

Advisory Opinion

IECDB AO 2004-13

October 21, 2004

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on campaign signs being placed on personal vehicles when the vehicles are parked on public property or are being used for governmental business. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

OPINION:

In IECDB Advisory Opinions 2000-27 and 2000-28, the Board opined that personal vehicles with campaign signs attached to them could not be parked on public property "for longer than 24 consecutive hours" and that a government employee could not be reimbursed for using a personal vehicle for governmental business if the vehicle had a campaign sign attached to it. In Opinion 2000-32, the Board determined that bumper stickers were not part of the prohibitions discussed in the previous two opinions.

Iowa Code section 68A.505 states that the prohibition on the use of governmental resources for a political purpose "shall not be construed to limit the freedom of speech of officials or employees...."

In reviewing the previous advisory opinions discussed above, the Board believes that the determinations made in the opinions impermissibly limit the freedom of speech of governmental officials and employees. Thus, the Board will no longer interpret the campaign laws as prohibiting personal vehicles with campaign signs from being parked on public property for longer than 24 consecutive hours and as prohibiting governmental employees from being reimbursed when using personal vehicles with campaign signs during governmental business.

Persons are reminded that Iowa Code section 68A.406B(2)"d"² prohibits on Election Day the parking of a vehicle within 300 feet of a polling place when the vehicle has a campaign sign in excess of 90 square inches.³

The Board still interprets the statutory prohibition on the use of public resources for a political purpose as precluding 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, for traveling to and from campaign events, or for any other campaign purposes.⁴

In closing, the Board invites all persons to review the recently adopted administrative rules on the permissible and impermissible uses of public resources for political purposes in 351—Chapter 5.

IECDB Advisory Opinions 2000-27 and 2000-28 are rescinded. As IECDB Advisory Opinion 2000-32 is rendered moot by this opinion, it is also rescinded.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Janet Carl, Vice Chair

Gerald Sullivan

Betsy Roe

John Walsh

Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ Prior to July 1, 2003, this section was cited as “56.12A.”

²Enacted by the 2004 General Assembly in 2004 Iowa Acts, HF 2319, section 5. The statute may be renumbered when the final session laws are published.

³This prohibition also applies to any trailer, semitrailer, or any other attachment to the vehicle.

⁴See Board rule 351—5.4(2)“c.”