

Advisory Opinion

IECDB AO 2001-13

October 18, 2001

Joan Lucas, Chair
Katy Gammack, Co-Chair
Money & Politics Iowa
PO Box 65545
West Des Moines, Iowa 50265

Dear Ms. Lucas and Ms. Gammack:

This opinion is in response to your letter of October 5, 2001, 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 co-chairs of Money & Politics Iowa. You advise us that SF 2395, an act relating to the creation of the Information Technology Department, was passed into law by the 78th General Assembly in 2000. You state the certain sections of the bill could be interpreted to mandate that campaign disclosure reports filed with the Board should be filed electronically. You also state that although Iowa Code section 56.6 permits reports to be "mailed bearing a United States postal service postmark", that section does not preclude forms to be filed electronically.

QUESTION:

Is the Board permitted under the language of SF 2395 to mandate that campaign disclosure reports be filed using the Board's electronic filing program?

OPINION:

The Board first notes that the section of law you reference is cited as Iowa Code section 304.13A. As a general rule, the Board does not issue advisory opinions interpreting sections of law that are not in Iowa Code chapters 56 or 68B. The express language of Iowa Code section 56.6(1) addresses your question. It is clear from the wording of the statute that the legislature has not mandated electronic filing of campaign disclosure reports.

As you note in your letter, Iowa Code section 304.13A refers to "agency reports". You acknowledge that "while it is true that mandatory disclosure reports filed by various political committees are not the same thing as a mandatory agency reports, it is logical that the general assembly would apply the same intent to mandatory disclosure reports". The Board believes, as you seem to believe, that the statute applies solely to reports generated by an agency as opposed to reports filed with an agency. Therefore, the Board does not see how it could mandate electronic filing under the language of the statute.

Your statement that "it is logical that the general assembly would apply the same intent to mandatory disclosure reports" is not supported by the actions of the General Assembly. Iowa Code section 56.6 has not been amended to remove the ability of committees to file reports via U.S. mail. In addition, legislation was introduced during both the 2000 and 2001 legislative sessions to amend Chapter 56 to mandate electronic filing without success. Thus, it has not been demonstrated that the General Assembly "would apply the same intent" to mandating the filing of campaign disclosure reports electronically.

Absent clear direction from the General Assembly, the Board will continue providing the electronic filing program as a voluntary option for committees.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

1st Vice-Chair Geraldine Leinen

2nd Vice-Chair Gwen Boeke

Mark McCormick

Bernie McKinley

Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel