

Advisory Opinion

IECDB AO 2011-05

July 19, 2011

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(12) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on how state agencies should disclose gifts they receive from the public via donation boxes. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapter 68A and 68B, Iowa Code section 8.7, and rule 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.

FACTUAL STATEMENT:

Some state agencies maintain donation boxes that allow members of the public to donate to those particular agencies.

QUESTION:

How should state agencies report to the Board monies they receive in donation boxes?

OPINION:

Iowa Code section 8.7 states “[a]ll gifts and bequests received by a department or accepted by the governor on behalf of the state shall be reported to the Iowa ethics and campaign disclosure board and the general assembly's standing committees on government oversight.” Some agencies report the names of individuals who have written checks left in donation boxes whereas other agencies simply report the total monies received in a donation box and do not separately list donors who are identifiable.

The Board believes the objective of section 8.7 is transparency. Therefore, agencies shall disclose in their reports to the Board the names of donors who donate to agencies using donation boxes to the extent those donors are identifiable. Donations from donors who are not identifiable shall be reported to the Board as anonymous gifts or donations.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Patricia Harper, Vice Chair
Gerald Sullivan
John Walsh
Saima Zafar
Carole Tillotson

Submitted by: Megan Tooker, Board Legal Counsel