

# Advisory Opinion

IECDB AO 2000-12

July 20, 2000

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11), the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on the issue of members of the General Assembly using campaign funds to pay lodging expenses when legislative session extends past the time the officeholder receives a per diem. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and rules in Iowa Administrative Code chapter 351. Whether some other statutory system, common law theory or agency rule applies to this issue is not covered by this opinion.

OPINION:

Iowa Code section 56.41(2) in pertinent part states:

"Campaign funds shall not be used for any of the following purposes:

f. Mortgage payments, rental payments, furnishings, or renovation or improvement expenses for a permanent residence of a candidate or family member, including a residence in the state capital during a term of office or legislative session."

Iowa Code section 56.41(2)"f" expressly prohibits the use of campaign funds for lodging expenses "including a residence in the state capital during a term of office or legislative session." The General Assembly has not made an exception for situations when legislative session extends past the time that per diem is provided. Therefore, campaign funds may not be used to pay for lodging expenses when the legislative session extends past the time per diem is provided.

BY DIRECTION AND VOTE OF THE BOARD

Bernard McKinley, Board Chair  
1st Vice-Chair Geraldine Leinen  
2nd Vice-Chair James Albert

Gwen Boeke

Mark McCormick

Phyllis Peters

-Submitted by W. Charles Smithson, Board Legal Counsel