

Advisory Opinion

IECDB AO 2008-19

October 23, 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 the use of candidate campaign funds for service or professional organization memberships. 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:

The issue has been raised regarding the use of candidate campaign funds to pay for a membership in an organization.

Iowa Code section 68A.302(2) sets out a number of examples of permitted and prohibited uses of candidate campaign funds. Under that section, it is prohibited for a candidate to use campaign funds for a membership in a "professional organization."¹ A membership in a "service organization" is also prohibited "except those organizations which the candidate joins solely for the purpose of enhancing the candidacy" of the candidate.²

The Board defines an organization to be a "professional organization" if the organization is primarily dedicated to serving a particular career field.³ The statutory focus is on the organization itself, not the candidate. Therefore, it is irrelevant if the candidate actually works in that career field or the candidate's reason for joining the organization.

The Board defines a "service organization" as an organization that primarily serves a public service or purpose. Factors the Board would look at include whether the organization is charitable organization or promotes a public issue such as economic development. Once the Board has determined if the organization in question is a "service organization," the Board will examine whether or not the candidate joined "solely for the purpose of enhancing the candidacy" of the candidate.

We recognize that there are organizations that will not clearly fall into the "professional" or "service" categories. In such situations, Iowa Code section 68A.302(2) would not apply. Rather, Iowa Code section 68A.302(1) would be the controlling statutory authority. Under that paragraph, campaign funds could be used to purchase a

membership in an organization that was not a “professional “organization” or a “service organization” so long as the membership was for “campaign purposes, educational and other expenses associated with the duties of office, or constituency services” and not for “personal expenses or personal benefit.”

In closing, the Board notes that pursuant to Board rule 351—4.25(1)“t” a candidate may use campaign funds for a membership in a chamber of commerce. In addition, in IECDB Advisory Opinion 2006-13 the Board opined that campaign funds could be used to pay for a membership in the American Council of Young Political Leaders.

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 section 68A.302(2)“g”.

² See Iowa Code section 68A.302(2)“h”.

³ For example the Iowa Bar Association, the Iowa Society of Certified Public Accounts, or Iowa Corn Growers Association.