

## Advisory Opinion

IECDB AO 2000-33

October 19, 2000

1209 Ashworth Rd.  
West Des Moines, Iowa 50265

Dear President Kramer:

This opinion is in response to your letter of September 15, 2000, in which you request an opinion from the Iowa Ethics and Campaign Disclosure Board. 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.

### FACTUAL STATEMENT:

We understand you request this opinion in your capacity as the President of the Iowa Senate. You advise us that in 1994, the Iowa Ethics and Campaign Disclosure Board issued 94 Formal Adv. Op. 4 that interpreted Iowa Code section 56.42(5) as prohibiting a candidate for statewide or legislative office from serving as chair of a state political party central committee (state party). In reaching that determination, the Board opined that "political committee" included state parties. You now request the Board to review this issue in light of provisions in Iowa Code chapter 56 that seem to draw a distinction between a "political committee" and a "state statutory political committee".

### QUESTION:

Is it permissible under Iowa Code section 56.42(5) for a statewide or legislative candidate to serve as the chair of a state statutory political committee?

### OPINION:

Iowa Code section 56.42(5) in pertinent part states: "A candidate for statewide or legislative office shall not establish, direct, or maintain a political committee." In 94 Formal Adv. Op. 4, the Board determined that a candidate for legislative office could not be the chair of a state political party while his campaign committee was still active. The members of that Board did not believe there was a statutory distinction between a "political committee" and a "state statutory political committee".

After reviewing the provisions of Chapter 56, this Board is of the opinion that the Iowa General Assembly did create a statutory distinction between a "political committee" and a "state statutory political committee". First, Iowa Code section 56.2 defines "political committee" in subsection (18) and "state statutory political committee" with a separate definition in subsection (22).

In addition, a distinction was drawn in the very statute at issue. Iowa Code section 56.42(1)"b" permits the use of campaign funds for contributions to a "national, state, or local political party central committee". In Iowa Code section 56.42(5), the prohibition extends to only a "political committee". Had the General Assembly intended to prohibit a candidate from being the chair of a "state statutory political committee" in subsection (5), it could have added the language used earlier in the statute in subsection (1)"b".

Based on our conclusion that there is a statutory distinction between a "political committee" and a "state statutory political committee", the Board is of the opinion that the prohibition in Iowa Code section 56.42(5) is limited solely to "political committees" and does not apply to "state statutory political committees". Therefore, 94 Formal Adv. Op. 4 is hereby rescinded. Thus, a candidate for statewide or legislative office would be permitted to be the chair of a "state statutory political committee".

**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