

**351—6.8(68B) Misuse of public property.** Iowa Code section 68B.32A(13) directs the board to establish rules relating to the misuse of public property by officials, employees, and candidates for statewide office.

**6.8(1) *Definition of public property.*** “Public property” means any real or personal property owned or controlled by the state of Iowa including but not limited to buildings, facilities, equipment, supplies, funds, records, files, and materials.

**6.8(2) *Prohibited uses.*** The following are deemed to be the misuse of public property by an official, employee, or candidate for statewide office:

*a.* Using public property to engage in an outside employment or activity that leads to an unacceptable conflict of interest as prohibited in Iowa Code section 68B.2A(1) “*a.*”

*b.* Using public property to knowingly and purposefully send, receive, or view obscene material. “Obscene material” means any material depicting or describing the genitals, sex acts, masturbation, excretory functions, or sadomasochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with respect to what is suitable material, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value.

This paragraph shall not apply to obscene materials that are sent or received as part of a law enforcement investigation or are authorized by law to be sent or received.

*c.* Using public property for personal financial gain. This prohibition does not apply to the receipt of lawful compensation for the performance of official state duties.

*d.* Using public property for a personal benefit to the detriment of the state.

*e.* Removing public property from a state building or facility for personal use.

*f.* Using public property to engage in political activities as prohibited in 351—Chapter 5.

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

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