

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

IN THE MATTER OF:

Case No. 2012 IECDB 11

Iowans for Taylor, a legislative
candidate's committee

ORDER

On this 23rd day of August, 2012, a complaint filed against Iowans for Taylor came before the Iowa Ethics and Campaign Disclosure Board. The Board elects to handle this matter by administrative resolution. See Iowa Admin. Code r. 9.4(2). For the reasons that follow, the Ethics Board hereby accepts the remedial actions already taken by the committee and admonishes the committee to exercise care in the future so as not to violate Iowa Code section 68A.504 or any other provision of chapter 68A.

BACKGROUND

Robert Taylor is a candidate for the Iowa House of Representatives. He is not an incumbent. On June 8, 2012, David Leonard filed a complaint alleging Mr. Taylor's committee, Iowans for Taylor, accepted campaign contributions from political committees during the regular legislative session in violation of Iowa Code section 68A.504. The complainant attached the committee's May 19, 2012 report that indicated the committee received \$500 from the Iowa Physicians Making a Difference PAC on January 12, 2012 and \$1,000 from the For America's Republican Majority PAC on April 14, 2012. The 2012 legislative session began on January 9th and ended on May 9th.

After receiving a copy of the complaint, Mr. Taylor's committee acknowledged receiving a contribution from the For America's Republican Majority PAC during the legislative session. The committee claimed it was not aware section 68A.504 applied to non-incumbent candidates. The committee had not spent the contribution and refunded it after the complaint was filed. The committee denied receiving a contribution from the Iowa Physicians Making a Difference PAC during session. Mr. Taylor provided the Board's director with a signed affidavit stating he physically received the check from the Physicians PAC on January 7th and mistakenly reported the date of deposit rather than the date of receipt. The Board's director spoke to the treasurer of the Physicians PAC and confirmed the PAC's \$500 check was mailed on January 6th.

ANALYSIS

The Ethics Board must first determine whether the complaint is legally sufficient. A legally sufficient complaint must allege all of the following:

- a. Facts that would establish a violation of a provision of chapter 68A, chapter 68B, section 8.7, or rules adopted by the Ethics Board.
- b. Facts that would establish that the conduct providing the basis for the complaint occurred within three years of the complaint.
- c. Facts that would establish that the subject of the complaint is a party subject to the jurisdiction of the board.

Iowa Code § 68B.32B(4). If the Ethics Board determines the complaint is legally sufficient, it shall order an investigation. *Id.* § 68B.32B(6). If the Ethics Board determines none of the allegations contained in the complaint are legally sufficient, the complaint shall be dismissed. *Id.*

The complaint alleges conduct that occurred this year. Mr. Taylor and the Iowans for Taylor committee are subject to the Ethics Board's jurisdiction as a candidate and candidate's committee. *Id.* § 68B.32(1). The only remaining question is whether the complaint alleges facts that would establish a violation of chapter 68A.

Iowa Code section 68A.504 states "[a] lobbyist or political committee, other than a state statutory political committee, county statutory political committee, or a national political party, shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of monetary or in-kind contributions to the campaign of an elected state official, member of the general assembly, or candidate for state office on any day during the regular legislative session and, in the case of the governor or a gubernatorial candidate, during the thirty days following the adjournment of a regular legislative session allowed for the signing of bills." Robert Taylor is a candidate for state office and therefore is prohibited from accepting campaign contributions from lobbyists and PACs during the regular legislative session. According to the Iowans for Taylor committee's May 19th report, it accepted two contributions from PACs during the 2012 regular legislative session. Therefore, because the complaint alleges facts that would establish a violation of section 68A.504, the Board finds the complaint is legally sufficient.

The Board further finds it is unnecessary to order a further investigation given the Board's directors discussions with the Iowans for Taylor committee and Iowa Physicians Making a Difference PAC and Mr. Taylor's affidavit.

The Board is satisfied with the remedial actions the Iowans for Taylor committee has taken and admonishes the committee to exercise care in the future so as not to violate section 68A.504 or any other provision of chapter 68A.

By direction of the Ethics Board



James Albert, Chair
John Walsh, Vice Chair
Saima Zafar
Carole Tillotson
Jonathan Roos
Mary Rueter