ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Regulatory Analysis

Notice of Intended Action to be published: 351—Chapter 8
"Executive Branch Lobbying"

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 9 to 9:30 a.m.	Via virtual meeting/videoconference meet.google.com/def-amxu-ztg 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:

Kimberly Murphy, Deputy Director
Iowa Ethics and Campaign Disclosure Board
Jessie M. Parker Building
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Phone: 515.423.4112
Email: kim.murphy2@iowa.gov

Purpose and Summary

This proposed rulemaking includes revised administrative rules based on the requirements of Executive Order 10. Chapter 8 establishes rules of conduct for executive branch lobbyists. Chapter 8 is proposed to be rescinded and readopted with revisions to align with Executive Order 10.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:**

No quantitative impact is expected. The changes to these rules will not impact the operations of IECDB, and 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. 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. 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.

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 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
EXECUTIVE BRANCH LOBBYING

351—8.1(68B) Definitions.

8.1(1) *Definitions.*

"Executive branch lobbying" means acting directly to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by a state agency or any statewide elected official. For purposes of this chapter, "state agency" does not include the legislative branch of state government.

"Executive branch lobbyist" means an individual who by acting directly does at least one of the following:

1. Receives compensation for engaging in executive branch lobbying.
2. Is a designated representative of an organization that has as one of its purposes engaging in executive branch lobbying.
3. Represents the position of a federal, state, or local agency in which the person serves or is employed as the representative designated to engage in executive branch lobbying.
4. Makes expenditures of more than $1,000 in a calendar year to communicate in person for the purpose of engaging in executive branch lobbying.

"Executive branch lobbyist client" means a private person or a federal, state, or local governmental entity that pays compensation to or designates an individual to be a lobbyist before the executive branch.

"Lobbyist compensation" means any money, thing of value, or financial benefit conferred in return for engaging in executive branch lobbying.

8.1(2) *Exemptions.* The following individuals are not considered to be executive branch lobbyists:

a. Officials and employees of a political party that is organized in the state of Iowa and that meets the requirements of Iowa Code section 43.2, when the officials and employees represent the political party in an official capacity.

b. Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.

c. All federal, state, and local elected officials, while performing the duties and responsibilities of office.

d. Individuals whose activities are limited to appearances to give testimony or provide information or assistance at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public officials or employees.

e. Members of the staff of the United States Congress or the Iowa general assembly.

f. Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency within which an official's or employee's agency is involved in a collaborative project.

g. An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization who is not paid compensation and is not specifically designated as an executive branch lobbyist.

h. Individuals whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under Iowa Code section 17A.4(1).

i. Individuals whose activities are limited to monitoring or following the progress of legislation, a rule, or an executive order, but who do not engage in executive branch lobbying.

j. Individuals who represent a client in responding to a request for proposal or otherwise receiving a contract or grant from a state agency.

k. Individuals who represent a client involved in a legal dispute with the state, including a contested case proceeding.

l. Individuals advocating for or against the appointment of a particular individual to a board or commission of the state.

This rule is intended to implement Iowa Code section 68B.2.

351—8.2(68B) Individuals not considered executive branch lobbyists. Individuals uncertain as to whether they are considered executive branch lobbyists should contact the board for guidance prior to engaging in any executive branch lobbying.

This rule is intended to implement Iowa Code section 68B.2(13).

351—8.3(68B) Contingency fee lobbying prohibited. No person will offer, nor will any person accept, compensation contingent upon the outcome of executive branch lobbying services rendered or to be rendered. Complaints or information alleging a violation of this rule will be filed with the board.

This rule is intended to implement Iowa Code section 68B.2(7).

351—8.4(68B) Lobbyist registration required.

8.4(1) *Time of filing.* Any individual engaging in executive branch lobbying activity will register by electronically filing an executive branch lobbyist registration statement with the chief clerk of the house of representatives or the secretary of the senate on or before the day the lobbying activity begins. Registration expires at the end of the calendar year. Beginning December 1 of each year, a person may register to lobby for the following calendar year.

8.4(2) *Place of filing.* Executive branch lobbyist registration statements will be electronically filed with the chief clerk of the house of representatives or the secretary of the senate through the general assembly's website.

8.4(3) *Amendment.* Any change or addition to the information in an executive branch lobbyist's registration statement will be filed with the chief clerk of the house of representatives or the secretary of the senate within ten days after the change or addition is made known to the lobbyist. The lobbyist may file changes or additions by electronically filing an amended registration statement.

8.4(4) *Failure to timely file.* An individual who fails to file an executive branch lobbyist registration statement before engaging in executive branch lobbying will be subject to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.3(68B) separate to any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code section 68B.36.

351—8.5(68B) Executive branch lobbyist client reporting.

8.5(1) *Place of filing.* Executive branch lobbyist client reports will be electronically filed with the general assembly through its website.

8.5(2) *Time of filing.* An executive branch lobbyist client report will be filed on or before July 31 unless the due date is extended by the general assembly.

This rule is intended to implement Iowa Code section 68B.38.

351—8.6(68B) Session function registrations and reports. Pursuant to Iowa Code section 68B.22(4)*"s,"* a sponsor of a qualified function is required to file with the general assembly a registration notice prior to the function and a report within 28 days of the function. The board will deem filings with the general assembly as acceptable filings with the board. The failure of a sponsor to timely file either a registration notice or a report will subject the sponsor to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.3(68B) separate from any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code sections 68B.22(4)*"s"* and 68B.32A(5).

351—8.7(68B) Automatic penalties for delinquent client reports.

8.7(1) *Late client report.* An executive branch lobbyist client that fails to file an executive branch lobbyist client report on or before the required due date will be subject to an automatic civil penalty according to the following schedule:

Days Delinquent	Penalty Amount
1 to 14	$50
15 to 30	$100
31 and over	$250

8.7(2) *Additional penalty.* If an executive branch lobbyist client fails to file a required client report or fails to file an accurate client report, a contested case proceeding may be held to determine

whether a violation has occurred. If, after a contested case proceeding, it is determined that a violation occurred, the board may impose any of the actions under Iowa Code section 68B.32D. Any action so imposed would be in addition to the automatically assessed penalty in this rule.

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

351—8.8(68B) Request for waiver of penalty. An executive branch lobbyist client that believes there are mitigating circumstances that prevented the timely filing of a report may petition the board for waiver of the penalty. The board must receive the petition for waiver within 30 days of the executive branch lobbyist's client being notified of the civil penalty assessment. The board will review the request and issue a waiver, in whole or in part, or denial of the request. If a denial or partial waiver is issued, the person will promptly pay the assessed penalty or request a contested case proceeding pursuant to rule 351—8.9(68B) to appeal the board's decision.

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

351—8.9(68B) Contested case proceeding.

8.9(1) *Request.* If an executive branch lobbyist client accepts administrative resolution of a matter through the payment of a civil penalty, the matter will be closed. If the person chooses to contest the board's decision, the person 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.

8.9(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 burden will be on the board's legal counsel to prove that a violation occurred.

8.9(3) *Failure to request a contested case proceeding.* The failure to request a contested case proceeding to appeal the board's decision on a waiver request is the failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A and section 68B.33.

This rule is intended to implement Iowa Code sections 68B.32A(5), 68B.32A(9), and 68B.33.

351—8.10(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, which will deposit the check into the general fund.

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

351—8.11(68A) Campaign contributions by lobbyists during the regular legislative session.

8.11(1) *Prohibition.* Individuals who are registered in Iowa as either executive branch or legislative branch lobbyists are prohibited from contributing to, acting as an agent or intermediary for contributions to, or arranging for the making of monetary or in-kind contributions to the campaign of an elected state official, member of the general assembly, or candidate for state office on any day during the legislative session.

8.11(2) *Mailed contributions prohibited.* This prohibition includes a contribution that is mailed during the legislative session but received by the candidate after adjournment sine die.

8.11(3) *Application to governor, lieutenant governor, and candidates.* The prohibition on contributions to the governor, lieutenant governor, or candidates for either office during the legislative session extends for 30 days following the adjournment sine die of a regular legislative session.

8.11(4) *Exceptions.* The prohibition on contributions during the legislative session does not apply to any of the following:

a. Contributions to an elected state official, member of the general assembly, or other state official who has taken affirmative action to seek nomination or election to a federal elective office so long as the lobbyist's contribution is placed into the candidate's federal account.

b. Contributions to a candidate for state office who filed nomination papers for a special election called or held during the legislative session if the candidate receives the contribution at any time during the period commencing on the date on which at least two candidates have been nominated for

the office and ending on the date on which the election is held. However, elected state officials are prohibited from soliciting lobbyists for contributions to another candidate for state office when a special election is held during the legislative session.

c. Contributions made during a special legislative session. In the case of the governor, lieutenant governor, and candidates for either office, this exception also includes the 30 days following a special legislative session unless that time period falls within 30 days of adjournment of the regular legislative session.

d. Contributions from a lobbyist's personal funds made to the lobbyist's own campaign for public office.

8.11(5) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68A.504 involving either executive branch lobbyists or legislative branch lobbyists will be filed with the board.

8.11(6) *Date of session.* For purposes of Iowa Code section 68A.504 and this rule, a legislative session commences at 12 a.m. of the first day of the legislative session through 11:59:59 p.m. of the day that the legislative session adjourns sine die.

This rule is intended to implement Iowa Code section 68A.504.

351—8.12(68B) Loans made by lobbyists.

8.12(1) *Prohibition.* An executive branch official or employee or a candidate for statewide office will not directly or indirectly seek or accept a loan from a person who is an executive branch lobbyist.

8.12(2) *Offer of loan prohibited.* An executive branch lobbyist will not directly or indirectly offer or make a loan to an executive branch official, executive branch employee, or a candidate for statewide office.

8.12(3) *Exception.* This prohibition does not apply to loans made in the ordinary course of business. "Ordinary course of business" means the loan is made by a person who is regularly engaged in a business that makes loans to members of the general public and the finance charges and other terms of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

8.12(4) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68B.24 by an executive branch official or employee, candidate for statewide office, or an executive branch lobbyist will be filed with the board.

This rule is intended to implement Iowa Code section 68B.24.

351—8.13(68B) Ban on certain lobbying activities by government personnel.

8.13(1) *Lobbying restrictions—statewide elected officials and executive or administrative heads.*

a. A person who serves as a statewide elected official, the executive or administrative head of an agency, or the deputy executive or administrative head of an agency will not act as a lobbyist during the time in which the person serves or is employed by the state unless the person is designated to represent the official position of the person's agency.

b. A person subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government except as provided in subrule 8.13(4).

8.13(2) *Lobbying restrictions—employees of statewide elected officials and other agency employees.*

a. The head of a major subunit of an agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds or a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds will not act as a lobbyist during the time in which the person is employed by the state before the agency that the person is employed by or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated to represent the official position of the agency.

b. A person subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying before the agency by which the person was employed or before state agencies, officials, or employees with whom the person had substantial and regular contact as part of the person's former duties except as provided in subrule 8.13(4).

8.13(3) *Lobbying restrictions—conflicts of interest.* A state employee who is not included in subrule 8.13(1) or 8.13(2) will not act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person is directly concerned and personally participates as part of the person's employment, unless the person is designated to represent the official position of the agency by which the person is employed. Persons subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying in relation to any particular case, proceeding, or application with respect to which the person was directly concerned and personally participated as part of the person's employment.

8.13(4) *Exception.* This prohibition does not apply to a person who, within two years of leaving state service or employment, is elected to, appointed to, or employed by another office of the state, an office of a political subdivision of the state, or the federal government and represents the position of the new office or employment.

8.13(5) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68B.5A by an executive branch official or an executive branch employee will be filed with the board.

This rule is intended to implement Iowa Code section 68B.5A.

351—8.14(68B) False communications prohibited.

8.14(1) *False material fact.* An executive branch lobbyist will not intentionally deceive or attempt to deceive any executive branch official or employee in regard to a material fact pertinent to an administrative rule, legislation, or an executive order.

8.14(2) *False communication.* An executive branch lobbyist will not cause a communication or an executive branch lobbyist registration statement to be sent to an executive branch official or an executive branch employee in the name of either of the following:

a. A fictitious person; or

b. A real person except with the consent of that person.

8.14(3) *Complaints.* Complaints or information provided to the board alleging a violation of this rule by an executive branch lobbyist will be filed with the board.

This rule is intended to implement Iowa Code section 68B.32A(13).