

Advisory Opinion

IECDB AO 2002-06

April 11, 2002

Galen Howsare
Associate Superintendent of Administrative Services
West Des Moines Community Schools
3550 George M. Mills Civic Parkway
West Des Moines, Iowa 50265-5556

Dear Associate Superintendent Howsare:

This opinion is in response to your letter of December 26, 2001, in which you request an opinion from the Iowa Ethics and Campaign Disclosure Board. 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.

FACTUAL STATEMENT:

We understand you request this opinion in your capacity as the Associate Superintendent of Administrative Services and on behalf of the sixteen Polk County public school districts. You advise us that during the campaign for the local option sales tax that concluded in November of 1999, that a "YES Local People Helping Local Schools" logo was used. The school districts would now like to use the logo in communications to the public regarding the status of projects, on project construction signage, and on the signage permanently attached to a building.

QUESTION:

Is it permissible for the Polk County public school districts to use the "YES" logo that was previously used by a campaign committee?

OPINION:

Iowa Code section 56.12A prohibits the "expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue". Iowa Code section 56.2(1) defines "ballot issue" to mean "a question...which has been approved by a political subdivision or the general assembly or is required by law to be placed before the voters of the political subdivision."

We understand that the election where the use of the logo occurred is over and that the committee using the logo has been dissolved. In addition, the Board is not aware of any current "ballot issue" involving the Polk County public school districts. Therefore, the situation you describe would be permissible.

BY DIRECTION AND VOTE OF THE BOARD

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

Submitted by: W. Charles Smithson, Board Legal Counsel