

CHAPTER 1
IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

[Prior to 9/9/87, Campaign Finance Disclosure[190] Ch 5]

[Prior to 3/30/94, Campaign Finance Disclosure Commission[121] Ch 5]

[Prior to 8/21/02, see 351—Ch 5]

351—1.1(68A,68B) General agency description.

1.1(1) *Board established.* The Iowa ethics and campaign disclosure board is established as an independent agency of the executive branch of state government with the authority, powers, and duties set out in Iowa Code chapters 68A and 68B and Iowa Code section 8.7. The board is a “regulatory agency” as defined in Iowa Code section 68B.2(23).

1.1(2) *Election of officers.* On an annual basis at the board’s first in-person meeting after April 30, the members shall elect a chair and vice chair, and members may be reelected or elected to a different office.

1.1(3) *Board meetings.* Meetings of the board are held at the call of the chair or at the request of at least four members of the board. The chair sets the time, place, and date of the meetings except when a meeting is requested by at least four members of the board. Meetings shall be held in compliance with the open meeting requirements in Iowa Code chapter 21. Minutes of meetings are available for viewing via the board’s Web site at www.iowa.gov/ethics. A person who wishes to be placed on the board agenda shall file an oral or written request with the board’s executive director at least 48 hours prior to the meeting.

1.1(4) *Voting and procedure.* Four board members constitute a quorum for conducting the business of the board. An affirmative vote of four board members is required for a motion to pass. The meetings shall be generally conducted according to rules of parliamentary procedure.

This rule is intended to implement Iowa Code sections 68B.32 and 68B.32A.

[Editorial change: IAC Supplement 4/8/09; **ARC 8287B**, IAB 11/18/09, effective 12/23/09]

351—1.2(68B) Requirements for requesting board advisory opinions.

1.2(1) *Who may request opinion.* Any person subject to the board’s jurisdiction may request a board advisory opinion, including a local official or local employee seeking an opinion on the application of the ethics laws in Iowa Code chapter 68B. A governmental entity not under the board’s jurisdiction may request a board advisory opinion on an issue subject to the board’s jurisdiction. A person requesting an opinion on the application of the ethics and lobbying laws in Iowa Code chapter 68B as applied to the legislative branch of state government shall be referred to the senate and house ethics committees. An authorized agent may seek an opinion on behalf of any person. The board will not issue an opinion to an unauthorized third party. The board may on its own motion issue opinions without receiving a formal request.

1.2(2) *Form of request.* The request for an opinion shall be in writing and shall describe the specific transaction, conduct, or activity that the requesting person plans to undertake or is presently undertaking. Requests shall be sent to the board as provided in subrule 1.3(1).

1.2(3) *Jurisdiction.* The board will issue opinions pertaining only to Iowa Code chapter 68A, Iowa Code chapter 68B, Iowa Code section 8.7, or rules adopted thereunder.

This rule is intended to implement Iowa Code section 68B.32A(12).

[Editorial change: IAC Supplement 4/8/09]

351—1.3(68B) Processing of advisory opinion requests; routine administrative advice.

1.3(1) Requests for board advisory opinions shall be sent to the Iowa Ethics and Campaign Disclosure Board, 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319.

1.3(2) After receiving a qualified opinion request, the board’s legal counsel shall prepare a draft opinion for board review. Upon an affirmative vote of at least four members, the board will issue a board advisory opinion. Advice contained in a board opinion, if followed, constitutes a defense to a subsequent complaint that is based on the same facts and circumstances.

1.3(3) A person who receives a board advisory opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or

reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

1.3(4) Board advisory opinions are public records and shall be made available at the board office and via the board's Web site at www.iowa.gov/ethics.

1.3(5) Nothing in this rule precludes board staff from providing oral or written routine administrative advice when presented with oral or written inquiries from any person.

1.3(6) Nothing in this rule precludes a person who has received routine administrative advice from petitioning for a declaratory order. The board will refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the board opinion.

1.3(7) On an annual basis the board shall review the advisory opinions issued for that year and determine which opinions should be adopted into rule pursuant to the procedures in Iowa Code chapter 17A.

This rule is intended to implement Iowa Code section 68B.32A(12).
[Editorial change: IAC Supplement 4/8/09]

351—1.4(68B) Board code of ethics.

1.4(1) Making monetary and in-kind contributions to the committees of candidates for Iowa public office is prohibited. However, contributions to candidates for federal office are permitted since the board has no jurisdiction over federal candidates.

1.4(2) Serving as an officer or member of a candidate's committee of a candidate for Iowa public office is prohibited, whether the service is volunteer or paid.

1.4(3) Making monetary or in-kind contributions to a political committee (PAC) is prohibited. However, contributions to a state party or a county central committee are permitted.

1.4(4) Running for or holding elected public office is prohibited. Running for or serving as an officer or member of any committee defined under Iowa Code chapter 68A is prohibited.

1.4(5) Public personal endorsement of a candidate or publicly taking a position in support of or opposition to a ballot issue is prohibited. This subrule does not prohibit a member of the board or staff from making a public personal endorsement of a federal candidate or a federal ballot issue since the board has no jurisdiction over federal candidates or federal ballot issues. Members and staff of the board may attend and participate in a presidential caucus.

1.4(6) Serving as a delegate to a county or state political party convention is prohibited.

1.4(7) Except due to service on the board, members of the board shall not be public officials or public employees.

1.4(8) Except due to service on the board, members of the board shall not be registered lobbyists in the state of Iowa.

1.4(9) As the board is defined as a "regulatory agency" under Iowa Code section 68B.2(23), members and staff of the board shall comply with the requirements of Iowa Code section 68B.4 and rule 351—6.11(68B) prior to selling or leasing goods or services to individuals, associations, or corporations subject to the board's regulatory authority.

1.4(10) Members and staff of the board shall comply with all of the requirements in Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules adopted by the board.

1.4(11) The prohibitions in this rule shall not apply to the spouse or other family members of a board member or employee of the board. However, actions by a spouse or other family member may create a potential conflict of interest on the part of the board member or employee that may necessitate recusal from a matter pursuant to Iowa Code section 68B.2A.

This rule is intended to implement Iowa Code sections 68B.2A and 68B.32.
[Editorial change: IAC Supplement 4/8/09]

351—1.5(22,68B) Availability of reports and information—copies provided; prohibitions. Rescinded IAB 10/25/06, effective 11/29/06.

351—1.6(68B) Board code of ethics. Rescinded IAB 10/25/06, effective 11/29/06.

351—1.7(68B) Board sales of goods and services. Rescinded IAB 10/25/06, effective 11/29/06.

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[◇] Two or more ARCs