

Advisory Opinion

IECDB AO 2004-12

October 21, 2004

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on candidates accepting contributions from other candidates. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

OPINION:

In IECDB Advisory Opinion 2000-26, the Board opined on candidates receiving contributions from other candidates. Due to changes in the law, the Board issues this updated opinion.

Iowa Code section 68A.301(1) as amended by 2004 Iowa Acts, House File 2318, section 4, provides that a candidate's committee: "shall not accept contributions from, or make contributions to, any other candidate's committee including candidate's committees from other states or for federal office, unless the candidate for whom each committee is established is the same person."

We believe that this section prohibits a state or local candidate from accepting contributions from a candidate's committee established by another state or local candidate in Iowa, a state or local candidate from another state, or a federal candidate except as set out below. This prohibition applies only to contributions from a candidate's committee. A candidate would be permitted to make a contribution from his or her own personal funds to another candidate's committee.

The statute also sets out the following exceptions from the prohibition on a candidate using campaign funds to make a contribution to another candidate:

1. The candidate for whom each committee is established is the same individual.¹
2. Travel costs incurred by a candidate in attending a campaign event of another candidate.
3. The sharing of information in any format.
4. Buying or accepting tickets to meals if the candidate attends the event for the purpose of enhancing his or her candidacy or the candidacy of another person.²

In closing, the Board notes that the statute and this opinion apply to monetary contributions,³ loans, and in-kind contributions.⁴

IECDB Advisory Opinion 2000-26 is hereby rescinded.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Phyllis Peters, Vice Chair
Janet Carl
Gerald Sullivan
Betsy Roe
John Walsh

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ A federal candidate who wants to transfer funds to his or her own state campaign committee should contact the Federal Election Commission concerning the application of federal law.

² Board rule 351—4.25(1) “h” applies a \$25 limit for the candidate and a \$25 limit for a guest from campaign funds.

³ See Iowa Code section 68A.102(10) for the definition of “contribution.”

⁴ A good or service that is given or provided for less than the fair market value of the good or service.