

Advisory Opinion

IECDB AO 2012-03

April 27, 2012

W. Charles Smithson
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Dear Mr. Smithson:

This opinion is in response to your request for an opinion from the Iowa Ethics and Campaign Disclosure Board. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

FACTUAL STATEMENT:

We understand you request this opinion as an authorized agent for a candidate subject to the campaign laws in Iowa Code chapter 68A. You advise the Board that the candidate is exploring the possibility of running for a "party office" such as a state or national committee person of a political party.

QUESTION:

May a candidate use campaign funds to run for a "party office?"

OPINION:

Iowa Code section 68A.302(1) provides that "[a] candidate and the candidate's committee shall use campaign funds only for campaign purposes, educational and other expenses associated with the duties of office, or constituency services, and shall not use campaign funds for personal expenses or personal benefit." The section also provides a list of items for which campaign funds shall not be used and directs the Board to "adopt rules which list items that represent proper campaign expenses." Iowa Code § 68A.302(3). Iowa Administrative Rule 351—4.25(1) provides a non-exclusive list of items which may be paid from campaign funds for campaign purposes "so long as the items promote or enhance the candidacy of the candidate." Iowa Code chapter 68A and the Iowa

Administrative Code chapter 351 do not expressly permit or prohibit using campaign funds to run for a “party office.”

The question turns on whether running for a “party office” is a “campaign purpose[.]” or a “personal expense[.]”. We believe running for a “party office” is a legitimate campaign expense. Therefore, it is permissible for a candidate to use campaign funds to run for a “party office” such as a state or national committee person of a political party.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

John Walsh, Vice Chair

Saima Zafar

Carole Tillotson

Jonathan Roos

Mary Rueter

Submitted by Megan Tooker, Board Legal Counsel