

Advisory Opinion

IECDB AO 2013-03

August 8, 2013

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(12) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on whether a “paid for by” attribution statement is required for an account on a social media website that is established for the purpose of express advocacy. We note at the outset the Board’s jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

QUESTION:

Is an attribution statement required to be placed on a social media account established for the purpose of expressly advocating in favor or against the election of a candidate or the passage or defeat of a ballot issue?

OPINION:

Iowa Code section 68A.405 requires the placement of a “paid for by” attribution statement on “published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue.” “Published material” means “any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, Internet Web site, television, video, or motion picture advertising, campaign sign larger than 32 square feet, or any other form of printed political advertising.” Iowa Admin. Code r. 351—4.38. The Board interprets the term “published material” to include accounts established on Facebook, Twitter, and similar social media websites that have been established for the purpose of express advocacy.¹ Therefore, a “paid for by” attribution statement should be prominently displayed once as part of the social media account’s profile page.² Additional attribution statements are not required to be placed on every post or status update. The attribution statement should include the relevant information that is required by Iowa Code section 68A.405 and Board rule 351—3.38.

In situations where the social media account is free, the person “paying” for the message is the person who opened the account and is responsible for its content.

¹ “Express advocacy” means a communication that includes “explicit words that unambiguously indicate that the communication is recommending or supporting a particular outcome in the election with regard to any clearly identified candidate or ballot issue.” Iowa Code § 68A.102(14).

² See Iowa Admin. Code r. 4.39(3) (stating “[i]f the published material consists of more than one page, the ‘paid for by’ attribution statement need only appear on one page of the material.”).

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

John Walsh, Vice Chair

Saima Zafar

Carole Tillotson

Jonathan Roos

Mary Rueter

Submitted by Megan Tooker, Board Legal Counsel