

Campaign Finance and Lobbying

Andrew Greenberg

Iowa Association of School Boards

August 31, 2021

I. Contact Information

- A.** Iowa Ethics & Campaign Disclosure Board
510 East 12th, Suite 1A, Des Moines, IA 50319
General information: (515) 281-4028
Board's website: <https://ethics.iowa.gov/>
- B.** Andrew Greenberg is the Attorney for the Board
Direct line: (515) 725-3498
Email: andrew.greenberg@iowa.gov
- C.** Tim Annee is the Board's auditor for local candidates
Direct line: (515) 281-4104
Email: tim.annee@iowa.gov

II. The Board's mission

- A.** The Ethics Board's mission is to foster the public trust and confidence in government by ensuring the integrity of political campaigns, the ethical standards of public officials and employees of the executive branch, and the oversight of executive branch lobbyists.
- B.** The Ethics Board enforces the provisions of the "Campaign Disclosure Act" in Iowa Code chapter 68A, the "Government Ethics and Lobbying Act" in Iowa Code chapter 68B, the reporting of gifts and bequests received by state agencies under Iowa Code section 8.7, and the Ethics Board's administrative rules in Chapter 351 of the Iowa Administrative Code.

III. School Board Candidates

- A.** Under Iowa Code section 68A.201, a candidate seeking school office that accepts contributions, makes expenditures, or incurs debts in excess of \$1,000 in the aggregate in any calendar year must form a committee within ten days of reaching that threshold.
- B.** Alternatively, a candidate who will not exceed the \$1,000 threshold is not required to to open a committee. They may register a name with the IECDB for purposes of attribution statements on advertisements.

C. Registering with the IECDB

1. Candidates must electronically file a Statement of Organization. The name of the committee must include the candidate's name.
2. The Statement of Organization must identify the names and addresses of the candidate and treasurer (optional: a chairperson).
3. A committee must update its Statement of Organization within 30 days of any changes to the statement's information. An amendment must be done electronically using the Ethics Board's web reporting system.

D. The treasurer's responsibilities

1. The treasurer must be an Iowa resident who has reached the age of majority.
2. All of the committee's funds must be held in a financial institution located in Iowa.
3. All campaign funds must be segregated from any other funds held by the candidate, officers, and associates of the committee.
4. No committee funds or property may be used for the personal benefit of the candidate or any officer of the committee.
5. The treasurer cannot make expenditures without the approval of the candidate.
6. The treasurer must deposit all contributions within 7 days of receipt. Anyone who receives a contribution must render the contribution to the treasurer within 15 days of receipt. Expenditures must be remitted to the designated recipient within 15 days of the date of the issuance of the payment.
7. Treasurers must keep a detailed and exact account of the following:
 - a) All monetary and in-kind contributions.
 - b) The name and mailing address of every person making contributions in excess of \$25 and the date and the amount of the contribution.
 - c) All disbursements made by the committee (cash disbursements are not allowed, see Iowa Admin. Code r. 351—4.36).
 - d) The name and mailing address of every person or entity to which any expenditure is made, the purpose of the expenditure, the date and amount of the expenditure.
 - e) All unpaid debts.
 - f) The name and mailing address of every person or entity to which any debt is owed, the purpose of the unpaid debt and

the amount of the debt.

- g) All loans.
 - h) The name and mailing address of every person or entity to which any loan is owed, and the amount of the loan.
8. The candidate and treasurer must preserve all campaign records for a period of 5 years. However, a committee is not required to keep records for more than 3 years from the certified date of the dissolution of the committee.

E. Campaign Disclosure Reports

1. Every committee is required to periodically report its financial activity to the Ethics Board using the Ethics Board's web reporting system. Reports must be electronically filed by 4:30 p.m. on the due date. Reporting dates vary depending on the type of committee and whether or not it is an election year.
2. Due dates for school board committees:
 - a) Election years:
 - Five days before the election (covers from the date of initial activity through 10 days before the election)
 - January 19 of the following year (covers nine days before the election through December 31)
 - b) Non-election years:
 - January 19 (January 1–December 31)
3. A committee is **required to file reports** even if there is no financial activity during a reporting period until the committee is dissolved.
4. Committees are responsible for knowing their reporting deadlines. The Ethics Board strives to email every committee a reminder notice prior to every disclosure report filing deadline. However, these notices are merely a courtesy and the failure to receive a reminder notice is no excuse for an untimely report. Please contact the Board's staff if you need assistance determining your disclosure report filing deadlines.

F. Campaign contributions

1. Iowa does not have campaign contribution limits. A committee may accept monetary and in-kind contributions from individuals, PACs, and any entity that is not a prohibited contributor under section 68A.503 of the Code of Iowa.
2. Prohibited contributors are corporations, banks, credit unions, and insurance companies.
3. A committee must obtain the name and address of every contributor

that gives more than \$25.

4. Campaign funds may only be used for legitimate campaign purposes (68A.302 and 68A.303).
 - a) Campaign funds may be used for advancing the candidate's candidacy.
 - b) Campaign funds may never be used for personal expenses.

G. Fundraising activities

1. Candidates may accept cash contributions, but remind donors that the name and address is required for any contribution over \$25.
2. If a fundraising event requires a cash drawer for making change or other cash transactions, the committee may issue a check payable to the treasurer or candidate for a cash advance, to be redeposited following the event (rule 351—4.36).
3. Raffles, auctions, etc.
 - a) Iowa Department of Inspections and Appeals:
<https://dia.iowa.gov/gambling-amusement/social-charitable-gambling>
 - b) Iowa Department Revenue:
<https://tax.iowa.gov/iowa-tax-gambling>

H. Attribution statements

1. A “paid for by” attribution statement is required on published material that is designed to expressly advocate the nomination, election or defeat of a candidate.
2. Published material means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, internet web site (including social media pages), campaign sign, or any other form of printed general public political advertising. Published material also includes television, video, or motion picture advertising.
3. An attribution statement is not required on bumper stickers, pins, buttons, pens, political business cards, matchbooks, t-shirts, caps, and other articles of clothing. An attribution statement is also not required on yard signs that are 32 square feet or less in size.
4. However, an attribution statement is required on campaign signs affixed to buildings or vehicles regardless of size, except for bumper stickers.
5. The attribution statement shall say “paid for by [name of committee].” See Iowa Code section 68A.405 and Iowa Administrative Code rules 351—4.38 and 4.39 for more detailed information about attribution statements.

I. Campaign Signs

1. Prohibited Locations

- a) Property owned by a prohibited contributor (such as a corporation, bank, etc.)
- b) Public property, including the right-of-way (except specific areas open to all signs)
- c) Within 300 feet of a polling place on Election Day or early voting site

2. Permitted Locations

- a) Residential property (houses and apartments that are occupied)
- b) Family farm property (not corporate-owned)
- c) Property leased by the committee
- d) Property owned by someone who is NOT a prohibited contributor (with permission)

J. Dissolving a committee

1. A committee has a continuing obligation to file periodic disclosure reports until the committee is dissolved by filing a statement of dissolution using the Board's web reporting system.
2. A committee shall not dissolve until all loans and debts are paid, forgiven, or transferred, and the remaining funds in the committee's campaign account are distributed.

IV. Ethics for School Board Members

A. Board members are excluded from:

1. Receiving more than \$6,000 in compensation from the district (279.7A).
2. Appointing a relative within the 3rd degree to a paying position unless first approved by the board (71.1).
 - a) Spouse - Children - Parents (first degree)
 - b) Brothers/Sisters - Half-Brothers/Half-Sisters - Grandchildren - Grandparents (second degree)
 - c) Uncles/Aunts - Nephews/Nieces - Great-Grandparents - Great-Grandchildren (third degree)
3. Taking official action or performing an official duty on an outside

employment or activity (68B.2A).

- a) Use of position for financial benefit of oneself, immediate family member, or outside employer is prohibited.
 - b) Employment in an area under the regulatory control of the public employment position requires:
 - (1) Public disclosure of the existence of the conflict and
 - (2) Refraining from taking any official actions or performing any official duty that would affect the outside employment or activity, including participating in a vote or any other official action.
4. Receiving gifts from people who may be financially impacted by actions of the board (68B.22)
- a) Officials and employees may not accept gifts over \$3 in value from a restricted donor.
 - b) Restricted donors include persons who is or is seeking to do business with the school district, persons with a financial interest in the board's action, or persons subject to a regulatory action by the board.
 - c) There are certain exceptions, but be very careful before accepting gifts.
5. Expending or permitting the expenditure of public moneys to expressly advocate in favor or against a candidate or ballot issue (68A.505).
- a) You may express your opinion on candidates and ballot issues, but may not use public funds or resources.
 - b) Resources include school phones, computers, printers, etc.
6. Being an agent for a textbook or school supply company involved in a transaction with a staff or board member of your own school district (301.28).