

## CHAPTER 2 RULES OF PRACTICE

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**721—2.1(17A) Forms used.** Copies of all forms are available for viewing and download on the secretary of state website: [sos.iowa.gov](https://sos.iowa.gov).

[ARC 7059C, IAB 8/23/23, effective 9/27/23]

**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 through an informal procedure by the secretary or secretary's designee with the complainant at the convenience of both parties.

[ARC 7059C, IAB 8/23/23, effective 9/27/23]

**721—2.3(9,631) 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 \$25 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)** 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; ARC 3643C, IAB 2/14/18, effective 3/21/18; ARC 7059C, IAB 8/23/23, effective 9/27/23]

**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 305.
- d. Complying with Iowa Code section 2B.10.

[ARC 7059C, IAB 8/23/23, effective 9/27/23]

**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).

[Filed 10/8/75, Notice 8/25/75—published 10/20/75, effective 11/24/75]

[Filed 11/30/83, Notice 10/12/83—published 12/21/83, effective 1/25/84]

[Filed emergency 7/3/84—published 8/1/84, effective 7/3/84]

[Filed 12/14/84, Notice 8/1/84—published 1/2/85, effective 2/6/85]

[Filed 6/23/88, Notice 5/18/88—published 7/13/88, effective 8/17/88]

[Filed 4/28/89, Notice 3/22/89—published 5/17/89, effective 6/21/89]

[Filed emergency 6/8/01—published 6/27/01, effective 7/1/01]

[Filed ARC 0804C (Notice ARC 0729C, IAB 5/1/13), IAB 6/26/13, effective 7/31/13]

[Filed ARC 3467C (Notice ARC 3320C, IAB 9/27/17), IAB 11/22/17, effective 12/31/17]

[Filed ARC 3643C (Notice ARC 3518C, IAB 12/20/17), IAB 2/14/18, effective 3/21/18]

[Filed ARC 7059C (Notice ARC 6886C, IAB 2/8/23), IAB 8/23/23, effective 9/27/23]