

Advisory Opinion

IECDB AO 2001-19

November 29, 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 length of time that campaign records, statements and reports must be retained. 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:

The issue has been raised concerning how long records are to be preserved by committees. In addition, the issue has been raised concerning how long campaign finance disclosure statements and reports are to be retained by the appropriate repositories.

Pursuant to Iowa Code section 56.3(4), committees "shall preserve all records required to be kept...for a period of five years. However, a committee is not required to preserve any records for more than three years from the certified date of dissolution of the committee. For purposes of this section, the five-year period shall commence with the due date of the disclosure report covering the activity documented in the records."

Thus, committees are required to preserve campaign records for five years except in situations where a Notice of Dissolution (DR-3) has been filed. Upon dissolution, committees are required to preserve campaign records for only three years. In both instances, the due date of the disclosure report commences the time period in question.

County Auditors (county commissioners of elections) are required by Iowa Code section 56.4 to retain statements and reports filed by a county or local committee for three years from the date of the election that the committees was involved, or three years from the date of the committee's dissolution, whichever date is later. The Board is required to retain all statements and reports for five years from the date of election or the date of dissolution, whichever date is later.

The Board notes that under Iowa Code section 56.6(5), statutory political committees (state parties and county central committees) are prohibited from dissolving. Based on the language of the statute, statements and reports filed by these committees would have to be retained in perpetuity. As central committees file originals with the county (copies with the Board), and the state parties file with the Board, this creates a burden on both repositories. The Board will propose legislation to the General Assembly to address this situation.

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