

701—115.4(421,441) Electronic filing system.**115.4(1) Electronic filing and applicability.**

a. Electronic filing. The board will maintain an electronic filing system, which is the preferred method for filing documents with the board.

b. Applicability. This rule applies to electronic filing and service of documents using the board's electronic filing system. Nonelectronic filing and service are governed by rule 701—115.3(421,441).

(1) The board may order the conversion of any appeal to an electronic file. Upon such an order, all future filings must be made using the board's electronic filing system in compliance with this rule, unless a filing is subject to the exception in paragraph 115.4(1) "c."

(2) In all other cases, a party or parties to a proceeding may voluntarily choose to use the electronic filing system in compliance with this rule.

c. Exceptions. Any item not capable of electronic filing shall be filed in a nonelectronic format pursuant to rule 701—115.3(421,441).

115.4(2) Registration.

a. Registration required. Every individual filing, viewing, or downloading appeal documents must register as a registered user of the electronic filing system.

b. How to register. An individual must complete the registration process online at efile-paab.iowa.gov, consent to the user agreement, and obtain a username and password for the electronic filing system.

c. Changing passwords. Once registered, the user may change the user's password. If the registered user believes the security of an existing password has been compromised, the registered user should change the password immediately. The board may require password changes periodically.

d. Changes in a registered user's contact information. If a registered user's email address, mailing address, or telephone number changes, the registered user should promptly change the information in the electronic filing system. The registered user should promptly notify any nonregistered party of changes in contact information in every active proceeding in which the registered user is a party.

e. Duties of a registered user. Each registered user will ensure the user's email account information is current, the account is monitored regularly, and email notices sent to the account are timely opened.

f. Canceling registration. Withdrawal from participation in the electronic filing system cancels the registered user's profile but does not authorize nonelectronic filing of documents and is not a withdrawal from a proceeding.

g. Use of username and password. A registered user is responsible for all documents filed with the registered user's username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

h. Username and password security. If a username or password is lost, misappropriated, misused, or compromised, the registered user will notify the board promptly.

i. Denial of access. The board may refuse to allow an individual to electronically file or download information in the electronic filing system due to misuse, fraud or other good cause.

115.4(3) Signatures.

a. Registered user. A username and password accompanied by a digitized, electronic, or nonelectronic signature serve as the registered user's signature on all electronically filed documents.

b. Documents requiring oaths, affirmations or verifications. Any document filed requiring a signature under oath or affirmation or with verification may be signed electronically or nonelectronically but shall be filed electronically.

c. Format. Any filing requiring a signature must be signed, with either a nonelectronic signature, an electronic signature, or a digitized signature.

d. Multiple signatures. By filing a document containing multiple signatures, the registered user confirms the content of the document is acceptable to all persons signing the document and all such persons consent to having their signatures appear on the document.

115.4(4) *Format and redaction of electronic documents.* Except proposed orders, all electronically filed documents must be filed as a PDF. Before filing any document, the registered user shall ensure the document is certified as confidential or that the confidential information is omitted or redacted.

115.4(5) *Exhibits and other attachments.* Any attachments to a filing, such as an exhibit, shall be uploaded and electronically attached to the filing. Each exhibit should be filed as a separate PDF. Exhibits should be labeled as required by paragraph 115.7(3)“d.”

115.4(6) *Filing and service using electronic filing.*

a. What constitutes filing. The electronic transmission of a document to the electronic filing system following the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitutes the filing of the document.

b. Electronic file stamp. Electronic documents are officially filed when affixed with an electronic file stamp. Filings so endorsed shall have the same force and effect as documents time-stamped in a nonelectronic manner.

c. Email or fax. Emailing or faxing a document to the board will not generate a notice of electronic filing and does not constitute electronic filing of the document unless otherwise authorized by the board.

d. Public access terminal. A public access terminal is available at the reception desk on the first floor of the Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319.

e. Service of filings. When a document is electronically filed, the electronic filing system will produce and transmit a notice of electronic filing to all parties who are registered users. The notice of electronic filing shall constitute service of the filing on registered users. No other service is required on registered users unless ordered by the board. The filing party is responsible for ensuring service, pursuant to paragraph 115.3(2)“a,” on any party that is not a registered user. Notices of electronic filing will continue to be sent to registered users appearing or intervening in a proceeding until the users have filed a withdrawal of appearance.

f. Proof of service of nonelectronic filings. Parties filing a document nonelectronically pursuant to paragraph 115.3(2)“c” and rule 701—115.3(421,441) shall electronically file a notice of nonelectronic filing along with proof of service.

g. Electronic filing and service of board-generated documents. All board-generated documents issued in an appeal governed by this chapter will be electronically filed and served. The board will only mail paper copies of documents as provided in subrule 115.3(3).

115.4(7) *Filing by the board on behalf of a party.*

a. Board staff may file a motion on behalf of a party to an appeal pursuant to this subrule.

b. When a party contacts board staff via telephone or other means and indicates the party’s desire to file a motion specified in paragraph 115.4(7)“c,” board staff may file the motion in the electronic filing system on behalf of the party. The motion will be consistent with the instructions and information provided by the party and shall only be filed with the permission of the party. Board staff will not file any motions on behalf of a party if any opposing party requires nonelectronic service under subrule 115.3(2).

c. Only the following motions may be filed by board staff on behalf of a party:

- (1) Motion to participate in a hearing in person, by telephone, or by video;
- (2) Motion for hearing;
- (3) Motion for continuance;
- (4) Motion to withdraw appeal.

d. Upon filing of the motion, board staff will provide a courtesy copy of the filing to the party.