

Advisory Opinion

IECDB AO 2000-14

July 20, 2000

Mary A. Polson
Treasurer, Citizens to ReElect Wayne Ford
6840 Mill Pond Drive
Urbandale, Iowa 50322

Dear Ms. Polson:

This opinion is in response to your letter of July 10, 2000, in which you request an opinion from the Iowa Ethics and Campaign Disclosure Board. 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.

FACTUAL STATEMENT:

We understand you request this opinion in your capacity as the treasurer for the Citizens to ReElect Wayne Ford. You advise us that the campaign committee of Vice President Gore has invited Representative Ford to the Democratic National Convention. Representative Ford's purpose for attending the convention would be to establish an informational booth pertaining to the minorities of Iowa, the Brown-Black Coalition and the Iowa Caucus. Representative Ford would not be attending the convention as a delegate.

QUESTIONS:

Based on the factual statement above, you ask the Board the following questions:

1. Is it permissible for Representative Ford to use campaign funds for travel and hotel expenses to attend the convention?
2. If so, is it permissible to use campaign funds to reimburse the travel and hotel expenses for four other minorities from Des Moines planning to work with Representative Ford at the convention?

OPINION:

Iowa Code section 56.41 in pertinent part states:

"1. 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...."

We first note that rule 351 IAC 4.42(1)"f" prohibits the use of campaign funds for travel and lodging expenses to attend a national political party convention "unless the candidate can substantiate that the sole reason for attending the convention is to enhance the candidacy of the candidate." However, the Board is of the opinion that this prohibition applies only if the individual is attending the Convention as a delegate. Thus, since Representative Ford is not attending as a delegate, this prohibition would not apply.

Turning to the application of Iowa Code section 56.41 to your question, any use of campaign funds must be for "campaign purposes, educational and other expenses associated with the duties of office or constituency services." Any other use of campaign funds is for "personal expenses or personal benefit" and is prohibited. Based on the facts you have presented, we believe that Representative Ford's activities at the Convention are a permissible use of campaign funds. However, the Board does not believe that paying for the travel and lodging expenses of the individuals aiding in those activities is permissible under the language of the statute or any examples provided in rule 351 IAC 4.42(1) through (3).

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