

Advisory Opinion  
IECDB AO 2016-07

September 1, 2016

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 it is permissible to place a campaign sign on a vehicle parked on public property. We note at the outset that 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:

May an individual place a campaign sign on a vehicle parked on public property?

OPINION:

Iowa Code section 68A.406 addresses where campaign signs are permissible and prohibited. Subsection 2 of that section states:

- a. Campaign signs shall not be placed on any of the following:
  - (1) *Any property owned by the state or the governing body of a county, city, or other political subdivision of the state, including all property considered the public right-of-way. . . .*
  - (2) Property owned, leased, or occupied by a prohibited contributor under section 68A.503 unless the sign advocates the passage or defeat of a ballot issue or is exempted under section 1.
  - (3) On any property without the permission of the property owner or lessee.
  - (4) On election day either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.
  - (5) On the premises of or within three hundred feet of any building affording access to an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections as provided in section 53.10.

(6) On the premises of or within three hundred feet of a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station as provided in section 53.11.

- b. Paragraph "a", subparagraphs (4), (5), and (6) shall not apply to the posting of signs on private property not a polling place, *except that the placement of a sign on a motor vehicle, trailer, or semi trailer, or any attachment to a motor vehicle, trailer, or semi trailer parked on public property within three hundred feet of any outside door of any building affording access to a polling place, which sign is more than ninety square inches in size, is prohibited.*<sup>i</sup>

(emphasis added).

At first blush, paragraph "a", subparagraph (1) seems absolute. It states campaign signs are prohibited on "any property owned by the state or the governing body of a county, city, or other political subdivision of the state."<sup>ii</sup> However, if we interpreted paragraph "a" to mean that all campaign signs are prohibited on vehicles parked on public property under all circumstances, we would be contradicting paragraph "b" which carves out a very limited prohibition for a sign on a vehicle "parked on public property within three hundred feet of any outside door of any building affording access to any room serving as a polling place, which sign is more than ninety square inches in size."

Reading paragraphs "a" and "b" together, we believe section 68A.406 allows a campaign sign on a vehicle parked on public property as long as the vehicle is not within three hundred feet of a polling place on election day or during the hours when absentee ballots are available.<sup>iii</sup> If the vehicle is parked within three hundred feet of a polling place, then only a sign that is ninety square inches or smaller in size may be placed on the vehicle.

We are confident our interpretation is consistent with the plain language of the statute and the legislature's intent. Moreover, interpreting 68A.406 to prohibit all campaign signs on all vehicles parked on public property would be overly burdensome and lead to absurd results. Under a blanket ban, no vehicle with a campaign sign, no matter how small, could be parked on a public street or in a parking lot owned by a government body such as a public school, public library or public hospital.

#### CONCLUSION:

An individual may place a campaign sign on a vehicle parked on public property except when both of these conditions occur:

- (1) the vehicle is parked within three hundred feet of a polling place on election day or during the hours when absentee ballots are available;

and

(2) the sign is in excess of ninety square inches in size.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Jonathan Roos, Vice Chair

John Walsh

Carole Tillotson

Mary Rueter

Submitted by Megan Tooker, Board Legal Counsel

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<sup>i</sup> Iowa Code § 68A.406(2).

<sup>ii</sup> *Id.* § 68A.406(2)(a)(1).

<sup>iii</sup> Absentee ballots are available prior to election day at the office of the county commissioner of elections as provided in Iowa Code section 53.10 and at satellite absentee voting stations as provided in section 53.11.