

# Advisory Opinion

IECDB AO 2004-04

April 22, 2004

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on when an attribution is not needed on express advocacy materials. We note at the outset that the Board’s jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

OPINION:

In IECDB Advisory Opinion 2000-34, the Board opined on the application of the “paid for by” attribution statement requirement in Iowa Code section 56.14<sup>1</sup> in light of the United States Supreme Court decision in *McIntyre v. Ohio Elections Comm’n*. In that opinion, the Board interpreted the phrase “modest resources” as an individual, acting independently, who spent \$500 or less of his or her own resources on a ballot issue. In those situations the individual was not required to place an attribution on published material concerning the ballot issue.

The Board has since adopted rule 4.39(1)“e” that reduced the dollar amount to \$100<sup>2</sup>. Therefore, an individual, who acts independently, and spends \$100 or less to expressly advocate for or against a ballot issue is not required to place a “paid for by” attribution statement on any published materials involving the ballot issue.

In closing, IECDB Advisory Opinion 2000-34 is hereby modified as set out in this opinion.

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

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<sup>1</sup> Effective July 1, 2003, that statute was renumbered as Iowa Code section 68A.405. In addition, the Board’s rules concerning the “paid for by” attribution have been renumbered as 351—4.38 through 4.41.

<sup>2</sup> The Board also notes that the 2004 legislature passed HF 2319 that by statute codifies the \$100 threshold. As of the issuance date of this opinion, the bill was awaiting signature into law by the Governor.