



Tooker, Megan <megan.tooker@iowa.gov>

Re: Travel approval

1 message

Tooker, Megan <megan.tooker@iowa.gov>
To: "Smith, Colin" <colin.smith@iowa.gov>

Wed, Feb 21, 2018 at 11:33 AM

Hi Colin,

I agree. Iowa Code section 68A.302 allows a candidate to use campaign funds for "expenses associated with the duties of office" and "constituency services." We have consistently advised that if a candidate may use campaign funds to purchase an item or service, then the candidate may receive the same as an in-kind contribution. However, the Governor may not accept a campaign contribution during session or thirty days thereafter from a lobbyist or PAC. See Iowa Code s 68A.504. You also mention the in-kind contributor is likely a restricted donor under the gift law. The gift law allows restricted donors to give campaign contributions. See Iowa Code s 68B.4(a).

In this case, the Governor is attending an event in her official capacity in Muscatine and travel expenses related to that event would qualify as expenses associated with her duties of office and perhaps constituency services too. Thus, she may use campaign funds or accept an in-kind contribution for the travel related to her trip to Muscatine, provided the in-kind contributor is not a PAC or lobbyist.

Let me know if you have any further questions.

Megan

On Wed, Feb 21, 2018 at 9:42 AM, Smith, Colin <colin.smith@iowa.gov> wrote:

Megan,

The Governor will be taking a private aircraft from Des Moines to Muscatine and back for an official event in her official capacity. This event will include constituent outreach activities. I believe the aircraft is owned by a restricted donor.

It is my understanding that the restricted donor will in-kind the cost of the flight to the Governor's campaign committee. I believe this is permissible under Iowa law and is consistent with past practices of elected officials pursuant to the advice of the Board.

Please confirm that this is permissible.

Thank you,

-Colin

Colin C. Smith | Legal Counsel

Office of the Governor, State of Iowa

Governor Kim K. Reynolds & Lt. Gov. Adam Gregg

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Megan Tooker
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Tooker, Megan <megan.tooker@iowa.gov>

Re: Confirmation of Action - Time Sensitive

1 message

Tooker, Megan <megan.tooker@iowa.gov>
To: "Smith, Colin" <colin.smith@iowa.gov>

Fri, Dec 8, 2017 at 11:20 AM

Yes, the Governor's campaign may accept an in-kind contribution of travel to the bowl game for herself and husband to campaign pursuant to Iowa Code section 68A.302.

On Thu, Dec 7, 2017 at 4:57 PM, Smith, Colin <colin.smith@iowa.gov> wrote:

Megan,

The Governor, Kevin, and two non-dependent adult family members plan on going to the Iowa State University bowl game on Dec. 30, 2017 in Memphis, Tenn.

Setting aside the two non-dependent adult family members — who would not be subject to legal regulations in this space under the circumstances per Iowa law — the Governor and Kevin will engage in campaign activities during this trip. A donor has offered to in-kind the cost of transportation. These in-kind contributions will be lawfully reported. Bona fide campaign activities will take place during this trip.

The cost of the tickets to the bowl game will be treated separately; likely through the purchase of tickets at market rate.

Please confirm that my understanding of this situation is correct.

Let me know if you have any questions.

Thank you,

-Colin

Colin C. Smith | Legal Counsel

Office of the Governor, State of Iowa

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9/4/2018

State of Iowa Mail - Re: Confirmation of Action - Time Sensitive

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Tooker, Megan <megan.tooker@iowa.gov>

Re: Transportation matter

1 message

Tooker, Megan <megan.tooker@iowa.gov>
To: "Smith, Colin" <colin.smith@iowa.gov>

Mon, Jul 31, 2017 at 4:44 PM

Hi Colin,

You advised me that as part of her trip, Governor Reynolds will be testifying on the renewable fuels standard. As such, I agree the trip is related to her duties of office and also serves her constituents.

As you know, the gift law prohibits gifts from restricted donors unless one of nineteen exceptions to the gift law applies. See Iowa Code section 68B.22. In this case, Governor Reynolds' plane trip is being paid by an Iowa PAC, which would be one of her restricted donors.

The first exception to the gift law allows restricted donors to contribute to a candidate or candidate's committee. Governor Reynolds of course has a candidate's committee and it would be permissible for an Iowa PAC to give her committee a monetary or in-kind contribution. In this case the in-kind contribution would be the plane trip. We allow contributors to give any in-kind contribution that would be a permissible campaign expense. Because the Governor's campaign committee may make expenditures related to her duties of office or constituency services, See Iowa Code section 68A.302, it is also permissible for her committee to accept in-kind contributions that are related to her duties of office or constituency services. Thus, I am of the opinion that she may accept a plane trip paid for by an Iowa PAC to travel to DC to represent the state of Iowa and testify about the RFS.

Please let me know if you have any further questions.

On Mon, Jul 31, 2017 at 4:02 PM, Smith, Colin <colin.smith@iowa.gov> wrote:
Megan,

As we discussed on the phone a few minutes ago, the Governor will be traveling to and from Washington, D.C. on a plane with Nebraska Governor Ricketts. That plane, as I understand it, will be sponsored by the Nebraska renewable fuels folks, who are not restricted donors under Iowa law.

The Governor will be traveling as part of her official duties of office and to fulfill constituent services matters for this trip. The Iowa renewable fuels folks will be reimbursing the Nebraska renewable fuels folks for the *pro rata* portion of the flight via their PAC entity.

It is my understanding that in your view Iowa law permits this trip. Please confirm that to me at your convenience.

-Colin

--

Colin C. Smith | Legal Counsel

Office of the Governor, State of Iowa

Governor Kim K. Reynolds & Lt. Gov. Adam Gregg

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Tooker, Megan <megan.tooker@iowa.gov>

RE: Campaign Private plane use

1 message

Tooker, Megan [IECD] <Megan.Tooker@iowa.gov>

Tue, Aug 21, 2012 at 9:50 AM

To: "Findley, Brenna [IGOV]" <IMCEAEX-

_O=STATE+20OF+20IOWA_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=Brenna+2EFindley@iowa.gov>

Cc: "Johnson, Larry [IGOV]" <Larry.Johnson@iowa.gov>

Hi Brenna,

Below correctly summarizes our discussion and my conclusion. I would just add two things: 1. The Lt Governor now has her own campaign committee. Her candidate committee, rather than the Governor's candidate committee, could report the in-kind contribution. The bottom line is the contribution needs to be reported on one of the committee's reports. 2. 68A.504 prohibits lobbyist and PACs from making monetary or in-kind contributions during session. Candidates may accept contributions during session from non-lobbyist individuals.

From: Findley, Brenna [IGOV]
Sent: Monday, August 20, 2012 5:04 PM
To: Tooker, Megan [IECD]
Cc: Johnson, Larry [IGOV]
Subject: Campaign Private plane use

Megan,

Thanks for your call.

Based on our conversation, the Governor or Lt. Governor may accept a flight from any individual (even a restricted donor) to attend a campaign event for Romney. The campaign event is considered to be a campaign purpose. The cost of the flight must be reported as an in-kind contribution on the Branstad-Reynolds committee campaign disclosure report. If it were legislative session, then restricted donor contributions are not allowed.

Further, you recommended that in reporting the cost of the flight that the cost of a coach fare between the destinations be utilized. If service is not available, then the charter rate should be used for reporting purposes.

Thanks so much,

Brenna

S. Brenna Findley

Legal Counsel

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