

39A.6 Technical infractions — notice.

1. If the state commissioner or county commissioner becomes aware of an apparent technical violation of a provision of [chapters 39 through 53](#), the state commissioner or county commissioner may administratively provide a written notice and letter of instruction to the responsible person regarding proper compliance procedures.

2. If the state commissioner sends a notice of such a technical infraction to a county commissioner, the state commissioner may require a written explanation of the occurrence, and measures that the person took to redress the issues contained within the notice.

3. *a.* Upon issuance of a technical infraction to a county commissioner, the state commissioner shall also impose a fine not to exceed ten thousand dollars to be deposited in the general fund.

b. A county commissioner shall pay a fine issued pursuant to [this section](#) or file an appeal pursuant to [chapter 17A](#) within sixty days. A county commissioner who fails to pay a fine that was not dismissed pursuant to [chapter 17A](#) shall be suspended from office for a period not to exceed two years pursuant to [sections 66.7](#) and [66.8](#).

c. If a county commissioner is suspended pursuant to paragraph “*b*”, the state commissioner shall direct the deputy of the county commissioner to oversee the functions of the office until the suspension is revoked or the office is vacated and a successor is elected. The state commissioner may direct the state commissioner’s staff to assist in the performance of the duties of the county commissioner.

4. Upon issuing a technical infraction, the state commissioner shall immediately inform the attorney general if the apparent violation constitutes or may constitute election misconduct under [this chapter](#).

[2002 Acts, ch 1071, §6](#); [2019 Acts, ch 148, §9, 33](#); [2021 Acts, ch 12, §9, 10, 73](#); [2023 Acts, ch 19, §2061, 2073](#)

Referred to in [§49.2, 66.1A, 331.756\(75\)](#)