

Advisory Opinion

IECDB AO 2000-19

August 17, 2000

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11), the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on whether an individual that "monitors" legislation is a "lobbyist". We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and rules in Iowa Administrative Code chapter 351. Whether some other statutory system, common law theory or agency rule applies to this issue is not covered by this opinion.

OPINION:

The issue has been raised whether an individual that "monitors" legislation, a rule or an executive order before the executive branch is a "lobbyist". "Monitor" means the individual follows the progress of an issue, but does not contact any executive branch employee or official to encourage action taken upon it.

Our jurisdiction in interpreting the lobbying statutes is limited to activities before the executive branch. Iowa Code section 68B.2(13)"a" provides that an individual becomes a "lobbyist" when "acting directly" to "encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order." Subpart "b" of the statute provides examples when an individual encouraging action on an issue is not a "lobbyist".

It is our opinion that an individual who only "monitors" an issue does not "encourage the passage, defeat, approval, veto, or modification" of the issue. Thus, an individual who "monitors" an issue and does not engage in any other conduct that "encourages" action by an executive branch employee or official is not a "lobbyist".

BY DIRECTION AND VOTE OF THE BOARD

Bernard McKinley, Board Chair

1st Vice-Chair Geraldine Leinen

2nd Vice-Chair James Albert

Gwen Boeke

Mark McCormick

Phyllis Peters

-Submitted by: W. Charles Smithson, Board Legal Counsel