

Advisory Opinion

IECDB AO 2001-03

April 5, 2001

The Honorable Polly Bukta
State Representative, 38th District
604 South 32nd Street
Clinton, Iowa 52732

Dear Representative Bukta:

This opinion is in response to your Campaign Chairman's letter of January 3, 2001, 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 this opinion was requested on your behalf as a State Representative. You advise us that a letter was sent by the Board's staff questioning three campaign expenditures for memorial flowers. In response, your committee stated the memorial flowers were for the death of a campaign worker's spouse, the death of your Campaign Chairman's mother and for the death of your sister. It is your belief that in providing these memorials, in addition to being a sincere feeling of sympathy from the committee to a dedicated worker, is also a direct means of enhancing the long-term success of your candidacy. You also believe your success in three contested elections has been a solid cadre of committed and dedicated workers. However, you are willing to repay the committee the costs of the memorials should the Board interpret this to be a prohibited expenditure from campaign funds.

QUESTION:

Is it permissible for a candidate to expend campaign funds for memorial flowers?

OPINION:

Iowa Code section 56.41 permits the expenditure of campaign funds for "campaign purposes, educational and other expenses associated with the duties of office, or constituency services, and shall not use campaign funds for personal expenses or personal benefit". To aid in implementing the statute, the Board promulgated rule 351 IAC 4.42 that provides examples of permitted uses of campaign funds.

In reviewing the provisions of Iowa Code section 56.42 and rule 351 IAC 4.42, it is our opinion that the purchase of memorial flowers under the circumstances you have described is for "campaign purposes". Therefore, you are not prohibited from using campaign funds for the costs of the memorials.

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