

Advisory Opinion

IECDB AO 2000-17

August 17, 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 brochures being placed on vehicles parked 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...."

The issue has been raised if brochures that "expressly advocate" for or against candidates or ballot issues may be placed on windshields of vehicles parked on public property such as school lots during sporting events. It is our opinion that so long as the brochures were not created using public funds or were distributed by public employees or officials on paid "time", the statute does not prohibit the placement of brochures on vehicles parked on public property. In the case of a candidate brochure, the prohibition concerning corporate contributions would also apply.

In closing, whether or not there is a criminal statute that prohibits the placement of materials on a vehicle by someone other than the owner is beyond the jurisdiction of this Board to answer.

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