

Advisory Opinion

IECDB AO 2001-17

October 18, 2001

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 yard signs being exempt from the "paid for by" attribution statement. 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(1)"b" exempts yard signs from the "paid for by" attribution statement requirement. Board rule 351 IAC 4.71 in pertinent part states:

"'Yard signs,' which are exempt from the attribution statement requirement, means a...sign with dimensions of 16 square feet or less which has been placed or posted on real property."

In applying this language, any yard sign that is 16 square feet or less and is placed or posted on real property does not need the words "paid for by" along with the disclosure of the source of funding for the sign. The issue has been raised that when both sides of a 16 square foot sign are used, the sign should be considered a 32 square foot sign and no longer exempt.

The Board is of the opinion that regardless of whether or not both sides of the sign are used, so long as the total dimensions (not counting the post) of the sign are sixteen square feet or less, the "paid for by" attribution statement is not required.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
1st Vice-Chair Geraldine Leinen
2nd Vice-Chair Gwen Boeke
Mark McCormick
Bernie McKinley
Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel