

Advisory Opinion

IECDB AO 2003-20

December 3, 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 county central committees becoming involved in a local ballot issue election. 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:

The issue has been raised concerning a county central committee using committee funds to advocate for or against a local ballot issue. This question is especially important as the campaign disclosure report due dates are different for central committees than for local ballot issue committees. As such, the public may be deprived receiving timely campaign information concerning a local ballot issue election when a county central committee becomes involved.

Iowa Code section 68A.2(13) defines a "county statutory political committee" (county central committee). ¹ Iowa Code section 68A.2(18)"a" defines a "political committee" in pertinent part as follows:

A committee, but not a candidate's committee, that accepts contributions in excess of seven hundred fifty dollars in the aggregate, makes expenditures in excess of seven hundred fifty dollars in the aggregate, or incurs indebtedness in excess of seven hundred fifty dollars in the aggregate in any one calendar year to expressly advocate the...passage or defeat of a ballot issue."

The Board is of the opinion that a county central committee that exceeds the \$750 threshold to expressly advocate for or against a ballot issue is a "political committee" under the statute. In this situation, a county central committee would be treated the same as a local ballot issue committee (local PAC).

The Board will not require a county central committee that exceeds the \$750 threshold to register a separate local ballot issue committee through the filing of a statement of organization as is normally required under Iowa Code section 68A.5. However, the county central committee will be required to file reports disclosing all campaign transactions that involve the ballot issue election on the applicable local ballot issue reporting due dates under Iowa Code section 68A.6.

Iowa Code section 68A.15 prohibits corporations, banks, credit unions, savings and loans, and insurance companies from making contributions to candidates or to committees that advocate for or against candidates. Thus, county central committees are subject to the prohibition. However, the statute does permit such entities to give to a ballot issue committee. A county central committee that becomes involved in a local ballot issue election may only receive money from a prohibited contributor under Iowa Code section 68A.15 if the money is kept in a segregated account and none of the money is used to advocate for or against candidates.

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

¹ See IECDB Advisory Opinion 2002-12 that discusses this definition in more detail.