

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

In re the Matter of: Mel Schwiesow, Complainant And Concerning: Dave Huebner, et al., Respondent	FC 2022-01 Order Accepting Complaint for Legal Sufficiency and Purposes of Investigation
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THIS MATTER comes before the Iowa Ethics and Campaign Disclosure Board this 26th day of May, 2022, to consider the acceptance of a formal complaint.

On February 28, 2022, Mel Schwiesow filed FC 2022-01 alleging that Dave Huebner and other citizens of Hawarden, Iowa, violated Iowa Code chapter 68A on or about February 15, 2022, to February 26, 2022.¹

Complainant alleges that Respondent operated a *de facto* local ballot issue political committee to expressly advocate for an outcome in the local March 1, 2022, election regarding a bond referendum for a new elementary school building.

Complainant provided examples of a campaign mailer, a full-page newspaper ad, flyers, and multiple yard signs, all advocating to vote no in the March 1st election. Complainant also provided information supporting the allegation that the aggregate financial activity of the Respondent exceeds the \$1,000 threshold which requires a Statement of Organization to be filed with the Board and the filing of campaign disclosure reports.² Failure to file a Statement of Organization and subsequent campaign disclosure reports constitute violations of Iowa Code sections 68A.201 and 68A.401.

Additionally, none of the published materials expressly advocating the outcome of the election included an attribution statement indicating who the responsible party/parties were. Failure to include an attribution statement constitutes a violation of Iowa Code section 68A.405.

Iowa Code section 68B.32(4) states that a complaint is legally sufficient if it alleges all of the following: (1) facts that would establish a violation of a provision of Iowa Code chapters 68A, 68B, Iowa Code section 8.7, or rules adopted by the Board; (2) facts that would establish that the conduct providing the basis of the complaint occurred within three years of the complaint; and, (3) facts that would establish that the subject of the complaint is a party subject to the jurisdiction of the Board.

The Board determines the allegations in FC 2022-01 meet the necessary requirements for legal sufficiency.

¹ Complainant serves as treasurer for Advocates for the Betterment of West Sioux, a local ballot issue political committee.

² Iowa Code sections 68A.201, 68A.401.

IT IS SO ORDERED: Pursuant to Iowa Code section 68B.32B(6), FC 2022-01 is hereby accepted and shall be referred to Board staff for investigation of the allegations therein.

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:

Mel Schwiesow, Complainant
Dave Huebner, Respondent