

Advisory Opinion

IECDB AO 2000-25

September 21, 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 the placement of the "paid for by" attribution statement on web sites and e-mails. 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 56.14 requires persons "who cause the publication or distribution of published material" that "expressly advocates" for or against candidates or ballot issues to identify the name of the person paying the costs of the material. In some cases, the statute also requires additional information to be provided such as an address or the name of an officer. We suggest that anyone publishing such materials review the statute for guidance. "Published material" is defined as "any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, or any other form of printed general public political advertising." Editorials or news articles that are not political advertisements are exempted. Rule 351 IAC 4.70 requires the words "paid for by" as part of the attribution statement.

The Board is of the opinion that Internet web sites and e-mails that "expressly advocate" are "forms of printed general public political advertising" and thus require the words "paid for by" and the name and other appropriate information as required by Iowa Code section 56.14 and rule 351 IAC 4.70. When the site is provided "free" for joining a particular web provider, the statement should reflect the required information for the person paying the service provider fee.

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