

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(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 \$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. 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 to the amount authorized prior to July 1, 2017. Funds generated by the increase of this fee shall be exclusively used for improving business services technology.

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; ARC 3643C, IAB 2/14/18, effective 3/21/18]

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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