

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

In re the Matter of: Carolyn Tedore, Complainant And Concerning: Richard Kirkendall, in the Capacity as Candidate for Committee to Elect Kirkendall, Respondent	FC 2022-05 Order Dismissing Complaint for Lack of Legal Sufficiency
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THIS MATTER comes before the Iowa Ethics and Campaign Disclosure Board this 26th day of May, 2022, to consider the dismissal of a formal complaint.

On May 11, 2022, Carolyn Tedore filed FC 2022-05, alleging that Richard Kirkendall violated Iowa Code chapter 68A on an unspecified date.¹

Complainant alleged that Respondent's campaign website was missing "the campaign contribution disclaimer and appropriate reporting information for each campaign contribution." Complainant provided images of the web pages at issue.

Iowa Code chapter 68A does not require that a candidate or their committee include a disclaimer regarding campaign contributions.²

Iowa Code section 68A.203(3)(b) requires the treasurer of a committee to keep record of the "name and mailing address of every person making contributions in excess of twenty-five dollars, and the date and amount of the contribution."

A review of Respondent's campaign website shows several pieces of information are required in order to make a contribution online.³ Among the information required to make a contribution are the contributor's name, address, and email address or phone number. The requirements of Iowa Code section 68A.203(3)(b) appear to be fulfilled. Furthermore, a review of Respondent's campaign disclosure reports shows the information required by Iowa Code section 68A.203(3)(b) appears on every entry.⁴

The campaign website is not required to have a contribution disclaimer and there is no indication that Respondent's committee is not complying with the reporting requirements set forth in Iowa Code chapter 68A.

¹ Respondent is a candidate for Dubuque County Attorney.

² While Iowa Code chapter 68A does not require any campaign contribution disclaimer, the Federal Election Commission does require certain disclaimers for federal candidates fundraising on the internet. These include statements confirming that the contribution complies with federal contribution limits and is not from a prohibited source. See <https://www.fec.gov/help-candidates-and-committees/making-disbursements/fundraising-notice-campaigns/>

³ See <https://kirkendall4dubuque.net/56361254956/checkouts/65d5ddacba304e371ff1602a2df4d4c9>

⁴ As of May 19, 2022.

The Board determines the allegations in FC 2022-05 do not meet the necessary requirements for legal sufficiency.

IT IS SO ORDERED: FC 2022-05 is dismissed as legally insufficient pursuant to Iowa Code section 68B.32B and Iowa Administrative Code rule 351-9.1(2).

BY DIRECTION AND VOTE OF THE BOARD:



James Albert, Chair
Elaine Olson, Vice Chair
Jonathan Roos
Mary Rueter
Daniel Jessop
Leah Rodenberg

SUBMITTED BY:

Zachary S. Goodrich, Executive Director and Legal Counsel

CERTIFICATE OF MAILING

This document was sent by electronic mail on this 27th day of May, 2022, to:

Carolyn Tedore, Complainant
Richard Kirkendall, Respondent