

Advisory Opinion

IECDB AO 2013-05

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 whether a candidate may use campaign funds to attend a President's inauguration. We note at the outset 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.

QUESTION:

May a candidate use campaign funds to attend a President's inauguration in Washington D.C.?

OPINION:

Iowa Code section 68A.302(1) provides that “[a] candidate and the candidate's committee shall use campaign funds only for campaign purposes, educational and other expenses associated with the duties of office, or constituency services, and shall not use campaign funds for personal expenses or personal benefit.” The section also provides a list of items for which campaign funds shall not be used and directs the Board to “adopt rules which list items that represent proper campaign expenses.” Iowa Code § 68A.302(3). Iowa Administrative Rule 351—4.25(1) provides a non-exclusive list of items which may be paid from campaign funds for campaign purposes “so long as the items promote or enhance the candidacy of the candidate.” Iowa Code chapter 68A and the Iowa Administrative Code chapter 351 do not expressly permit or prohibit using campaign funds to attend a President's inauguration.

The question turns on whether attending a President's inauguration is a “campaign purpose[]” or a “personal expense[]”. By analogy, we permit a candidate to use campaign funds for travel and lodging expenses associated with a candidate attending a national political party convention. Iowa Admin. Code r. 351—4.25(1)(f); IECDB AO 2000-14. We also permit “the purchase of tickets to a meal for the candidate and one guest so long as the attendance at the meal by the candidate and guest is for the sole purpose of enhancing the candidacy of any person.” Iowa Admin. Code r. 351—4.25(1)(h) (relying on Iowa Code section 68A.302(2)(i)). We believe attending a President's inauguration enhances the candidacy of the candidate by providing exposure to the candidate as well as networking opportunities related to the candidate's campaign. Therefore, we believe the costs for the candidate's travel and lodging to attend a President's inauguration is a legitimate campaign expense. While we don't believe it is permissible to use campaign funds for the travel and

lodging expenses of any person other than the candidate,¹ campaign funds may be used to “purchase meal tickets for the candidate and one guest so long as the attendance at the meal by the candidate and guest is for the sole purpose of enhancing the candidacy of any person.” Iowa Admin. Code r. 351—4.25(1)(h).

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

John Walsh, Vice Chair

Saima Zafar

Carole Tillotson

Jonathan Roos

Mary Rueter

Submitted by Megan Tooker, Board Legal Counsel

¹See IECDB AO 2000-14 (stating it is not a permissible use of campaign funds to pay for the travel and lodging expenses of individuals attending a national party convention with the candidate).