



## Legal Services Division

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Legal Background Briefings are prepared and updated periodically by the Legal Services Division of the Iowa Legislative Services Agency, a nonpartisan agency providing legislative drafting and research services to the committees and members of the Iowa General Assembly. The briefings provide background information regarding a particular area of law. Although a briefing may identify issues for consideration by the General Assembly, nothing contained in a briefing should be interpreted as advocating a particular course of action. The reader is cautioned against using information contained in a briefing to draw conclusions as to the legality of a particular behavior or set of circumstances.

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Legal Background Briefing on ...

## Legislative Ethics Legal and Informational Sources

### Where Can the Legislative Ethics Laws and Rules Be Found?

When an ethics question arises, statutory and legislative rule provisions should be examined.

#### Iowa Code

*Iowa Code Chapter 68A* – This chapter relates to campaign finance in general but contains ethics-related provisions including the prohibition of making campaign contributions during the legislative session, restrictions on the use of campaign funds, and the prohibition on the use of public moneys for political purposes.

*Iowa Code Chapter 68B* – Among other issues, this chapter includes laws relating to the gifts, honoraria, loans from lobbyists, financial disclosure, and conflicts of interest. Chapter 68B also establishes the composition, duties, and functions of the Ethics Committee in each house.

#### Legislative Rules

*Senate and House Code of Ethics* – At the beginning of each General Assembly, each house adopts its own Code of Ethics.

*Senate and House Rules Governing Lobbyists* – At the beginning of each General Assembly, each house adopts its own Rules Governing Lobbyists.

## Common Ethics Issues

The following are some common ethics issues to consider:

*Gift Law (Iowa Code § 68B.22)* – Prohibits members and immediate family members from accepting or receiving most gifts from restricted donors. Many exceptions to the prohibition are listed in Iowa Code § 68B.22.

*Honoraria and Loans (Iowa Code §§ 68B.23 and 68B.24)* – Prohibits members from seeking or accepting most honoraria from restricted donors and some loans from lobbyists.

*Conflicts of Interest (Iowa Code §§ 68B.2A, 68B.5A, and 68B.7, Senate Code of Ethics rules 4, 8, and 9, and House Code of Ethics rules 2, 3, and 4)* – Examples of potential conflicts include but are not limited to outside employment or activities conflicting with members' official duties or within two years after service, certain appearances before governmental agencies, and use of confidential information to further members' own economic interests.

*Financial Disclosure (Iowa Code §§ 68B.3 and 68B.35, Senate Code of Ethics rules 11 and 26, and House Code of Ethics rules 10 and 17)* – Requires the filing of financial disclosure forms on an annual basis. Forms are obtained from and filed with the Secretary of the Senate and the Chief Clerk of the House.

*Sales (Iowa Code § 68B.3)* – Restricts certain sales of goods and services by members to state agencies.

*Revolving Door Provisions (Iowa Code §§ 68B.5A and 68B.7)* – Restricts, for a period of two years after termination of service, the types of lobbying activities and state government-related activities that a member of the General Assembly can engage in.

*Criminal Prohibitions (Iowa Code § 711.4 and chapters 39A, 721, and 722)* – Provides criminal penalties for extortion, misconduct in office, bribery, and election misconduct.

**Important Note:** Ethics laws apply all year long, in-state and out-of-state.

## Ethics Committees

The conduct of members and persons connected with the General Assembly is regulated by various entities. One such entity is the statutory standing Ethics Committee in each house. The membership of each committee consists of six members and is equally divided between the majority and minority parties. The Ethics Committees receive and hear complaints regarding member and lobbyist conduct, prepare a Code of Ethics and Rules Governing Lobbyists, issue advisory opinions, and recommend legislation regarding ethics and lobbying activities.

## Lobbyists

Iowa Code § 68B.2 defines the term "lobbyist." One of the ways to determine whether a particular person is a lobbyist is by checking the registered lobbyist lists in each chamber. These lists also identify the client of each lobbyist. Identification of lobbyists is important because lobbyists and their clients are restricted donors and, thus, are governed by the gift law, honoraria, and various other prohibitions in the Iowa Code, the Codes of Ethics, and the Rules Governing Lobbyists.

## Informational Sources for Ethics Issues

If questions regarding ethics issues arise, the following sources may be of some assistance:

*The chairperson, ranking member, and other members of the Ethics Committees in the Senate and House* – These committees oversee the ethical conduct of members, lobbyists, and employees connected with the General Assembly.

*The Office of the Secretary of the Senate* – Forms are available, filings are collected, and information is available in this office. (515)281-5307.

*The Office of the Chief Clerk of the House* – Forms are available, filings are collected, and information is available in this office. (515)281-5381.

*The Ethics and Campaign Disclosure Board* – The Board is charged with the oversight of campaign finance laws and the ethical conduct of executive branch lobbyists and executive branch personnel. (515)281-4028.

*Private legal counsel* – In addition to sources within state government, private legal counsel should be consulted regarding personal legal representation.

## **Informational Sources Accessed on the Internet**

Informational sources of legislative ethics can be accessed on the internet via the Iowa General Assembly website:

<http://www.legis.iowa.gov>

See the following tabs:

- Iowa Law & Rules – Chamber Rules
- LSA Publications – Legal Topic Publications – Legal Background Briefings
- Lobbyist Information – Law Governing Lobbyists

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