

Advisory Opinion

IECDB AO 2000-24

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 campaign literature being posted in classrooms as part of a "learning unit" on elections and government. 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 the posting of campaign literature in school classrooms as part of the curriculum on government, elections and campaigning. It is our opinion that in such situations campaign literature for state and local candidates may be posted so long as literature from all major candidates in the election is posted. While literature may be posted in these situations, public officials and employees would be prohibited from "expressly advocating" the election or defeat of a clearly identified candidate. "Expressly advocating" means words that "in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates".

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