

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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BOARD MEMBERS:
James Albert, Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD MINUTES OCTOBER 23, 2008 OPEN SESSION

HELD AT: 510 East 12th, Jessie Parker Building, Des Moines, Iowa

BOARD MEMBERS PRESENT: James Albert, Janet Carl, Gerald Sullivan, Patricia Harper, Betsy Roe, and John Walsh

STAFF PRESENT: W. Charles Smithson, Karen Hudson, Meghan Van Wyk, Adam Gregg, and Sharon Wright

1. CALL TO ORDER – The meeting was called to order by Chair Albert at 12:08 p.m.
2. APPROVAL OF MINUTES FROM AUGUST 28, 2008 – It was moved by Sullivan and seconded by Walsh to approve the minutes from August 28, 2008 as amended. Motion carried.
3. ADJOURNMENT TO EXECUTIVE SESSION – At 12:10 p.m. it was moved by Walsh and seconded by Harper that in accordance with the provisions of Iowa Code section 21.5, the Board will move into executive session to discuss complaints, investigations, and personnel matters. Any action taken in executive session will be disclosed upon return to open session. Motion carried unanimously in roll call vote.

The meeting returned to Open Session at 12:24 p.m.

4. ACTION FROM EXECUTIVE SESSION – It was moved by Sullivan and seconded by Harper that the written record of executive session action be made a part of the open record. Motion carried.

The following executive session action was taken:

Iowa Future Fund – It was moved by Roe and seconded by Sullivan to close with no finding of probable cause. Motion carried.

There was consensus for discussion and vote in open session regarding a draft amendment to the Board's rules.

Tom Robert – It was moved by Harper and seconded by Sullivan to delay hearing pending resolution by administrative closure. Motion carried.

Jim Poolman – It was moved by Walsh and seconded by Carl to close with no finding of probable cause. Motion carried.

Chair Albert suggested that the board propose legislation to expand the definition and required disclosure of independent expenditures and that type of issue advocacy. It was moved by Sullivan and seconded by Walsh that the chair and director work on proposing such a law that will meet the constitutional challenges of this type of legislation. There was general discussion regarding other states and how they handle it as researched by Adam Gregg. The board will review proposed legislation before being taken to the legislature. Motion carried.

5. ADVISORY OPINIONS

A. Prohibition on Contributions during Legislative Session Includes the First/Last Days – It was moved by Roe and seconded by Walsh to approve the advisory opinion. Motion carried.

B. Prohibition on Family Farm Corporations Making Contributions – It was moved by Walsh and seconded by Carl to approve the advisory opinion. Motion carried.

C. Use of Campaign Funds for Sponsorship of Event When Candidate Does Not Attend – It was moved by Carl and seconded by Sullivan to approve the advisory opinion as amended. Motion carried.

D. Use of Candidate Campaign Funds for Service/Professional Organization Membership – It was moved by Roe and seconded by Walsh to approve the advisory opinion as amended. Motion carried.

6. POLICY DECISIONS

A. After discussion there was consensus for the director to propose an expedited procedure for reviewing complaints forwarded by the state commissioner of elections to be reviewed by the board at a future meeting.

B. It was moved by Carl and seconded by Sullivan to not allow use of candidate campaign funds to attend a Presidential inauguration. Roe and Albert opposed. Motion carried.

7. SCHEDULING OF PUBLIC HEARING ON PAC FUNDRAISING – Consensus was that instead of scheduling a public hearing at this time, the board should dedicate as much as an hour on docket of the spring meeting to hear from the committees and better understand the question of how much a corporation is allowed to pay for at a fundraising event.

8. REQUEST FOR PERMISSION TO PETITION RULEMAKING – It was moved by Roe and seconded by Harper to approve the director's request to file a petition for rulemaking changes. Motion carried.

9. RULE FILINGS – It was moved by Walsh and seconded by Harper to approve rule filings for notice of intended action. Motion carried.

10. LEGISLATIVE ISSUES

A. Mandatory Electronic Filing – It was moved by Walsh and seconded by Roe to ask the legislature to require mandatory electronic filing for state PACs, state parties, county central committees, lobbyists, and lobbyist clients.

Carl proposed an amendment to the motion for county central committees who have accumulated \$3,000 or more in their checking account to be required to file electronically from that time on, and that a certain number of years in advance, all committees would then be required to file electronically. Roe suggested four years to coincide with the current legislative mandate for state candidates.

After discussion, Roe suggested that the director should review and decide an appropriate threshold that would enable the board to have a phased transition.

Sullivan stated that he would like to see a study first about county central committee activity. Albert agreed.

Roe asked for a restatement of the complete motion currently pending. Walsh restated the motion to be that the board should ask the legislature to issue a rule that mandates electronic filing for the five groups with the provision that county central committees not be required to file electronically if they have less than \$3,000 in their checking account and that once they reach the threshold they would be required to file electronically. And the amendment contained something about phasing in all within four years.

After discussion, there was consensus that the issue should be tabled until more information is provided by staff back to the board.

Staff provided information about central committees dollar amounts.

Sullivan proposed an amendment that rather than phasing in over a period of years, all county central committees that meet the requirement of \$3,000 be required to file electronically. Motion carried.

B. Use of Campaign Funds for Professional versus Service Organizations – This issue was addressed by an advisory opinion.

C. Campaign Sign Placement – After discussion consensus was that no change should be made in the current process.

D. Interpreting Post-Employment Restrictions in 68B.7 – It was moved by Roe and seconded by Sullivan to propose language to the legislature for clarification of interpretation as follows:

Paragraph 1 is subject to two interpretations. We think the better interpretation is that former state officials can appear within two years before their former agency if it involves something they had no involvement with when they were with the agency.

Paragraph 2 should be interpreted to say that for two years after you leave a board or commission, you cannot be employed by the agency.

Motion carried.

E. Timing of Filing PFD by Statewide Incumbents – It was moved by Sullivan and seconded by Roe that all filings should be due April 30th. Motion carried.

11. SCHEDULING OF DECEMBER REGULAR MEETING – A meeting by email or telephone should be held in November and a regular meeting on December 4th.

14. ADJOURNMENT – The meeting was adjourned at 2:10 p.m.

Respectfully submitted,



Karen Hudson
Secretary