

Advisory Opinion

IECDB AO 2000-41

November 16, 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 when electronically filed reports are considered timely filed. 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 56.6 requires disclosure reports to be filed or mailed with a U.S. postal service postmark on or before certain designated dates. Reports not filed or postmarked on or before those dates are subject to the imposition of civil penalties under the Board's rules in 351 IAC chapter 6. If a report remains unfiled or there is evidence of an intentional failure to file, the Board may initiate the contested case process and hold a hearing to determine whether or not a violation occurred and if additional sanctions should be imposed.

The Board has developed a program where committees may "electronically" file their reports via the Internet, by e-mail or submitting computer diskettes. The issue now becomes when an "electronically" filed report is considered to be timely filed.

If a committee submits a report by mailing a diskette, the diskette must be received by the Board or mailed with a U.S. postal service postmark on or before the required date. In situations where the committee files via the Internet or by e-mail, the report must be received by the Board's computer network on or before 11:59 p.m. of the required due date to be considered timely filed.

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