

## **Advisory Opinion**

IECDB AO 2003-04

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 county hospital trustees running as county candidates. 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.

The issue has been raised whether county hospital trustees are considered county or city candidates for purposes of the disclosure report due dates in Iowa Code section 56.6. Iowa Code section 347.9 in pertinent part states:

"When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint seven trustees chosen from among the resident citizens of the county with reference to their fitness for office, and not more than four of the trustees shall be residents of the city at which the hospital is located. The trustees shall hold office until the following general election, at which time their successors shall be elected, two for a term of two years, two for four years, and three for six years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of six years each."

Based on this language the Board believes that the General Assembly intended for county hospital trustees to be treated as county candidates. Therefore, for purposes of the campaign finance laws in Chapter 56 county hospital trustees are considered candidates for "county office."

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