

# Advisory Opinion

IECDB AO 2000-13

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 when a person is in "receipt" of a mailed contribution under Iowa Code sections 56.3 and 56.6. 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 56.3 mandates that persons who are in "receipt" of campaign contributions do certain things (see Iowa Code section 56.3), and Iowa Code section 56.6 requires the disclosure of contributions the committee "received" during a reporting period. To implement Iowa Code section 56.6, the Board promulgated rule 351 IAC 4.28(2) that states a contribution is received when the "contribution was physically received by a person". Similar language is found in rules 351 IAC 4.32(2) and 4.33(3) for the reporting of in-kind contributions and loans.

The issue then becomes when is a contribution sent by mail "physically received"? There are often situations where a contribution is placed in a mailbox, but the recipient does not open the envelope for a period of time. The Board is of the opinion that for purposes of both Iowa Code section 56.3 and Iowa Code section 56.6, a contribution sent by mail is "received" when the person physically opens the envelope.

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