

Advisory Opinion
IECDB AO 2000-06

May 18, 2000

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11), the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on the issue of public officials and employees wearing articles of clothing and other campaign materials on public property. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and rules in Iowa Administrative Code chapter 351. Whether some other statutory system, common law theory or agency rule applies to this issue is not covered by this opinion.

OPINION:

Iowa Code section 56.12A in pertinent part states:

"The state and the governing body of a county, city, or other political subdivision of the state shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue...."

Rule 351 IAC 12.3(3) states:

"Officials, employees and candidates are prohibited from displaying campaign promotional materials on state government property. 'Campaign promotional materials' do not include political buttons or other political paraphernalia if they are worn on the person."

The Board is of the opinion that if wearing "political buttons or other political paraphernalia" does not involve the expenditure of public moneys that triggers the prohibition in Iowa Code section 56.12A, then wearing political clothing such as t-shirts should not trigger the prohibition. Therefore, public officials and employees are not prohibited from wearing campaign promotional materials on public property so long as the materials were truly "worn on the person".

While the rule does not apply to public officials or employees on the property of a political subdivision, the Board believes the analysis would be the same. Therefore, the Board will not consider it to be a violation of Iowa Code section 56.12A if public officials and employees wear campaign promotional materials on public property belonging to a political subdivision so long as the materials are truly "worn on the person".

In closing, the Board notes that nothing in this opinion would prevent the administrative head of any state agency or political subdivision department from enacting an internal policy that would prohibit the wearing of campaign materials on the public property of that agency or subdivision department.

BY DIRECTION AND VOTE OF THE BOARD

Bernard McKinley, Board Chair
1st Vice-Chair Geraldine Leinen
2nd Vice-Chair James Albert
Gwen Boeke
Mark McCormick
Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel