

## Guide for Executive Branch Lobbyists

Revised 10/11

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It is important to remember that the lobbying laws in Iowa Code chapter 68B distinguish between individuals that lobby the general assembly and individuals that lobby the various state offices, departments, and agencies that make up the executive branch. Both branches have their own registration requirements and applicable rules.<sup>1</sup>

Individuals that meet the definition of "lobbyist" in 68B.2(13)"a" by encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by a state agency or any statewide elected official are "executive branch lobbyists."

It is important to look at Iowa Code section 68B.2(13)"b" and rule 351-8.3 that set out several examples of individuals who are not considered "lobbyists" under the law.

Executive branch lobbyists must file a registration form prior to engaging in lobbying activity (68B.36). The failure to file the registration form prior to lobbying will result in a compliance measure by the Board.<sup>2</sup> The registration must include all of the clients to be represented. It is not sufficient to merely disclose one client and then lobby on behalf of additional clients without amending the registration.

Registration must be done annually as the registration expires upon the commencement of a new calendar year (68B.36(3)). Individuals are permitted to file registrations for the upcoming year at any time on or after December 1. Any change or addition to a registration must be filed within ten days of the lobbyist becoming aware of the change or addition (68B.36(2)). It is important to timely file amendments to the registration as compliance measures may be initiated for the failure to do so.

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<sup>1</sup> The statements in this document are limited to the regulation of executive branch lobbying and should not be used for guidance or advice applicable to the regulation of legislative branch lobbyists except for the discussion concerning the prohibitions on contributions during legislative session.

<sup>2</sup> All filing of lobbyist registrations, amendments, and the client reports are now done electronically with the General Assembly.

A lobbyist's client must file a report disclosing all salaries, fees, and retainers paid by the client to the lobbyist for lobbying purposes even if that amount is \$0.00 (rule 351- 8.9(1) "c"). The report must be filed on or before July 31.

The client must disclose fees paid to each lobbyist and not just file an amount paid to a firm or partnership (rule 351-8.9(1)).

It is important for the clients to file the reports on or before the due date as automatic civil penalties apply (rule 351-8.11). In addition, the failure to file a client report leads to a contested case proceeding and the imposition of more severe sanctions.

**Executive branch lobbyists are prohibited from engaging in the following:**

1. Intentionally deceiving or attempting to deceive a public official with regard to any material fact pertinent to lobbying (rule 351-8.18).
2. Causing a communication to be sent to a public official in the name of any fictitious person or in the name of any real person except with the consent of that person (rule 351-8.18).
3. Accept contingency fees for lobbying (rule 351-8.5).
4. Accepting money from a client designated by the client for the purpose of making campaign contributions in the name of the lobbyist (this is considered giving a campaign contribution in the name of another person and is prohibited by 68A.502).

All lobbyists are prohibited from contributing to, acting as an agent or intermediary for contributions to, or arranging for the making of monetary or in-kind contributions to the campaign of an elected state official, member of the general assembly, or candidate for state office on any day during the regular legislative session. In the case of the governor or a gubernatorial candidate, the prohibition extends for an additional thirty days following the adjournment of session allowed for the signing of bills (68A.504 and rule 351-8.15).

This prohibition does not apply to the following:

1. Contributions to the federal campaign account of an elected state official or member of the general assembly who is seeking federal elective office.
2. Candidates for state office during a special election commencing when at least two candidates have been nominated and ending on the date on which the election is held.

3. Special sessions or for the time period after a special session for the signing of bills in the case of the governor or gubernatorial candidates.
4. Lobbyists that are not registered in Iowa, but are registered in another state or the federal government.

The Board has jurisdiction for handling complaints concerning contributions during session involving both legislative and executive branch lobbyists as that particular statute is under the campaign finance laws as opposed to the ethics laws.

All state and local governmental officials and employees may attend functions held during the legislative session and the gift law will not apply so long as all 150 legislators are invited to attend. However, a pre-function registration must be electronically filed 5 days before with the General Assembly and a report disclosing the total costs of food, beverage, and entertainment must be filed within 28 days after. Click [here](#) to go to the lobbyist section of the General Assembly's website. The General Assembly provides electronic notice to the Board when function registration and reports are filed.

**FOR MORE INFORMATION CONTACT THE BOARD:**

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