

# Advisory Opinion

IECDB AO 2000-27

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 issue of a personal vehicle with campaign signs being parked on public property. 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 prohibits the "expenditure of public moneys for political purposes". In order to help implement the statute, the Board promulgated rule 351 IAC 12.3(4) that states:

"Officials, employees and candidates may display bumper stickers and campaign signs on personal vehicles which are parked in state public or employee parking lots of facilities in which the persons are either employed or are visiting to conduct business. Vehicles with campaign signs cannot be parked in state parking lots for periods exceeding 24 consecutive hours."

Thus, it is a violation for the state to allow a vehicle with a campaign sign to be parked on state property for longer than 24 consecutive hours. We believe the analysis contemplated in the rule should also apply to personal vehicles located on public property of a county, city or other political subdivision. Therefore, the Board will consider it a violation of Iowa Code section 56.12A for any political subdivision to permit a personal vehicle with a campaign sign to be located on subdivision property for longer than 24 consecutive hours.

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