

# Advisory Opinion

IECDB AO 2002-13

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 whether or not campaigns may use governmental resources for a political purpose and then reimburse the governmental body. 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:

Iowa Code section 56.12A in pertinent part states:

"The state and the governing body of a county, city, or other political subdivision of the state shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue.

The Board has consistently provided an exception to the prohibition on the "use of public resources for a political purpose" when the public body has a written policy that would allow any member of the public to use the governmental property for the same purposes. This exception would also apply in situations where a campaign uses public resources and then provides reimbursement to the governmental body. Thus, the governmental body would be permitted to allow its resources to be used and reimbursement provided so long as it has a written policy that permits any member of the public to use the resources and provide reimbursement.

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