

721—40.1(9,490,504) Filing of documents. Documents pertaining to profit corporations, nonprofit corporations, limited liability companies, limited partnerships, 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 pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited partnership, or a cooperative association delivered to the secretary of state for filing must be captioned to describe the record's purpose and be in a medium permitted by the secretary of state.

40.1(3) A document submitted for same-day preclearance service as provided in Iowa Code chapter 9 may be delivered by fax or in person. Preclearance service speed is not guaranteed on a document delivered by any other method.

40.1(4) Where the secretary of state prescribes and furnishes a form for the filing of a document pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited partnership, or a cooperative association, the secretary requires the use of that form as permitted by Iowa law.

40.1(5) A document pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited partnership, or a cooperative association delivered to the secretary of state for filing may be delivered by fax to (515)242-5953.

40.1(6) A document delivered by fax may be delivered at any time of day. The date and time of receipt printed on the document by the fax machine constitutes the date and time endorsement required by Iowa Code section 490.125(2).

40.1(7) A document delivered by fax 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 fax shall constitute the copy that is filed and returned to the corporation pursuant to Iowa Code section 490.125(2).

40.1(8) A document delivered by fax 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(9,631). The filing fee may be paid by any other means authorized by the secretary of state.

40.1(9) A document delivered by fax for filing may be rejected if the print quality of the document is deemed by agency personnel to be unacceptable for scanning purposes. The secretary of state will notify the filing party by telephone, email, 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 fax, 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 chapters 9 and 490.

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