

Advisory Opinion

IECDB AO 2003-05

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 candidates using campaign funds to pay for traffic tickets related to campaign activities. 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 whether a candidate is permitted to use campaign funds to pay for a traffic ticket relating to campaign activities. For example, receiving a parking ticket while in a campaign meeting or receiving a speeding ticket while traveling to a campaign function.

Iowa Code section 56.41(1) permits the use of campaign funds for campaign purposes, officeholder expenses, and constituency services. Such funds may not be used for personal expenses or personal benefit. Iowa Code section 56.41(2)"a" prohibits the use of campaign funds for the "Payment of civil or criminal penalties. However, payment of civil penalties relating to campaign finance and disclosure requirements is permitted."

The Board is of the opinion that a traffic ticket is a criminal penalty and does not fall under the exception for civil penalties relating to "campaign finance and disclosure requirements." The Board believes that phrase is limited to the payment of civil penalties assessed for violations of the campaign finance laws in Iowa Code chapter 56. Therefore, candidates would not be permitted to use campaign funds to pay for traffic tickets.

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