

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD [351]

Regulatory Analysis

Notice of Intended Action to be published: 351—Chapter 7

“Personal Financial Disclosure”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 68A and 68B

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 68A and 68B and

Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 21, 2025

Via virtual meeting/videoconference

9 to 9:30 a.m.

meet.google.com/def-amxu-ztq

Or dial: 443.892.2873

Passcode: 459 114 569#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Ethics and Campaign Disclosure Board (IECDB) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking includes revised administrative rules based on the requirements of Executive Order 10. Chapter 7 establishes processes for personal financial disclosure including filing requirements and penalties. Chapter 7 is proposed to be rescinded and adopted new with revisions to align with Executive Order 10.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no expected additional cost to the State or stakeholders governed by Iowa Code chapters 68A and 68B.

- **Classes of persons that will benefit from the proposed rulemaking:**

The State and stakeholders governed by Iowa Code chapters 68A and 68B will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

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No quantitative impact is expected. The changes to these rules will not impact the operations of the IECDB and the IECDB will still operate consistent with Iowa Code chapters 68A and 68B.

- **Qualitative description of impact:**

No qualitative impact is expected.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

No costs will be borne by any agency. The IECDB will still operate consistent with Iowa Code chapters 68A and 68B.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable. The IECDB will still operate consistent with Iowa Code chapters 68A and 68B.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the**

agency:

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed**

rulemaking:

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

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If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 351—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7

PERSONAL FINANCIAL DISCLOSURE

351—7.1(68B) Filing requirements and procedures.

7.1(1) *Period covered.* All persons who are required to file a personal financial disclosure will file the statement with the board no later than April 30 of each year following a year during which the person holds a designated position, without regard to the length of time the position was occupied by the person. A person who held a designated position who left that position or state employment will have a continuing obligation to file the statement for any year or portion of a year in which the position was held prior to termination.

7.1(2) *Place and timing of filing.* A personal financial disclosure will be filed with the board electronically no later than 11:59 p.m. on the due date. If the due date falls on a weekend or holiday, the deadline will be extended to the next day the board's office is open.

7.1(3) *Persons holding more than one designated position.* A person who is required to file a personal financial disclosure for more than one position will be required to file only one statement for the reporting year. A member of the general assembly who files a form with the secretary of the senate or the chief clerk of the house will not be required to file the form with the board for any designated position held in the executive branch.

7.1(4) *Period covered.* Information will be filed on a personal financial disclosure as designated by the board and will cover the previous calendar year. However, a statement filed by a person who has left a designated position during the course of a year need only contain

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information covering the portion of that year that has elapsed prior to the person's leaving the position.

This rule is intended to implement Iowa Code sections 68B.32A(5), 68B.35 and 68B.35A.

351—7.2(68B) Information disclosed on form.

7.2(1) Definitions. For the purpose of completing a personal financial disclosure, "income sources" includes those sources which are held solely or jointly with one or more persons and which in total generate more than \$1,000 of income.

7.2(2) Spousal income. For purposes of completing a personal financial disclosure, income earned solely by the spouse of a person subject to reporting is not income to that person and need not be reported as an income source.

This rule is intended to implement Iowa Code section 68B.35.

351—7.3(68B) Procedure for determining persons required to file with the board—distribution of forms.

7.3(1) Persons required by statute. In order to determine which persons in the executive branch are required to file a personal financial disclosure, the board will contact each agency on an annual basis and provide notification of the statutory requirement. This notification will include the name and position title of each person in the agency who filed the previous year. Each agency, in consultation with the board, will then determine which persons are required to file for the next filing period and will provide the board with the appropriate names and position titles. The board will have the final authority to determine whether a position requires that a personal financial disclosure be filed.

7.3(2) Boards, commissions, or authorities not named in statute. On an annual basis, the board will conduct a review to determine if a member of any other board, commission, or authority not specifically named in Iowa Code should file a personal financial disclosure. If the board determines that a personal financial disclosure should be filed, the board will by rule

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require a personal financial disclosure to be filed.

7.3(3) *Statewide candidates.* A person who is a candidate for statewide office will file a personal financial disclosure with the board by 11:59 p.m. on April 30 of the year the candidate appears on the ballot. If the due date falls on a weekend or holiday, the filing deadline will be extended to the first working day following the deadline. Once nomination papers or an affidavit of candidacy is filed, the board will notify the person of the requirement. The notification will be sent by first-class mail or email and will include information on how to file.

7.3(4) *Statewide candidates in a special election.* A candidate for statewide office in a special election will electronically file a personal financial disclosure with the board within ten days after the certification of the candidate’s name as the nominee under Iowa Code section 43.88. Notification to a statewide candidate in a special election will be sent by first-class mail or email and will include information on how to file electronically.

This rule is intended to implement Iowa Code sections 68B.32A(5) and 68B.35.

351—7.4(68B) Reserved.

351—7.5(68B) Penalties.

7.5(1) *Penalties for late personal financial disclosure statements.* An individual holding a designated position in the executive branch who fails to timely file a personal financial disclosure will be subject to an automatic civil penalty according to the following schedule:

Days	Penalty
Delinquent	Amount
1 to 14	\$50
15 to 30	\$100

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31 and over \$250

7.5(2) *Additional penalty.* If an individual holding a designated position in the executive branch fails to file a personal financial disclosure statement within 45 days of the required filing date, a contested case proceeding may be held. The board may impose any of the actions under Iowa Code section 68B.32D in addition to the automatically assessed penalty in rule 351—7.5(1).

7.5(3) *Failure to file true statement.* It will be considered a violation of Iowa Code section 68B.35 for an individual holding a designated position in the executive branch to file a disclosure statement containing false or fraudulent information. Complaints concerning the filing of a false or fraudulent disclosure statement will be handled by the procedures in Iowa Code section 68B.32B. If it is determined after a contested case proceeding that a false or fraudulent disclosure statement was filed, the board may impose any of the actions under Iowa Code section 68B.32D.

This rule is intended to implement Iowa Code sections 68B.32A(9) and 68B.35.

351—7.6(68B) Requests for waiver of penalties. If an individual holding a designated position in the executive branch believes that mitigating circumstances prevented the timely filing of a personal financial disclosure, the individual may petition the board for waiver of the penalty. The petition for waiver must be received by the board within 30 days of notification to the individual of the civil penalty assessment. The board will review the petition and may waive the penalty, in whole or in part, or deny the request.

This rule is intended to implement Iowa Code sections 68B.32A(5) and 68B.32A(9).

[Editorial change: IAC Supplement 4/8/09; **ARC 7996B**, IAB 7/29/09, effective 9/2/09]

351—7.7(68B) Contested case challenge.

7.7(1) *Request.* If the individual accepts administrative resolution concerning a late-filed

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personal financial disclosure through the payment of the assessed penalty, the matter will be closed. If the individual chooses to contest the board's decision to deny the request or grant a partial waiver of an assessed penalty, the individual will make a written request to the executive director for a contested case proceeding within 30 days of being notified of the board's decision.

7.7(2) Procedure. Upon timely receipt of a request for a contested case proceeding, the board will provide for the issuance of a statement of charges and notice of hearing. The contested case will be conducted in accordance with the provisions of 351—Chapter 11. The burden will be on the board's legal counsel to prove that a violation occurred.

7.7(3) Failure to request proceeding. The failure to request a contested case proceeding to contest the board's decision on a waiver request is a failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A.

This rule is intended to implement Iowa Code sections 68B.32A(9) and 68B.33.

351—7.8(68B) Payment of penalty. Checks will be made payable to the "State of Iowa" and sent to the Board's office for transfer to the office of the treasurer of the state, who will deposit the check into the general fund.

This rule is intended to implement Iowa Code section 68B.32A(9).

351—7.9(68B) Retention and availability of filed forms.

7.9(1) Public record. Forms filed with the board are public records and will be available for inspection and copying.

7.9(2) Internet access. Pursuant to Iowa Code section 68B.35A, the board will record filed personal financial disclosure statements on the board's website. Filed forms will be accessible for a period of at least five years from the reporting due date.

This rule is intended to implement Iowa Code sections 68B.35 and 68B.35A.

