

Advisory Opinion

IECDB AO 2003-03

January 23, 2003

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351-1.2, the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on revocable and living trusts not being required to register as PACs. 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 Board adopted rule 351-4.47 that provides procedural safeguards to ensure that contributions from a trust do not constitute a contribution in the name of another person. A contribution from a living or revocable trust is treated the same as a contribution from an individual and is not subject to the same requirements as exist relating to other trusts. In response to a Board investigation, the Board adopted rule 351-4.47(3) that requires a trust that exceeds the financial filing threshold of Iowa Code section 56.2(18) to register as a political committee (PAC).¹

The Board is of the opinion that rule 351-4.47(3) does not apply to a revocable or living trust and contributions from those trusts that exceed the financial filing threshold do not require the organization and registration of a committee. The Board will amend the rule to reflect the holding of this opinion.

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

¹ See IECDB Advisory Opinions 2001-11 and 2002-02 for more information concerning trusts as PACs.