

Advisory Opinion
IECDB AO 2000-03

April 20, 2000

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11), the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on the purchase of newspaper subscriptions to The Des Moines Register, The Wall Street Journal and Roll Call magazine with campaign funds. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and rules in Iowa Administrative Code chapter 351. Whether some other statutory system, common law theory or agency rule applies to this issue is not covered by this opinion.

OPINION:

Iowa Code section 56.41(1) states:

"A candidate and the candidate's committee shall use campaign funds only for campaign purposes, educational and other expenses associated with the duties of office, or constituency services, and shall not use campaign funds for personal expenses or personal benefit. The purchase of subscriptions to newspapers from or which circulate within the area represented by the office which a candidate is seeking or holds is presumed to be an expense that is associated with the duties of the campaign for and duties of office."

Board rule 351 IAC 4.42(1) in pertinent part states:

"Expenses which may be paid from campaign funds for campaign purposes include, but are not limited to, the following items so long as the items promote or enhance the candidacy of the candidate:

s. Subscriptions to newspapers and periodicals."

It is our opinion that while certain newspaper subscriptions are "presumed to be an expense" for which campaign funds may be used depending upon geographic location, some newspapers or periodicals are of such a nature that all candidates for state or local office should be allowed to purchase their subscriptions regardless of locale.

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Therefore, the Board is of the opinion that all candidates for state and local office, regardless of geographic location, are permitted to use campaign funds to purchase subscriptions to The Des Moines Register, The Wall Street Journal and Roll Call magazine.

Any candidate or officeholder desiring to purchase other periodicals or newspaper subscriptions that are not within the geographic presumption in Iowa Code section 56.41(1) may seek further guidance from the Board prior to purchasing the subscriptions.

BY DIRECTION AND VOTE OF THE BOARD

Bernard McKinley, Board Chair
1st Vice-Chair Geraldine Leinen
2nd Vice-Chair James Albert
Gwen Boeke
Mark McCormick
Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel