Acknowledgment.

a. At the request of a filer or remitter who files a paper or paper-based UCC document, the filing officer shall either:

(1) Send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing; or

(2) If such filer or remitter provides a copy of such UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter.

b. For UCC documents not filed in paper or paper-based form, the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing.

30.2(7) Other notices. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.

30.2(8) Refusal errors. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused under 30.2(2), the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing would have occurred had it not been wrongfully rejected. The filing officer will also file

a statement (and such demonstration of error shall constitute the secured party's authorization to do so) that states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing, and that sets forth such date and time.

721—30.3(554) UCC information management system.

30.3(1) Policy statement. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which are active. This rule describes the UCC information management system.

30.3(2) General provisions—UCC information management system.

a. Primary data elements. The primary data elements used in the UCC information management system are the following.

(1) Identification numbers.

1. Each initial financing statement is identified by its file number as defined in 30.1(2). Identification of the initial financing statement is stamped on written UCC documents or otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

2. A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

(2) Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

(5) Status of financing statement. In the information management system, each financing statement has a status of active or inactive.

(6) Page count. The total number of pages in a UCC document is maintained in the information management system.

(7) Lapse indicator. An indicator is maintained by which the information management system identifies whether a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in 30.4(5).

b. Names of debtors who are individuals. For the purpose of this paragraph, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., "Cher") in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in 30.4(8), when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" are not part of an individual's name and should not be provided by filers in UCC documents. Suffixes that

indicate which individual is being named, such as “senior,” “junior,” “I,” “II,” and “III,” are appropriate. In either case, as provided in 30.4(8), the suffixes will be entered into the information management system exactly as received.

(4) Truncation—individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields, except for on-line filing (30.3(4) “b”), are as follows.

1. First name: 50 characters.
2. Middle name: 50 characters.
3. Last name: 50 characters.
4. Suffix: 15 characters.

c. Names of debtors that are organizations. This rule applies to the name of an organization that is a debtor or a secured party on a UCC document.

(1) Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) Truncation—organization names. The organization name field in the UCC database is fixed in length. The maximum length, except for on-line filing (30.3(4) “b”), is 100 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

d. Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under 30.3(2) “b.”

e. Trusts. If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor’s name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor, and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If other information is included in, or as part of, the name of the debtor, the information will be entered as if it were a part of the name under 30.4(8) and 30.4(9).

f. Initial financing statement. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) Status of debtor. The status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

(3) Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

g. Amendment. Upon the filing of an amendment, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

1. Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an

amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

2. Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

3. Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

4. Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except that the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

5. Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

6. Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

7. Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(2) Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

h. Assignment of powers of secured party of record.

(1) Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(2) Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

i. Continuation.

(1) Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

(2) Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

(3) Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.

j. Termination.

(1) Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

k. Correction statement.

(1) Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

l. Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date, but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

30.3(3) XML documents.

a. Definitions. For the purpose of rules relating to the electronic transmission of UCC documents, the following terms shall have the meaning provided in this rule.

“XML” means extensible markup language.

“XML document” means a UCC document transmitted from a remitter to the filing officer by XML techniques authorized under this rule.

b. XML authorized. A remitter may be authorized for XML transmission upon the written authorization of the filing officer. A request to be authorized to transmit XML documents shall be in writing and delivered to the filing officer. Upon receipt of a request for authorization, the filing officer shall provide the remitter with necessary information on the requirements for XML transmission, including format, address for transmission, and other necessary specifications.

(1) The filing officer shall authorize a remitter to engage in XML transmissions if:

1. The remitter holds an account for the billing of fees by the filing officer,
2. The remitter has entered into an agreement, in form and substance satisfactory to the filing officer, with the filing office, and
3. The filing officer determines, after appropriate testing of transmissions in accordance with the filing officer’s specifications, that the remitter is capable of transmitting XML documents in a manner that permits the filing officer to receive, index, and retrieve the XML documents.

(2) The filing officer may suspend or revoke the authorization when, in the filing officer’s sole discretion, it is determined that a remitter’s transmissions are incompatible with the filing officer’s XML system.

c. IACA standard adopted. The XML format for filing a UCC document, as adopted by the International Association of Corporation Administrators and in effect from time to time, is adopted in this state as a format for electronic transmission of UCC documents, although the filing officer shall, periodically and at the request of an authorized XML remitter, identify which versions and releases of the XML format are then in use by and acceptable to the filing office.

d. Implementation guide. The filing office publishes an implementation guide that prescribes in further detail the use of the XML format in the UCC filing system. The guide is available upon request made in writing to the filing office at its mailing address set forth in 30.1(2) above.

30.3(4) Direct on-line filing and search procedures.

a. Direct on-line filing and search services are available to any person with Internet access to the UCC website. On-line filing services require a preapproved account, in accordance with 30.1(11)“d.”

b. Document filing procedures. Initial financing statements and amendments may be filed via the UCC website, which allows for entry of information required on the approved UCC forms specified in 30.1(9). The on-line filing procedure does not allow for the maximum length of characters as defined in 30.3(2)“b”(4) and 30.3(2)“c.” Therefore, on-line filing should be used only if the filer is able to key all information without truncation. A record which is created by the filer in this manner is subject to all of the provisions of the UCC, as if it were a paper document submitted to the filing office. However, attachments may not be submitted. Filing instructions are provided on the website.

c. Search request procedures. A certified search naming a particular debtor may be obtained via the UCC website. A request that is created by the filer in this manner is subject to all of the provisions of

the UCC as if it were a paper search request submitted to the filing office. Images of individual financing statements may be obtained on line. Instructions are provided on the website.

721—30.4(554) Filing and data entry procedures.

30.4(1) Policy statement. This rule describes the filing procedures of the filing officer upon and after receipt of a UCC document. Except as provided in these rules, data are transferred from a UCC document to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

30.4(2) Document indexing and other procedures before archiving.

a. Date and time stamp. The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system.

b. Cash management. Transactions necessary to payment of the filing fee are performed.

c. Document review. The filing office determines whether a ground exists to refuse the document under 30.2(2).

d. File stamp. If there is no ground for refusal of the document, the document is stamped or deemed filed and a unique identification number and the filing date are stamped on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received.

e. Correspondence.

(1) Acknowledgment of filing. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in 30.2(6) and communicated as follows:

1. UCC document tendered in person. Acknowledgment of filing is given to the remitter by personal delivery or sent by regular mail to the remitter or the secured party (or the first secured party if there is more than one) named on the UCC document.

2. UCC document tendered by courier or postal service delivery. Acknowledgment of filing is sent by regular mail to the remitter or to the secured party (or the first secured party if there is more than one).

3. UCC document tendered by telefacsimile delivery. Acknowledgment of filing is sent by regular mail (or, if requested, by telefacsimile) to the remitter or to the secured party (or the first secured party if there is more than one).

4. UCC document transmitted electronically using XML standard. Acknowledgment of filing is returned electronically.

5. UCC document transmitted by on-line entry. Acknowledgment of filing is returned electronically.

(2) Notice of refusal. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in 30.2(5) and communicated as follows:

1. UCC document tendered in person. Notice of refusal is given to the remitter by personal delivery or sent by regular mail to the remitter or the secured party (or the first secured party if there is more than one) named on the UCC document.

2. UCC document tendered by courier or postal service delivery. Notice of refusal is sent by regular mail to the remitter or to the secured party (or the first secured party if there is more than one).

3. UCC document tendered by telefacsimile delivery. Notice of refusal is sent by regular mail (or, if requested, by telefacsimile) to the remitter or to the secured party (or the first secured party if there is more than one).

4. UCC document transmitted electronically using XML standard. Notice of refusal is returned electronically.

5. UCC document transmitted by on-line entry. Notice of refusal is returned electronically.

f. Data entry. Data entry and indexing functions are performed as described in this rule.

30.4(3) Filing date. The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date or, if the filing office is not open on that date, the filing date is the next date the filing office is open, except that, in each case, UCC documents received after 4:30 p.m. shall be deemed received on the following day. The filing officer may perform any duty relating to the document on the filing date or on a date after the filing date.

30.4(4) Filing time. The filing time of a UCC document is determined as provided in 30.1(7).

30.4(5) Lapse date and time. A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if a timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be March 1 in the fifth year following the year of the filing date.

30.4(6) Errors of the filing officer. The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall proceed as follows: A record relating to the relevant initial financing statement will be placed in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

30.4(7) Errors other than filing office errors. An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement.

30.4(8) Data entry of names—designated fields. A filing should designate whether a name is that of an individual or an organization and, if an individual, also designate the first, middle and last names and any suffix. With regard to designated fields, the following shall apply.

a. Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.

b. Individual names. On the form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.

c. Designated fields required. The filing office specifies in 30.1(9) the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help ensure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents submitted through direct data entry or through XML will be required to use designated name fields.

30.4(9) Data entry of names—no designated fields. A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization will be refused by the filing office.

30.4(10) Verification of data entry. The filing officer uses the following procedures to verify the accuracy of data entry tasks. Double key entry is employed for data entered in the following fields.

1. Time and date of filing.
2. Document identification number.
3. Document type.
4. Debtor name fields.
5. City address of debtor.

30.4(11) *Initial financing statement.* A new record is opened in the UCC information management system for each initial financing statement that bears the file number of the financing statement and the date and time of filing.

a. The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each debtor name and city is included in the searchable index and not removed until one year after the financing statement lapses.

b. The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

c. The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

d. A lapse date is established for the financing statement and the lapse date is maintained as part of the record, unless the initial financing statement indicates that it is filed against a transmitting utility.

30.4(12) *Amendment.* A record is created for the amendment that bears the file number for the amendment and the date and time of filing.

a. The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

b. The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each additional debtor name and city is added to the searchable index and not removed until one year after the financing statement lapses.

c. If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

30.4(13) *Correction statement.* A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

30.4(14) *Global filings.*

a. The filing officer may accept for filing a single UCC document for the purpose of amending more than one financing statement, for one or both of the following purposes:

- (1) Amendment to change secured party name;
- (2) Amendment to change secured party address.

b. A blanket filing shall consist of a written document describing the requested amendment on a form approved by the filing office, and a machine-readable file furnished by the remitter and created to the filing officer's specifications containing appropriate indexing information. A copy of blanket filing specifications is available from the filing officer upon request. Acceptance of a blanket filing is conditioned upon the determination of the filing officer in the filing officer's sole discretion.

30.4(15) *Archives—general.* This subrule relates to the maintenance of inactive financing statements and the ability of those archives to be searched.

a. Paper UCC documents.

- (1) Storage. Paper UCC documents are scanned into the UCC information management system.
- (2) Retention. Paper is not retained.

b. Databases. The UCC information management system is backed up to magnetic tape every business day.

30.4(16) *Archives—data retention.* Data in the UCC information management system relating to financing statements that have lapsed is retained for at least five years from the date of lapse.

30.4(17) *Archival searches.* Archival searches may be available through arrangements with the filing office in its sole discretion.

30.4(18) *Notice of bankruptcy.* The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse as scheduled unless properly continued.

721—30.5(554) Search requests and reports.

30.5(1) General requirements. The filing officer maintains for public inspection a searchable index for all records of active UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement.

30.5(2) Search requests. Search requests shall contain the following information.

a. Name searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization.

(1) Individual. The full name of an individual shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., “Cher”), it will be treated as a last name, and a search will disclose only those UCC documents where only the last name was entered.

(2) Organization. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.

b. Requesting party. The name and address of the person to whom the search report is to be sent, if applicable.

c. Fee. The appropriate fee shall be enclosed, payable by a method described in 30.1(11).

d. Search request with filing. If a filer requests a search at the time a UCC document is filed, by checking the box on the form set forth in 30.1(9) “a,” the name to be searched will be the debtor name as set forth on the form, the requesting party will be the remitter of the UCC document, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC document is filed.

30.5(3) Optional information. A UCC search request may contain any of the following information.

a. A request that copies of documents referred to in the report be included with the report. The request may limit the copies requested by limiting them by reference to the address of the debtor, the city of the debtor, the date of filing (or a range of filing dates) or the identity of the secured party(ies) of record on the financing statements located by the related search.

b. A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request shall contain the following statement:

“A search limited to a particular city may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search.”

c. Instructions on the mode of delivery requested, if other than by ordinary mail, which request will be honored if the requested mode is then made available by the filing office.

30.5(4) Rules applied to search requests. Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. Only the following rules are applied to conduct searches.

a. There is no limit to the number of matches that may be returned in response to the search criteria.

b. No distinction is made between uppercase and lowercase letters.

c. Punctuation marks and accents are disregarded.

d. Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the “Ending Noise Words” list as promulgated by the International Association of Corporation Administrators, and adopted from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

e. The word “the” at the beginning of the search criteria is disregarded.

f. All spaces are disregarded.

g. For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and no middle name or initial is equated with all middle names and

initials. For example, a search request for “John A. Smith” would cause the search to retrieve all filings against all individual debtors with “John” as the first name, “Smith” as the last name, and with the initial “A” or any name beginning with “A” in the middle name field. If the search request were for “John Smith” (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with “John” as the first name, “Smith” as the last name and with any name or initial or no name or initial in the middle name field.

h. After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified.

30.5(5) Search responses. Reports created in response to a search request shall include the following.

a. Filing officer. Identification of the filing officer and the certification of the filing officer required by the UCC.

b. Report date. The date the report was generated.

c. Name searched. Identification of the name searched.

d. Certification date. The certification date applicable to the report; i.e., the date and time through which the search is effective and reveals all relevant UCC documents filed on or prior to that date.

e. Identification of initial financing statements. Identification of each unexpired (or active, if requested) initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

f. History of financing statement. For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.

g. Copies. Copies of all UCC documents revealed by the search and requested by the searcher.

721—30.6(554) Other notices of liens.

30.6(1) Policy statement. The purpose of this rule is to describe records of liens maintained by the filing office created pursuant to statutes other than the UCC that are treated by the filing officer in a manner substantially similar to UCC documents and that are included on request with the reports described in 30.5(4) and 30.5(5).

30.6(2) Records of liens maintained by the filing office which are created pursuant to statutes other than the UCC are maintained in the information management system and indexed and searched in the same manner under these rules.

These rules are intended to implement Iowa Code chapters 17A and 554 and 2017 Iowa Acts, Senate File 516, section 23.

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DIVISION IV
CORPORATIONS
CHAPTER 40
CORPORATIONS

[Prior to 7/13/88, see Secretary of State[750] Ch 2]

721—40.1(490,499,504A) Filing of documents. Documents pertaining to profit corporations, nonprofit corporations, and cooperative associations shall be delivered for filing to the office of Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319.

40.1(1) A copy of a signature, however made, is acceptable with regard to documents delivered to the secretary of state for filing pursuant to Iowa Code chapter 490.

40.1(2) A document delivered to the secretary of state for filing pursuant to the Iowa business corporation Act, Iowa Code chapter 490, may be delivered by telecopier to (515)242-5953.

40.1(3) A document delivered by telecopier may be delivered at any time of day. The date and time of receipt printed on the document by the telecopier constitutes the date and time endorsement required by Iowa Code section 490.125(2).

40.1(4) A document delivered by telecopier shall be printed on paper measuring 8½" by 11", unless a copy of a larger document, reduced to 8½" by 11" paper, is acceptable to the filing party. The document received by the secretary of state via telecopier shall constitute the copy that is filed and returned to the corporation pursuant to Iowa Code section 490.125(2).

40.1(5) A document delivered by telecopier shall be accompanied by a cover sheet that provides the name, address, and telephone number of the filing party, and instructions as to the manner by which the filing fee will be paid. The filing fee may be billed to an account maintained by the filing party pursuant to rule 721—2.3(17A). The filing fee may be paid by any other means authorized by the secretary of state.

40.1(6) If a telecopier is used to deliver a document that is subject to the multiple copy requirement of Iowa Code section 490.130, the additional copy or copies shall be delivered by telecopier contemporaneously with the copy of the document to be filed.

40.1(7) A document delivered by telecopier for filing may be rejected if the print quality of the document is deemed by agency personnel to be unacceptable for microfilming purposes. The secretary of state will notify the filing party by telephone or regular mail of the rejection of a document pursuant to this subrule. The secretary of state will accept for filing the original copy of the document, effective on the date of the transmission by telecopier, if the original document is received in the office of the secretary of state within ten days of date of the notification of the rejection.

This rule is intended to implement Iowa Code chapter 490.

721—40.2(490,499,504A) Reinstatement of corporations.

40.2(1) A corporation subject to Iowa Code chapter 490 that was administratively dissolved after July 1, 1992, and prior to July 1, 1993, may reinstate pursuant to section 490.1422 prior to the expiration of two years from the date of the administrative dissolution, or prior to July 1, 1995, whichever occurs first.

40.2(2) A cooperative association subject to Iowa Code chapter 499 that forfeited its corporate rights under section 499.51 prior to July 1, 1993, may reinstate pursuant to section 499.78 prior to July 1, 1995.

40.2(3) A nonprofit corporation subject to Iowa Code chapter 504A, whose certificate of incorporation was canceled pursuant to section 504A.87 prior to July 1, 1993, and whose period for reinstatement had not expired as of July 1, 1993, may apply to the secretary of state for reinstatement pursuant to section 504A.87A prior to the expiration of five years from the date of the cancellation of the certificate of incorporation, or prior to July 1, 1995, whichever occurs first.

This rule is intended to implement Iowa Code sections 490.1422, 504A.87A, and 499.78.

721—40.3(487,490,504A) Names distinguishable upon corporate records.

40.3(1) Except as provided in these rules, a name is considered distinguishable upon the records of the secretary of state if it contains one or more different letters or numerals, or if it contains a different

sequence of letters or numerals. A single space used to divide a sequence of letters or numerals into separate words is considered to be a letter for the purpose of this subrule. Differences between singular and plural forms of words are distinguishable. Differences between numerals, Roman numerals, and words representing numerals are distinguishable. The following characters are considered as letters for the purpose of this subrule: \$ (dollar sign); + (plus sign); % (percent sign); ¢ (cent sign).

40.3(2) The following words and abbreviations, when positioned as the last word or abbreviation in the corporate name, are not considered in determining whether a name is distinguishable upon the records of the secretary of state:

1. Corporation
2. Company
3. Incorporated
4. Limited
5. Corp.
6. Co.
7. Inc.
8. Ltd.

40.3(3) The presence or absence of the words “limited partnership,” or the abbreviation “L.P.” in any limited partnership name, when positioned at the end of the name, is not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.3(4) The presence or absence of the words “professional corporation” or the abbreviation “P.C.” in the name of any professional corporation, when positioned at the end of the name, is not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.3(5) The presence or absence of the words “registered limited liability partnership,” or the abbreviation “L.L.P.” in any limited liability partnership name, when positioned at the end of the name, is not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.3(6) The presence or absence of the words “limited liability company,” or the abbreviation “L.L.C.” or “L.C.” in any limited liability company name, when positioned at the end of the name, is not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.3(7) to 40.3(10) Reserved.

40.3(11) Differences in punctuation and special characters are not considered in determining whether a name is distinguishable upon the records of the secretary of state. Punctuation and special characters include, but are not limited to:

' (apostrophe)	[(left bracket)
] (right bracket)	: (colon)
, (comma)	— (dash)
- (hyphen)	! (exclamation point)
((left parenthesis)) (right parenthesis)
. (period)	? (question mark)
' (single quote mark)	” (double quote mark)
; (semicolon)	/ (slash)
* (asterisk)	@ (at sign)
\ (back slash)	{ (left brace)
} (right brace)	^ (caret)
= (equal sign)	> (greater than sign)
< (less than sign)	# (number sign)
~ (tilde)	_ (underline)

40.3(12) Reserved.

40.3(13) Differences in capitalization are not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.3(14) Differences between an ampersand (&) and the word “and” are not considered in determining whether a name is distinguishable upon the records of the secretary of state.

40.3(15) Reserved.

40.3(16) In determining whether a name is distinguishable upon the records of the secretary of state, names found in the following records will not be considered:

1. Fictitious names.
2. Assumed names of nonprofit corporations.
3. Names of corporations (profit or nonprofit) whose certificates of incorporation have been canceled.
4. Names of corporations (profit or nonprofit) whose certificates of authority have been revoked.
5. Expired or terminated assumed names.
6. Expired name reservations.
7. Expired name registrations.

This rule is intended to implement Iowa Code sections 487.102(4), 490.401, 504A.6, and 504A.67.

721—40.4(490,491,496C,497,498,499,504A) Payment and refund of fees.

40.4(1) The office of secretary of state requires a payment of all fees in full at the time of filing of any corporate document or request for copies.

40.4(2) Filing under any of the corporation or cooperative chapters may be effected only upon the receipt of the correct filing fee. Failure to include the filing fee or partial payment of the filing fee will result in the return of the filing to the sender with instructions to include the correct filing fee.

40.4(3) In the event that a filing fee overpayment is made, the amount in excess of the correct filing fee shall be returned to the filing party. No adjustment is required if the amount of overpayment is one dollar or less.

40.4(4) This subrule implements the pilot project authorized by 2000 Iowa Acts, House File 2545, section 32, for fees required by Iowa Code section 490.122, subsection 1, paragraphs “a” and “s.”

a. The secretary of state may refund payment of the corporate filing fees required pursuant to the provisions of Iowa Code section 490.122, subsection 1, paragraphs “a” and “s,” if, within five business days from the time the corporate filing is received and date stamped, the entity has not been entered on the records of the secretary of state.

b. To receive a refund under this subrule, the corporate entity must make a written request with the business services division of the secretary of state’s office. The written request must specify the reason(s) for the refund and provide evidence of entitlement to the refund.

c. The filing fee shall not be refunded if the corporate filing fails to satisfy all of the filing requirements of Iowa Code chapter 490.

d. The decision of the secretary of state not to issue a refund under this subrule is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act.

40.4(5) This subrule implements the pilot project authorized by 2000 Iowa Acts, House File 2545, section 32, for fees required by Iowa Code section 504A.85, subsections 1 and 9.

a. The secretary of state may refund payment of the corporate filing fees required pursuant to the provisions of Iowa Code section 504A.85, subsections 1 and 9, if, within five business days from the time the corporate filing is received and date stamped, the entity has not been entered on the records of the secretary of state.

b. To receive a refund under this subrule, the corporate entity must make a written request with the business services division of the secretary of state’s office. The written request must specify the reason(s) for the refund and provide evidence of entitlement to the refund.

c. The filing fee shall not be refunded if the corporate filing fails to satisfy all of the filing requirements of Iowa Code chapter 504A.

d. The decision of the secretary of state not to issue a refund under this subrule is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act.

721—40.5(491,496A,499,504A,548) Document to county recorder.

40.5(1) Any corporate document that is required by law to be filed in the office of the county recorder will be forwarded directly to the office of the county recorder in the county where the corporation's registered office is located.

40.5(2) Reserved.

721—40.6(548) Registration and protection of marks.

40.6(1) Classification. The following general classes of goods and services are established, but do not limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services.

The said classes are as follows:

Class	Title	GOODS
1	Raw or partly prepared materials	
2	Receptacles	
3	Baggage, animal equipments, portfolio and pocketbooks	
4	Abrasives and polishing materials	
5	Adhesives	
6	Chemicals and chemical compositions	
7	Cordage	
8	Smokers' articles, not including tobacco products	
9	Explosives, firearms, equipments and projectiles	
10	Fertilizers	
11	Inks and inking materials	
12	Construction materials	
13	Hardware and plumbing and steam-fitting supplies	
14	Metals and metal castings and forgings	
15	Oils and greases	
16	Paints and painters' materials	
17	Tobacco products	
18	Medicines and pharmaceutical preparations	
19	Vehicles	
20	Linoleum and oiled cloth	
21	Electrical apparatus, machines and supplies	
22	Games, toys and sporting goods	
23	Cutlery, machinery and tools, and parts thereof	
24	Laundry appliances and machines	
25	Locks and safes	
26	Measuring and scientific appliances	
27	Horological instruments	
28	Jewelry and precious-metal ware	
29	Brooms, brushes and dusters	
30	Crockery, earthenware and porcelain	
31	Filters and refrigerators	
32	Furniture and upholstery	
33	Glassware	

34	Heating, lighting and ventilating apparatus	
35	Belting, hose, machinery packing and nonmetallic tires	
36	Musical instruments and supplies	
37	Paper and stationery	
38	Prints and publications	
39	Clothing	
40	Fancy goods, furnishings and notions	
41	Canes, parasols and umbrellas	
42	Knitted, netted and textile fabrics, and substitutes thereof	
43	Thread and yarn	
44	Dental, medical and surgical appliances	
45	Soft drinks and carbonated waters	
46	Foods and ingredients of foods	
47	Wines	
48	Malt beverages and liquors	
49	Distilled alcoholic liquors	
50	Merchandise not otherwise classified	
51	Cosmetics and toilet preparations	
52	Detergents and soaps	
Class	Title	SERVICES
100	Miscellaneous	
101	Advertising and business	
102	Insurance and financial	
103	Construction and repair	
104	Communication	
105	Transportation and storage	
106	Material treatment	
107	Education and entertainment	

40.6(2) Assistance in applications. The secretary of state cannot give legal advice as to the nature and extent of the protection afforded by law nor advise as to the registrability of a specific mark except as questions may arise in connection with pending applications.

40.6(3) Incomplete or defective applications. An application will not be filed unless the application and accompanying facsimiles or specimens are in proper form, comply with the statutory requirements and are accompanied by the statutory fee. Specimens which are metal need not be submitted, a facsimile being preferable in order to avoid filing problems. Documents not filed will be returned with a statement of the reasons therefor.

40.6(4) Registration dates. The registration date is the date on which the mark is actually posted in the registration indices of the office of the secretary of state, after the application has been examined and found acceptable.

40.6(5) Form of application. The application shall be on a current form supplied by the secretary of state, be completed in the English language and plainly written or typed. If the mark or any part thereof is not in the English language, it must be accompanied by a sworn translation.

40.6(6) Withdrawal of application. Prior to actual registration of the mark, the applicant, by written request, may withdraw the application.

40.6(7) Plurality of goods in single application. A single application may recite a plurality of goods, or a plurality of services, comprised in a single class, provided the particular identification of each of the

goods or services be stated and the mark is used or has been actually used on or in connection with all of the goods or in connection with all of the services specified.

40.6(8) *Single class in one application.* A single application to register a mark for both goods and services or for goods or services in different classes will be rejected. Applications must be restricted to goods or services comprised in a single class.

40.6(9) *Conflicts.* Whenever application is made for registration of a mark or trade name which so resembles a mark registered in this state or a mark previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive, a conflict shall be declared to exist and registration denied.

40.6(10) *Conflicts between applications.* Conflicts between pending applications will be resolved on the basis of the claimed date of first use. The secretary of state may require affidavits and other proof of first use.

40.6(11) *Record change on automatic transfer.* In the event of mergers or consolidations of corporations, a certified copy of such documents may be accepted to transfer ownership of marks.

If the name of the owner of record of a mark is changed, and request for a change of the records is made, then written proof of such change can be made by sworn affidavit showing the manner or mode by which the change of ownership was made.

40.6(12) *Change of address.* If the registered owner of a mark changes the address set forth on the registration, then written notice of such change of address must be given to the secretary of state. Such notice must clearly identify the mark or marks involved and must request that the change of address be noted on the records of the registration on file.

721—40.7(80GA,SF2274) Revised nonprofit corporation Act fees. The following are the fees for the revised nonprofit corporation Act, 2004 Iowa Acts, Senate File 2274.

40.7(1) The secretary shall collect the following fee when the documents described below are delivered to the secretary's office for filing.

Articles of incorporation	\$20
Application for use of indistinguishable name	\$5
Application for reserved name	\$10
Notice of transfer of reserved name	\$10
Application for registered name	\$2 per month or part thereof
Application for renewal of registered name	\$20
Corporation's statement of change of registered agent or registered office or both	No Fee
Agent's statement of change of registered office for each affected corporation not to exceed a total of	No Fee
Agent's statement of resignation	No Fee
Amendment of articles of incorporation	\$10
Restatement of articles of incorporation with amendments	\$20
Articles of merger	\$20
Articles of dissolution	\$5
Articles of revocation of dissolution	\$5
Certificate of administrative dissolution	No Fee
Application for reinstatement following administrative dissolution	\$5
Certificate of reinstatement	No Fee

Certificate of judicial dissolution	No Fee
Application for certificate of authority	\$25
Application for amended certificate of authority	\$25
Application for certificate of withdrawal	\$5
Certificate of revocation of authority to transact business	No Fee
Biennial report	No Fee
Articles of correction	\$5
Application for certificate of existence or authorization	\$5
Any other document required or permitted by the Act	\$5

40.7(2) The secretary of state shall collect a fee of \$5 each time process is served on the secretary under this chapter.

40.7(3) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- a. \$1 per page for copying.
- b. \$5 per page for the certificate.

721—40.8(488,489,490) Biennial reports. The secretary of state shall collect the following fees at the time the documents described in this rule are delivered to the secretary for filing.

40.8(1) A limited partnership or foreign limited partnership authorized to transact business in this state shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 488.210.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is \$60. This fee may be provided in the form of cash, personal check, cashier's check, or money order or by secretary of state charge account. Upon the expiration of the technology modernization fund in Iowa Code section 9.4A, as created by 2017 Iowa Acts, Senate File 516, section 23, the fee will revert back to the amount authorized prior to July 1, 2017. Funds generated by this fee shall be exclusively used for improving business services technology.

b. The fee for an electronic filing through the secretary of state Internet website is \$45. This fee must be paid by check, credit card, or secretary of state charge account. Upon the expiration of the technology modernization fund in Iowa Code section 9.4A, as created by 2017 Iowa Acts, Senate File 516, section 23, the fee will revert back to the amount authorized prior to July 1, 2017. Funds generated by this fee shall be exclusively used for improving business services technology.

40.8(2) A limited liability company or a foreign limited liability company authorized to transact business in this state shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 489.209.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is \$60. This fee may be provided in the form of cash, personal check, cashier's check, or money order or by secretary of state charge account. Upon the expiration of the technology modernization fund in Iowa Code section 9.4A, as created by 2017 Iowa Acts, Senate File 516, section 23, the fee will revert back to the amount authorized prior to July 1, 2017. Funds generated by this fee shall be exclusively used for improving business services technology.

b. The fee for an electronic filing through the secretary of state Internet website is \$45. This fee must be paid by check, credit card, or secretary of state charge account. Upon the expiration of the technology modernization fund in Iowa Code section 9.4A, as created by 2017 Iowa Acts, Senate File 516, section 23, the fee will revert back to the amount authorized prior to July 1, 2017. Funds generated by this fee shall be exclusively used for improving business services technology.

40.8(3) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 490.1622.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is \$60. This fee may be provided in the form of cash, personal check, cashier's check, or money order or by a secretary of state charge account. Upon the expiration of the technology modernization fund in Iowa Code section 9.4A, as created by 2017 Iowa Acts, Senate File 516, section 23, the fee will revert back to the amount authorized prior to July 1, 2017. Funds generated by this fee shall be exclusively used for improving business services technology.

b. The fee for an electronic filing through the secretary of state Internet website is \$45. This fee must be paid by check, credit card, or secretary of state charge account. Upon the expiration of the technology modernization fund in Iowa Code section 9.4A, as created by 2017 Iowa Acts, Senate File 516, section 23, the fee will revert back to the amount authorized prior to July 1, 2017. Funds generated by this fee shall be exclusively used for improving business services technology.

[ARC 9861B, IAB 11/16/11, effective 10/26/11; ARC 9971B, IAB 1/11/12, effective 2/15/12; ARC 3467C, IAB 11/22/17, effective 12/31/17]

721—40.9(488,489,490,504) Online filing requirements. The following requirements apply to the electronic filing of documents and the certification of electronic documents. This rule applies to documents filed in conjunction with the filing requirements in Iowa Code chapters 488, 489, 490, and 504.

40.9(1) Registered agents who file documents electronically must provide an email address to the secretary of state.

a. If a registered agent does not have an email address, the agent shall provide the email address of another individual or entity designated to receive electronic correspondence on behalf of the registered agent.

b. The registered agent shall notify the secretary of state within 60 days that the email address provided in compliance with this rule has been changed or discontinued.

c. An email address disclosed in compliance with this rule shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the secretary of state.

d. The secretary of state may use email for official correspondence with an entity, except when law requires delivery by United States mail.

40.9(2) For filings requiring an online account, an applicant must follow the terms and conditions on the secretary of state's Internet website for each electronic filing.

40.9(3) All correspondence related to an electronic filing shall be handled electronically in accordance with the requirements set forth in the uniform electronic transactions Act, Iowa Code chapter 554D.

40.9(4) Documents filed electronically shall be accompanied by the appropriate fee. This fee must be paid by check, credit card, or secretary of state charge account.

[ARC 9970B, IAB 1/11/12, effective 2/15/12; ARC 0040C, IAB 3/21/12, effective 2/23/12; ARC 0803C, IAB 6/26/13, effective 7/31/13]

These rules are intended to implement Iowa Code chapters 490, 491, 499, 504, and 548 and 2017 Iowa Acts, Senate File 516, section 23.

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◊ Two or more ARCs