

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

In re the Matter of: Peggy Sieleman, Complainant And Concerning: Chad Airhart, in the Capacity as Dallas County Recorder, Respondent	FC 2022-04 Order Dismissing Complaint for Lack of Legal Sufficiency
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THIS MATTER comes before the Iowa Ethics and Campaign Disclosure Board this 26th day of May, 2022, to consider the dismissal of a formal complaint.

On March 31, 2022, Peggy Sieleman filed FC 2022-03, alleging that Chad Airhart violated Iowa Code chapter 68A from February 2020 to present. Complainant alleges that Respondent violated Iowa Code sections 68A.405A, 68A.502, and 68A.505 by meeting with ReNae Arnold on an unspecified date and endorsing her candidacy.¹

Respondent informed Board staff that he did meet with ReNae Arnold in his office on one occasion, but that the discussion was limited in scope to a discussion regarding the duties of his office. Respondent states that he had similar conversations with candidates running for the Democratic nomination for Dallas County Recorder, and for other candidates for recorder in other Iowa counties.

Iowa Code section 68A.405A prohibits the expenditure of public moneys by statewide elected officials and members of the general assembly for any paid advertisements or promotions bearing the written name, likeness, or voice of the statewide elected official or member of the general assembly in a variety of forms.² Respondent is not a statewide elected official or a member of the general assembly and this section is inapplicable.

Iowa Code section 68A.502 sets forth the requirements for identifying the sources of contributions and prohibits certain kinds of contributions. A contribution is defined as “a gift, loan, advance, deposit, rebate, refund, or transfer of money or a gift in kind” and “the payment for the personal services of another person which are rendered to a candidate or political committee for any such purpose.”³ A meeting with an elected official to discuss the duties of their office is not a contribution.

Iowa Code section 68A.505 prohibits the expenditure of public moneys for political purposes. Complainant does not allege the expenditure of public moneys, but merely the use of public resources – namely, the use of his office for the meeting. Even if the Respondent’s meeting with the Recorder constituted a political purpose, aside from *de*

¹ ReNae Arnold is Complainant’s opponent in the June 7, 2022, primary election for the Republican nomination for Dallas County Recorder and the Respondent in FC 2022-03, which was also filed by Complainant.

² These include mass mailings, exhibits at the Iowa State Fair, or radio/newspaper/television/internet advertisement or promotion.

³ See Iowa Code section 68A.102(10).

minimis expenditures on items such as office lights and heating/cooling of the office, no public funds were expended.⁴

Complainant also alleges violations of Iowa Code chapter 68A because Respondent has publicly endorsed her opponent. Iowa Code section 68A.505(2) makes clear that the prohibition on the use of public moneys for political purposes shall not be construed to limit the freedom of speech of public officials and employees. Respondent has the right to publicly endorse whomever they so choose and doing so is not uncommon for elected officials throughout different levels of government.

Complainant also alleged Respondent of violations of the Dallas County Employee Handbook. Enforcement of the policies in the Dallas County Employee Handbook is outside the jurisdiction of the Board.

The Board determines the allegations in FC 2022-04 do not meet the necessary requirements for legal sufficiency.

IT IS SO ORDERED: FC 2022-04 is dismissed as legally insufficient pursuant to Iowa Code section 68B.32B and Iowa Administrative Code rule 351-9.1(2).

BY DIRECTION AND VOTE OF THE BOARD:



James Albert, Chair
Elaine Olson, Vice Chair
Jonathan Roos
Mary Rueter
Daniel Jessop
Leah Rodenberg

SUBMITTED BY:

Zachary S. Goodrich, Executive Director and Legal Counsel

CERTIFICATE OF MAILING

This document was sent by electronic mail on this 27th day of May, 2022, to:

Peggy Sieleman, Complainant
Chad Airhart, Respondent

⁴ The Iowa District Court has clarified that such de minimis expenses do not constitute an expenditure, even if for a political purpose. In *Slockett v. Iowa Ethics and Campaign Disclosure Board*, the Iowa District Court for Polk County held that an elected county official did not violate Iowa Code chapter 68A by making and receiving phone calls related to his campaign on a private phone while in his publicly provided office.