

Advisory Opinion

IECDB AO 2001-20

November 29, 2001

Matthew P. Eide, Esq.
5621 Harwood Drive
Des Moines, Iowa 50312

Dear Mr. Eide:

This opinion is in response to your letter of November 20, 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 you request this opinion in your capacity as the lobbyist for the Des Moines Area Community College (DMACC). You advise us that DMACC wants to establish a political committee (PAC). You further advise us that record keeping, solicitations, and general administration of the political committee would be done off-site, during non-working hours, and on non-DMACC equipment.

QUESTIONS:

Based on your factual statement we understand you ask the following questions:

1. Is it permissible for DMACC to establish a political committee?
2. Does the prohibition in Iowa Code section 56.12A on the expenditure of public moneys for a political purpose impose limitations on DMACC establishing a political committee?

OPINION:

We have reviewed the campaign finance laws and rules in their entirety and do not find anything that would prohibit DMACC from establishing a political committee. However, Iowa Code section 56.12A does prohibit governmental bodies from expending or permitting the expenditure of "public moneys for political purposes". As community colleges are defined in Iowa Code section 68B.2(1) as an "agency" and in subsection (2) as an "agency of state government" (see IECDB Advisory Opinion 2000-40 for further discussion on this definition as it applies to community colleges), the prohibition would

apply to DMACC. Therefore, the college could not expend or permit the expenditure of any public money for the political committee.

If DMACC engages in the procedural safeguards that you outlined in your letter such as making sure that record keeping, solicitations, and general administration of the political committee are not done at the college, then the situation you describe would be permitted. Obviously the college would be prohibited from using any of its funds to make contributions to the committee.

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