

Advisory Opinion

IECDB AO 2000-23

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 candidates speaking to students in school classrooms. 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:

Iowa Code section 56.12A states:

"The state and the governing body of a county, city, or other political subdivision of the state shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue."

The issue has been raised concerning state and local candidates speaking to students in school classrooms. It is our opinion that candidates may come in and speak about their campaigns, their positions and other issues so long as the candidates do not use words of "express advocacy" as defined in Iowa Code section 56.2(14)"b" and rule 351 IAC 4.100(1) "a". Therefore, candidates would be prohibited from using terms such as "vote for", "elect", "defeat" or other words that "in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates". Otherwise, the statute would not prohibit candidates from speaking to students in school classrooms so long as terms of "express advocacy" were avoided.

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