

Advisory Opinion

IECDB AO 2000-28

September 21, 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 using personal vehicle with campaign signs while conducting official governmental business. 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 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.

This section shall not be construed to limit the freedom of speech of officials or employees of the state or of officials or employees of a governing body of a county, city, or other political subdivision of the state. This section also shall not be construed to prohibit the state or a governing body of a political subdivision of the state from expressing an opinion on a ballot issue through the passage of a resolution or proclamation."

Nothing in the statute prohibits a state or local public official or employee from placing campaign signs on his or her personal vehicle when not on governmental business. The placement of such signs becomes an issue when the vehicle is used for governmental business and the official or employee receives reimbursement from the government for the expenses associated with using the vehicle.

The Board is of the opinion that when a personal vehicle is used for governmental business and reimbursement is provided by the government, the vehicle should be treated the same as a publicly owned vehicle. Thus, the government could not reimburse the expenses associated with the use of a personal vehicle for governmental business when the vehicle has campaign signs affixed to it.

We do note that the statute prohibits the "expenditure of public moneys". Therefore, if a public official or employee did not seek reimbursement for the use of the personal vehicle, nothing under the express language of the statute would prohibit him or her from using a personal vehicle with campaign signs while conducting governmental business.

In closing, the statute would prohibit the placement of campaign signs on any vehicle owned by the state or a local political subdivision. In addition, publicly owned vehicles may not be used to store or transport campaign materials, be used in parades for campaign purposes, for traveling to and from campaign events or for any other campaign purposes.

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