

EIGHTY-SEVENTH GENERAL ASSEMBLY

SENATE CODE OF ETHICS

(Senate Resolution 2 — Adopted 1/26/17)

## SENATE CODE OF ETHICS

PREAMBLE. Every legislator owes a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly and the members thereof, and to observe the legislative code of ethics.

In doing so, members of the senate have a duty to conduct themselves so as to reflect credit on the general assembly, and to inspire the confidence, respect, and trust of the public, and to strive to avoid both unethical and illegal conduct and the appearance of unethical and illegal conduct.

Recognizing that service in the Iowa general assembly is a part-time endeavor and that members of the general assembly are honorable individuals who are active in the affairs of their localities and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their legislative compensation, the following rules are adopted pursuant to section 68B.31, to assist the members in the conduct of their legislative affairs.

1. **ECONOMIC INTEREST OF SENATOR.** Taking into account that legislative service is part-time, a senator shall not accept economic or investment opportunity, under circumstances where the senator knows, or should know, that there is a reasonable possibility that the opportunity is being afforded the senator with intent to influence the senator's conduct in the performance of official duties.

2. **DIVESTITURE.** Where a senator learns that an economic or investment opportunity previously accepted was offered with the intent of influencing the senator's conduct in the performance of official duties, the senator shall take steps to divest that senator of that investment or economic opportunity, and shall report the facts of the situation to the senate ethics committee.

3. **CHARGES FOR SERVICES.** A senator shall not charge to or accept from a person, corporation, partnership, or association known to have a legislative interest a price, fee, compensation, or other consideration for the sale or lease of any property or the furnishing of services which is in excess of that which the senator would charge another.

4. **USE OF CONFIDENTIAL INFORMATION.** A senator in order to further the senator's own economic or other interests, or those of any other person, shall not disclose or use confidential information acquired in the course of official duties.

5. **HONORARIA.** A senator shall not accept an honorarium from a restricted donor for a speech, writing for publication, or other similar activity, except as otherwise provided in section 68B.23.

6. **EMPLOYMENT.** A senator shall not accept employment, either directly or indirectly, from a political action committee or from an organization exempt from taxation under section 501(c)(4), 501(c)(6), or 527 of the Internal Revenue Code that engages in activities related to the nomination, election, or defeat of a candidate for public office. A senator may accept employment from a political party, but shall disclose the employment relationship in writing to the secretary of the senate within ten days after the beginning of each legislative session. If a senator accepts employment from a political party during a legislative session, the senator shall disclose the employment relationship within ten days after acceptance of the employment.

For the purpose of this rule, a political action committee means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than one thousand dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization which makes contributions in the aggregate of more than one thousand dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or ballot issue or influencing legislative action.

7. **ECONOMIC INTERESTS OF LOBBYIST.** With the exception of exercising unfettered discretion in supporting or refusing to support proposed legislation, a senator shall not take action intended to affect the economic interests of a lobbyist or citizen supporting or opposing proposed legislation.

8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A senator may appear before a governmental agency or board in any representation case, except that the senator shall not act as a lobbyist. Whenever a senator appears before a governmental agency or board, the senator shall carefully avoid all conduct which might in any way lead members of the general public to conclude that the senator is using the senator's official position to further the senator's professional success or personal financial interest.

9. CONFLICTS OF INTERESTS. In order to permit the general assembly to function effectively, a senator will sometimes be required to vote on bills and participate in committee work which will affect the senator's employment and other monetary interests. In making a decision relative to the senator's activity on given bills or committee work which are subject to the code, the following factors shall be considered:

a. Whether a substantial threat to the senator's independence of judgment has been created by the conflict situation.

b. The effect of the senator's participation on public confidence in the integrity of the legislature.

c. The need for the senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

A senator with a conflict of interest may participate in floor debate if prior to debate the senator indicates the conflict of interest.

10. GIFTS. Except as otherwise provided in section 68B.22, a senator, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor.

11. DISCLOSURE REQUIRED. Each senator shall file with the secretary of the senate within ten days after the adoption of the code of ethics by the senate, and within ten days after the convening of the second session of the general assembly, a statement under section 68B.35 on forms provided by the secretary of the senate setting forth the following information:

The nature of each business in which the senator is engaged and the nature of the business of each company in which the senator has a financial interest. A senator shall not be required to file a report or be assumed to have a financial interest if the annual income derived from the investment in stocks, bonds, bills, notes, mortgages, or other securities offered for sale through recognized financial brokers is less than one thousand dollars.

Disclosures required under this rule shall be as of the date filed unless provided to the contrary, and shall be amended to include interests and changes encompassed by this rule that occur while the general assembly is in session. All filings under this rule shall be open to public inspection in the office of the secretary of the senate at all reasonable times.

The secretary of the senate shall inform the ethics committee of the statements which are filed and shall report to the ethics committee the names of any senators who appear not to have filed complete statements. The chairperson of the ethics committee shall request in writing that a senator who has failed to complete the report or appears to have filed an incomplete report do so within five days, and, upon the failure of the senator to comply, the ethics committee shall require the senator to appear before the committee.

12. STATUTORY VIOLATIONS. Members of the general assembly are urged to familiarize themselves with chapters 68B, 721, and 722.

13. CHARGE ACCOUNTS. Senators shall not charge any amount or item to any charge account to be paid for by any lobbyist or any client the lobbyist represents.

14. TRAVEL EXPENSES. A senator shall not charge to the state of Iowa amounts for travel and expenses unless the senator actually has incurred those mileage and expense costs. Senators shall not file the vouchers for weekly mileage reimbursement required by section 2.10, subsection 1, unless the travel was actually incurred at commensurate expense to the senator.

15. COMPLAINTS. Complaints or charges against any senator or any lobbyist shall be in writing, made under oath, and filed with the secretary of the senate or the chairperson of the ethics committee. If filed with the secretary of the senate, the secretary shall immediately advise the chairperson of the ethics committee of the receipt of the complaint.

Complaint forms shall be available from the secretary of the senate, or the chairperson of the ethics committee, but a complaint shall not be rejected for failure to use an approved form if the complaint

substantially complies with senate requirements.

A complainant may submit exhibits and affidavits attached to the complaint.

16. FILING OF COMPLAINTS.

a. *Persons entitled.* Complaints may be filed by any person believing that a senator, lobbyist, or client of a lobbyist has violated the senate ethics code, the joint rules governing lobbyists, or chapter 68B. A violation of the criminal law may be considered to be a violation of this code of ethics if the violation constitutes a serious misdemeanor or greater, or a repetitive and flagrant violation of the law.

b. *Committee complaint.* The ethics committee may, upon its own motion, initiate a complaint, investigation, or disciplinary action.

c. *Timeliness of filing.* A complaint will be considered to be timely filed if it is filed within three years of the occurrence of the alleged violation of the ethics code.

17. PERMANENT RECORD. The secretary of the senate shall maintain a permanent record of all complaints filed, evidence received by the committee, and any transcripts or other recordings made of committee proceedings, including a separate card file containing the date filed, name and address of the complainant, name and address of the respondent, a brief statement of the charges made, and ultimate disposition of the complaint. The secretary shall keep each such complaint confidential until public disclosure is made by the ethics committee.

18. PREHEARING PROCEDURE.

a. *Defective complaint.* Upon receipt of a complaint, the chairperson and ranking member of the ethics committee shall determine whether the complaint substantially complies with the requirements of this code of ethics and section 68B.31, subsection 6. If the complaint does not substantially comply with the requirements for formal sufficiency under the code of ethics, the complaint may be returned to the complainant with a statement that the complaint is not in compliance with the code and a copy of the code. If the complainant fails to amend the complaint to comply with the code within a reasonable time, the chairperson and ranking member may dismiss the complaint with prejudice for failure to prosecute.

b. *Service of complaint on respondent.* Upon receipt of any complaint substantially complying with the requirements of this code of ethics, the chairperson of the ethics committee shall cause a copy of the complaint and any supporting information to be delivered promptly to the respondent, requesting a written response to be filed within ten days. At the time delivery is made to the respondent, delivery of copies of the complaint and any supporting information shall be made to legislative staff assigned to the ethics committee. The response may do any of the following:

- (1) Admit or deny the allegation or allegations.
- (2) Object that the allegation fails to allege a violation of chapter 68B or the code of ethics.
- (3) Object to the jurisdiction of the committee.
- (4) Request a more specific statement of the allegation or allegations.

c. *Objection to member.* In addition to the items which may be included in a response pursuant to paragraph "b", the response may also include an objection to the participation of any member of the committee in the consideration of the allegation or allegations on the grounds that the member cannot render an impartial and unbiased decision.

d. *Extension of time.* At the request of the respondent and upon a showing of good cause, the committee, or the chairperson and ranking member, may extend the time for response, not to exceed ten additional days.

e. *Confidentiality.* If a complaint is not otherwise made public, the members of the committee and legislative staff assigned to the ethics committee shall treat the complaint and all supporting information as confidential until the written response is received from the respondent.

f. *Communications with ethics committee.* After a complaint has been filed or an investigation has been initiated, a party to the complaint or investigation shall not communicate, or cause another to communicate, as to the merits of the complaint or investigation with a member of the committee, except under the following circumstances:

- (1) During the course of any meetings or other official proceedings of the committee regarding the complaint or investigation.
- (2) In writing, if a copy of the writing is delivered to the adverse party or the designated

representative for the adverse party.

(3) Orally, if adequate prior notice of the communication is given to the adverse party or the designated representative for the adverse party.

(4) As otherwise authorized by statute, the senate code of ethics, the joint rules governing lobbyists, or vote of the committee.

g. *Scheduling hearing.* Upon receipt of the response, the committee shall schedule a public meeting to review the complaint and available information, and shall do one of the following:

(1) Notify the complainant that no further action will be taken, unless further substantiating information is produced.

(2) Dismiss the complaint for failure to meet the statutory and code of ethics requirements for valid complaints.

(3) Take action on the complaint without requesting the appointment of an independent special counsel if the committee determines the complaint is valid and determines no dispute exists between the parties regarding the material facts that establish a violation. The committee may do any of the following:

(a) Issue an admonishment to advise against the conduct that formed the basis for the complaint and to exercise care in the future.

(b) Issue an order to cease and desist the conduct that formed the basis for the complaint.

(c) Make a recommendation to the senate that the person subject to the complaint be censured or reprimanded.

(4) Request that the chief justice of the supreme court appoint an independent special counsel to conduct an investigation of the complaint and supporting information, to make a determination of probable cause, and to report the findings to the committee, which shall be received within a reasonable time.

h. *Public hearing.* If independent special counsel is appointed, upon receipt of the report of independent special counsel's findings, the committee shall schedule a public meeting to review the report and shall do either of the following:

(1) Cause the complaint to be scheduled for a public hearing.

(2) Dismiss the complaint based upon a determination by independent special counsel and the committee that insufficient evidence exists to support a finding of probable cause.

#### 19. HEARING PROCEDURE.

a. *Notice of hearing.* If the committee causes a complaint to be scheduled for a public hearing, notice of the hearing date and time shall be given to the complainant and respondent in writing, and of the respondent's right to appear in person, be represented by legal counsel, present statements and evidence, and examine and cross-examine witnesses. The committee shall not be bound by formal rules of evidence, but shall receive relevant evidence, subject to limitations on repetitiveness. Any evidence taken shall be under oath.

b. *Subpoena power.* The committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and any other things it deems necessary to the conduct of the inquiry.

c. *Ex post facto.* An investigation shall not be undertaken by the committee of a violation of a law, rule, or standard of conduct that is not in effect at the time of violation.

d. *Disqualification of member.* Members of the committee may disqualify themselves from participating in any investigation of the conduct of another person upon submission of a written statement that the member cannot render an impartial and unbiased decision in a case. A member may also be disqualified by a unanimous vote of the remaining eligible members of the committee.

A member of the committee is ineligible to participate in committee meetings, as a member of the committee, in any proceeding relating to the member's own official conduct.

If a member of the committee is disqualified or ineligible to act, the majority or minority leader who appointed the member shall appoint a replacement member to serve as a member of the committee during the period of disqualification or ineligibility.

e. *Hearing.* At the hearing, the chairperson shall open the hearing by stating the charges, the purpose of the hearing, and its scope. The burden of proof rests upon the complainant to establish the facts as alleged, by clear and convincing evidence. However, questioning of witnesses shall be

conducted by the members of the committee, by independent special counsel, or by a senator. The chairperson shall also permit questioning by legal counsel representing the complainant or respondent.

The chairperson or other member of the committee presiding at a hearing shall rule upon procedural questions or any question of admissibility of evidence presented to the committee. Rulings may be reversed by a majority vote of the committee members present.

The committee may continue the hearing to a future date if necessary for appropriate reasons or purposes.

f. *Committee action.* Upon receipt of all relevant evidence and arguments, the committee shall consider the same and recommend to the senate any of the following:

- (1) That the complaint be dismissed.
- (2) That the senator, lobbyist, or client of a lobbyist be censured or reprimanded, and recommend the appropriate form of censure or reprimand.
- (3) Any other appropriate sanction, including suspension or expulsion from membership in the senate, or suspension of lobbying privileges.

g. *Disposition resolution.* By appropriate resolution, the senate may amend, adopt, or reject the report of the ethics committee, including the committee's recommendations regarding disciplinary action.

20. COMMITTEE AUTHORIZED TO MEET. The senate ethics committee is authorized to meet at the discretion of the chairperson to conduct hearings and other business that properly may come before it. If the committee submits a report seeking senate action against a senator, lobbyist, or client of a lobbyist after the second regular session of a general assembly has adjourned sine die, the report shall be submitted to and considered by the subsequent general assembly. However, the report may be submitted to and considered during any special session which may take place after the second regular session of a general assembly has adjourned sine die, but before the convening of the next general assembly.

#### 21. ADVISORY OPINIONS.

a. *Requests for formal opinions.* A request for a formal advisory opinion may be filed by any person who is subject to the authority of the ethics committee. The ethics committee may also issue a formal advisory opinion on its own motion, without having previously received a formal request for an opinion, on any issue that is within the jurisdiction of the committee. Requests shall be filed with either the secretary of the senate or the chairperson of the ethics committee.

b. *Form and contents of requests.* A request for a formal advisory opinion shall be in writing and may pertain to any subject matter that is related to the application of the senate code of ethics, the joint rules governing lobbyists, or chapter 68B of the Code to any person who is subject to the authority of the ethics committee. Requests shall contain one or more specific questions and shall relate either to future conduct or be stated in the hypothetical. A request for an advisory opinion shall not specifically name any individual or contain any other specific identifying information, unless the request relates to the requester's own conduct. However, any request may contain information which identifies the kind of individual who may be affected by the subject matter of the request. Examples of this latter kind of identifying information may include references to conduct of a category of individuals, such as but not limited to conduct of legislators, legislative staff, lobbyists, or clients of lobbyists.

c. *Confidentiality of formal requests and opinions.* Requests for formal opinions are not confidential and any deliberations of the committee regarding a request for a formal opinion shall be public. Opinions issued in response to requests for formal opinions are not confidential, shall be in writing, and shall be placed on file in the office of the secretary of the senate. Persons requesting formal opinions shall personally receive a copy of the written formal opinion that is issued in response to the request.

22. CALCULATION OF TIME — DAYS. For purposes of these rules, unless the context otherwise requires, the word "day" or "days" shall mean a calendar day except that if the day is the last day of a specific time period and falls upon a Saturday, Sunday, or legal holiday, the time prescribed shall be extended so as to include the whole of the next day in which the offices of the senate and the general assembly are open for official business.

23. COMPLAINT FILING FORM. The following form shall be used to file a complaint under these rules:

THE SENATE

Ethics Complaint Form

Re: \_\_\_\_\_ (Senator/Lobbyist/Client of Lobbyist), of \_\_\_\_\_, Iowa.  
I, \_\_\_\_\_ (Complainant), residing at \_\_\_\_\_, in the City of \_\_\_\_\_, State of \_\_\_\_\_, hereby complain that \_\_\_\_\_ (Senator/Lobbyist/Client of Lobbyist), whose address is \_\_\_\_\_, has violated the Senate Code of Ethics or Joint Rules

Governing Lobbyists in that:

(Explain the basis for the complaint here. Use additional pages, if necessary.)

Under penalty of perjury, I certify that the above complaint is true and correct as I verily believe.

\_\_\_\_\_  
Signature of Complainant

SUBSCRIBED AND AFFIRMED to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the  
State of \_\_\_\_\_

24. COMPLAINT NOTICE FORM. The following form shall be used for notice of a complaint under these rules:

STATE OF IOWA  
THE SENATE

COMMITTEE ON ETHICS  
IOWA STATE SENATE

On The Complaint

NOTICE OF COMPLAINT

And Involving

TO \_\_\_\_\_,

Senator or Lobbyist or Client of Lobbyist named above:

You are hereby notified that there is now on file with the Secretary of the Senate, State Capitol, Des Moines, Iowa, a complaint which alleges that you have committed a violation of the Senate's Code of Ethics or Joint Rules Governing Lobbyists.

A copy of the complaint and the Senate rules for processing the same are attached hereto and made a part of this notice.

You are further notified and requested to file your written answer to the complaint within ten days of the date upon which the notice was caused to be delivered to you, (date) \_\_\_\_\_. Your answer is to be filed with the Secretary of the Senate, State Capitol, Des Moines, Iowa.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chairperson, Senate Ethics  
Committee,  
or Secretary of the Senate

25. HEARING NOTICE FORM. The following form shall be used for notice of a hearing under these rules:

	STATE OF IOWA	
	THE SENATE	
COMMITTEE ON ETHICS	)	
IOWA STATE SENATE	)	
	)	
On The Complaint Of	)	NOTICE OF HEARING
_____	)	
	)	
And Involving	)	
_____	)	
	)	
	)	
	)	

TO \_\_\_\_\_,

Senator or Lobbyist or Client of Lobbyist named above:

You are hereby notified that there is now on file with the Secretary of the Senate, State Capitol, Des Moines, Iowa, a complaint which alleges that you have committed a violation of the Senate's Code of Ethics or Joint Rules Governing Lobbyists.

A copy of the complaint and the Senate rules for processing the same are attached hereto and made a part of this notice.

You are further notified that, after preliminary review, the committee has caused a public hearing to be scheduled on (date) \_\_\_\_\_, \_\_\_\_\_, at (hour) \_\_\_\_\_ (a.m.) (p.m.), in Room \_\_\_\_\_, State Capitol, Des Moines, Iowa.

At the hearing, you will have the right to appear in person, be represented by legal counsel at your own expense, present statements and evidence, and examine and cross-examine witnesses. The committee shall not be bound by formal rules of evidence, but shall receive relevant evidence, subject to limitations on repetitiveness. Any evidence taken shall be under oath.

The committee may continue the hearing to a future date if necessary for appropriate reasons or purposes.

You are further notified that the committee will receive such evidence and take such action as warranted by the evidence.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chairperson, Senate Ethics  
Committee,  
or Secretary of the Senate

26. PERSONAL FINANCIAL DISCLOSURE FORM. The following form shall be used for disclosure of economic interests under these rules and section 68B.35:

STATEMENT OF ECONOMIC INTERESTS

Name: \_\_\_\_\_  
           (Last)      (First)      (Middle Initial)

Address: \_\_\_\_\_  
           (Street Address, Apt.#/P.O. Box)

\_\_\_\_\_  
           (City) (State) (Zip)

Phone:(Home) \_\_\_\_/\_\_\_\_-\_\_\_\_(Business) \_\_\_\_/\_\_\_\_-\_\_\_\_





a. Please list each business, occupation, or profession in which you are engaged. In listing the business, occupation, or profession, it is not necessary that your employer or the name of the business be listed, although all businesses, occupations, or professions must be listed, regardless of the amount of income derived or time spent participating in the activity. (Examples of types of businesses, occupations, or professions that may be listed: teacher, lawyer, legislator, real estate agent, insurance adjuster, salesperson....)

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_
- (5) \_\_\_\_\_

b. Please list the nature of each of the businesses, occupations, or professions which you listed in paragraph "a", above, unless the nature of the business, occupation, or profession is already apparent from the information indicated above. The descriptions in this paragraph should correspond by number to the numbers for each of the businesses, occupations, or professions listed in paragraph "a". (Examples: If you indicated, for example, that you were a salesperson in subparagraph (1) of paragraph "a", you should list in subparagraph (1) of this paragraph the types of goods or services sold in this item. If you indicated that you were a teacher in subparagraph (2) of paragraph "a", you should indicate in subparagraph (2) of this paragraph the type of school or institution in which you provide instruction or whether the instruction is provided on a private basis. If you indicated that you were a lawyer in subparagraph (3) of paragraph "a", you should indicate your areas of practice and whether you are in private, corporate, or government practice in subparagraph (3) of this paragraph. If you indicated in subparagraph (4) of paragraph "a" that you were a consultant, in subparagraph (4) of this paragraph you should indicate the kind of services provided and types of clients served.)

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_
- (5) \_\_\_\_\_

c. Please list each source, by general description, from which you receive, or which generates, more than one thousand dollars in gross annual income in the categories listed below. For purposes of this item, a source produces gross annual income if the revenue produced by the source is subject to federal or state income taxes. In completing this item, it is not necessary to list the name of the company, business, financial institution, corporation, partnership, or other entity which constitutes the source of the income and the amount or value of the holding should not be listed.

(1) Securities (Here for example, you need not state that you own X number of shares of any specific company by brand or corporate name, or that the stock is of a certain value, but may instead state that you possess stock in a company and indicate the nature of the company's business.):

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(2) Instruments of Financial Institutions (You need not indicate, for example, in which institutions you hold certificates of deposit that produce annual income over the one thousand dollar threshold, but simply listing the nature of the institution will suffice, e.g., bank, credit union, or savings and loan association.):

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(3) Trusts (The name of the particular trust need not be listed. However, if the income is received from a charitable trust/foundation, such as the Pugh Charitable Trust, in the form of a grant, the fact that the trust is a charitable trust should be noted here.):

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(4) Real Estate (When listing real estate, it is not necessary to list the location of the property, but the general nature of the real estate interest should be indicated, e.g., residential leasehold interest or farm leasehold interest.):

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(5) Retirement Systems (When listing retirement benefits, it is not necessary to list the name of the particular pension system or company, but rather the type of benefit should be listed, e.g., health benefits, life insurance benefits, private pension, or government pension.):

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(6) Other Income Categories Specified in State or Federal Income Tax Regulations (List description of other sources of income producing over one thousand dollars in annual income not previously reported above, but which must be reported for income tax purposes.):

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\_\_\_\_\_  
(Signature of filer)

\_\_\_\_\_  
(Date)