

CHAPTER 6
CIVIL PENALTIES

[Prior to 3/30/94, Campaign Finance Disclosure Commission[121] Ch 6]

351—6.1(56) Delinquent reports. Election year reports from all committees, except those for municipal and school elective offices and for local ballot issues, are delinquent if not received by the nineteenth day of January, May, July and October, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the nineteenth day of January, May, July and October.

Statewide, county and general assembly candidates' committees off-election year reports are delinquent if not received by the nineteenth day of January, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the nineteenth day of January.

Special election reports of candidates to fill vacancies are delinquent if not received 14 calendar days prior to the special election date, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before 14 calendar days prior to the election date.

In addition, supplemental reports of statewide candidates and candidates for the general assembly are delinquent if not received by the Friday immediately preceding the primary, special, or general election day, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the Friday before the election day.

Municipal and school election candidates' committees and local ballot issue committees are delinquent if reports are not received five days prior to the local election, and on the first day of the month following the election. Postmarks for municipal, school and local ballot issue committees are proof of timely filing if the mark is a United States Postal Service postmark dated on the report deadline date. Additionally, election year reports for these committees are delinquent if not received by the nineteenth day of January, May, or July, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the nineteenth day of January, May, or July. Off-election year reports for these committees are delinquent if not received by the nineteenth day of January and October, or, if mailed, if they do not bear a United States Postal Service postmark dated on or before the nineteenth day of January and October.

In the case of mailed reports, private postage meter marks are not proof of timely filing for any committee covered by the campaign finance disclosure law.

For all committees required to report under this chapter, if the reporting deadline falls on a Saturday or Sunday or holiday on which the office of the board or county commissioner of elections where the report is required to be filed is closed, the filing deadline shall be extended to the first working day following, and reports received on that day will not be considered delinquent. This extension also applies to the required United States Postal Service postmark date.

This rule is intended to implement Iowa Code sections 56.6 and 68B.32A.

351—6.2(56) Penalty schedule. Delinquent committees, except for supplemental and special election reports, shall be required to pay fines for late filed reports in accordance with the following schedules:

| Date report received | First time delinquency | Repeat delinquency by same treasurer of a committee in 12-month period |
|--------------------------------------|------------------------|--|
| 1 to 14 consecutive days delinquent | \$ 10 | \$ 25 |
| 15 to 30 consecutive days delinquent | \$ 25 | \$ 50 |
| 31 to 45 consecutive days delinquent | \$ 50 | \$100 |

Reports received more than 45 days delinquent or a third time or more delinquency shall be referred to as extreme delinquencies and shall be subject to review of the board and the committee may be considered

for a more serious sanction or penalty. The committee may also be considered for a more serious sanction or penalty if there is evidence that any delinquency was intentional.

Statewide candidates' committees required to file supplemental disclosure reports shall be required to pay a \$200 fine for filing a supplemental report one or more days' delinquent.

General assembly candidates' committees required to file supplemental disclosure reports shall be required to pay a \$100 fine for filing a supplemental report one or more days' delinquent.

The committees of candidates to fill vacancies in special elections shall be required to pay a \$100 fine for filing the special election report one or more days' delinquent.

This rule is intended to implement Iowa Code sections 56.6, 56.10, 56.11 and 56.15.

351—6.3(56) Penalties assessed. The board shall assess and collect monetary penalties for both state-wide committees whose reports are filed with the board and for committees whose reports are filed with the county commissioners of elections. After a delinquent committee has filed, the board shall notify delinquent filing committees by regular United States mail to the address on file with the board, of the amount of the assessment. In the case of committees who have a reporting responsibility to both the board and the county commissioners of elections, the penalty shall be applicable to failure to file at the primary depository where the report is delinquent.

This rule is intended to implement Iowa Code sections 56.6 and 56.10.

351—6.4(56) Payment of penalty. The remittance shall be made payable and forwarded to: Iowa Ethics and Campaign Disclosure Board, 514 E. Locust Street, Suite 104, Des Moines, Iowa 50309.

After recording, the remittance shall be deposited in the general fund of the state of Iowa and, if the committee has provided a self-addressed, stamped envelope, a receipt will be issued by the board to the committee.

Payment may be made at the discretion of the delinquent committee, from the funds of the committee or from personal funds of an officer of the committee, or, in the case of a candidate, from the candidate's personal funds. If payment is made from a source other than committee funds, the fine payment shall be listed as an in-kind contribution to the committee. Fine payments from corporate entities as described in Iowa Code section 56.29 are prohibited, except in the case of ballot issue committees.

This rule is intended to implement Iowa Code section 56.10.

351—6.5(56) Nonpayment of penalty. If a committee which has been notified of delinquency does not remit the appropriate assessed monetary penalty to the ethics and campaign disclosure board within 30 days of notification, the board shall notify the committee that the unpaid monetary penalty will increase in accordance with the following schedule:

| Original penalty assessed | After 30 days | After 60 days | After 90 days |
|---------------------------|---------------|---------------|---------------|
| \$ 10 | \$ 20 | \$ 30 | \$ 40 |
| 25 | 50 | 75 | 100 |
| 50 | 100 | 150 | 200 |
| 100 | 200 | 300 | 400 |

If fines remain unpaid 90 days after assessment, the board may institute action in small claims court for collection, or may take action on its own motion to file a complaint against the committee in accordance with the provision of Iowa Code section 56.11.

This rule is intended to implement Iowa Code sections 56.10, 56.11, and 56.16.

351—6.6(56) Waiver of penalty. Penalties for late filings will be automatically assessed to all delinquent committees. If a committee feels there are mitigating circumstances which prevented its timely filing, it may make written request to the board for waiver of the penalty. Waivers may be granted under only exceptional or very unusual circumstances. The board will review the request and issue either a waiver

or denial of the request. If a waiver is granted, the board will determine how many penalty days may be waived based on the circumstances. If a denial is issued, the committee shall promptly pay the incurred penalty.

This rule is intended to implement Iowa Code section 56.10.

[Filed 11/6/81, Notice 9/30/81—published 11/25/81, effective 1/1/82]

[Filed 11/4/83, Notice 8/3/83—published 11/23/83, effective 1/1/84]

[Filed 8/21/87, Notice 6/17/87—published 9/9/87, effective 10/14/87]

[Filed 4/23/92, Notice 2/19/92—published 5/13/92, effective 6/17/92]

[Filed 3/11/94, Notice 1/5/94—published 3/30/94, effective 5/4/94]

[Filed emergency 6/16/94—published 7/6/94, effective 7/6/94]

[Filed 7/28/95, Notice 5/24/95—published 8/16/95, effective 9/20/95]

[Filed 7/12/96, Notice 4/24/96—published 7/31/96, effective 9/4/96]

[Filed 6/13/97, Notice 5/7/97—published 7/2/97, effective 8/6/97]