

Advisory Opinion

IECDB AO 2015-01

Subject: Whether an internet video requires an attribution statement

March 26, 2015

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(12) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on whether an internet video must include an attribution statement. We note at the outset the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

QUESTION:

Does Iowa law require an attribution statement on an internet video designed to expressly advocate in favor or against a candidate or ballot issue?

OPINION:

Iowa Code section 68A.405 requires an attribution statement on "published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue" unless one of the exceptions in the statute applies. The term "published material" includes "television, video, or motion picture advertising." In the case of "television, video, or motion picture advertising," the attribution statement must be "displayed on the screen in a clearly readable manner for at least four seconds."

Some campaigns are now creating no-cost or low-cost videos that they distribute through their own websites, social media sites, video-sharing sites and mass emails. The question that has arisen is whether section 68A.405 requires an attribution statement on internet videos that are distributed with little or no expense in the same manner as more traditional advertising, such as television commercials. We are of the opinion that an internet video containing express advocacy is a "video" within the meaning of section 68A.405 and must include an attribution statement unless one of the exceptions in the statute applies.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Jonathan Roos, Vice Chair

John Walsh

Saima Zafar

Carole Tillotson

Mary Rueter

Submitted by Megan Tooker, Board Legal Counsel

Iowa Code § 68A.405(1)(b)(1) (2015).

Id. § 68A.405(1)(a)(3).

Id. § 68A.405(3).

See id. § 68A.405(2) (listing the exceptions to the attributions statement requirement).