

BACKGROUND

Iowa Code §68A.505 prohibits the use of public funds for any political purpose, including the express advocacy of a ballot issue.

ENDORSEMENTS OR PROCLAMATIONS

The law does not prohibit "the state or the governing body of a political subdivision from expressing its opinion on a ballot issue through the passage of a resolution or proclamation." However, the resolution or proclamation may not be reproduced or distributed for promotional purposes by the state or political subdivision.

INTERPRETATION OF "USE OF PUBLIC MONEYS"

The Board interprets the use of public moneys to include direct or indirect expenditure of funds by a governmental body, the use of any property, resource, or equipment owned by the governmental body, and utilization of staff time during regular working hours.

EXCEPTIONS

Property of the political subdivision that is regularly available to the general public may be used for political purposes. For example, if there is a published policy permitting all members of the public to use meeting rooms, the rooms may be used by political committees subject to the same rules applicable to all other members of the public. However, the governmental body may be required to substantiate this claim to the Board. Similarly, elected officials may attend functions where they participate as speakers or panelists as part of their official duties to discuss political issues without violating the law. Salaried administrators may likewise attend functions as part of their official duties to provide information relevant to a ballot issue.

EXAMPLES OF PROHIBITED USES OF PUBLIC FUNDS

(unless exception above applies)

Subject to the exceptions noted above, the following are examples of prohibited activities for political purposes by governmental bodies. Not all possibilities can be shown.

1. Political signs to expressly advocate a ballot issue, candidate, or political committee may not be placed on property or buildings owned or leased by the governmental bodies or on the public right-of-way. Brochures may be distributed in parking lots or placed on vehicles parked in a public lot.
2. Telephones and telephone service owned or leased by the governmental body.
3. Reproduction equipment such as copy machines, facsimile equipment, video equipment, audio equipment, or cameras owned by a governmental body are not permitted to be used.
4. Office equipment owned by a governmental body, such as computer hardware, computer software, computer printers, typewriters, or calculators are prohibited.
5. Government e-mail and Web sites are not permitted to be used.
6. Governmental bodies are prohibited from displaying political posters, brochures, flyers, or promotional literature of any type.
7. Governmental bodies cannot use, or permit to be used by others, the postage meters or postage stamps that are the property of the governmental body for political mailings.

8. Mailing lists, databases, or other compilations prepared for a public purpose and owned by the governmental body cannot be provided (either free, or for a charge) for political purposes unless the lists, databases, or compilations are available to all members of the public for the same consideration. The governmental body may be asked to substantiate the public access to these materials.

9. Employees of a governmental body may not engage in campaign activities of any sort during time the employees are expected to be engaged in official duties.

10. Teachers may not send advocacy literature home with students.

11. Political literature may not be distributed on the premises of a governmental body (including school mail boxes).

CITIZEN COMMITTEES

Officials and employees of governmental bodies may be members of independent citizen committees to advocate for or against a ballot issue, and may solicit or encourage members of the public to be part of a citizens' committee, so long as these activities occur on personal time and off the premises of the publicly-owned property (unless the previously stated exception applies). The committee may solicit and accept contributions to expressly advocate a ballot issue, and may expend funds for this purpose (see brochure for Local Ballot Issue Committees). The committee must comply with the reporting requirements of Chapter 68A.

NEWSLETTERS

The most frequently reported problem on the part of a political subdivision is using a newsletter paid for by tax dollars to communicate an advocacy position on a ballot issue. A governmental body may wish to avoid extensive discussion of the issue and simply remind readers of the date of the election.

Governmental bodies are invited to mail or fax suggested language for literature to the Iowa Ethics and Campaign Disclosure Board for advance guidance and advice. You may also submit your literature by email.

Persons in doubt about the use of public property or time of individuals should contact the Board with specific questions.

DISCLAIMER

This brochure is intended as general guidance. It is not a restatement of the law or rules and is not legal advice. Please refer to Chapter 68A and the Board's rules in chapter 351 of the Iowa Administrative Code or contact the Board for further guidance.