

# IOWA

## LOBBYING DISCLOSURE

These resources are current as of 6/16/14. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at [advocacy@afi.org](mailto:advocacy@afi.org).

### What's New in This Guide

The following changes/additions have been made since the previous version of this guide:

- ◆ Timing for filing Pre-Function Registration and hyperlink to function reporting instructions
- ◆ Updated discussion on scope of contribution ban as well as filing of declarations by lobbyists

This guide summarizes key aspects of laws and regulations governing lobbying on the **state** level. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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## OVERVIEW

Iowa law distinguishes between individuals who lobby the legislative branch and individuals who lobby the executive branch. Legislative branch lobbying activities are governed by the General Assembly and applicable rules are set forth in the Assembly's [Joint Rules Governing Lobbyists](#). Executive Branch lobbying activities are governed by the Iowa Ethics and Campaign Disclosure Board and applicable rules are set forth in [Section 351, Chapter 8 of Iowa Administrative Code](#). Both authorities have their own registration requirements, reporting deadlines, and various other rules. [Iowa Code §§ 68B.31, 68B.32](#).

## DEFINITIONS

### Client

- A “client” is a private person or a state, federal, or local government entity that pays compensation to or designates an individual to be a lobbyist. [Iowa Code § 68B.2\(6\)](#).

### Executive Branch Lobbying

- “Executive branch lobbying” is acting directly to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by a state agency or any statewide elected official. For purposes of this definition, “state agency” does not include the legislative branch of state government.

### Lobbyist

- A “lobbyist” is any person who directly advocates for the passage, defeat, approval, veto, or modification of legislation, rule, or executive order by members of the General Assembly, a state agency, or any statewide elected official *and* meets at least one of the following conditions:
  - Receives compensation to conduct that activity;
  - Is a designated representative of an organization that includes lobbying as one of its purposes;
  - Is employed to represent the position of a federal, state, or local government agency for lobbying; *or*
  - Spends more than \$1,000 in a calendar year on lobbying, excluding money paid as compensation to a professional lobbyist or funds used by an individual for communication with his or her own senator or representative.

[Iowa Code § 68B.2\(13\)\(a\).](#)

- “Lobbyist” does not mean:
  - A person whose activities are limited to giving official testimony or providing information or assistance at General Assembly committee sessions, or at public hearings of state agencies, or giving testimony or providing information or assistance at the request of public officials or employees;
  - An individual who is a member, director, trustee, officer, or committee member who either is not paid compensation or is not specifically designated as a representative for lobbying, and that person is acting on behalf of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization;
  - Persons whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation related to agency rulemaking; and
  - When acting in their official capacity, any of the following persons: officials and employees of the Democratic and Republican parties; representatives of the news media; federal, state, and local elected officials; or government agency employees.

[Iowa Code § 68B.2\(13\)\(b\).](#)

Lobbying

- The term “lobbying” is not defined in either the Iowa Code or the Senate or House rules governing lobbyists. The Senate rules governing lobbyists suggest activities that may constitute lobbying services in a non-exclusive list of services to be reported by regulated lobbyists and their clients:
  - Time spent by the lobbyist at the state capitol building commencing with the first day of a legislative session and ending with final adjournment of the session;
  - Time spent by the lobbyist attending meetings or hearings which results in the lobbyist communicating with members of the General Assembly or legislative employees about current or proposed legislation;
  - Time spent by the lobbyist researching and drafting proposed legislation with the intent to submit the legislation to a member of the General Assembly or a legislative employee; and

- Time spent by the lobbyist actually communicating with members of the General Assembly and legislative employees about current or proposed legislation.

See [Rule 7 of the Senate Rules Governing Lobbyists](#).

### Grassroots Lobbying

- Grassroots lobbying, as defined by the IRS, does not fall under the statutory definition of lobbying. Iowa regulates only “direct” lobbying. ([IECDB AO 2003-18](#).)

### Restricted Donor

- A “restricted donor” is a person who is in any of the following categories:
  - Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed
  - Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region
  - Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of a regulatory agency and over which the donee has discretionary authority as part of the donee's official duties or employment within the regulatory agency subunit
  - Is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

## **REGISTRATION**

- All lobbyists must register **electronically** *on or before* the day their lobbying activity begins, by filing a lobbyist’s registration statement with the General Assembly. Lobbyists may preregister for the following calendar year starting December 1 of the current year. [Iowa Code § 68B.36](#).
  - Both Executive and Legislative branch lobbyists must register with the General Assembly using the [online registration and filing system](#).

- Executive branch lobbyists are no longer required to register and file with the Ethics and Campaign Disclosure Board, they instead file with the General Assembly.
- Registration information must include, *inter alia*, the lobbyist's name and business address, a general description of the issue and agencies to be lobbied (for legislative branch lobbyists, the general subjects of legislation and a declaration of the numbers of the bills and resolutions to be lobbied), and on whose behalf the lobbyist is lobbying (lobbyist client).
- Any change in registration information must be reported within 10 days. Once an individual's lobbying activities have ceased, the lobbyist may cancel his or her registration.
- Lobbyist registrations are valid from the date of registration through the end of the calendar year. [Iowa Code § 68B.36\(2\)](#). Individuals who will continue to qualify as lobbyists must re-register each calendar year.
- If a registered lobbyist ceases all lobbying activity prior to the end of the calendar year, the lobbyist may cancel his or her registration by electronically filing a notice of cancellation with the General Assembly. [Iowa Code § 68B.36\(4\)](#).

## REPORTING

### Lobbyist Reports No Longer Required

- Lobbyists are no longer required to file monthly and quarterly reports; they must only file annual registration statements, which are to reflect changes including the addition or deletion of a client, a client contact person change, an address or email change, etc. Additionally, lobbyists must file declarations that explain the positions they are taking on bills and resolutions. Lobbyist clients, however, are required to file reports, discussed below.

### Client Reports

- On or before July 31 of each year, a lobbyist's client must file electronically with the General Assembly a report that contains information on all salaries, fees, retainers, and reimbursement of expenses paid or anticipated to be paid by the lobbyist's client to the lobbyist for lobbying purposes during the preceding twelve (12) calendar months, concluding on June 30 of each year. [Iowa Code § 68B.38\(1\)](#).

## **PUBLIC DISCLOSURE**

- All campaign finance reports are available for public inspection “not later than the end of the day during which the report or statement was filed.” [Iowa Code § 68B.32A\(7\)](#). Paper copies are available at the Board’s office.
- Lobbyists’ registration information, bill and resolution declarations, and lobbyist client’s report contents are posted on the General Assembly’s [website](#).

## **RESTRICTIONS**

### Time Restrictions on Lobbying

- There are no time restrictions on lobbying.

### Identification of Lobbyists

- Lobbyists are not required to wear a badge or other identification. By choice, their photographs may be posted on the website of the Iowa Ethics and Campaign Disclosure Board.

### Campaign Contributions

- Registered lobbyists are prohibited from making contributions to statewide and general assembly candidates and officeholders during the regular legislative session. This prohibition extends for an additional thirty (30) days following adjournment for the Governor and gubernatorial candidates. The prohibition does not apply to any "special session" of the legislature and lobbyists and political committees may make contributions during a "special session". ([IECDB AO 2001-01](#).) Additionally, it does not apply to lobbyists that are registered in other states or with the federal government. ([IECDB AO 2002-09](#).)  
[Iowa Code § 68A.504](#).

### Gifts

- Public officials, public employees, candidates for public office, and their families, may not receive a gift from a lobbyist or the client of a lobbyist. “Gift” is defined as anything of value in return for which legal consideration of equal or greater value is not given and received. [Iowa Code § 68B.2\(9\)](#).
- The following are excluded from the gift ban:
  - A gift donated within 30 days to a public body, to the Iowa Department of Administrative Services, or to a bona fide educational or charitable organization;

- Contributions to a candidate or a candidate's campaign committee;
- Informational material relevant to the public employee's official duties;
- Anything received from anyone related within the fourth degree of kinship or marriage unless the donor is acting as an agent for another person not so related;
- An inheritance;
- Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient;
- Items from a bona fide organization to which the official belongs as a dues-paying member;
- Actual expenses – including registration, food, beverages, travel and lodging – for attending a meeting in which the official participates in a speaking engagement related directly to the days on which the recipient has presentation responsibilities;
- Items of negligible value given as recognition of public service;
- Nonmonetary items that do not exceed \$3.00 in a single day;
- Funeral flowers or memorials to a church or nonprofit organization;
- Wedding, 25<sup>th</sup>, and 50<sup>th</sup> anniversary gifts;
- Gifts from a citizen of another country as part of a ceremonial presentation;
- Registration costs for informational meetings related to official activities;
- Gifts of food, beverage, and entertainment received by public officials or public employees at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of such a function [must file a registration](#) at least 5 days prior to the date of the function identifying the sponsor and date, time, and place of the function. Within 28 days after the function takes place, the sponsor must file a report disclosing the total amount expended for the function. A lobbyist representing the primary sponsor of a function is responsible for filing the pre-function registration and function report.

[Iowa Code § 68B.22\(4\)](#).

## Honoraria

- A public official or public employee may accept an honorarium from a lobbyist or client only if it is limited to:
    - Actual expenses paid for registration, food, beverages, travel and lodging paid in return for participation in a speaking engagement that relate directly to the day or days in which recipient has presentation responsibilities;
    - Nonmonetary items that the recipient donates within thirty days to a public body, bona fide educational or charitable organization, or the Iowa Department of Administrative Services; or
    - A payment made to a public official or public employee for services rendered as part of a bona fide private business, trade, or profession in which the public official or public employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a public official or public employee, but, rather, because of some special expertise or other qualification.
- [Iowa Code § 68B.23.](#)

## Loans

- A lobbyist is prohibited from loaning money to an official, member of the General Assembly, state employee, legislative employee, or candidate for state office unless the lobbyist is a person who is regularly engaged in a business that makes loans to the general public and the terms of the loan are substantially similar to those offered to the general public. [Iowa Code § 68B.24.](#)

## Revolving Door

- Former elected officials and heads of state departments and agencies are prohibited from becoming a lobbyist for a period of two years after the termination of service or employment. [Iowa Code § 68B.5A\(4\).](#)
- A state employee whose position involved a substantial exercise of administrative discretion or expenditure of funds is prohibited from lobbying his or her former agency or employees with whom he or she had substantial and regular contact as part of his or her former duties for a period of two years after the termination of employment. [Iowa Code § 68B.5A\(5\).](#); [IECDB AO 2013-04.](#)
- All other state employees are prohibited from acting as a lobbyist in relation to any matter to which the person was directly concerned and personally participated as a person's employment for a period of two years after the termination of employment. [Iowa Code § 68B.5A\(6\).](#)

## Legislative Lobbyists/Clients Restrictions

- Legislative lobbyists are prohibited from doing the following:
  - Paying or agreeing to pay a member for property or services in excess of that which other persons would charge in the ordinary course of business. [Joint Rules Governing Lobbyists, Rule 15.](#)
  - Paying for membership in or contributions to clubs or organizations on behalf of a member. [Joint Rules Governing Lobbyists, Rule 9.](#)
  - Receiving a fee or bonus based on results attained by the lobbyist. [Joint Rules Governing Lobbyists, Rule 10.](#)
  - Doing anything with the purpose of placing a member under personal or financial obligation to the lobbyist or the lobbyist's client. [Joint Rules Governing Lobbyists, Rule 11.](#)
  - Causing or influencing the introduction of any bill or amendment for the purpose of being employed to secure its passage or defeat. [Joint Rules Governing Lobbyists, Rule 12.](#)
  - Influencing or attempting to influence a member's actions by the promise of campaign support or support for an opposition candidate. [Joint Rules Governing Lobbyists, Rule 13.](#)
  - Communicating with a member's employer for the purpose of influencing the vote of a member. [Joint Rules Governing Lobbyists, Rule 14.](#)
- Clients of legislative branch lobbyists are prohibited from doing the following:
  - Offering economic or investment opportunities to a member with the intent to influence the member's performance of official duties. [Joint Rules Governing Lobbyists, Rule 10.](#)
  - Paying a fee or bonus to a lobbyist based on the results attained by the lobbyist. [Joint Rules Governing Lobbyists, Rule 10.](#)
  - Paying for membership in or contributions to clubs or organizations on behalf of a member. [Joint Rules Governing Lobbyists, Rule 9.](#)

## **ENFORCEMENT AND PENALTIES**

### Civil Enforcement

- The House and Senate Ethics Committees have enforcement authority for laws and rules relating to legislative branch ethics. The Iowa Ethics and

Campaign Disclosure Board is the enforcement authority for laws and rules relating to executive branch ethics. If, after a hearing, the Board determines a violation of the law has occurred, it may resolve the matter informally or do one or more of the following:

- Issue a cease and desist order;
- Issue an order requiring the violator to take any remedial action deemed appropriate by the board;
- Issue an order requiring the violator to comply with the reporting requirements of the Board;
- Public reprimand;
- Impose a civil penalty of not more than two thousand dollars for each violation; or
- Refer the complaint and supporting information to the attorney general or appropriate county attorney with a recommendation for prosecution or enforcement of criminal penalties.

[Iowa Code § 68B.32D.](#)

#### Criminal Enforcement

- Violations of the following laws is considered a serious misdemeanor under Iowa law and subject to criminal prosecution by the county attorney of Iowa Attorney General:
  - Revolving door violations.
  - Gift law, honorarium, and loan violations.
  - Lobbyist registration and disclosure reporting violations.
  - Lobbyist client reporting violations.

[Iowa Code § 68B.34.](#)

## CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Staff directory and individual contact information at:

[http://www.iowa.gov/ethics/board/staff\\_contacts.htm](http://www.iowa.gov/ethics/board/staff_contacts.htm)

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## FOR FURTHER ASSISTANCE

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