

Advisory Opinion

IECDB AO 2003-09

July 24, 2003

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351-1.2, the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on the length of time that campaign records must be retained by the appropriate repositories. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

OPINION:

In IECDB Advisory Opinion 2001-19 the Board opined, in part, on the length of time that the Board and the County Auditors (county commissioners of elections) were required to retain campaign reports. With Iowa Code section 56.4¹ being amended by 2002 Iowa Acts, ch. 1073, portions of that opinion are no longer applicable.

Effective January 1, 2003, all campaign committees file their reports directly with the Board.² The Board is required to retain the reports for at least five years from the date of the election in which the committee is involved, or at least five years from the date of the committee's dissolution, whichever date is later. As a matter of practice and procedure, the Board retains reports in perpetuity.

The statute also now requires the Board to provide copies of reports for county, city, school, and other political subdivision committees to the appropriate county commissioner of elections. The county commissioners must retain the reports for three years from the date of the election. However, reports for county statutory political committees (county central committees) shall be retained for five years.

As the Board now electronically provides copies of all campaign finance reports via the Board's Web site, and in recognition of the "Uniform Electronic Transactions Act" in Iowa Code chapter 554D, any county commissioner of elections that establishes an Internet link between a public computer in the commissioner's office and the Board's Web site will be deemed in compliance with the requirement to retain copies of reports.³

¹ 2003 Iowa Acts, House File 601 renumbered the campaign laws from Chapter 56 to Chapter 68A. So effective July 1, 2003, the statute is numbered 68A.4.

² Prior to January 1, 2003, county, city, school, and other political subdivision committees filed their reports with the appropriate county commissioner of elections who then sent copies of the reports to the Board.

³ See Iowa Code section 554D.114 for further information concerning retention of electronic records as originals.

IECDB Advisory Opinion 2001-19 is hereby modified.

The provisions in that opinion relating to the retention of reports by the Board and the county commissioners of elections are repealed. The portions of that opinion relating to the length of time that campaign committees must preserve campaign reports and records are left intact.

The Board has initiated the rule making process to reflect the determinations in this opinion.

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