

351—5.6(68B) Board advice. Public officials, public employees, or other persons interested in using public funds for a political purpose may first seek advice or guidance from the board concerning the legality of the action or conduct.

5.6(1) *Advisory opinion.* A board advisory opinion applies a statute or rule to a particular factual situation. The procedure for requesting a board opinion is set out in rules 351—1.2(68B) and 1.3(68B). As provided in Iowa Code section 68B.32A(11) as amended by 2004 Iowa Acts, Senate File 2179, section 10, a board opinion, if followed, constitutes a defense to a subsequent complaint concerning the same facts and circumstances.

5.6(2) *Declaratory order.* Persons may also seek board guidance concerning the application of a statute or rule to a specific factual situation through the petition for declaratory order procedure set out in 351—Chapter 12.

5.6(3) *Board review of a communication.* Any person interested in producing and distributing a communication using public resources may submit the communication prior to its distribution for a board determination of whether or not the communication contains express advocacy.

This rule is intended to implement Iowa Code Supplement section 68B.32A(11) as amended by 2004 Iowa Acts, Senate File 2179, section 10.