

## Advisory Opinion

IECDB AO 2015-02

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 the appropriate attribution statement for a coordinated expenditure. 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:

What is the appropriate “paid for by” attribution statement for a coordinated expenditure?

### OPINION:

Iowa Code section 68A.405 requires a “paid for by” 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.<sup>1</sup> The term “published material” “means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, internet website, campaign sign, or any other form of printed general public political advertising.”<sup>2</sup> “Published material” also includes “television, video, or motion picture advertising.”<sup>3</sup> The purpose of the attribution statement is to disclose “who is responsible for the published material.”<sup>4</sup>

Sometimes, published material is purchased by one “person”<sup>5</sup> in coordination with a candidate or committee. An expenditure is considered “coordinated” when it is “made with the knowledge and approval of a candidate, candidate’s committee, political party committee, or political committee.”<sup>6</sup> In those cases, we believe the attribution statement should refer to the person who paid for the published material and not the candidate or committee who approved the published material.

---

<sup>1</sup> Iowa Code § 68A.405(1)(b)(1) (2015).

<sup>2</sup> *Id.* § 68A.405(1)(a)(3).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* § 68A.405(1)(b)(1).

<sup>5</sup> The term “person” is defined in chapter 68A to mean “without limitation, any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, labor union, or any other legal entity.” *Id.* § 68A.102(17). In the context of section 68A.405, a “person” could be one or more individuals, an organization, a corporation, or a committee that has filed a statement of organization pursuant to section 68A.201. *Id.* § 68A.405(1)(c)-(g).

<sup>6</sup> Iowa Admin Code r. 351—4.53(4).

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Jonathan Roos, Vice Chair

Saima Zafar

Carole Tillotson

John Walsh

Mary Rueter

Submitted by Megan Tooker, Board Legal Counsel