Advisory Opinion

IECDB AO 2006-08

July 12, 2006

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the issue of individuals running as Lieutenant Governor and registering committees and filing campaign reports. The Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

The Board first notes that candidates who exceed $750 in campaign activities are required to register campaign committees and file disclosure reports.[1] Under Iowa Code section 68A.402, candidates are required to file more reports in an election year than in a nonelection year.[2]

The issue has now been raised whether candidates for the office of Lieutenant Governor are required to register campaign committees and are required to file campaign disclosure reports.

The names of the candidates for Lieutenant Governor appear on the ballot with the names of the individuals running for Governor as "teams." As such, no separate vote is cast for the office of Lieutenant Governor. In addition, the gubernatorial candidate's campaign committee discloses campaign activities by the candidate for Lieutenant Governor that advocate the election of the candidate for Governor. For these reasons, the Board does not interpret the campaign laws as requiring a candidate for the office of Lieutenant Governor to register a separate campaign committee and file campaign disclosure reports.

If the candidate for Lieutenant Governor previously registered a campaign committee for another office sought and continues to maintain that committee, then campaign disclosure reports would be required to be filed on the appropriate due dates under Iowa Code section 68A.402 disclosing campaign transactions by that committee.[3]

Similarly, as Iowa Code section 68A.301(1) prohibits one candidate's committee from making contributions to another candidate's committee, a candidate for Lieutenant Governor who has a separate campaign committee for another office sought may not

transfer funds from that committee to the campaign committee belonging to the candidate for Governor or vice-versa.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

---

[1]See Iowa Code sections 68A.102(5), 68A.102(6), 68A.201, 68A.402, and 68A.402A.
[2]Iowa Code section 402(10) defines "election year" as meaning a year that "the name of the candidate…appears on any ballot to be voted on by the electors of the state."
[3]The reporting responsibilities would continue until the committee was dissolved as provided in Iowa Code section 68A.402B and Board rules 351—4.54 and 351—4.55.