

Iowa Ethics and Campaign Disclosure Board

IN THE MATTER OF)	CASE NO. IECDB 2018-31
)	
DAN KELLEY,)	AMENDED AND SUBSTITUTED
In the Capacity as Candidate for)	REPRIMAND AND CIVIL PENALTY
Dan Kelley for State Representative,)	
RESPONDENT.)	
)	

On August 12, 2021, the above-captioned matter came before the Iowa Ethics and Campaign Disclosure Board. The Ethics Board issues this administrative resolution pursuant to a settlement agreement approved under Iowa Code section 68B.32B(10). For the reasons that follow, the Ethics Board hereby reprimands Dan Kelley, in the capacity as Candidate for Dan Kelley for State Representative, and orders him to pay a civil penalty in the amount of \$100 for including a false attribution statement on a campaign mailer in violation of Iowa Code section 68A.405.

FACTS

On or about October 12, 2018, a letter was sent to all or nearly all mailboxes in House District 26, which is located in Warren County. The letter’s return address was the home address of Mr. Dan Kelley. The mailing also indicated it was “paid for by Dan Kelley for State Representative.”

Upon receipt of concerns regarding this letter, Board staff investigated. The investigation determined that the Dan Kelley for State Representative committee did not pay for this mailing. Mr. Kelley also stated that the Dan Kelley for State Representative committee did not pay for the mailing. Payment for production of this mailer was provided by a third party and Mr. Kelley mistakenly believed he needed only to report this as an in-kind contribution, which he did in January 2019. Mr. Kelley stated that he was not aware that this might constitute a violation of the attribution requirements in Iowa Code section 68A.405.

ANALYSIS

Iowa Code section 68A.405 requires a “paid for by” attribution statement on “published material,” including “direct mailing,” that is “designed to expressly advocate the nomination, election, or defeat of a candidate for public office.” The attribution statement must disclose “who is responsible for the published

material.” The Ethics Board has previously issued an advisory opinion making clear that the responsible party for purposes of attribution is the person or entity that paid for the published material. The letter in question expressly advocated for the defeat of the incumbent and it stated it was paid for by “Dan Kelley for State Representative.” This attribution statement was inaccurate.

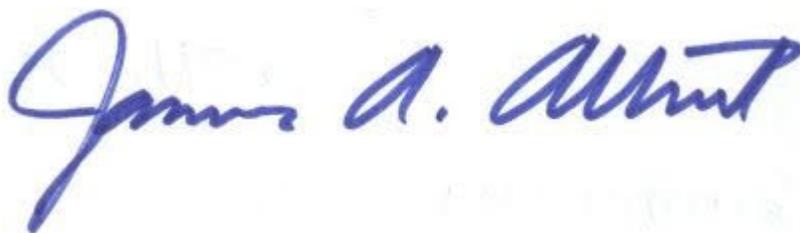
The letter should have included an attribution statement listing the entity that actually paid for the mailing. Mr. Kelley permitted the use of his committee’s name in the attribution statement. Mr. Kelley does not contest that this inaccurate attribution violated Iowa Code section 68A.405.

ORDER

The Ethics Board finds Mr. Kelley, in his capacity as Candidate for Dan Kelley for State Representative, violated Iowa Code 68A.405 by including a false attribution statement on a campaign mailer. Pursuant to the settlement agreement between Mr. Kelley and the Ethics Board, Mr. Kelley is hereby reprimanded and ordered to pay a civil penalty in the amount of \$100 for this violation.

Pursuant to the settlement agreement, Mr. Kelley has withdrawn his appeal in the above-captioned matter and the contested case hearing scheduled in this matter is canceled.

By direction of the Ethics Board



James Albert, Chair
Elaine Olson, Vice Chair
Carole Tillotson
Jonathan Roos
Mary Rueter
John Walsh