

## Advisory Opinion

IECDB AO 2001-02

April 5, 2001

The Honorable William E. Davis Scott County Attorney  
416 West Fourth Street  
Davenport, Iowa 52801-1187

Dear Mr. Davis:

This opinion is in response to your letter of January 29, 2001, in which you request an opinion from the Iowa Ethics and Campaign Disclosure Board. 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.

### FACTUAL STATEMENT:

We understand you request this opinion in your capacity as the Scott County Attorney. You advise us that in the Minutes of the Board's October 19, 2000 meeting, the Board determined that property could not be rented from a corporation for purposes of placing a campaign sign. You state that you have reviewed Chapter 56 and do not see where such a practice would be prohibited so long as the transaction was properly reported.

### QUESTION:

Is it permissible under for a committee to rent corporate property for the purpose of placing a campaign yard sign?

### OPINION:

We first note that Iowa Code section 56.15 prohibits corporations from making contributions to candidates and political committees (except ballot issue committees). Turning to your question, the statute does draw a distinction based on whether or not the property involves a private individual. Iowa Code section 56.15(4) in pertinent part states:

"...This section does not prohibit...the placement of yard signs, with the prior written permission of the individual property owner, on property rented or leased by a corporation from private individuals....This section also does not prohibit the placement of a yard sign on residential property that is owned by a corporation, but rented or leased to a private individual, if the prior permission of the renter or lessee is obtained."

Based on the language of the statute, the Board promulgated rule 351 IAC 4.80(2) that prohibits the "placement of a yard sign on the lawn or grounds of property owned by a corporate entity, unless the property is rented or leased to an individual for residential purposes". From the language in Iowa Code section 56.15(4), it is clear that the General Assembly contemplated the placement of yard signs on corporate property and believed that such activity should be prohibited except when the property was owned by a private individual or the property was owned by a corporation and leased to private individuals as residential property. Based on the prohibitions in the statute, the Board promulgated rule 351 IAC 4.80(2). Therefore, we are of the opinion that a committee may not rent corporate property for the placement of campaign signs. However, if the property is owned by a private individual and leased to a corporation, or if the property is owned by a corporation and leased to a private individual for residential purposes, a campaign sign could be placed so long as permission of the private individual was obtained.

**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