

Advisory Opinion

IECDB AO 2001-05

May 24, 2001

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 application of the gift law to the winning of a door prize or other drawing. 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:

We first note our jurisdiction in interpreting the gift law is limited to executive branch personnel and candidates for statewide office and the immediate family members of those individuals.

Iowa Code section 68B.22 prohibits the receipt of gifts by a public official, employee, candidate, or that person's immediate family member from a "restricted donor". The issue has been raised whether the gift law prohibits the winning of a door prize or other drawing.

Iowa Code section 68B.22(4)"e" permits the receipt of any item "available or distributed free of charge to members of the general public without regard to the official status of the recipient".

Thus, so long as the door prize or drawing was available to members of the public and the winner was picked in a random fashion, executive branch officials, employees, candidates for executive branch elected office, or an immediate family member of those individuals would be permitted to accept such prizes.

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