

Advisory Opinion

IECDB AO 2000-21

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 whether an individual that is registered to lobby for one client, but engages in lobbying activities for other clients. 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:

The issue has been raised on whether an individual that is a registered lobbyist violates Iowa Code section 68B.36 (lobbyist registration required) when engaging in lobbying activities for clients the lobbyist has not disclosed.

Our jurisdiction in interpreting the lobbying statutes is limited to activities before the executive branch. Iowa Code section 68B.36 requires every individual engaging in lobbying activity before the "office of the governor or any state agency" to file a registration statement. It is our opinion that an individual engaging in lobbying activities before the executive branch must be registered on behalf of each intended client. Therefore, in situations where an individual is registered to lobby and engages in lobbying activities on behalf of a client that has not previously been disclosed, the individual is in violation of Iowa Code section 68B.36.

In closing, we suggest that all executive branch lobbyists review the registration and reporting requirements found in Iowa Code sections 68B.36 through 68B.38 and the Board's rules on executive branch lobbying found in 351 IAC chapter 13.

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