

Advisory Opinion

IECDB AO 2003-06

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 campaign materials being distributed at a candidate forum held in a public school building. 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 the ability of a candidate to distribute literature at a candidate forum being held in a public school in light of the prohibition in Iowa Code section 56.12A on the use of public resources for a political purpose.

In situations where the forum consists of at least two candidates and the forum is not set up to benefit one candidate over another,¹ the Board is of the opinion that campaign literature could be distributed without violating the prohibition on using public resources for political purposes.

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 Opinion 2000-23 concerning a candidate speaking in a classroom situation that would not constitute a candidate forum as discussed in this opinion.