

# Advisory Opinion

IECDB AO 2008-15

August 28, 2008

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 a prohibited contributor providing refreshments at a campaign event. We note at the outset that 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:

Iowa Code section 68A.102(10)“b”(2) exempts, in part, from the definition of “contribution” the following: “Refreshments served at a campaign function so long as such refreshments do not exceed fifty dollars in value....”

Iowa Code section 68A.503 prohibits corporations, financial institutions, and insurance companies from contributing any “money, property, labor, or thing of value” to candidates, political parties, and political committees that advocate for or against candidates.

The issue has now been raised as to whether an otherwise prohibited contributor under Iowa Code section 68A.503 could provide refreshments valued at \$50 or less to a campaign event.

We are of the opinion that since refreshments valued at \$50 or less is not a “contribution” as defined in the campaign laws, then providing such food could not be an impermissible “contribution.” Therefore, corporations, financial institutions, and insurance companies may provide food valued at \$50 or less at campaign events.

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