

Advisory Opinion

IECDB AO 2000-26

September 21, 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 prohibition on candidates for state and local office receiving campaign contributions from other candidates. 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 56.40 provides that a "candidate's committee shall not accept contributions from any other candidate's committee including candidate's committees from other states or for federal office, unless the candidate for whom each committee is established is the same person."

The Board is of the opinion that this section prohibits a state or local candidate in Iowa from accepting a campaign contribution from another state or local candidate in Iowa, a state or local candidate from another state or from any federal candidate. We do note that this prohibition extends only to contributions made from campaign funds and that any such candidate would be permitted to make a contribution from his or her own personal funds.

In closing, Iowa Code section 56.42(6) prohibits anyone from making transfers or contributions for the purpose of making a contribution from one candidate to another. However, a candidate for one office, running for another office, may transfer his or her own campaign funds from one of his or her own committees to the other.

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