

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

W. CHARLES SMITHSON
Executive Director
& Legal Counsel

510 East 12th, Suite 1A
Des Moines, Iowa 50319
Telephone 515-281-4028
Fax Line 515-281-4073
www.iowa.gov/ethics

BOARD MEMBERS:
James Albert, Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper
Saima Zafar

TO: ADMIN. & REGULATION APPROPRIATIONS SUBCOMMITTEE
FROM: CHARLIE SMITHSON, ETHICS BOARD DIRECTOR & COUNSEL
DATE: FEBRUARY 17, 2010
Re: FY11 BUDGET REQUEST

BOARD JURISDICTION:

Please see the attached document that sets out in very general terms the duties of the Ethics and Campaign Disclosure Board. The Board's jurisdiction is set out in Iowa Code chapters 68A, 68B, and Iowa Code section 8.7.

BUDGET NUMBERS:

1. FY10 Appropriation:	\$523,000
2. FY10 Budget after 10% reduction:	\$470,700
3. FY11 Board request was status quo:	\$523,000
4. FY11 Governor's recommendation:	\$470,700

The Board implemented a temporary leave without pay as the primary response to the 10% reduction. A number of other cost saving initiatives were continued/implemented. The reduction in force will become permanent on July 1 reducing the FTEs for the Board from 6 to 5. There will also be some other personnel moves and restructuring of office duties effective July 1.

Some of the anticipated issues involving the Board:

1. Implementation of mandatory electronic filing for additional committees.
2. Maintenance of the searchable campaign contribution database.
3. Increase in executive branch ethics issues.
4. Fallout from the Citizens United case and the ability of corporations to engage in independent expenditure activities.
5. Shifting of job duties internally to reflect reduction in FTE.

Duties of the Ethics and Campaign Disclosure Board

1. Administering the campaign laws in Iowa Code chapter 68A as applied to candidates for state and local office and state and local ballot issues, including permissible and impermissible financing of campaigns, receipt of reports and statements, use of campaign funds, "paid for by" attributions, and campaign signage. The Board gives advice and enforces violations of the campaign laws and Board's rules on campaigning.
2. Receiving copies of federal campaign finance disclosure reports by maintaining a link between the Board's Web site and the Federal Election Commission's Web site where the federal reports are posted. The Board also receives copies of personal financial forms filed by Iowa federal elected officials and posts the forms on the Board's web site.
3. Administering the ethics laws in Iowa Code chapter 68B as applied to candidates for statewide office and officials and employees of the executive branch of state government including receiving reports regarding dual compensation, consents for sales/leases by regulatory agencies and the Governor's Office, personal financial disclosure statements, session function registrations, and session function reports. The Board provides advice and enforces violations of the gift law, conflicts of interest, post state employment, and use of state resources.
4. Providing advice to local government personnel concerning the application of the ethics laws in Iowa Code chapter 68B, but not investigating complaints or imposing sanctions against such personnel (these complaints go to the county attorney where the accused resides). Board advice, if followed, constitutes a defense to a complaint.
5. Enter into agreements with local political subdivisions of government to enforce codes of ethics adopted by the subdivisions.
6. Administering the lobbying laws in Iowa Code chapter 68B as applied to persons who lobby the executive branch of state government including receiving registrations from lobbyists, reports from clients, and session function registrations and reports. The Board also gives advice and enforces violations of state lobbying laws and Board's rules on executive branch lobbying.
7. Receiving reports on all gifts and bequests received by an executive branch agency other than a Regents University pursuant to Iowa Code section 8.7. The Board then issues a report to the Fiscal Services Division of the Legislative Services Agency providing information concerning the gifts and bequests.
8. Investigates complaints received from the State Commissioner of Elections to determine whether a supervisor district plan adopted pursuant to Iowa Code section 331.210A was drawn for improper political reasons as set out in Iowa Code section 42.4(5).
9. Receive copies of reports filed with the IRS by 527 committees that engage in certain campaign activities in Iowa.