Red Tape Review Rule Report

(Due: September 1, 2025)

Department Name:	Iowa Ethics and Campaign Disclosure Board	Date:	August 18, 2025	Total Rule Count:	Start: 20 End: 18
IAC#:	351—8.1 through 351— 8.18	Chapter/ SubChapter / Rule(s):	Chapter 351 Subchapter 8	Iowa Code Section Authorizing Rule:	68A.504, 68B.2, 68B.5A, 68B.24, 68B.32A, 68B.33, 68B.36, 68B.38
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Subchapter 8 is intended to provide requirements for executive branch lobbying.

Is the benefit being achieved? Please provide evidence.

The benefit is being achieved by the rules offered for re-promulgation, as they have been cited by the Board and used for administrative guidance on many occasions.

What are the costs incurred by the public to comply with the rule?

The public does not incur costs to comply with any of the rules in Subchapter 8.

What are the costs to the agency or any other agency to implement/enforce the rule?

All costs to implement Subchapter 8 are in the normal course of agency business.

Do the costs justify the benefits achieved? Please explain.

As noted, there are no additional costs; nominal costs incurred ensure executive branch government transparency and accountability.

Are there less restrictive alternatives to accomplish the benefit?

YES

NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Aside from the elimination of obsolete, outdated, inconsistent, redundant, or unnecessary language (as noted below), the rules as offered for re-promulgation are the least restrictive way to offer guidance.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

- 1. Throughout: removal of redundant and unnecessary language; alignment with EO10 goals of removing restrictive terminology.
- 2. 8.1(3) includes clarification of the definition of "executive branch lobbyist" by providing exemptions.
- 3. 8.1(4) includes the definition of "executive branch lobbyist client" for clarity.

- 4. 8.1(5) includes the definition of "lobbyist compensation" for clarity.
- 5. 8.3 removes redundant definitions.
- 6. 8.4 removes redundant definitions.
- 7. 8.5(1) removes redundant definitions.
- 8. 8.5(2) removes unnecessary reference to code.
- 9. 8.7(2) removes an outdated website reference.
- 10. 8.7(4) clarifies who may levy sanctions.
- 11. 8.9(1) removes an outdated website reference.
- 12. 8.10 removes an outdated website reference.
- 13. 8.11(1) increases penalties for delinquent reports.
- 14. 8.12 clarifies the waiver of penalty process.
- 15. 8.13(1) removes redundant language.
- 16. 8.13(2) removes unnecessary reference to code.
- 17. 8.14 removes reference to an outdated payment process and address.
- 18. 8.15 removes unnecessary reference to code.
- 19. 8.16 removes unnecessary reference to code.
- 20. 8.17 removes reference to duplicative language.
- 21. 8.18 removes unnecessary reference to code.

RULES PROPOSED FOR REPEAL (list rule number[s]):

8.4, 8.19, 8.20

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

Attached with suggested changes.

*For rules being re-promulgated with changes, you may attach a document with suggested changes.

METRICS

Total number of rules repealed:	3
Proposed word count reduction after repeal and/or re-promulgation	-629
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	-37

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

With regard to subchapter 8, there are no additional changes recommended for codification.

CHAPTER 8 EXECUTIVE BRANCH LOBBYING

351—8.1(68B) Executive branch lobbying defined Definitions.

8.1(1) "Executive branch lobbying" means acting directly to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by a state agency or any statewide elected official. For purposes of this chapter, "state agency" does not include the legislative branch of state government.

351 8.2(68B) Executive branch lobbyist, defined.

8.1(2) "Executive branch lobbyist" means an individual who by acting directly does at least one of the following:

- a.—1. Receives compensation for engaging in executive branch lobbying.
- <u>b. 2.</u> Is a designated representative of an organization that has as one of its purposes engaging in executive branch lobbying.
- \underline{c} .— 3. Represents the position of a federal, state, or local agency in which the person serves or is employed as the representative designated to engage in executive branch lobbying.
- <u>d.</u>—4. Makes expenditures of more than \$1,000 in a calendar year to communicate in person for the purpose of engaging in

executive branch lobbying.

- **8.1**(3) Exemptions. The following individuals are not considered to be executive branch lobbyists:
- a. Officials and employees of a political party that is organized in the state of Iowa and that meets the requirements of Iowa Code section 43.2, when the officials and employees represent the political party in an official capacity.
 - b. Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.
- c. All federal, state, and local elected officials, while performing the duties and responsibilities of office.
- d. Individuals whose activities are limited to appearances to give testimony or provide information or assistance at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public officials or employees.
 - e. Members of the staff of the United States Congress or the Iowa general assembly.
- f. Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency within which an official's or employee's agency is involved in a collaborative project.
- g. An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization who is not paid compensation and is not specifically designated as an executive branch lobbyist.
- *h*. Individuals whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under Iowa Code section 17A.4(1).
- *i.* Individuals whose activities are limited to monitoring or following the progress of legislation, a rule, or an executive order, but who do not engage in executive branch lobbying.
- *j*. Individuals who represent a client in responding to a request for proposal or otherwise receiving a contract or grant from a state agency.
- k. Individuals who represent a client involved in a legal dispute with the state, including a contested case proceeding.
- l. Individuals advocating for or against the appointment of a particular individual to a board or commission of the state.
- **8.1(4)** "Executive branch lobbyist client" means a private person or a federal, state, or local governmental entity that pays compensation to or designates an individual to be a lobbyist before the executive branch.
- **8.1(5)** "Lobbyist compensation" means any money, thing of value, or financial benefit conferred in return for engaging in executive branch lobbying.

351-8.2(68B) Reserved.

351—8.3(68B) Individuals not considered executive branch lobbyists. The following individuals are not considered to be executive branch lobbyists:

- 1. Officials and employees of a political party that is organized in the state of Iowa and that meets the requirements of Iowa Code section 43.2, when the officials and employees represent the political party in an official capacity.
 - 2. Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.
 - 3. All federal, state, and local elected officials, while performing the duties and responsibilities of office.
- 4. Individuals whose activities are limited to appearances to give testimony or provide information or assistance at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public officials or employees.
 - 5. Members of the staff of the United States Congress or the Iowa general assembly.
- 6. Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency within which an official's or employee's agency is involved in a collaborative project.
- 7. An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization who is not paid compensation and is not specifically designated as an executive branch lobbyist.
- 8. Individuals whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under Iowa Code section 17A.4(1).
- 9. Individuals whose activities are limited to monitoring or following the progress of legislation, a rule, or an executive order, but who do not engage in executive branch lobbying.
- 10. Individuals who represent a client in responding to a request for proposal or otherwise receiving a contract or grant from a state agency.

- 11. Individuals who represent a client involved in a legal dispute with the state, including a contested case proceeding.
- 12. Individuals advocating for or against the appointment of a particular individual to a board or commission of the state. Individuals who are uncertain as to whether or not they are considered executive branch lobbyists should contact the board for guidance prior to engaging in any executive branch lobbying.

This rule is intended to implement Iowa Code section 68B.2(13).

351—8.4(68B) Reserved. Executive branch lobbyist client defined. "Executive branch lobbyist client" means a private person or a federal, state, or local governmental entity that pays compensation to or designates an individual to be a lobbyist before the executive branch.

351—8.5(68B) Lobbyist compensation defined; eContingency fee lobbying prohibited.

8.5(1) Lobbyist compensation defined. "Lobbyist compensation" means any money, thing of value, or financial benefit conferred in return for engaging in executive branch lobbying.

8.5(2) Contingency fee lobbying prohibited. No person shall will offer, nor shall will any person accept, compensation contingent upon the outcome of executive branch lobbying services rendered or to be rendered. Complaints or information alleging a violation of this subrule shall will be filed with the board and governed by Iowa Code sections 68B.32B through 68B.32D.

This rule is intended to implement Iowa Code section 68B.2(7).

351—8.6 Reserved.

351—8.7(68B) Lobbyist registration required.

8.7(1) *Time of filing.* Any individual engaging in executive branch lobbying activity shall will register by electronically filing an executive branch lobbyist registration statement with the chief clerk of the house of representatives or the secretary of the senate on or before the day the lobbying activity begins. Registration expires at the end of the calendar year. Beginning December 1 of each year, a person may preregister to lobby for the following calendear year.

8.7(2) Place of filing. Executive branch lobbyist registration statements shall will be electronically filed with the chief clerk of the house of representatives or the secretary of the senate through the general assembly's website at www.legis.iowa.gov/Lobbyist/reports.aspx.

8.7(3) Amendment-to registration. Any change or addition to the information in an executive branch lobbyist's registration statement shall will be filed with the chief clerk of the house of representatives or the secretary of the senate within ten days after the change or addition is made known to the lobbyist. The lobbyist may file changes or additions by electronically filing an amended registration statement.

8.7(4) Failure to timely file registration. An individual who fails to file an executive branch lobbyist registration statement before engaging in executive branch lobbying activities in violation of Iowa Code section 68B.36 may shall will be subject to sanctions by the board as permitted under Iowa Code chapter 68B and or rule 351—9.4(68B) separate to any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code section 68B.36.

351—8.8 Reserved.

351—8.9(68B) Executive branch lobbyist client reporting.

8.9(1) *Place of filing.* Executive branch lobbyist client reports shall will be electronically filed with the general assembly through its the general assembly's website at www.legis.iowa.gov/Lobbyist/onlineFiling.aspx.

8.9(2) *Time of filing.* An executive branch lobbyist client report shall will be filed on or before July 31 unless the due date is extended by the general assembly.

This rule is intended to implement Iowa Code section 68B.38.

351—8.10(68B) Session function registrations and reports. Pursuant to Iowa Code section 68B.22(4)(s)"s,", a sponsor of a qualified function is required to file with the general assembly and the board a registration notice prior to the function and a report within 28 days of the function. The board will deem filings with the general assembly as acceptable filings with the board. The board will establish links on its website to the general assembly's website where the registration notices and reports are posted. The failure of a sponsor to timely file either a registration notice or a report shall will may subject the sponsor to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.4(68B) separate from any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code sections 68B.22(4)(s) "s" and 68B.32A(5).

351—8.11(68B) Automatic pPenalties for delinquent client reports.

8.11(1) Late client report. An executive branch lobbyist client who fails to file an executive branch lobbyist client report on or before the required due date shall will be subject to an automatic civil penalty according to the following schedule:

Days Delinquent	Amount		
1 to 14	\$ <u>50</u> 25		
15 to 30	\$ <u>100</u> 50		
31 and over	\$ <u>250</u> 100		

8.11(2) Additional penalty. If an executive branch lobbyist client fails to file a required <u>client</u> report or fails to file an accurate <u>client</u> report, a contested case proceeding may be held to determine whether a violation has occurred. If, after a contested case proceeding, it is determined that a violation occurred, the board may impose any of the actions under Iowa Code section 68B.32D. Any action so imposed would be in addition to the automatically assessed penalty in this rule.

This rule is intended to implement Iowa Code sections 68B.32A(5) and 68B.32A(9).

351—8.12(68B) Request for waiver of penalty. An executive branch lobbyist client that believes there are mitigating circumstances that prevented the timely filing of a report may petition make a written request to the board for waiver of the penalty. The board must receive the petition request for waiver within 30 days of the executive branch lobbyist's client's being notified of the civil penalty assessment. by filing a Petition for Waiver of Civil Penalty form. Waivers will be granted only for exceptional or very unusual circumstances. The board will review the request and issue a waiver, in whole or in part, or denial of the request. If a waiver is granted, the board will determine how much of the penalty is waived based on the circumstances. If a denial or partial waiver is issued, the person shall will promptly pay the assessed penalty or request a contested case proceeding pursuant to rule 351—8.13(68B) to appeal the board's decision.

This rule is intended to implement Iowa Code sections 68B.32A(5) and 68B.32A(9).

351—8.13(68B) Contested case proceeding.

- **8.13(1)** Request. If an executive branch lobbyist client accepts administrative resolution of a matter through the payment of an assessed civil penalty, the matter shall will be closed. If the person chooses to contest the board's decision to deny a request or grant a partial waiver of an assessed civil penalty, the person shall will make a written request to the executive director for a contested case proceeding within 30 days of being notified of the board's decision.
- **8.13(2)** *Procedure.* Upon timely receipt of a request for a contested case proceeding, the board shall will provide for the issuance of a statement of charges and notice of hearing. The hearing shall be conducted in accordance with the provisions of Iowa Code section 68B.32C and the board's rules. The burden shall will be on the board's legal counsel to prove that a violation occurred.
- **8.13(3)** Failure to request a contested case proceeding. The failure to request a contested case proceeding to appeal the board's decision on a waiver request is the failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A and Iowa Code section 68B.33.

This rule is intended to implement Iowa Code sections 68B.32A(5), 68B.32A(9), and 68B.33.

351—8.14(68B) Payment of penalty. An assessed civil penalty shall be paid by check or money order and Checks shall will be made payable to the "State of Iowa" and sent to the board's office for transfer to the office of the treasurer of the state, who will deposit the check into the general fund. General Fund and forwarded to: Iowa Ethics and Campaign Disclosure Board, 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319. The payment shall be deposited in the general fund of the state of Iowa.

This rule is intended to implement Iowa Code sections 68B.32A(5) and 68B.32A(9).

351—8.15(68A) Campaign contributions by lobbyists during the regular legislative session. prohibited. Pursuant to Iowa Code section 68A.504, i

8.15(1) *Prohibition.* Individuals who are registered in Iowa as either executive branch or legislative branch lobbyists are prohibited from contributing to, acting as an agent or intermediary for contributions to, or arranging for the making of monetary

or in-kind contributions to the campaign of an elected state official, member of the general assembly, or candidate for state office on any day during the regular-legislative session.

- **8.15(2)** *Mailed contributions prohibited.* This prohibition includes a contribution that is mailed during the legislative session but received by the candidate after adjournment sine die. the legislative session has adjourned.
- **8.15**(31) Application to governor, <u>lieutenant governor</u>, and <u>candidates</u>. The prohibition on contributions to the governor, <u>lieutenant governor</u>, or <u>a gubernatorial</u> candidates <u>for either office</u> during <u>legislative</u> session extends for an additional 30 days following the adjournment sine die of a regular legislative session allowed for the signing of bills.
- **8.15**(42) *Exceptions*. The prohibition on contributions during the regular legislative session does not apply to any of the following:
- a. Contributions to an elected state official, member of the general assembly, or other state official who has taken affirmative action to seek nomination or election to a federal elective office so long as the lobbyist's contribution is placed into the candidate's federal account.
- b. Contributions to a candidate for state office who filed nomination papers for a special election called or held during the regular legislative session if the candidate receives the contribution at any time during the period commencing on the date on which at least two candidates have been nominated for the office and ending on the date on which the election is held. However, elected state officials are prohibited from soliciting lobbyists for contributions to another candidate for state office when a special election is held during the regular legislative session.
- c. Contributions made during a special legislative session. In the case of the governor, lieutenant governor, and a gubernatorial candidates for either office, this exception also includes the 30 days following a special legislative session unless that time period falls within 30 days of adjournment of the regular legislative session.
- d. Contributions from a lobbyist's personal funds made that a lobbyist makes to the lobbyist's own campaign for public office.
- **8.15**(3) *Complaints*. Complaints or information provided to the board alleging a violation of Iowa Code section 68A.504 involving either executive branch lobbyists or legislative branch lobbyists shall will be filed with the board and governed by the procedures in Iowa Code sections 68B.32B through 68B.32D.
- **8.15(4)** *Date of session.* For purposes of Iowa Code section 68A.504 and this rule, a legislative session commences at 12 a.m. of the first day of the legislative session through 11:59:59 p.m. of the day that the legislative session adjourns sine die.

This rule is intended to implement Iowa Code section 68A.504.

351—8.16(68B) Lobbyists prohibited from making loans Loans made by lobbyists.

- 8.16(1) <u>Prohibition.</u> Pursuant to Iowa Code section 68B.24, aAn executive branch official or, executive branch employee, or a candidate for statewide office shall will not directly or indirectly seek or accept a loan from a person who is an executive branch lobbyist.
- **8.16(21)** Offer of loan prohibited. An executive branch lobbyist shall will not directly or indirectly offer or make a loan to an executive branch official, executive branch employee, or a candidate for statewide office.
- **8.16(32)** Exception. Thise prohibitions in Iowa Code section 68B.24 does not apply to loans made in the ordinary course of business. "Ordinary course of business" means the loan is made by a person who is regularly engaged in a business that makes loans to members of the general public, and the finance charges and other terms of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.
- **8.16(43)** *Complaints*. Complaints or information provided to the board alleging a violation of Iowa Code section 68B.24 by an executive branch official <u>or</u>, <u>executive branch</u> employee, candidate for statewide office, or an executive branch lobbyist <u>shall will</u> be filed with the board <u>and governed by the procedures in Iowa Code sections 68B.32B through 68B.32D</u>.

This rule is intended to implement Iowa Code section 68B.24.

- 351—8.17(68B) Ban on certain lobbying activities by government personnel. Executive branch officials and executive branch employees are prohibited by Iowa Code section 68B.5A from engaging in certain types of lobbying activities during the time in which these officials and employees serve or are employed by the state. In addition, Iowa Code section 68B.5A prohibits executive branch officials and executive branch employees from accepting, under certain situations, employment as lobbyists within two years of leaving state government.
 - **8.17**(1) Lobbying restrictions—statewide elected officials and executive or administrative heads.
- a. A person who serves as a statewide elected official, the executive or administrative head of an agency, or the deputy executive or administrative head of an agency shall will not act as a lobbyist during the time in which the person serves or is employed by the state unless the person is designated to represent the official position of the person's agency.

- b. A person subject to this prohibition may not will not accept employment as a lobbyist for two years after leaving state government except as provided in subrule 351–8.17(4).
 - **8.17(2)** Lobbying restrictions—employees of statewide elected officials and other department or agency employees.
- a. The head of a major subunit of an department or independent state—agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds or a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds shall will not act as a lobbyist during the time in which the person is employed by the state before the agency that the person is employed by or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated to represent the official position of the person's agency.
- b. A person subject to this prohibition may not will not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying before the agency that the person was employed by or before state agencies, officials, or employees with whom the person had substantial and regular contact as part of the person's former duties except as provided in subrule 351–8.17(4).
- **8.17(3)** Lobbying restrictions—state employees with—conflicts of interest. A state employee who is not included in subrule 351—8.17(1) or 351—8.17(2) shall will not act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person is directly concerned and personally participates as part of the person's employment, unless the person is designated to represent the official position of the person's agency in which the person is employed. Persons subject to this prohibition may not will not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying in relation to any particular case, proceeding, or application with respect to which the person was directly concerned and personally participated as part of the person's employment.
- **8.17(4)** Exception. As provided in Iowa Code section 68B.5A(7), the prohibition on accepting employment as a lobbyist This prohibition does not apply to a person who, within two years of leaving state service or employment, is elected to, appointed to, or employed by another office of the state, an office of a political subdivision of the state, or the federal government and represents the position of the new office or employment.
- **8.17(5)** *Complaints*. Complaints or information provided to the board alleging a violation of Iowa Code section 68B.5A by an executive branch official or an executive branch employee shall will be filed with the board and governed by the procedures in Iowa Code sections 68B.32B through 68B.32D.

This rule is intended to implement Iowa Code section 68B.5A.

351—8.18(68B) False communications prohibited.

- **8.18(1)** False material fact. An executive branch lobbyist shall will not intentionally deceive or attempt to deceive any executive branch official or any executive branch employee in regard to a material fact pertinent to an administrative rule, legislation, or an executive order.
- **8.18(2)** False communication. An executive branch lobbyist shall will not cause a communication or an executive branch lobbyist registration statement to be sent to an executive branch official or an executive branch employee in the name of either of the following:
 - a. A fictitious person; or
 - b. A real person except with the consent of that person.
- **8.18(3)** *Complaints*. Complaints or information provided to the board alleging a violation of this rule by an executive branch lobbyist shall will be filed with the board and governed by the procedures in Iowa Code sections 68B.32B through 68B.32D.

This rule is intended to implement Iowa Code section 68B.32A(13).

351 8.19(68B) Advisory opinions. Any person under the board's jurisdiction that is affected by Iowa Code chapter 68B or 351 Chapter 8 may seek an advisory opinion from the board pursuant to rules 351 1.2(68B) and 1.3(68B). The purpose of a board opinion is to apply a statute or rule to a particular factual situation. Advice contained in a board opinion, if followed, constitutes a defense to a subsequently filed complaint.

This rule is intended to implement Iowa Code section 68B.32A(12).

351 8.20(68B) Retention and availability of filed forms.

8.20(1) Public record. All forms filed under this chapter are public records and shall be available in the board office for inspection and copying. A filed form shall be retained by the board for a period of at least five years from the date the form was filed.

8.20(2) Internet access. Forms filed under this chapter shall be accessible for viewing via the board's website at

www.iowa.gov/ethics as follows:

- a. A list of registered executive branch lobbyists and executive branch lobbyist clients for the current calendar year and the two previous calendar years.
- b. An executive branch lobbyist client report for as long as the general assembly posts the executive branch lobbyist client reports on the general assembly's website.
- c. A session function registration notice and a session function reporting form for as long as the general assembly posts the session function registration notice and a session function reporting form on the general assembly's website.

This rule is intended to implement Iowa Code section 68B.32A(5).