

Red Tape Review Rule Report (Due: September 1, 2025)

Department Name:	Iowa Ethics and Campaign Disclosure Board	Date:	November 12, 2024	Total Rule Count:	Start: 23 End: 20
IAC #:	351—1.1 through 351—1.7	Chapter/ SubChapter/ Rule(s):	Chapter 351 Subchapter 1	Iowa Code Section Authorizing Rule:	68B.32A(1)
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Subchapter 1 is intended to provide clarity on IECDDB procedures and scope.

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 1, as most are offered for adherence by the Board and staff. Elimination of a few rules requiring physical copies of requests, etc. will be a cost savings to the public.

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

All costs to implement Subchapter 1 are in the normal course of agency business.

Do the costs justify the benefits achieved? Please explain.

As noted, there are no additional costs.

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Aside from the elimination of obsolete, outdated, inconsistent, redundant, or unnecessary language (as noted below), the rules as offered for re-promulgation are the least restrictive way to offer guidance.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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]

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1. 1.1(1): includes Iowa Code section 8.7 in our jurisdiction (changed in 2024 Iowa Acts HF 2708)
2. 1.1(1): language noting the Board is a regulatory agency (already in 68B definition)
3. 1.1(3): procedure for setting meeting time/place is fluid in practice (unnecessary)
4. 1.1(3): stating that meetings must be held in compliance with Iowa Code Chapter 21 (unnecessary)
5. 1.1(3): outdated website URL
6. 1.1(3): in current practice, public comment is at the discretion of the Chair
7. 1.2(1): "authorized agent" language unnecessary
8. 1.2(2): "requests" language repeats 1.3(1)

- 9. 1.2(3): includes Iowa Code section 8.7 in our jurisdiction (changed in 2024 Iowa Acts HF 2708)
- 10. 1.3(1): requirement that requests for advisory opinions be delivered to our address (unnecessary)
- 11. 1.3(2): “at least four members” requirement redundant with 1.1(4)
- 12. 1.3(2): additional “board” redundant
- 13. 1.3(4): requirement that advisory opinions be housed physically in our office unnecessary
- 14. 1.3(4)” outdated website URL
- 15. 1.3(7): review of advisory opinions to adopt rules not reflective of agency practice
- 16. 1.4(1): noted lack of federal jurisdiction unnecessary (68A.103)
- 17. 1.4(5): noted lack of federal jurisdiction unnecessary (68A.103)
- 18. 1.4(9): noted requirement to comply with 68B.4 unnecessary
- 19. 1.4(10): listed requirement to comply with 68A and 68B unnecessary

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

1.3(7), 1.4(9), 1.4(10)

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	-361
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	6 (shall) 3 (require) TOTAL: 9

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

Internal practices not reflected in this subchapter could be codified, including requiring that the Board’s Chair and Vice Chair (elected each year) are from differing political parties. This example is not currently in rule, but is awaiting passage by the Iowa Senate (HF 544).

CHAPTER 1
IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

351—1.1(68A,68B) General agency description.

1.1(1) Board established. The Iowa ethics and campaign disclosure board is established as an independent agency of the executive branch of state government with the authority, powers, and duties set out in Iowa Code chapters 68A and 68B, ~~and Iowa Code section 8.7. The board is a “regulatory agency” as defined in Iowa Code section 68B.2(23).~~

1.1(2) Election of officers. On an annual basis at the board’s first ~~in-person~~ meeting after April 30, the members shall elect a chair and vice chair, and members may be reelected or elected to a different office.

1.1(3) Board meetings. Meetings of the board are held at the call of the chair or at the request of at least four board members. ~~of the board. The chair sets the time, place, and date of the meetings except when a meeting is requested by at least four members of the board. Meetings shall be held in compliance with the open meeting requirements in Iowa Code chapter 21.~~ Minutes of meetings are available for viewing via the board’s website, at www.iowa.gov/ethics. ~~A person who wishes to be placed on the board agenda shall file an oral or written request with the board’s executive director at least 48 hours prior to the meeting.~~

1.1(4) Voting and procedure. Four board members constitute a quorum for conducting the business of the board. An affirmative vote of four board members is required for a motion to pass. The meetings shall be generally conducted according to rules of parliamentary procedure.

This rule is intended to implement Iowa Code sections 68B.32 and 68B.32A.

351—1.2(68B) Requirements for requesting board advisory opinions.

1.2(1) Who may request opinion. Any person subject to the board’s jurisdiction may request a board advisory opinion, ~~including a local official or local employee seeking an opinion on the application of the ethics laws in Iowa Code chapter 68B.~~ A governmental entity or local government official or employee not under the board’s jurisdiction may request a board advisory opinion on an issue subject to the board’s jurisdiction. A person requesting an opinion on the application of the ethics and lobbying laws in Iowa Code chapter 68B as applied to the legislative branch of state government shall be referred to the senate and house ethics committees. ~~An authorized agent may seek an opinion on behalf of any person. The board will not issue an opinion to an unauthorized third party.~~ The board may on its own motion issue opinions without receiving a formal request.

1.2(2) Form of request. The request for an opinion shall be in writing and shall describe the specific transaction, conduct, or activity that the requesting person plans to undertake or is presently undertaking. ~~Requests shall be sent to the board as provided in subrule 1.3(1).~~

1.2(3) Jurisdiction. The board will issue opinions pertaining only to Iowa Code chapters 68A, Iowa Code chapter and 68B; ~~Iowa Code section 8.7,~~ or rules adopted thereunder.

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

351—1.3(68B) Processing of advisory opinion requests; routine administrative advice.

1.3(1) Requests for board advisory opinions shall be sent to the board’s legal counsel in writing. Iowa Ethics and Campaign Disclosure Board, 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319.

1.3(2) After receiving a qualified opinion request, the board’s legal counsel shall prepare a draft opinion for board review. Upon an affirmative vote ~~of at least four members,~~ the board will issue an board-advisory opinion. Advice contained in an advisory board-opinion, if followed, constitutes a defense to a subsequent complaint that is based on the same facts and circumstances.

1.3(3) A person who receives an board-advisory opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

1.3(4) ~~Board a~~Advisory opinions are public records and shall be made available ~~at the board office and~~ via the board’s website at www.iowa.gov/ethics.

1.3(5) Nothing in this rule precludes board staff from providing oral or written routine administrative advice when presented with oral or written inquiries from any person.

1.3(6) Nothing in this rule precludes a person who has received routine administrative advice from petitioning for a declaratory order. The board will refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the board original opinion.

~~—1.3(7) On an annual basis the board shall review the advisory opinions issued for that year and determine which opinions should be adopted into rule pursuant to the procedures in Iowa Code chapter 17A.~~

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

351—1.4(68B) Board member and staff code of ethics.

1.4(1) Making monetary and in-kind contributions to the committees of candidates for Iowa public office is prohibited. However, contributions to candidates for federal office are permitted ~~since the board has no jurisdiction over federal candidates.~~

1.4(2) Serving as an officer or member of a candidate’s committee of a candidate for Iowa public office is prohibited, whether the service is volunteer or paid.

1.4(3) Making monetary or in-kind contributions to a ~~political committee (PAC)~~ is prohibited. However, contributions to a state party or a county central committee are permitted.

1.4(4) Running for or holding elected public office is prohibited. Running for or serving as an officer or member of any committee defined under Iowa Code chapter 68A is prohibited.

1.4(5) Public personal endorsement of a candidate or publicly taking a position in support of or opposition to a ballot issue is prohibited. This ~~subrule~~ does not prohibit a member of the board or staff from making a public personal endorsement of a federal candidate or a federal ballot issue ~~since the board has no jurisdiction over federal candidates or federal ballot issues.~~ Members and staff of the board may attend and participate in a presidential caucus.

1.4(6) Serving as a delegate to a county or state political party convention is prohibited.

1.4(7) Except due to service on the board, members of the board shall not be public officials or public employees.

1.4(8) Except due to service on the board, members of the board shall not be registered lobbyists in the state of Iowa.

~~**1.4(9)** As the board is defined as a “regulatory agency” under Iowa Code section 68B.2(23), members and staff of the board shall comply with the requirements of Iowa Code section 68B.4 and rule 351—6.11(68B) prior to selling or leasing goods, real estate, or services to individuals, associations, or corporations subject to the board’s regulatory authority.~~

~~—**1.4(10)** Members and staff of the board shall comply with all of the requirements in Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules adopted by the board.~~

1.4(911) The prohibitions in this rule shall not apply to the spouse or other family members of a board member or employee of the board. However, actions by a spouse or other family member may create a potential conflict of interest on the part of the board member or employee that may necessitate recusal from a matter pursuant to Iowa Code section 68B.2A.

This rule is intended to implement Iowa Code sections 68B.2A and 68B.32.