

Advisory Opinion

IECDB AO 2002-12

April 11, 2002

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 when state parties and county central committees must register a committee and file campaign disclosure reports. 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.

OPINION:

The issue has been raised concerning whether "state statutory political committees" (state parties) and "county statutory political committees" (county central committees) must register and file reports when they are created or when they cross the \$750 financial filing threshold.

Iowa Code section 56.2(5) requires a "candidate's committee" to be formed when the threshold is met. Iowa Code section 56.2(18) requires a "committee, but not a candidate's committee" to be formed when the threshold is met. However, state parties are separately defined in Iowa Code section 56.2(22) as a "committee as defined in section 43.111" and county central committees are defined in Iowa Code section 56.2(12) as a "committee as defined in section 43.100."

Neither section in Chapter 43 mentions the financial filing threshold. Rather, the committees are created through a process that is unrelated to the amount of money taken in or spent. Based on the statutory distinctions between committees created under Chapter 56 and Chapter 43, it is clear that the legislature intended for state parties and county central committees to be created separately from the other types of "committees".

Under Iowa Code sections 56.2(22) and 56.2(12), state parties and county central committees become "committees" for purposes of the campaign finance laws when they are created under Chapter 43. Thus, a state party or a county central committee must register and file reports as soon as it is created under Chapter 43 instead of waiting until the financial reporting threshold in Chapter 56 is met.

In closing, we note that Iowa Code section 56.6(5) prohibits a county central committee from dissolving. However, the committee may request that the Board place it "in an inactive status" so long as requirements of that section are met. In situations where a state party has not formed a central committee in a particular county, the party should notify the Board of that fact.

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