

## Advisory Opinion

IECDB AO 2016-02

Subject: Registering a Committee

April 21, 2016

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(12) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the registration of a campaign committee. 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.

OPINION:

In IECDB Advisory Opinion 2010-04, the Board issued an opinion to remove confusion concerning the registration of a campaign committee. Due to changes in the laws and rules, the Board issues this updated opinion.

### **New Committees:**

Pursuant to Iowa Code section 68A.201, a campaign committee is required to register with the Board by filing a statement of organization (DR-1) within 10 days of exceeding \$1,000 in money or goods raised, expenditures made, or debts incurred. Pursuant to Iowa Code section 68A.201(3), a committee must file an amended DR-1 if

there are any changes to the information disclosed on the original DR-1. The amended form must be filed within 30 days of the date of the change.

**Statements Required to be Electronically Filed:**

Effective January 1, 2016, every committee must file an original or amended DR-1 electronically using the Board's web reporting system.<sup>i</sup>

**New Committees Filing Before Reaching Financial Threshold:**

New committees also have the option of registering a committee prior to reaching the \$1,000 financial filing threshold. A committee seeking to register before required by statute to do so may either file a DR-1 or Form DR-SFA.<sup>ii</sup> If a committee filing Form DR-SFA later exceeds the \$1,000 threshold, the committee is required to file a DR-1. The purpose of this voluntary registering of a campaign committee is to allow the committee to use the abbreviated "paid for by" attribution statement on political materials that is available to registered committees. A Form DR-SFA may be filed using the Board's web reporting system.

**Existing Candidate's Committees Seeking a Different Office:**

A candidate's committee that has already filed a DR-1 for one office but then exceeds the \$1,000 threshold for a different office must either file a new DR-1 or amend the existing DR-1. In either case, the statement must be filed within 10 days of the \$1,000 threshold being exceeded for the new office sought.<sup>iii</sup>

**Permanent Organization Making a One-Time Contribution:**

A permanent organization (such as a business, association, or other person who is not an individual) that makes one campaign contribution in excess of \$1,000 in a calendar year may file Form DR-OTC in lieu of registering a committee and filing campaign reports.<sup>iv</sup> A permanent organization that makes more than one campaign contribution in a calendar year that in the aggregate exceeds \$1,000 is required to organize and register a political committee, file disclosure reports, and, upon completion of activity, file a notice of dissolution.<sup>v</sup> A Form DR-OTC may be filed using the Board's web reporting system.

**County Central Committees (County Statutory Political Committees):**

Prior to July 1, 2005, a county central committee was automatically created when its state party was formed. However, Iowa Code section 68A.102(12) was amended so that a county central committee is not required to be registered until it exceeds the \$1,000 threshold. Thus, if any new state parties are created, their corresponding county central committees will only need to register if they exceed \$1,000 in activity or voluntarily register in order to use the abbreviated "paid for by" attribution statement on political materials.

**Out-of-State/Federal PACs:**

An out-of-state or federal PAC making a contribution in excess of \$50 to an Iowa committee is required to electronically file a Verified Statement of Registration (VSR).<sup>vi</sup> A VSR must be filed using the Board's web reporting system within fifteen days of the contribution being made.

CONCLUSION:

The Board encourages all prospective campaign committees to contact the Board's staff if they have any questions or concerns. The Board's telephone number is (515) 281-4028.

IECDB Advisory Opinions 2005-08, 2009-05 and 2010-04 are hereby updated.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Jonathan Roos, Vice Chair

John Walsh

Saima Zafar

Carole Tillotson

Mary Rueter

Submitted by: Megan Tooker, Board Legal Counsel

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<sup>i</sup> Iowa Code § 68A.401, as amended by 2015 Iowa Acts, chapter 54, sections 7-8.

<sup>ii</sup> Iowa Administrative Code r. 351—4.11.

<sup>iii</sup> Iowa Administrative Code r. 351—4.6(2)

<sup>iv</sup> Iowa Administrative Code r. 351—4.35.

<sup>v</sup> Iowa Code § 68A.402(9).

<sup>vi</sup> Iowa Code §68A.201A.