

Questions and Answers: Attributions on Political Material

In accordance with Iowa Code chapter 68A &
Iowa Administrative Code chapter 351

Information Concerning Political Advertising in Newspapers, Magazines, Tabloids, Shoppers and Other Promotional Materials

WHAT IS AN ADVERTISING ATTRIBUTION STATEMENT?

Iowa Code section 68A.405 and Board rule 351-4.38 require a “paid for by” attribution statement to be printed or displayed on political material to identify the person paying for the material. An attribution **MUST** contain the words “Paid for by” to comply with the law and rule.

WHAT PERSONS OR COMMITTEES ARE COVERED BY THE ATTRIBUTION LAW?

Any person who causes the publication or distribution of published material to expressly advocate the nomination, election, or defeat of a candidate, or to expressly advocate the passage or defeat of a ballot issue.

WHAT POLITICAL ITEMS ARE REQUIRED TO HAVE AN ATTRIBUTION STATEMENT?

Political material in newspapers, magazines, tabloids, shoppers and Web sites are required to have an attribution statement, as well as stationery, mailings, brochures, postcards, scratch pads, posters, and outdoor political material.

EXCEPTION: An individual who acts alone and spends \$100 or less of his or her own money to advocate the passage or defeat of a ballot issue is not required to place an attribution statement on such political materials.

IS THE ATTRIBUTION STATEMENT REQUIRED IN EDITORIALS AND NEWS STORIES OF A NEWSPAPER, MAGAZINE, ETC.?

No. Editorials, letters to the editor, and news stories are not considered to be political material.

DOES IOWA LAW REQUIRE AN ATTRIBUTION FOR POLITICAL RADIO AND TV ADS?

No. However, federal law as administered by the Federal Communications Commission (FCC) requires an attribution on radio and television political advertisements. Make sure to ask the station for guidance concerning what attribution is required by federal law before placing an advertisement.

EXACTLY WHAT MUST AN ATTRIBUTION STATEMENT CONTAIN?

If the sponsor is an individual, the words “paid for by” and the name and address of the individual. This includes a candidate who has not registered a committee by filing a statement of organization under Iowa Code section 68A.201 because the candidate has not exceeded the \$750 filing threshold.

A candidate who has not exceeded \$750 may file Form DR-SFA with the Ethics Board and use the shorter “paid for by” attribution.

If the sponsor is a candidate who has registered a committee by filing a statement of organization, the words “paid for by” and the official registered name of the committee.

If the sponsor is an organization, the words “paid for by” and the full name and mailing address of the organization and the name and office of one officer. This includes an organization established to pass or defeat a ballot issue but has not registered a committee.

If the sponsor is a registered party committee, central committee, or political committee (one that has registered by filing a statement of organization), the words “paid for by” and the official registered name of the committee. If more than one individual is responsible, the words “paid for by”, the names of the individuals, and either their addresses or a statement that the addresses have been submitted to the Ethics Board.

If a sponsor is donating labor or material rather than paying for the material, there is still a cost involved and the attribution statement should begin “Paid for by”, and should be followed by one of the above as circumstances apply.

WHAT IS THE DEFINITION OF A CAMPAIGN SIGN? IS AN ATTRIBUTION STATEMENT REQUIRED ON POLITICAL CAMPAIGN SIGNS?

A “campaign sign” is a sign with dimensions of 32 square feet or less that is erected on real estate property (land, as opposed to buildings or vehicles). Attributions are not required on campaign signs.

WHAT IS “OUTDOOR ADVERTISING?” ARE ATTRIBUTION STATEMENTS REQUIRED?

Outdoor advertising is any sign (except a yard sign as defined above) including wood, metal, plastic, or other hardboard signs which are affixed to the side of a building or painted directly on the building, affixed to the top, side, or back of a vehicle, or painted directly on the vehicle. It also includes portable signs, lighted signs, billboards, and magnetic signs temporarily affixed on vehicles or structures (rule 351-4.39).

All of the above must bear advertising attribution statements, preceded by the words “Paid for by.”

WHAT ITEMS DO NOT REQUIRE AN ATTRIBUTION STATEMENT?

The law specifically excludes yard signs, matchbooks, bumper stickers, pins, buttons, pens, business cards, and similar items smaller than 2” by 4” where including the attribution would be impracticable. Also, items of clothing such as T-shirts and caps.

IS THE NEWSPAPER, SHOPPER, ETC. THAT ACCEPTS POLITICAL MATERIAL RESPONSIBLE FOR THE ATTRIBUTION STATEMENT ON THE AD?

No. The “person who causes the publication” is the person who submits the political material for publication, not the publisher of the material.

DISCLAIMER: This brochure is intended to provide you with general guidance concerning the applicable laws and rules. It is not a restatement of the law and does not constitute legal advice. Please refer to the applicable laws and rules or contact the Board for further guidance.

FOR MORE INFORMATION, CONTACT:

**IOWA ETHICS & CAMPAIGN DISCLOSURE BOARD
510 E. 12th St., SUITE 1A
DES MOINES, IA 50319
(515)281-4028
(515)281-3701 fax
iowa.gov/ethics**

2009 Guide for School Board Campaigning

In accordance with Iowa Code chapter 68A &
Iowa Administrative Code chapter 351

WHO HAS TO FILE?

Any school board candidate who receives, spends or incurs debt in excess of \$750 in a calendar year for his or her campaign. This includes personal funds. Remember that a debt is incurred when an item is ordered.

DO I HAVE TO OPEN A SEPARATE BANK ACCOUNT?

Yes, if you receive any dollars other than your personal funds. You are required to deposit money received within seven calendar days of receipt. You do not need a separate banking account if you spend ONLY your personal funds, and do not accept contributions from anyone else.

WHERE DO I FILE MY REPORTS?

Reports are filed with the Iowa Ethics and Campaign Disclosure Board (Board). They may be faxed, filed via the Internet, hand-delivered, sent as an E-mail attachment, or mailed. If mailed, the January report must have a U.S. Postal Service postmark dated on or before the due date. All reports due 5 days prior to an election must be on file with the Board by 4:30 p.m. on due date.

WHEN DO I FILE?

File your Statement of Organization (DR-1) within ten days of crossing the \$750 financial threshold. This registers your committee. Once you have crossed the threshold, you will need to file disclosure reports. File a disclosure report five days before the election (current to five days before the due date), and on the 19th day of January (current through December 31). In addition, you must file a report on the 19th day of January of each year your name does not appear on the ballot, until the committee dissolves (funds spent and final report and Notice of Dissolution filed). Remember that any report filed 5 days prior to an election must be in the Ethics Board office by 4:30 p.m. of the due date.

FOR THE 2009 SCHOOL ELECTION DATE OF SEPTEMBER 8, 2009:

Election Date - September 8, 2009

If you spend, receive, or incur debts exceeding \$750 in a calendar year, you must file on September 3, 2009. This report covers all activity from the beginning of your campaign through August 29, 2009.

After the Election

Your next report is due on January 19, 2010.

If your activity is over, you can now dissolve your committee by filing a final report and a DR-3. You may leave your committee open as long as you wish, so long as you continue to file reports when due.

If a candidate's name WILL NOT appear on the ballot in 2009, but did appear in 2008, a report would be filed on January 19, 2010 -- Covering all of 2009.

All report due dates are extended to the next working day if the deadline falls on a weekend or holiday. The allowable postmark of the January due date is also extended.

WHAT DO I HAVE TO REPORT?

All the money you take in (including personal funds), all the money you spend, all the debts you incur, and all the donated items or services you receive (in-kind contributions) are required to be reported. You must ITEMIZE all contributions over \$25 received by your committee from the same person (including your personal funds) by date received, full name and complete address. You must likewise ITEMIZE all expenditures of \$5 and over by date spent, full name and complete address of the creditor (list as "unitemized" all receipts and expenses under these amounts).

HOW DO I REPORT SPENDING PERSONAL FUNDS FOR MY CAMPAIGN?

It is reported as an "in-kind contribution" on Schedule E of the disclosure report. List the date of the purchase, list your name as the contributor, describe what you purchased and show the cost. If you wish to be reimbursed for the purchase, you would show this on Schedule D as a "debt" the committee owes until repaid or forgiven.

ARE THERE SPENDING RESTRICTIONS?

Campaign funds may be spent only for campaign purposes, constituency services, and officeholder expenses that do not benefit the candidate or family personally.

continued next page...

Candidates cannot transfer funds to other candidates or to PACs or ballot issue committees. Funds transferred to political party committees cannot have conditions attached.

HOW DO I REPORT USE OF ITEMS FROM A PREVIOUS CAMPAIGN THAT I SAVED, LIKE CAMPAIGN SIGNS?

Report these on Schedule E as an in-kind contribution from you to your committee. Describe the items and list an estimated fair market value of the item.

WHAT HAPPENS IF I DO NOT FILE, OR FILE LATE?

You'll be automatically assessed a civil penalty (fine) for late filing, ranging from \$20 to \$200. Additional civil and criminal sanctions may be imposed.

ARE THERE RESTRICTIONS ON HOW I CAN RAISE MONEY?

You CANNOT accept contributions from corporations, banks, savings and loan associations, credit unions, and insurance companies. This restriction includes non-monetary as well as monetary contributions. You CANNOT accept money anonymously in excess of \$10, nor money contributed in the name of another. If you borrow money for your campaign, you must identify the lender on your report. If you receive money from a non-Iowa committee, that committee must include a Verified Statement Registration.

WHAT IS REQUIRED ON POLITICAL MATERIALS?

Identification of the sponsor of political materials is referred to as an attribution. Attributions are required on political materials EXCEPT campaign signs of 32 square feet or less (and certain other items discussed below).

Attributions must contain "Paid for by" and the name and address of the person/organization and name of one officer. If paid for by a registered committee, only the committee name is required. If the material is paid for before the \$750 threshold is crossed, the attribution must include the name and address of the individual paying for the material. This includes candidates who have not filed a DR-1 because the threshold was not crossed. These candidates may file Form DR-SFA to use the shorter "paid for by" attribution.

The attribution statement must be placed on advertising in newspapers, magazines, shoppers, direct mailings, brochures, posters, scratch pads, and outdoor advertising. You are not required to print it on pens, pins, bumper stickers, buttons, matchbooks, and similar small items (see rules 351 IAC 4.38 through 4.41).

WHEN DOES REPORTING CEASE & THE COMMITTEE DISSOLVES?

By filing the final report (with an ending balance of zero, with all bills paid, loans paid or forgiven and campaign property disposed of) AND by signing and filing a Notice of Dissolution (DR-3) form. You continue to have to file reports, even of zero activity, until you file the Notice of Dissolution form and it is approved by the Board.

DISCLAIMER: This brochure is intended for general guidance and is not a restatement of the laws or rules and is not legal advice. See chapter 68A and the Board's rules in chapter 351 of the Iowa Administrative Code or contact the Board for further guidance.

FOR MORE INFORMATION, CONTACT:

IOWA ETHICS & CAMPAIGN DISCLOSURE BOARD
510 E. 12th St., Suite 1A
DES MOINES, IA 50319
(515)281-4028
(515)281-3701 fax
iowa.gov/ethics

Use of Public Money or Property for Political Purposes

BACKGROUND

Iowa Code §68A.505 prohibits the use of public funds for any political purpose, including the express advocacy of a ballot issue.

ENDORSEMENTS OR PROCLAMATIONS

The law does not prohibit “the state or the governing body of a political subdivision from expressing its opinion on a ballot issue through the passage of a resolution or proclamation.” However, the resolution or proclamation may not be reproduced or distributed for promotional purposes by the state or political subdivision.

INTERPRETATION OF “USE OF PUBLIC MONEYS”

The Board interprets the use of public moneys to include, direct or indirect expenditure of funds by a governmental body, the use of any property, resource, or equipment owned by the governmental body, and utilization of staff time during regular working hours.

EXCEPTIONS

Property of the political subdivision that is regularly available to the general public may be used for political purposes. For example, if there is a published policy permitting all members of the public to use meeting rooms, the rooms may be used by political committees subject to the same rules applicable to all other members of the public. However, the governmental body may be required to substantiate this claim to the Board. Similarly, elected officials may attend functions where they participate as speakers or panelists as part of their official duties to discuss political issues without violating the law. Salaried administrators may likewise attend functions as part of their official duties to provide information relevant to a ballot issue.

EXAMPLES OF PROHIBITED USES OF PUBLIC FUNDS (unless exception above applies)

Subject to the exceptions noted above, the following are examples of prohibited activities for political purposes by governmental bodies. Not all possibilities can be shown.

1. Political signs to expressly advocate a ballot issue, candidate, or political committee may not be placed on property or buildings owned or leased by the governmental bodies or on the public right-of-way. Brochures may be distributed in parking lots or placed on vehicles parked in a public lot.
2. Telephones and telephone service owned or leased by the governmental body.
3. Reproduction equipment such as copy machines, facsimile equipment, video equipment, audio equipment, or cameras owned by a governmental body are not permitted to be used.
4. Office equipment owned by a governmental body, such as computer hardware, computer software, computer printers, typewriters, or calculators, are prohibited.
5. Government e-mail and Web sites are not permitted to be used.
6. Governmental bodies are prohibited from displaying political posters, brochures, flyers, or promotional literature of any type.
7. Governmental bodies cannot use, or permit to be used by others, the postage meters or postage stamps that are the property of the governmental body for political mailings.
8. Mailing lists, data bases, or other compilations prepared for a public purpose and owned by the governmental body cannot be provided (either free, or for a charge) for political purposes unless the lists, data bases, or compilations are available to all members of the public for the same consideration. The governmental body may be asked to substantiate the public access to these materials.
9. Employees of a governmental body may not engage in campaign activities of any sort during time the employees are expected to be engaged in official duties.
10. Teachers may not send advocacy literature home with students.

11. Political literature may not be distributed on the premises of a governmental body (including school mail boxes).

CITIZEN COMMITTEES

Officials and employees of governmental bodies may be members of independent citizen committees to advocate for or against a ballot issue, and may solicit or encourage members of the public to be part of a citizens' committee, so long as these activities occur on personal time and off the premises of the publicly-owned property (unless the previously stated exception applies). The committee may solicit and accept contributions to expressly advocate a ballot issue, and may expend funds for this purpose (see brochure for Local Ballot Issue Committees). The committee must comply with the reporting requirements of Chapter 68A.

NEWSLETTERS

The most frequently reported problem on the part of a political subdivision is using a newsletter paid for by tax dollars to communicate an advocacy position on a ballot issue. A governmental body may wish to avoid extensive discussion of the issue and simply remind readers of the date of the election.

Governmental bodies are invited to mail or fax suggested language for literature to the Iowa Ethics and Campaign Disclosure Board for advance guidance and advice.

Persons in doubt about the use of public property or time of individuals should contact the Board with specific questions.

DISCLAIMER: This brochure is intended as general guidance. It is not a restatement of the law or rules and is not legal advice. Please refer to Chapter 68A and the Board's rules in chapter 351 of the Iowa Administrative Code or contact the Board for further guidance.

FOR MORE INFORMATION, CONTACT:

IOWA ETHICS & CAMPAIGN DISCLOSURE BOARD
510 E. 12th St., SUITE 1A
DES MOINES, IA 50319
(515)281-4028
(515)281-3701 fax
iowa.gov/ethics