

# Advisory Opinion

IECDB AO 2001-14

October 18, 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 Native American Tribes are considered "permanent organizations" for purposes of the campaign finance laws. 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 56.6(6) in pertinent part states:

"A permanent organization temporarily engaging in activity which would qualify it as a political committee shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The political committee shall file reports in accordance with this chapter. When the permanent organization ceases to be involved in the political activity, it shall dissolve the political committee....'permanent organization' means an organization which is continuing, stable, and enduring, and which was originally organized for purposes other than engaging in election activities."

We believe that a Native American Tribe making contributions is a "permanent organization" and must comply with the campaign laws as do all organizations that attempt to influence Iowa elections. This opinion overturns any previous advice concerning the application of this section to Native American Tribes. This opinion applies to future conduct only and not past actions.

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