

Advisory Opinion

IECDB AO 2001-09

July 5, 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 whether the permissible gift limit is \$2.99 or \$3.00. 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 officers and employees, 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" (see Iowa Code section 68B.2(24) for a definition of "restricted donor"). The issue has been raised whether the gift law permits the receipt of gifts up to \$2.99 or \$3.00. Although the difference in amount is minimal, due to the amount of confusion surrounding the issue the Board renders this opinion.

Iowa Code section 68B.22(4)"i" permits the receipt of "items with a value of three dollars or less that are received from any one donor during one calendar day". Thus, a gift from a restricted donor of \$3.00 may be accepted without violating the statute.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
1st Vice-Chair Geraldine Leinen
2nd Vice-Chair Gwen Boeke
Mark McCormick
Bernie McKinley
Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel