

DATE 2014-05-14

SENATE FILE 505
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 341)

Passed Senate, Date 3/26/91 (p. 884) Passed House, Date 5/2/91 (p. 2014)
Vote: Ayes 34 Nays 14 Vote: Ayes 52 Nays 46

Re-Approved May 30, 1991

Re-approved Senate as amended by House
5/11/91 (p. 1815)
21-17

A BILL FOR

H. 3573 1 An Act providing for voluntary limitation of campaign
H. 3580 2 expenditures for certain elective officers and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 505

H. 253

Section 1. Section 2 of this Act is created as a new
2 division of chapter 56.

3 Sec. 2. NEW SECTION. 56.33 LIMITATIONS ON CAMPAIGN
4 EXPENDITURES.

31535 1. Each candidate for the office of governor, attorney
H-352 6 general, secretary of agriculture, secretary of state,
7 treasurer of state, auditor of state, state senator, or state
8 representative shall state whether the candidate voluntarily
9 agrees to limit campaign expenditures by filing a statement
10 indicating the candidate's intent prior to or with the filing
11 of nomination papers pursuant to chapter 43, 44, or 45.
12 Notwithstanding section 43.20, the nomination petition of a
13 candidate who does not agree to limit campaign expenditures
14 must contain signatures, with each signature notarized, of at
15 least ten percent of the total number of votes cast in the
16 last general election for that office. A candidate nominated
17 pursuant to section 43.66 who does not agree to limit campaign
18 expenditures, must file a nomination petition within fifteen
19 days of nomination containing signatures, with each signature
20 notarized, of at least ten percent of the total number of
21 votes cast in the last general election for that office in
22 order to be placed on the general election ballot. A
23 candidate who agrees to limit campaign expenditures, within
24 five days of the filing of a statement by the candidate's
25 opponent indicating that the candidate's opponent does not
26 agree to limit campaign expenditures, may withdraw the
27 candidate's agreement to limit expenditures. The ballots
28 printed for primary elections under chapter 43 and for general
29 elections under chapter 49 shall indicate under the name of
30 each candidate for the offices listed in this subsection
31 whether the candidate agreed or did not agree to limit
32 campaign expenditures.

355733 2. Total expenditures by a candidate who voluntarily
34 agrees to limit campaign expenditures shall be as follows:

31535 a. Governor, six hundred thousand dollars in a primary
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1 election and one million two hundred thousand dollars in a
2 general election.

3 b. Attorney general, secretary of agriculture, secretary
4 of state, treasurer of state, and auditor of state, fifty
5 thousand dollars in a primary election and one hundred
6 thousand dollars in a general election.

7 c. State senator, twelve thousand dollars in a primary
8 election and twenty-four thousand dollars in a general
9 election.

10 d. State representative, six thousand dollars in a primary
11 election and twelve thousand dollars in a general election.

12 3. A candidate who voluntarily agrees to limit campaign
13 expenditures, and who exceeds the expenditure limitations in
14 subsection 2, shall be subject to a fine which is based on the
15 percentage by which the candidate exceeds permitted expendi-
16 tures, so that the candidate shall pay a percentage of the
17 excess campaign expenditures as follows:

18 a. Governor, under two thousand dollars, one percent; two
19 thousand to ten thousand dollars, ten percent; ten thousand
20 one to twenty thousand dollars, twenty-five percent; over
21 twenty thousand dollars, fifty percent.

22 b. Attorney general, secretary of agriculture, secretary
23 of state, treasurer of state, and auditor of state, under one
24 thousand dollars, one percent; one thousand to five thousand
25 dollars, ten percent; five thousand one to ten thousand
26 dollars, twenty-five percent; over ten thousand dollars, fifty
27 percent.

28 c. State senator, under five hundred dollars, one percent;
29 five hundred to one thousand dollars, ten percent; one
30 thousand one to five thousand dollars, twenty-five percent;
31 over five thousand dollars, fifty percent.

32 d. State representative, under two hundred fifty dollars,
33 one percent; two hundred fifty-one to five hundred dollars,
34 ten percent; five hundred one to two thousand five hundred
35 dollars, twenty-five percent; over two thousand five hundred

1 dollars, fifty percent.

2 Fines collected pursuant to this section shall be paid to
3 the state political party of the violating candidate's
4 opponent.

H-2436
H-3505
H-5054

5 4. The office of lieutenant governor shall not be
6 considered a separate office, but shall be considered with the
7 office of governor for purposes of this section.

8 5. The campaign finance disclosure commission shall adopt
9 rules under chapter 17A as necessary to administer this
10 section.

H-3505
H-3516

11 Sec. 3. NEW SECTION. 43.29A NOTICE OF LIMITATION OF
12 CAMPAIGN EXPENDITURES ON BALLOT.

13 The ballot shall indicate under the name of each candidate
14 for the office of governor, attorney general, secretary of
15 agriculture, secretary of state, treasurer of state, auditor
16 of state, state senator, and state representative whether the
17 candidate agreed or did not agree to limit campaign
18 expenditures under section 56.33.

19 Below the name of a candidate who agrees to limit campaign
20 expenditures, the ballot shall state the following: "This
21 candidate agreed to voluntarily limit campaign expenditures."

22 Below the name of a candidate who did not agree to limit
23 campaign expenditures, the ballot shall state the following:
24 "This candidate did not agree to voluntarily limit campaign
25 expenditures."

26 Sec. 4. NEW SECTION. 49.31A NOTICE OF LIMITATION OF
27 CAMPAIGN EXPENDITURES ON BALLOT.

28 The ballot shall indicate under the name of each candidate
29 for the office of governor, attorney general, secretary of
30 agriculture, secretary of state, treasurer of state, auditor
31 of state, state senator, and state representative whether the
32 candidate agreed or did not agree to limit campaign
33 expenditures under section 56.33.

34 Below the name of a candidate who agrees to limit campaign
35 expenditures, the ballot shall state the following: "This

1 candidate agreed to voluntarily limit campaign expenditures."
2 Below the name of a candidate who did not agree to limit
3 campaign expenditures, the ballot shall state the following:
4 "This candidate did not agree to voluntarily limit campaign
5 expenditures."

3573
H-3660
H-3673
H-2675

EXPLANATION

6 This bill provides that a candidate for the office of
7 governor, secretary of agriculture, secretary of state,
8 treasurer of state, auditor of state, attorney general, state
9 senator, or state representative may voluntarily agree to
10 limit campaign expenditures. Limitations for spending in
11 primary and general elections are specified for each office.
12 Each candidate for each office listed is required to file a
13 statement of intent prior to or with the filing of nomination
14 papers. A candidate who does not agree to limit expenditures
15 is required to obtain signatures of at least ten percent of
16 the total number of votes cast in the last general election
17 for that office, and to notarize each signature, on the
18 candidate's nomination petition. A candidate nominated by a
19 write-in vote who does not agree to limit expenditures must
20 obtain signatures as provided above within fifteen days of
21 nomination in order to be placed on the general election
22 ballot. A candidate who agrees to limit expenditures may
23 withdraw the agreement within five days of the candidate's
24 opponent filing a statement indicating that the opponent does
25 not agree to limit expenditures. The ballots for primary and
26 general elections are required to indicate for each office
27 listed if the candidate agreed or did not agree to limit
28 campaign expenditures. Penalties are provided for candidates
29 who violate spending limits, with fines collected given to the
30 political party of the violating candidate's opponent. The
31 campaign finance commission is directed to adopt rules as
32 necessary to administer the Act.

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SENATE FILE 505

S-3183

1 Amend Senate File 505 as follows:

- 2 1. Page 1, line 14, by striking the words ", with
3 each signature notarized,".
4 2. Page 1, lines 19 and 20, by striking the words
5 ", with each signature notarized,".
x 6 3. Page 1, line 35, by striking the words "six
7 hundred thousand" and inserting the following: "one
8 million".
9 4. Page 2, line 1, by striking the words "one
10 million two hundred thousand" and inserting the
> 11 following: "two million".
12 5. Page 2, line 5, by striking the words "one
13 hundred" and inserting the following: "two hundred
14 fifty".
15 6. Page 2, line 8, by striking the words "twenty-
16 four" and inserting the following: "fifty".
17 7. Page 2, line 11, by striking the word "twelve"
18 and inserting the following: "twenty-five".
19 8. Page 2, by striking lines 18 through 21 and
20 inserting the following:
21 "a. Governor, under five thousand dollars, one
22 percent; five thousand to twenty thousand dollars, ten
23 percent; twenty thousand one to fifty thousand
24 dollars, twenty-five percent; over fifty thousand
25 dollars, fifty percent."
26 9. Page 3, by striking lines 3 and 4 and
27 inserting the following: "the campaign finance
28 disclosure commission."
29 10. By striking page 3, line 11 through page 4,
30 line 5.

By PAUL PATE
RICHARD VANDE HOEF

S-3183 FILED MARCH 26, 1991
WITHDRAWN (p. 883)

SENATE FILE 505

S-3189

- 1 Amend the amendment, S-3183, to Senate File 505 as
2 follows:
3 1. Page 1, lines 7 and 8, by striking the words
4 "one million" and inserting the following: "seven
5 hundred fifty thousand".
6 2. Page 1, line 11, by striking the words "two
7 million" and inserting the following: "one million
8 five hundred thousand".

By BILL HUTCHINS

S-3189 FILED MARCH 26, 1991
RULED OUT OF ORDER (p. 883)

SENATE FILE 505

H-3557

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 33, through page 2,
4 line 11, and inserting the following:

5 "2. Total expenditures by a candidate who
6 voluntarily agrees to limit campaign expenditures
7 shall be as follows:

8 a. In a primary election, one dollar and fifty
9 cents for each person registered as a member of the
10 candidate's national political party in the
11 candidate's election district.

12 b. In a general election, one dollar and fifty
13 cents for each person registered to vote in the
14 general election in the candidate's election
15 district."

16 2. Page 3, line 10, by inserting after the word
17 "section." the following: "The campaign finance
18 disclosure commission shall adopt rules, by July 1 of
19 each odd-numbered year, adjusting the limitations on
20 campaign expenditures contained in subsection 2 to
21 reflect any increase in the consumer price index as
22 released by the federal government."

By GRUBBS of Scott

H-3557 FILED APRIL 9, 1991

w/lt 5/2/91

SENATE FILE 505

H-3486

1 Amend Senate File 505, as passed by the Senate as
2 follows:

3 1. Page 3, by inserting after line 4 the
4 following:

5 "____. Mileage expenses at a rate of twenty-one
6 cents per mile are not subject to the expenditure
7 limitations of subsection 2."

8 2. By renumbering as necessary.

By TYRRELL of Iowa

H-3486 FILED APRIL 3, 1991

w/r 5/2/91

SENATE FILE 505

H-3505

1 Amend Senate File 505 as passed by the Senate as
2 follows:

3 1. Page 3, by inserting after line 4 the
4 following:

5 "____. Mileage expenses of the candidate, at a rate
6 of twenty-one cents per mile, are not subject to the
7 expenditure limitations of subsection 2."

8 2. By renumbering as necessary.

By TYRRELL of Iowa

H-3505 FILED APRIL 4, 1991

Adopted 5/2/91 (p. 2009)

SENATE FILE 505

H-3553

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 35 through page 2,
4 line 11, and inserting the following:

5 "a. Governor, one million eight hundred thousand
6 dollars.

7 b. Attorney general, secretary of agriculture,
8 secretary of state, treasurer of state, and auditor of
9 state, one hundred fifty thousand dollars.

10 c. State senator, thirty-six thousand dollars.

11 d. State representative, eighteen thousand
12 dollars."

By BROWN of Lucas

BISIGNANO of Polk

JESSE of Jasper

SHEARER of Louisa

PAVICH of Pottawattamie

H-3553 FILED APRIL 9, 1991

Placed w/r 5/1/91 (p. 1981)

SENATE FILE 505

H-3576

1 Amend Senate File 505, as passed by the Senate as
2 follows:
3 1. Page 1, line 27, by striking the following:
4 "The ballots".
5 2. Page 1, by striking lines 28 through 32.
6 3. By striking page 3, line 11 through page 4,
7 line 5.

By McNEAL of Hardin

H-3576 FILED APRIL 10, 1991

Placed on 5/1 (p. 1981)

SENATE FILE 505

H-3632

1 Amend Senate File 505, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 4, the
4 following:
5 "_____. A candidate shall not retain two hundred
6 fifty dollars or more in the candidate's campaign
7 account after the completion of the general election
8 campaign period. A candidate shall not use campaign
9 funds for personal purposes when the candidate's
10 committee dissolves or no longer receives
11 contributions or makes disbursements."
12 2. By renumbering as necessary.

By GRUBBS of Scott

H-3632 FILED APRIL 15, 1991

Law 5/2 (p. 2010)

SENATE FILE 505

H-3669

1 Amend Senate File 505 as passed by the Senate as
2 follows:
3 1. Page 1, by inserting after line 32 the
4 following:
5 "Materials purchased by a candidate or a
6 candidate's committee during a previous campaign shall
7 be attributed to the candidate's expenditure limit for
8 purposes of subsection 2, and shall be valued at the
9 fair market price for the cost of their replacement."

By HANSON of Delaware

H-3669 FILED APRIL 17, 1991

Law 5/1/91 (p. 1982)

SENATE FILE 505

H-3670

1 Amend Senate File 505, as passed by the Senate, as
2 follows:
3 1. Page 1, line 14, by striking the following:
4 ", with each signature notarized,".
5 2. Page 1, lines 19 and 20, by striking the
6 following: ", with each signature notarized,".
7 3. Page 1, by striking lines 27 through 32, and
8 inserting the following: "candidate's agreement to
9 limit expenditures."

By HANSON of Delaware
GARMAN of Story

H-3670 FILED APRIL 17, 1991

Placed on 5/1/91 (p. 1981)

SENATE FILE 505

H-3573

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 5, the
4 following:

5 "Sec. ____ . NEW SECTION. 79.19A PAYROLL
6 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.

7 A state officer, including the state board of
8 regents, in charge of a payroll system shall also make
9 payroll deductions authorized by an employee for
10 political committees under chapter 56 if the
11 employee's payroll system is currently making
12 deductions for employee organization membership dues,
13 and if the following conditions are met:

14 1. The request for the payroll deduction is made
15 in writing to the officer in charge of the payroll
16 system.

17 2. The pay period during which the deduction is
18 made and the frequency and amount of the deduction are
19 compatible with the payroll system.

20 3. The political committee for which the deduction
21 is requested is related to the employee organization
22 for which the employee's payroll system is currently
23 making membership dues deductions.

24 Sec. ____ . NEW SECTION. 294.17 PAYROLL
25 DEDUCTIONS.

26 In addition to payroll deductions for the purpose
27 of paying annuity premiums, a school district shall
28 also make payroll deductions authorized by the
29 employee for political committees under chapter 56 if
30 the school district's payroll system is currently
31 making deductions for employee organization membership
32 dues, and if the following conditions are met:

33 1. The request for the payroll deduction is made
34 in writing to the officer in charge of the payroll
35 system.

36 2. The pay period during which the deduction is
37 made and the frequency and amount of the deduction are
38 compatible with the payroll system.

39 3. The political committee for which the deduction
40 is requested is related to the employee organization
41 for which the school district's payroll system is
42 currently making membership dues deductions."

43 2. Title page, line 2, by inserting after the
44 word "officers" the following: ", permitting certain
45 payroll deductions for political committees for public
46 employees and employees of school districts,".

47 3. By renumbering as necessary.

By CONNORS of Polk

RENAUD of Polk

WISSING of Scott

SHONING of Woodbury

PAVICH of Pottawattamie

BISIGNANO of Polk

MURPHY of Dubuque

H-3573 FILED APRIL 10, 1991

w/r 5/2/91 (p. 2010)

SENATE FILE 505

H-3653

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Sections 2 through 6 of this Act are
6 created as a new subchapter of chapter 56.

7 Sec. 2. NEW SECTION. 56.33 LIMITATIONS ON
8 CONTRIBUTIONS TO CANDIDATES FOR GOVERNOR AND OTHER
9 STATEWIDE OFFICES.

10 1. An individual or a political committee, other
11 than a state or county statutory political committee,
12 shall not make contributions to a particular candidate
13 for governor, secretary of agriculture, attorney
14 general, auditor of state, secretary of state, or
15 treasurer of state which exceed ten thousand dollars
16 during a calendar year.

17 2. A candidate for governor, secretary of
18 agriculture, attorney general, auditor of state,
19 secretary of state, or treasurer of state shall not
20 accept contributions from political committees,
21 excluding state and county statutory political
22 committees, which aggregate more than three hundred
23 thousand dollars during a calendar year.

24 Sec. 3. NEW SECTION. 56.34 LIMITATIONS ON
25 CONTRIBUTIONS TO CANDIDATES FOR STATE SENATOR.

26 1. An individual or a political committee, other
27 than a state or county statutory political committee,
28 shall not make contributions to a particular candidate
29 for state senator which exceed one thousand dollars
30 during a calendar year.

31 2. A candidate for the office of state senator
32 shall not accept contributions from political
33 committees, excluding state and county statutory
34 political committees, which aggregate more than twenty
35 thousand dollars during a calendar year.

36 Sec. 4. NEW SECTION. 56.35 LIMITATIONS ON
37 CONTRIBUTIONS TO CANDIDATES FOR STATE REPRESENTATIVE.

38 1. An individual or a political committee, other
39 than a state or county statutory political committee,
40 shall not make contributions to a particular candidate
41 for the office of state representative which exceed
42 five hundred dollars during a calendar year.

43 2. A candidate for the office of state
44 representative shall not accept contributions from
45 political committees, excluding state and county
46 statutory political committees, which aggregate more
47 than ten thousand dollars during a calendar year.

48 Sec. 5. NEW SECTION. 56.36 PERIODS LIMITATIONS
49 IN EFFECT.

50 The limitations of sections 56.33, 56.34, and 56.35

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1 apply during the following periods: from January 1
2 following the preceding general election for that
3 office, or for a candidate elected in a special
4 election the first day of the second month following
5 the preceding special election, until December 31
6 following the subsequent general election for that
7 office, or until the date of a special election to
8 fill that office.

9 Sec. 6. NEW SECTION. 56.37 ADJUSTMENTS FOR
10 BENEFITED CANDIDATES.

11 A person or political committee which causes the
12 publication, mass mailing, or broadcast of advocacy
13 information in a campaign shall give notice to the
14 commission and to the benefited candidate. The notice
15 shall be given by certified restricted mail within
16 twenty-four hours after the publication, mailing, or
17 broadcast of the advocacy information and be
18 accompanied by the text of the advocacy information
19 and the amount of the publication, mailing, or
20 broadcasting expenditures. The benefited candidate
21 shall notify the commission within seventy-two hours
22 of the contribution, and the anticipated expenditure
23 shall be credited against the candidate's aggregate
24 political committee contribution limit. A candidate
25 who, as a result of expenditures made by a person or
26 political committee as described in this section,
27 exceeds by two hundred fifty dollars or more the
28 candidate's aggregate political committee contribution
29 limit is subject to a fine equal to the amount by
30 which the candidate exceeded the limit. This section
31 shall not apply to a communication regarding any
32 subject by a permanent organization, which was
33 originally organized for purposes other than engaging
34 in political activities, to its dues-paying members.

35 Sec. 7. NEW SECTION. 56.15A CERTAIN ACCOUNTS BY
36 OFFICEHOLDERS PROHIBITED.

37 A holder of public office shall not maintain an
38 account, other than a campaign account, to receive
39 contributions for the purpose of publishing and
40 distributing newsletters or performing other
41 constituent services related to the official duties of
42 public office. This section applies whether or not
43 the officeholder is a candidate.

44 Sec. 8. NEW SECTION. 56.15B RESTRICTIONS ON
45 ACCEPTANCE OF CONTRIBUTIONS BY CERTAIN OFFICEHOLDERS
46 AND CANDIDATES FOR CERTAIN OFFICES.

47 1. The candidate's committee of a holder of the
48 office or of a candidate for the office of state
49 representative or state senator shall not solicit or
50 accept contributions from a political committee, other

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1 than a state or county statutory political committee,
2 or from a lobbyist registered under the rules adopted
3 by either house of the general assembly while the
4 general assembly is in regular session. As used in
5 this subsection, "in regular session" does not include
6 the period of time between final adjournment sine die
7 for that year and the ceremonial closing of the
8 session.

9 2. The candidate's committee of a holder of the
10 office or of a candidate for the office of governor
11 shall not solicit or accept contributions from a
12 political committee, other than a state or county
13 statutory political committee, or from a lobbyist
14 registered under the rules adopted by either house of
15 the general assembly while the general assembly is in
16 regular session and for thirty days after the final
17 adjournment sine die of the general assembly for that
18 year.

19 Sec. 9. NEW SECTION. 56.15C CERTAIN TRANSFERS
20 PROHIBITED.

21 1. A political committee registered in this state
22 shall not make transfers or contributions to another
23 political committee unless the political committee
24 receiving the transfer or contribution is a state or
25 county statutory political committee or a candidate's
26 committee.

27 2. An individual or a political committee shall
28 not knowingly make transfers or contributions to a
29 candidate or candidate's committee for the purpose of
30 transferring the funds to another candidate or
31 candidate's committee to avoid the disclosure of the
32 source of the funds pursuant to this chapter. A
33 candidate or candidate's committee shall not knowingly
34 accept transfers or contributions from an individual
35 or political committee for the purpose of transferring
36 funds to another candidate or candidate's committee as
37 prohibited by this subsection. A candidate or
38 candidate's committee shall not accept transfers or
39 contributions which have been transferred to another
40 candidate or candidate's committee as prohibited by
41 this subsection. The commission shall notify
42 candidates of the prohibition of such transfers and
43 contributions under this subsection.

44 3. A candidate for the general assembly or the
45 candidate's committee shall not use campaign funds for
46 transfers or contributions to another candidate for
47 office in the same house of the general assembly or to
48 the candidate's committee. The cost of purchasing
49 tickets to a fund-raising event held by or on behalf
50 of a candidate to raise money for the candidate's

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1 campaign is considered a contribution for purposes of
2 this section, unless the event is sponsored by a state
3 or county statutory political committee.

4 Sec. 10. NEW SECTION. 56.15D USE OF PUBLIC
5 MONEYS IN BALLOT ISSUE AND CANDIDATES' CAMPAIGNS.

6 The governing body of a county, city, or other
7 political subdivision of the state shall not expend or
8 permit the expenditure of public moneys for the
9 purpose of supporting or opposing a ballot issue or a
10 candidate."

11 2. Title page, by striking lines 1 through 3 and
12 inserting the following: "An Act relating to campaign
13 finance by providing for limitations on contributions
14 to candidates, adjustments for benefited candidates,
15 prohibiting certain accounts by officeholders,
16 restricting acceptance of certain contributions by
17 officeholders, prohibiting certain transfers of
18 contributions, restricting the use of public moneys in
19 ballot issue and candidates' campaigns, and providing
20 a penalty."

By HANSON of Delaware
GARMAN of Story
CARPENTER of Polk

METCALF of Polk
RENKEN of Grundy
KREBSBACH of Mitchell

H-3653 FILED APRIL 16, 1991

Done 5/1/91 (p. 1972)

SENATE FILE 505

H-3658

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the words "Section
4 2 of this Act is" and inserting the following:
5 "Sections 2 and 100 of this Act are".

6 2. Page 3, by inserting after line 10, the
7 following:

8 "Sec. 100. NEW SECTION. 56.34 NAME
9 IDENTIFICATION CREDIT FOR CHALLENGER CANDIDATES.

10 The expenditure limits for a candidate for a
11 primary election and a general election in section
12 56.33 shall each be increased by five thousand dollars
13 if the candidate has not been a candidate for public
14 office within five years of agreeing to limit campaign
15 expenditures."

16 3. By renumbering as necessary.

By GRUBBS of Scott

H-3658 FILED APRIL 16, 1991

Done 5/1/91 (p. 1972)

SENATE FILE 505

H-3660

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 5, the
4 following:

5 "Sec. ____ . NEW SECTION. 79.19A PAYROLL
6 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.

7 A state officer, including the state board of
8 regents, in charge of a payroll system shall also make
9 payroll deductions authorized by an employee for
10 political committees under chapter 56 if the
11 employee's payroll system is currently making
12 deductions for employee organization membership dues,
13 and if the following conditions are met:

14 1. The request for the payroll deduction is made
15 in writing to the officer in charge of the payroll
16 system.

17 2. The pay period during which the deduction is
18 made and the frequency and amount of the deduction are
19 compatible with the payroll system.

20 3. The political committee for which the deduction
21 is requested is related to the employee organization
22 for which the employee's payroll system is currently
23 making membership dues deductions.

24 Sec. ____ . NEW SECTION. 294.17 PAYROLL
25 DEDUCTIONS.

26 In addition to payroll deductions for the purpose
27 of paying annuity premiums, a school district shall
28 also make payroll deductions authorized by the
29 employee for political committees under chapter 56 if
30 the school district's payroll system is currently
31 making deductions for employee organization membership
32 dues, and if the following conditions are met:

33 1. The request for the payroll deduction is made
34 in writing to the officer in charge of the payroll
35 system.

36 2. The pay period during which the deduction is
37 made, and the frequency and amount of the deduction
38 are compatible with the payroll system.

39 3. The political committee for which the deduction
40 is requested is related to the employee organization
41 for which the school district's payroll system is
42 currently making membership dues deductions.

43 Sec. ____ . NEW SECTION. 331.325 PAYROLL
44 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.

45 The board or the county officer in charge of any
46 county payroll system shall make payroll deductions
47 authorized by an employee for political committees
48 under chapter 56 if the employee's payroll system is
49 currently making deductions for employee organization
50 membership dues, and if the following conditions are

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Page 2

1 met:

2 1. The request for the payroll deduction is made
3 in writing to the officer in charge of the payroll
4 system.

5 2. The pay period during which the deduction is
6 made and the frequency and amount of the deduction are
7 compatible with the payroll system.

8 3. The political committee for which the deduction
9 is requested is related to the employee organization
10 for which the employee's payroll system is currently
11 making membership dues deductions.

12 Sec. ____ . NEW SECTION. 364.25 PAYROLL DEDUCTIONS
13 FOR POLITICAL CONTRIBUTIONS.

14 A city, or the city officer in charge of any city
15 payroll system shall make payroll deductions
16 authorized by an employee for political committees
17 under chapter 56 if the employee's payroll system is
18 currently making deductions for employee organization
19 membership dues, and if the following conditions are
20 met:

21 1. The request for the payroll deduction is made
22 in writing to the officer in charge of the payroll
23 system.

24 2. The pay period during which the deduction is
25 made and the frequency and amount of the deduction are
26 compatible with the payroll system.

27 3. The political committee for which the deduction
28 is requested is related to the employee organization
29 for which the employee's payroll system is currently
30 making membership dues deductions."

31 2. Title page, line 2, by inserting after the
32 word "officers" the following: ", permitting certain
33 payroll deductions for political committees for state,
34 county, and city employees and employees of school
35 districts,".

36 3. By renumbering as necessary.

By CONNORS of Polk

H-3660 FILED APRIL 16, 1991

6/25 5/2/91 (p. 2010)

SENATE FILE 505

H-3673

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 5 the follow-
4 ing:

5 "Sec. ____ . NEW SECTION. 56.15A LIMITATIONS ON
6 ACCEPTANCE OF POLITICAL COMMITTEE CONTRIBUTIONS.

7 The acceptance of contributions by candidates for
8 the following offices from political committees, other
9 than state or county political committees or
10 candidate's committees, is subject to the following
11 limitations on total contributions which may be
12 received from political committees and on the largest
13 contribution which may be received from a single
14 political committee:

15 1. Governor.

16 a. Total political committee contributions, two
17 hundred thousand dollars in a primary election and
18 four hundred thousand dollars in a general election.

19 b. Largest political committee contribution, ten
20 thousand dollars.

21 2. Attorney general, secretary of agriculture,
22 secretary of state, treasurer of state, and auditor of
23 state.

24 a. Total political committee contributions,
25 sixteen thousand six hundred sixty-six dollars in a
26 primary election and thirty-three thousand three
27 hundred thirty-three dollars in a general election.

28 b. Largest political committee contribution, eight
29 thousand dollars.

30 3. State senator.

31 a. Total political committee contributions, four
32 thousand dollars in a primary election and eight
33 thousand dollars in a general election.

34 b. Largest political committee contribution, one
35 thousand dollars.

36 4. State representative.

37 a. Total political committee contributions, two
38 thousand dollars in a primary election and four
39 thousand dollars in a general election.

40 b. Largest political committee contribution, five
41 hundred dollars."

42 2. By renumbering as necessary.

By CARPENTER of Polk
SPENNER of Henry
HANSON of Delaware

H-3673 FILED APRIL 17, 1991

w/ly 5/2/91 (p. 2010)

SENATE FILE 505

H-3671

- 1 Amend Senate File 505, as passed by the Senate, as
 2 follows:
 3 1. By striking page 1, line 35 through page 2,
 4 line 11, and inserting the following:
 5 "a. Governor, one million eight hundred thousand
 6 dollars.
 7 b. Attorney general, secretary of agriculture,
 8 secretary of state, treasurer of state, and auditor of
 9 state, one hundred fifty thousand dollars.
 10 c. State senator, thirty-six thousand dollars.
 11 d. State representative, eighteen thousand
 12 dollars."
 13 2. Page 2, by inserting before line 12, the
 14 following:
 15 "_____. The limitations on campaign expenditures in
 16 subsection 2 shall apply during the following periods:
 17 from January 1 following the preceding general
 18 election for that office, or for a candidate elected
 19 in a special election the first day of the second
 20 month following that special election, until December
 21 31 following the subsequent general election for that
 22 office, or until the date of a special election to
 23 fill that office."
 24 3. By renumbering as necessary.

By HANSON of Delaware

H-3671 FILED APRIL 17, 1991

A- 4/22, B- 5/2/91 (p. 2009)

SENATE FILE 505

H-3672

- 1 Amend Senate File 505, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 35, by striking the word "six"
 4 and inserting the following: "nine".
 5 2. Page 2, line 1, by striking the word "two" and
 6 inserting the following: "eight".
 7 3. Page 2, line 4, by striking the word "fifty"
 8 and inserting the following: "seventy-five".
 9 4. Page 2, line 5, by inserting after the word
 10 "hundred" the following: "fifty".
 11 5. Page 2, line 7, by striking the word "twelve"
 12 and inserting the following: "eighteen".
 13 6. Page 2, line 8, by striking the word "twenty-
 14 four" and inserting the following: "thirty-six".
 15 7. Page 2, line 10, by striking the word "six"
 16 and inserting the following: "nine".
 17 8. Page 2, line 11, by striking the word "twelve"
 18 and inserting the following: "eighteen".

By HANSON of Delaware

H-3672 FILED APRIL 17, 1991

Revised 4/10 5/1/91 (p. 1761)

SENATE FILE 505

H-3984

1 Amend Senate File 505, as passed by the Senate, as
2 follows:
3 1. Page 1, line 1, by striking the words and
4 figure "Section 2 of this Act is" and inserting the
5 following: "Sections 2 through 6 of this Act are".
6 2. Page 1, by inserting after line 2, the
7 following:
8 "Sec. 2. NEW SECTION. 56.33 DEFINITIONS.
9 As used in this division, unless the context
10 requires otherwise:
11 1. "Advocacy information" is material published or
12 broadcast which discusses public issues, candidates,
13 or voting records from which a reasonable person could
14 draw a fair inference that the material recommends the
15 defeat or election of an identifiable candidate in a
16 restricted campaign.
17 2. "Benefited candidate" means a candidate in a
18 restricted campaign whose election is recommended or
19 whose opponent's defeat is recommended by advocacy
20 information or by the fair inferences drawn from the
21 advocacy information by a reasonable person as
22 determined by the commission.
23 3. "Eligible office" means the offices of state
24 representative, state senator, secretary of
25 agriculture, secretary of state, treasurer of state,
26 auditor of state, attorney general, and governor. The
27 office of lieutenant governor shall not be considered
28 a separate eligible office but shall be considered
29 with the office of governor for purposes of this
30 division.
31 4. "Political action committee" means any
32 political committee except a county statutory
33 political committee, a state statutory political
34 committee, a national political party, or a nonparty
35 political organization under chapter 44.
36 5. "Qualifying nomination" means a nomination by a
37 political party as defined by section 43.2, or a
38 nomination under chapter 44 or 45.
39 6. "Restricted campaign" means a campaign for an
40 eligible office in which there are two or more
41 candidates with qualifying nominations and all of
42 those candidates have registered with the commission
43 for a restricted campaign."
44 3. Page 1, by striking lines 3 through 32 and
45 inserting the following:
46 "Sec. 3. NEW SECTION. 56.34 REGISTRATION FOR A
47 RESTRICTED CAMPAIGN.
48 Each candidate for an eligible office shall
49 register with the commission and shall indicate
50 whether the candidate voluntarily agrees to limit

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1 campaign expenditures in a restricted campaign prior
2 to or with the filing of nomination papers pursuant to
3 chapter 43, 44, or 45.

4 Notwithstanding section 43.20, the nomination
5 petition of a candidate who does not agree to a
6 restricted campaign must contain signatures, with each
7 signature notarized, of at least ten percent of the
8 total number of votes cast in the last general
9 election for that office. A candidate nominated
10 pursuant to section 43.66 who does not agree to a
11 restricted campaign must file a nomination petition
12 within fifteen days of nomination containing
13 signatures, with each signature notarized, of at least
14 ten percent of the total number of votes cast in the
15 last general election for that office in order to be
16 placed on the general election ballot. A candidate
17 who agrees to a restricted campaign and whose opponent
18 does not agree to a restricted campaign is not
19 required to obtain signatures under this section, is
20 not subject to the limitations on campaign
21 expenditures imposed in this division, and shall be
22 considered as a candidate who agreed to a restricted
23 campaign for purposes of the following sections:
24 43.29A, 49.31A, and 56.14.

25 The ballots printed for primary elections under
26 chapter 43 and for general elections under chapter 49
27 shall indicate under the name of each candidate for an
28 eligible office whether the candidate agreed or did
29 not agree to a restricted campaign. Political
30 advertisements shall contain such an indication
31 pursuant to section 56.14."

32 4. By striking page 1, line 33 through page 2,
33 line 11 and inserting the following:

34 "Sec. 4. NEW SECTION. 56.35 RESTRICTED CAMPAIGNS
35 -- LIMITS ON EXPENDITURES.

36 If a restricted campaign exists, the candidate's
37 committees of those candidates with qualifying
38 nominations to that eligible office are subject to the
39 following limits on expenditures as follows:

40 1. Governor. Total expenditure limit, seven
41 hundred fifty thousand dollars in a primary election
42 if there is no primary opponent, one million five
43 hundred thousand dollars in a primary election if
44 there is a primary opponent, and one million five
45 hundred thousand dollars in a general election.

46 2. Attorney general, secretary of agriculture,
47 secretary of state, treasurer of state, and auditor of
48 state. Total expenditure limit, fifty thousand
49 dollars in a primary election if there is no primary
50 opponent, one hundred thousand dollars in a primary

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1 election if there is a primary opponent, and one
2 hundred thousand dollars in a general election.

3 3. State senator. Total expenditure limit, twelve
4 thousand five hundred dollars in a primary election if
5 there is no primary opponent, twenty-five thousand
6 dollars in a primary election if there is a primary
7 opponent, and twenty-five thousand dollars in a
8 general election.

9 4. State representative. Total expenditure limit,
10 seven thousand five hundred dollars in a primary
11 election if there is no primary opponent, fifteen
12 thousand dollars in a primary election if there is a
13 primary opponent, and fifteen thousand dollars in a
14 general election.

15 For purposes of this division, an expenditure
16 occurs at the time of performance and not at the time
17 of payment.

18 Actions involving an expenditure taken on behalf of
19 a candidate in a restricted campaign shall be
20 accepted, reported, and credited against the limits of
21 this section, or disavowed pursuant to section 56.13.
22 Actions taken by a county or state statutory political
23 committee or a national political party which benefit
24 the political party generally and which benefit more
25 than one candidate shall not be considered as
26 expenditures under this division.

27 The commission shall, by July 1 in each odd-
28 numbered year, adjust the limitations on expenditures
29 to reflect any increase in the consumer price index as
30 released by the federal government.

31 Sec. 5. NEW SECTION. 56.36 PERIODS THE
32 EXPENDITURE LIMITS ARE IN EFFECT.

33 If a restricted campaign exists, the limitations of
34 section 56.35 apply to expenses incurred during the
35 following periods:

36 1. During an even-numbered year, from the date the
37 candidate or the candidate's treasurer files a
38 statement of organization as required by section 56.5,
39 or from the date the candidate or the candidate's
40 designee files an affidavit of candidacy with the
41 state commissioner of elections, whichever date is
42 earlier, through the date of the general election for
43 that office.

44 2. During a special election, from the date the
45 candidate or the candidate's treasurer files a
46 statement of organization as required by section 56.5,
47 or from the date the candidate or the candidate's
48 designee files an affidavit of candidacy with the
49 state commissioner of elections, whichever date is
50 earlier, through the date of the special election for

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1 that office."

2 5. Page 2, by inserting before line 12 the
3 following:

4 "Sec. ____ . NEW SECTION. 56.36A ADJUSTMENTS FOR
5 BENEFITED CANDIDATES AND OPPONENTS.

6 1. A person or political committee which causes
7 the publication, mass mailing, or broadcast of
8 advocacy information in a restricted campaign shall
9 give notice to the commission and to the benefited
10 candidate. The notice shall be given by certified
11 restricted mail within twenty-four hours after the
12 publication, mailing, or broadcast of the advocacy
13 information and be accompanied by the text of the
14 advocacy information and the amount of the
15 publication, mailing, or broadcasting expenditures.

16 2. The benefited candidate shall notify the
17 commission within seventy-two hours whether the
18 candidate accepts or disavows the expenditure. If the
19 candidate accepts the expenditure, the anticipated
20 expenditure shall be credited against the candidate's
21 expenditure limit. If the candidate files a statement
22 of disavowal, the commissioner or commission shall
23 forward a copy of the statement to the candidate's
24 opponent.

25 3. For the purposes of this section, the
26 commission shall disregard the first five hundred
27 dollars of aggregate disavowed expenditures regarding
28 a benefited candidate for the general assembly, the
29 first one thousand dollars of aggregate disavowed
30 expenditures regarding a benefited candidate for a
31 statewide office other than governor, and the first
32 five thousand dollars of aggregate disavowed
33 expenditures regarding a benefited candidate for
34 governor. If the aggregate disavowed expenditures
35 regarding a benefited candidate exceed the amounts
36 provided in this section, the commission shall
37 determine if a reasonable person would or would not
38 draw a fair inference that the material assists the
39 election of the benefited candidate or the defeat of
40 an opposing candidate. If the commission determines
41 that a candidate is benefited, the commission shall
42 attribute the disavowed expenditure to the expenditure
43 limits of the benefited candidate and shall do one of
44 the following: increase the benefited candidate's
45 opponent's expenditure limits by the amount of the
46 disavowed expenditures attributed to the benefited
47 candidate or eliminate the expenditure limit of the
48 benefited candidate's opponent for that election
49 period.

50 4. The commission by rule may delegate decisions

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1 under subsection 3 to the executive secretary or a
2 panel of three members of the commission. If
3 delegated, the decisions of the executive secretary or
4 panel constitute final agency action for the purposes
5 of chapter 17A. Notwithstanding section 17A.19, a
6 petition for judicial review of a decision under this
7 section shall be filed only in Polk county, the court
8 shall not stay the raising of the limits for the
9 candidates opposing the benefited candidate pending
10 the outcome of the judicial review proceeding, the
11 petitioner has only two days after filing to provide
12 notice or copies to the other parties, and the
13 proceeding shall receive the highest priority among
14 the cases before the district court.

15 The decisions under subsection 3 shall be made
16 within two days of the commission's receipt of the
17 benefited candidate's disavowal and the benefited
18 candidate and opponents shall be promptly notified.

19 Advocacy information caused by a county or state
20 statutory political committee or a national political
21 party which benefit the political party generally and
22 which benefit more than one candidate are not subject
23 to the requirements of this section.

24 Sec. ____ . NEW SECTION. 56.37 PENALTIES."

25 6. Page 2, by striking lines 12 through 17 and
26 inserting the following:

27 "1. A candidate who voluntarily agrees to a
28 restricted campaign, and who exceeds the expenditure
29 limitations in this division, shall be subject to a
30 fine which is based on the percentage by which the
31 candidate exceeds permitted expenditures, so that the
32 candidate shall pay a percentage of the excess
33 campaign expenditures as follows:"

34 7. Page 3, by striking lines 5 through 10 and
35 inserting the following:

36 "2. The criminal penalty of section 56.16 applies
37 to violations of this division.

38 3. A candidate who knowingly and intentionally
39 violates the expenditure limits of section 56.35 is,
40 upon conviction, guilty of a class "D" felony. A
41 candidate shall not take the oath of office pending
42 conviction or acquittal, following trial, on charges
43 brought under this subsection, and a candidate is
44 disqualified from holding office upon conviction
45 obtained pursuant to this subsection."

46 8. By striking page 3, line 11, through page 4,
47 line 5, and inserting the following:

48 "Sec. 7. NEW SECTION. 43.29A NOTICE OF
49 LIMITATION OF CAMPAIGN EXPENDITURES ON BALLOT.

50 The ballot shall indicate under the name of each

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1 candidate for the office of governor, attorney
2 general, secretary of agriculture, secretary of state,
3 treasurer of state, auditor of state, state senator,
4 and state representative whether the candidate agreed
5 or did not agree to limit campaign expenditures under
6 section 56.34.

7 Below the name of a candidate who agrees to limit
8 campaign expenditures, the ballot shall state the
9 following: "This candidate agreed to voluntarily
10 limit campaign expenditures." Below the name of a
11 candidate who did not agree to limit campaign
12 expenditures, the ballot shall state the following:
13 "This candidate did not agree to voluntarily limit
14 campaign expenditures."

15 Sec. 8. Section 44.4, unnumbered paragraph 1, Code
16 1991, is amended to read as follows:

17 Nominations made pursuant to this chapter and
18 chapter 45 which are required to be filed in the
19 office of the state commissioner shall be filed in
20 that office not ~~more than ninety-nine days nor~~ later
21 than five p.m. on the ~~eighty-first day before the date~~
22 ~~of the general election to be held in November~~ date of
23 the primary election. Nominations made for a special
24 election called pursuant to section 69.14 shall be
25 filed by five p.m. not less than twenty days before
26 the date of an election called upon at least forty
27 days' notice and not less than seven days before the
28 date of an election called upon at least ten days'
29 notice. Nominations made for a special election
30 called pursuant to section 69.14A shall be filed by
31 five p.m. not less than twenty days before the date of
32 the election. Nominations made pursuant to this
33 chapter and chapter 45 which are required to be filed
34 in the office of the commissioner shall be filed in
35 that office not more than ninety-two days nor later
36 than five p.m. on the sixty-ninth day before the date
37 of the general election. Nominations made pursuant to
38 this chapter or chapter 45 for city office shall be
39 filed not more than seventy-two days nor later than
40 five p.m. on the forty-seventh day before the city
41 election with the city clerk, who shall process them
42 as provided by law.

43 Sec. 9. NEW SECTION. 49.31A NOTICE OF LIMITATION
44 OF CAMPAIGN EXPENDITURES ON BALLOT.

45 The ballot shall indicate under the name of each
46 candidate for the office of governor, attorney
47 general, secretary of agriculture, secretary of state,
48 treasurer of state, auditor of state, state senator,
49 and state representative whether the candidate agreed
50 or did not agree to limit campaign expenditures under

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1 section 56.34.

2 Below the name of a candidate who agrees to limit
3 campaign expenditures, the ballot shall state the
4 following: "This candidate agreed to voluntarily
5 limit campaign expenditures." Below the name of a
6 candidate who did not agree to limit campaign
7 expenditures, the ballot shall state the following:
8 "This candidate did not agree to voluntarily limit
9 campaign expenditures."

10 Sec. 10. Section 56.13, unnumbered paragraph 1,
11 Code 1991, is amended to read as follows:

12 Action involving a contribution or expenditure
13 which must be reported under this chapter and which is
14 taken by any person, candidate's committee or
15 political committee on behalf of a candidate, if known
16 and approved by the candidate, shall be deemed action
17 by the candidate and reported by the candidate's
18 committee. If a restricted campaign exists, the
19 action involving an expenditure which must be reported
20 under this chapter which is taken by any person,
21 candidate's committee or political committee on behalf
22 of a candidate, if known and approved by the
23 candidate, shall be deemed action by the candidate,
24 shall be reported by the candidate's committee, and
25 shall be credited against the candidate's expenditure
26 limits pursuant to section 56.35. It shall be
27 presumed that a candidate approves the action if the
28 candidate had knowledge of it and failed to file a
29 statement of disavowal with the commissioner or
30 commission and take corrective action within seventy-
31 two hours of the action. A person, candidate's
32 committee or political committee taking such action
33 independently of that candidate's committee shall
34 notify that candidate's committee in writing within
35 twenty-four hours of taking the action. The
36 notification shall provide that candidate's committee
37 with the cost of the promotion at fair market value.
38 A copy of the notification shall be sent to the
39 commission. If a candidate files a statement of
40 disavowal, the commissioner or commission shall
41 forward a copy of the statement to the candidate's
42 opponent.

43 Sec. 11. Section 56.14, Code 1991, is amended by
44 adding the following new unnumbered paragraph:

45 NEW UNNUMBERED PARAGRAPH. In addition to the
46 identification required in this section, a candidate's
47 committee shall include, on all printed material, a
48 statement, equal in size to the identification
49 information, as to whether or not the candidate is
50 registered for a restricted campaign pursuant to

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1 section 56.34. A similar disclaimer must also be
2 included, vocally, in all radio and television
3 commercials purchased on behalf of a candidate.
4 Candidates who have registered for a restricted
5 campaign must state the following: "(name of
6 candidate) agreed to voluntarily limit campaign
7 expenditures." Candidates who have not registered for
8 a restricted campaign must state the following:
9 "(name of candidate) did not agree to voluntarily
10 limit campaign expenditures.""

By HALVORSON of Webster

H-3984 FILED APRIL 30, 1991

Adopted as amended by 4002 5/1/91 (p. 3990)

SENATE FILE 505

H-3983

1 Amend the amendment, H-3653, to Senate File 505, as
2 passed by the Senate, as follows:
3 1. By striking page 3, line 44 through page 4,
4 line 3.

By WISE of Lee
BISIGNANO of Polk

H-3983 FILED APRIL 30, 1991

Same 5/1/91 (p. 1971)

SENATE FILE 505

H-3678

1 Amend Senate File 505 as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 5, the
4 following:

5 "Sec. ____ . NEW SECTION. 56.12A TRANSFERS FROM
6 ONE CANDIDATE'S COMMITTEE TO ANOTHER.

7 A candidate for the general assembly or the
8 candidate's committee shall not use campaign funds for
9 transfers or contributions to another candidate for
10 office in the same house of the general assembly or to
11 the candidate's committee. The cost of purchasing
12 tickets to a fund-raising event held by or on behalf
13 of a candidate to raise money for the candidate's
14 campaign is considered a contribution for purposes of
15 this section, unless the event is sponsored by a state
16 or county statutory political committee.

17 Sec. ____ . NEW SECTION. 56.13A CERTAIN ACCOUNTS
18 BY OFFICEHOLDERS PROHIBITED.

19 A holder of public office shall not maintain an
20 account, other than a campaign account, to receive
21 contributions for the purpose of publishing and
22 distributing newsletters or performing other
23 constituent services related to the official duties of
24 public office. This section applies whether or not
25 the officeholder is a candidate.

26 Sec. ____ . NEW SECTION. 56.14A RESTRICTIONS ON
27 ACCEPTANCE OF CONTRIBUTIONS.

28 1. The candidate's committee of a holder of the
29 office or of a candidate for the office of state
30 representative or state senator shall not solicit or
31 accept contributions from a political committee, other
32 than a state or county statutory political committee,
33 or from a lobbyist registered under the rules adopted
34 by either house of the general assembly while the
35 general assembly is in regular session. As used in
36 this subsection, "in regular session" does not include
37 the period of time between final adjournment sine die
38 for that year and the ceremonial closing of the
39 session.

40 2. The candidate's committee of a holder of the
41 office or of a candidate for the office of governor
42 shall not solicit or accept contributions from a
43 political committee, other than a state or county
44 statutory political committee, or from a lobbyist
45 registered under the rules adopted by either house of
46 the general assembly while the general assembly is in
47 regular session and for thirty days after the final
48 adjournment sine die of the general assembly for that
49 year."

50 2. Title page, line 2, by inserting after the
Page 2

1 word "officers" the following: ", prohibiting certain
2 transfers by candidates' committees, prohibiting
3 certain accounts by officeholders, providing
4 restrictions on acceptance of certain contributions,".

5 3. By renumbering as necessary.

By SPENNER of Henry
HANSON of Delaware
CARPENTER of Polk

W/R 5/2/91

SENATE FILE 505

H-3993

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 5 the follow-
4 ing:

5 "Sec. ____ . NEW SECTION. 56.15A LIMITATIONS ON
6 ACCEPTANCE OF POLITICAL COMMITTEE CONTRIBUTIONS.

7 The acceptance of contributions by candidates for
8 the following offices from political committees, other
9 than state or county political committees or
10 candidate's committees, is subject to the following
11 limitations on total contributions which may be
12 received from political committees and on the largest
13 contribution which may be received from a single
14 political committee:

15 1. Governor.

16 a. Total political committee contributions, two
17 hundred fifty thousand dollars in a primary election
18 and five hundred thousand dollars in a general
19 election.

20 b. Largest political committee contribution, five
21 thousand dollars.

22 2. Attorney general, secretary of agriculture,
23 secretary of state, treasurer of state, and auditor of
24 state.

25 a. Total political committee contributions,
26 sixteen thousand six hundred sixty-six dollars in a
27 primary election and thirty-three thousand three
28 hundred thirty-three dollars in a general election.

29 b. Largest political committee contribution, five
30 thousand dollars.

31 3. State senator.

32 a. Total political committee contributions, four
33 thousand one hundred sixty-six dollars in a primary
34 election and eight thousand three hundred thirty-two
35 dollars in a general election.

36 b. Largest political committee contribution, one
37 thousand dollars.

38 4. State representative.

39 a. Total political committee contributions, two
40 thousand five hundred dollars in a primary election
41 and five thousand dollars in a general election.

42 b. Largest political committee contribution, five
43 hundred dollars."

44 2. By renumbering as necessary.

By CARPENTER of Polk
SPENNER of Henry
HANSON of Delaware

H-3993 FILED MAY 2, 1991

Lo-4 5/2/91 (p. 2014)

SENATE FILE 505

H-3992

1 Amend Senate File 505 as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 5, the
4 following:

5 "Sec. ____ . NEW SECTION. 56.12A TRANSFERS FROM
6 ONE CANDIDATE'S COMMITTEE TO ANOTHER.

7 A candidate for the general assembly or the
8 candidate's committee shall not use campaign funds for
9 transfers or contributions to another candidate for
10 office in the same house of the general assembly or to
11 the candidate's committee. The cost of purchasing
12 tickets to a fund-raising event held by or on behalf
13 of a candidate to raise money for the candidate's
14 campaign is considered a contribution for purposes of
15 this section, unless the event is sponsored by a state
16 or county statutory political committee."

17 2. Page 4, by inserting after line 5, the
18 following:

19 "Sec. ____ . NEW SECTION. 56.14A RESTRICTIONS ON
20 ACCEPTANCE OF CONTRIBUTIONS.

21 1. The candidate's committee of a holder of the
22 office or of a candidate for the office of state
23 representative or state senator shall not solicit or
24 accept contributions from a political committee, other
25 than a state or county statutory political committee,
26 or from a lobbyist registered under the rules adopted
27 by either house of the general assembly while the
28 general assembly is in regular session. As used in
29 this subsection, "in regular session" does not include
30 the period of time between final adjournment sine die
31 for that year and the ceremonial closing of the
32 session.

33 2. The candidate's committee of a holder of the
34 office or of a candidate for the office of governor
35 shall not solicit or accept contributions from a
36 political committee, other than a state or county
37 statutory political committee, or from a lobbyist
38 registered under the rules adopted by either house of
39 the general assembly while the general assembly is in
40 regular session and for thirty days after the final
41 adjournment sine die of the general assembly for that
42 year."

43 3. Title page, line 2, by inserting after the
44 word "officers" the following: ", prohibiting certain
45 transfers by candidates' committees, providing
46 restrictions on acceptance of certain contributions,".

47 4. By renumbering as necessary.

By SPENNER of Henry
HANSON of Delaware
CARPENTER of Polk

H-3992 FILED MAY 1, 1991

At B. Lane, placing C c/o 5/2/91 (2007)

SENATE FILE 505

H-3994

- 1 Amend the amendment, H-3984, to Senate File 505, as
- 2 passed by the Senate, as follows:
- 3 1. Page 2, lines 6 and 7, by striking the words
- 4 ", with each signature notarized,".
- 5 2. Page 2, line 13, by striking the words ", with
- 6 each signature notarized,".

By HANSON of Delaware
GARMAN of Story

H-3994 FILED MAY 1, 1991

LOST (p. 1980)

SENATE FILE 505

H-3998

- 1 Amend the amendment, H-3984, to Senate File 505, as
- 2 passed by the Senate, as follows:
- 3 1. Page 2, line 30, by inserting after the word
- 4 "advertisements" the following: ", other than radio
- 5 and television advertisements,".
- 6 2. Page 8, by striking lines 1 through 3, and
- 7 inserting the following: "section 56.34."

By SPENNER of Henry

H-3998 FILED MAY 1, 1991

LOST (p. 1980)

SENATE FILE 505

H-4002

- 1 Amend the amendment, H-3984, to Senate File 505, as
- 2 passed by the Senate, as follows:
- 3 1. Page 8, line 10, by striking the word
- 4 "expenditures." and inserting the following:
- 5 "expenditures."
- 6 "Sec. 12. ANTISEVERABILITY CLAUSE.
- 7 Notwithstanding section 4.12, if section 56.36A or
- 8 section 56.37, subsection 3, or the application
- 9 thereof is invalid, this Act as a whole shall be
- 10 invalid."

By HALVORSON of Webster
BROWN of Lucas

H-4002 FILED MAY 1, 1991

ADOPTED (p. 1981)

SENATE FILE 505

H-3990

- 1 Amend the amendment, H-3984, to Senate File 505, as
- 2 passed by the Senate, as follows:
- 3 1. Page 2, by striking lines 25 through 31 and
- 4 inserting the following:
- 5 "Political advertisements shall indicate whether
- 6 the candidate agreed or did not agree to a restricted
- 7 campaign pursuant to section 56.14."
- 8 2. By striking page 5, line 48 through page 6,
- 9 line 14.
- 10 3. By striking page 6, line 43 through page 7,
- 11 line 9.

By McNEAL of Hardin

H-3990 FILED MAY 1, 1991

LOST (p. 1981)

HOUSE AMENDMENT TO
SENATE FILE 505

S-3688

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the words and
4 figure "Section 2 of this Act is" and inserting the
5 following: "Sections 2 through 6 of this Act are".

6 2. Page 1, by inserting after line 2, the
7 following:

8 "Sec. 2. NEW SECTION. 56.33 DEFINITIONS.

9 As used in this division, unless the context
10 requires otherwise:

11 1. "Advocacy information" is material published or
12 broadcast which discusses public issues, candidates,
13 or voting records from which a reasonable person could
14 draw a fair inference that the material recommends the
15 defeat or election of an identifiable candidate in a
16 restricted campaign.

17 2. "Benefited candidate" means a candidate in a
18 restricted campaign whose election is recommended or
19 whose opponent's defeat is recommended by advocacy
20 information or by the fair inferences drawn from the
21 advocacy information by a reasonable person as
22 determined by the commission.

23 3. "Eligible office" means the offices of state
24 representative, state senator, secretary of
25 agriculture, secretary of state, treasurer of state,
26 auditor of state, attorney general, and governor. The
27 office of lieutenant governor shall not be considered
28 a separate eligible office but shall be considered
29 with the office of governor for purposes of this
30 division.

31 4. "Political action committee" means any
32 political committee except a county statutory
33 political committee, a state statutory political
34 committee, a national political party, or a nonparty
35 political organization under chapter 44.

36 5. "Qualifying nomination" means a nomination by a
37 political party as defined by section 43.2, or a
38 nomination under chapter 44 or 45.

39 6. "Restricted campaign" means a campaign for an
40 eligible office in which there are two or more
41 candidates with qualifying nominations and all of
42 those candidates have registered with the commission
43 for a restricted campaign."

44 3. Page 1, by striking lines 3 through 32 and
45 inserting the following:

46 "Sec. 3. NEW SECTION. 56.34 REGISTRATION FOR A
47 RESTRICTED CAMPAIGN.

48 Each candidate for an eligible office shall
49 register with the commission and shall indicate
50 whether the candidate voluntarily agrees to limit

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1 campaign expenditures in a restricted campaign prior
2 to or with the filing of nomination papers pursuant to
3 chapter 43, 44, or 45.

4 Notwithstanding section 43.20, the nomination
5 petition of a candidate who does not agree to a
6 restricted campaign must contain signatures, with each
7 signature notarized, of at least ten percent of the
8 total number of votes cast in the last general
9 election for that office. A candidate nominated
10 pursuant to section 43.66 who does not agree to a
11 restricted campaign must file a nomination petition
12 within fifteen days of nomination containing
13 signatures, with each signature notarized, of at least
14 ten percent of the total number of votes cast in the
15 last general election for that office in order to be
16 placed on the general election ballot. A candidate
17 who agrees to a restricted campaign and whose opponent
18 does not agree to a restricted campaign is not
19 required to obtain signatures under this section, is
20 not subject to the limitations on campaign
21 expenditures imposed in this division, and shall be
22 considered as a candidate who agreed to a restricted
23 campaign for purposes of the following sections:
24 43.29A, 49.31A, and 56.14.

25 The ballots printed for primary elections under
26 chapter 43 and for general elections under chapter 49
27 shall indicate under the name of each candidate for an
28 eligible office whether the candidate agreed or did
29 not agree to a restricted campaign. Political
30 advertisements shall contain such an indication
31 pursuant to section 56.14."

32 4. By striking page 1, line 33 through page 2,
33 line 11 and inserting the following:

34 "Sec. 4. NEW SECTION. 56.35 RESTRICTED CAMPAIGNS -
35 -LIMITS ON EXPENDITURES.

36 If a restricted campaign exists, the candidate's
37 committees of those candidates with qualifying
38 nominations to that eligible office are subject to the
39 following limits on expenditures as follows:

40 1. Governor. Total expenditure limit, seven
41 hundred fifty thousand dollars in a primary election
42 if there is no primary opponent, one million five
43 hundred thousand dollars in a primary election if
44 there is a primary opponent, and one million five
45 hundred thousand dollars in a general election.

46 2. Attorney general, secretary of agriculture,
47 secretary of state, treasurer of state, and auditor of
48 state. Total expenditure limit, fifty thousand
49 dollars in a primary election if there is no primary
50 opponent, one hundred thousand dollars in a primary

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1 election if there is a primary opponent, and one
2 hundred thousand dollars in a general election.

3 3. State senator. Total expenditure limit, twelve
4 thousand five hundred dollars in a primary election if
5 there is no primary opponent, twenty-five thousand
6 dollars in a primary election if there is a primary
7 opponent, and twenty-five thousand dollars in a
8 general election.

9 4. State representative. Total expenditure limit,
10 seven thousand five hundred dollars in a primary
11 election if there is no primary opponent, fifteen
12 thousand dollars in a primary election if there is a
13 primary opponent, and fifteen thousand dollars in a
14 general election.

15 For purposes of this division, an expenditure
16 occurs at the time of performance and not at the time
17 of payment.

18 Actions involving an expenditure taken on behalf of
19 a candidate in a restricted campaign shall be
20 accepted, reported, and credited against the limits of
21 this section, or disavowed pursuant to section 56.13.
22 Actions taken by a county or state statutory political
23 committee or a national political party which benefit
24 the political party generally and which benefit more
25 than one candidate shall not be considered as
26 expenditures under this division.

27 The commission shall, by July 1 in each odd-
28 numbered year, adjust the limitations on expenditures
29 to reflect any increase in the consumer price index as
30 released by the federal government.

31 Sec. 5. NEW SECTION. 56.36 PERIODS THE
32 EXPENDITURE LIMITS ARE IN EFFECT.

33 If a restricted campaign exists, the limitations of
34 section 56.35 apply to expenses incurred during the
35 following periods:

36 1. During an even-numbered year, from the date the
37 candidate or the candidate's treasurer files a
38 statement of organization as required by section 56.5,
39 or from the date the candidate or the candidate's
40 designee files an affidavit of candidacy with the
41 state commissioner of elections, whichever date is
42 earlier, through the date of the general election for
43 that office.

44 2. During a special election, from the date the
45 candidate or the candidate's treasurer files a
46 statement of organization as required by section 56.5,
47 or from the date the candidate or the candidate's
48 designee files an affidavit of candidacy with the
49 state commissioner of elections, whichever date is
50 earlier, through the date of the special election for

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1 that office."

2 5. Page 2, by inserting before line 12 the
3 following:

4 "Sec. . NEW SECTION. 56.36A ADJUSTMENTS FOR
5 BENEFITED CANDIDATES AND OPPONENTS.

6 1. A person or political committee which causes
7 the publication, mass mailing, or broadcast of
8 advocacy information in a restricted campaign shall
9 give notice to the commission and to the benefited
10 candidate. The notice shall be given by certified
11 restricted mail within twenty-four hours after the
12 publication, mailing, or broadcast of the advocacy
13 information and be accompanied by the text of the
14 advocacy information and the amount of the
15 publication, mailing, or broadcasting expenditures.

16 2. The benefited candidate shall notify the
17 commission within seventy-two hours whether the
18 candidate accepts or disavows the expenditure. If the
19 candidate accepts the expenditure, the anticipated
20 expenditure shall be credited against the candidate's
21 expenditure limit. If the candidate files a statement
22 of disavowal, the commissioner or commission shall
23 forward a copy of the statement to the candidate's
24 opponent.

25 3. For the purposes of this section, the
26 commission shall disregard the first five hundred
27 dollars of aggregate disavowed expenditures regarding
28 a benefited candidate for the general assembly, the
29 first one thousand dollars of aggregate disavowed
30 expenditures regarding a benefited candidate for a
31 statewide office other than governor, and the first
32 five thousand dollars of aggregate disavowed
33 expenditures regarding a benefited candidate for
34 governor. If the aggregate disavowed expenditures
35 regarding a benefited candidate exceed the amounts
36 provided in this section, the commission shall
37 determine if a reasonable person would or would not
38 draw a fair inference that the material assists the
39 election of the benefited candidate or the defeat of
40 an opposing candidate. If the commission determines
41 that a candidate is benefited, the commission shall
42 attribute the disavowed expenditure to the expenditure
43 limits of the benefited candidate and shall do one of
44 the following: increase the benefited candidate's
45 opponent's expenditure limits by the amount of the
46 disavowed expenditures attributed to the benefited
47 candidate or eliminate the expenditure limit of the
48 benefited candidate's opponent for that election
49 period.

50 4. The commission by rule may delegate decisions

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1 under subsection 3 to the executive secretary or a
2 panel of three members of the commission. If
3 delegated, the decisions of the executive secretary or
4 panel constitute final agency action for the purposes
5 of chapter 17A. Notwithstanding section 17A.19, a
6 petition for judicial review of a decision under this
7 section shall be filed only in Polk county, the court
8 shall not stay the raising of the limits for the
9 candidates opposing the benefited candidate pending
10 the outcome of the judicial review proceeding, the
11 petitioner has only two days after filing to provide
12 notice or copies to the other parties, and the
13 proceeding shall receive the highest priority among
14 the cases before the district court.

15 The decisions under subsection 3 shall be made
16 within two days of the commission's receipt of the
17 benefited candidate's disavowal and the benefited
18 candidate and opponents shall be promptly notified.

19 Advocacy information caused by a county or state
20 statutory political committee or a national political
21 party which benefit the political party generally and
22 which benefit more than one candidate are not subject
23 to the requirements of this section.

24 Sec. ____ . NEW SECTION. 56.37 PENALTIES."

25 6. Page 2, by striking lines 12 through 17 and
26 inserting the following:

27 "1. A candidate who voluntarily agrees to a
28 restricted campaign, and who exceeds the expenditure
29 limitations in this division, shall be subject to a
30 fine which is based on the percentage by which the
31 candidate exceeds permitted expenditures, so that the
32 candidate shall pay a percentage of the excess
33 campaign expenditures as follows:"

34 7. Page 3, by inserting after line 4 the
35 following:

36 "____. Mileage expenses of the candidate, at a rate
37 of twenty-one cents per mile, are not subject to the
38 expenditure limitations of subsection 2."

39 8. Page 3, by striking lines 5 through 10 and
40 inserting the following:

41 "2. The criminal penalty of section 56.16 applies
42 to violations of this division.

43 3. A candidate who knowingly and intentionally
44 violates the expenditure limits of section 56.35 is,
45 upon conviction, guilty of a class "D" felony. A
46 candidate shall not take the oath of office pending
47 conviction or acquittal, following trial, on charges
48 brought under this subsection, and a candidate is
49 disqualified from holding office upon conviction
50 obtained pursuant to this subsection."

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1 9. By striking page 3, line 11, through page 4,
2 line 5, and inserting the following:

3 "Sec. 7. NEW SECTION. 43.29A NOTICE OF
4 LIMITATION OF CAMPAIGN EXPENDITURES ON BALLOT.

5 The ballot shall indicate under the name of each
6 candidate for the office of governor, attorney
7 general, secretary of agriculture, secretary of state,
8 treasurer of state, auditor of state, state senator,
9 and state representative whether the candidate agreed
10 or did not agree to limit campaign expenditures under
11 section 56.34.

12 Below the name of a candidate who agrees to limit
13 campaign expenditures, the ballot shall state the
14 following: "This candidate agreed to voluntarily
15 limit campaign expenditures." Below the name of a
16 candidate who did not agree to limit campaign
17 expenditures, the ballot shall state the following:
18 "This candidate did not agree to voluntarily limit
19 campaign expenditures."

20 Sec. 8. Section 44.4, unnumbered paragraph 1, Code
21 1991, is amended to read as follows:

22 Nominations made pursuant to this chapter and
23 chapter 45 which are required to be filed in the
24 office of the state commissioner shall be filed in
25 that office not ~~more than ninety-nine days nor~~ later
26 than five p.m. on the ~~eighty-first day before the date~~
27 ~~of the general election to be held in November~~ date of
28 the primary election. Nominations made for a special
29 election called pursuant to section 69.14 shall be
30 filed by five p.m. not less than twenty days before
31 the date of an election called upon at least forty
32 days' notice and not less than seven days before the
33 date of an election called upon at least ten days'
34 notice. Nominations made for a special election
35 called pursuant to section 69.14A shall be filed by
36 five p.m. not less than twenty days before the date of
37 the election. Nominations made pursuant to this
38 chapter and chapter 45 which are required to be filed
39 in the office of the commissioner shall be filed in
40 that office not more than ninety-two days nor later
41 than five p.m. on the sixty-ninth day before the date
42 of the general election. Nominations made pursuant to
43 this chapter or chapter 45 for city office shall be
44 filed not more than seventy-two days nor later than
45 five p.m. on the forty-seventh day before the city
46 election with the city clerk, who shall process them
47 as provided by law.

48 Sec. 9. NEW SECTION. 49.31A NOTICE OF LIMITATION
49 OF CAMPAIGN EXPENDITURES ON BALLOT.

50 The ballot shall indicate under the name of each

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1 candidate for the office of governor, attorney
2 general, secretary of agriculture, secretary of state,
3 treasurer of state, auditor of state, state senator,
4 and state representative whether the candidate agreed
5 or did not agree to limit campaign expenditures under
6 section 56.34.

7 Below the name of a candidate who agrees to limit
8 campaign expenditures, the ballot shall state the
9 following: "This candidate agreed to voluntarily
10 limit campaign expenditures." Below the name of a
11 candidate who did not agree to limit campaign
12 expenditures, the ballot shall state the following:
13 "This candidate did not agree to voluntarily limit
14 campaign expenditures."

15 Sec. 10. Section 56.13, unnumbered paragraph 1,
16 Code 1991, is amended to read as follows:

17 Action involving a contribution or expenditure
18 which must be reported under this chapter and which is
19 taken by any person, candidate's committee or
20 political committee on behalf of a candidate, if known
21 and approved by the candidate, shall be deemed action
22 by the candidate and reported by the candidate's
23 committee. If a restricted campaign exists, the
24 action involving an expenditure which must be reported
25 under this chapter which is taken by any person,
26 candidate's committee or political committee on behalf
27 of a candidate, if known and approved by the
28 candidate, shall be deemed action by the candidate,
29 shall be reported by the candidate's committee, and
30 shall be credited against the candidate's expenditure
31 limits pursuant to section 56.35. It shall be
32 presumed that a candidate approves the action if the
33 candidate had knowledge of it and failed to file a
34 statement of disavowal with the commissioner or
35 commission and take corrective action within seventy-
36 two hours of the action. A person, candidate's
37 committee or political committee taking such action
38 independently of that candidate's committee shall
39 notify that candidate's committee in writing within
40 twenty-four hours of taking the action. The
41 notification shall provide that candidate's committee
42 with the cost of the promotion at fair market value.
43 A copy of the notification shall be sent to the
44 commission. If a candidate files a statement of
45 disavowal, the commissioner or commission shall
46 forward a copy of the statement to the candidate's
47 opponent.

48 Sec. 11. Section 56.14, Code 1991, is amended by
49 adding the following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. In addition to the

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1 identification required in this section, a candidate's
2 committee shall include, on all printed material, a
3 statement, equal in size to the identification
4 information, as to whether or not the candidate is
5 registered for a restricted campaign pursuant to
6 section 56.34. A similar disclaimer must also be
7 included, vocally, in all radio and television
8 commercials purchased on behalf of a candidate.
9 Candidates who have registered for a restricted
10 campaign must state the following: "(name of
11 candidate) agreed to voluntarily limit campaign
12 expenditures." Candidates who have not registered for
13 a restricted campaign must state the following:
14 "(name of candidate) did not agree to voluntarily
15 limit campaign expenditures."

16 Sec. 12. ANTISEVERABILITY CLAUSE.

17 Notwithstanding section 4.12, if section 56.36A or
18 section 56.37, subsection 3, or the application
19 thereof is invalid, this Act as a whole shall be
20 invalid."

21 10. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3688 FILED MAY 2, 1991

CRONSTAL, W.
LLOYD-JONES
KIBBIE
DRAKE
RIFE

SSB 341
STATE GOVERNMENT

SENATE FILE 505
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON KIBBIE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for voluntary limitation of campaign
2 expenditures for certain elective officers and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 2 of this Act is created as a new
2 division of chapter 56.

3 Sec. 2. NEW SECTION. 56.33 LIMITATIONS ON CAMPAIGN
4 EXPENDITURES.

5 1. Each candidate for the office of governor, attorney
6 general, secretary of agriculture, secretary of state,
7 treasurer of state, auditor of state, state senator, or state
8 representative shall state whether the candidate voluntarily
9 agrees to limit campaign expenditures by filing a statement
10 indicating the candidate's intent prior to or with the filing
11 of nomination papers pursuant to chapter 43, 44, or 45.
12 Notwithstanding section 43.20, the nomination petition of a
13 candidate who does not agree to limit campaign expenditures
14 must contain signatures, with each signature notarized, of at
15 least ten percent of the total number of votes cast in the
16 last general election for that office. A candidate nominated
17 pursuant to section 43.66 who does not agree to limit campaign
18 expenditure, must file a nomination petition within fifteen
19 days of nomination containing signatures, with each signature
20 notarized, of at least ten percent of the total number of
21 votes cast in the last general election for that office in
22 order to be placed on the general election ballot. A
23 candidate who agrees to limit campaign expenditures, within
24 five days of the filing of a statement by the candidate's
25 opponent indicating that the candidate's opponent does not
26 agree to limit campaign expenditures, may withdraw the
27 candidate's agreement to limit expenditures. The ballots
28 printed for primary elections under chapter 43 and for general
29 elections under chapter 49 shall indicate under the name of
30 each candidate for the offices listed in this subsection
31 whether the candidate agreed or did not agree to limit
32 campaign expenditures.

33 2. Total expenditures by a candidate who voluntarily
34 agrees to limit campaign expenditures shall be as follows:

35 a. Governor, six hundred thousand dollars in a primary

1 election and one million two hundred thousand dollars in a
2 general election.

3 b. Attorney general, secretary of agriculture, secretary
4 of state, treasurer of state, and auditor of state, fifty
5 thousand dollars in a primary election and one hundred
6 thousand dollars in a general election.

7 c. State senator, twelve thousand dollars in a primary
8 election and twenty-four thousand dollars in a general
9 election.

10 d. State representative, six thousand dollars in a primary
11 election and twelve thousand dollars in a general election.

12 3. A candidate who voluntarily agrees to limit campaign
13 expenditures, and who exceeds the expenditure limitations in
14 subsection 2, shall be subject to a fine which is based on the
15 percentage by which the candidate exceeds permitted expendi-
16 tures, so that the candidate shall pay a percentage of the
17 excess campaign expenditures as follows:

18 a. Governor, under two thousand dollars, one percent; two
19 thousand to ten thousand dollars, ten percent; ten thousand
20 one to twenty thousand dollars, twenty-five percent; over
21 twenty thousand dollars, fifty percent.

22 b. Attorney general, secretary of agriculture, secretary
23 of state, treasurer of state, and auditor of state, under one
24 thousand dollars, one percent; one thousand to five thousand
25 dollars, ten percent; five thousand one to ten thousand
26 dollars, twenty-five percent; over ten thousand dollars, fifty
27 percent.

28 c. State senator, under five hundred dollars, one percent;
29 five hundred to one thousand dollars, ten percent; one
30 thousand one to five thousand dollars, twenty-five percent;
31 over five thousand dollars, fifty percent.

32 d. State representative, under two hundred fifty dollars,
33 one percent; two hundred fifty-one to five hundred dollars,
34 ten percent; five hundred one to two thousand five hundred
35 dollars, twenty-five percent; over two thousand five hundred

1 dollars, fifty percent.

2 Fines collected pursuant to this section shall be paid to
3 the state political party of the violating candidate's
4 opponent.

5 4. The office of lieutenant governor shall not be
6 considered a separate office, but shall be considered with the
7 office of governor for purposes of this section.

8 5. The campaign finance disclosure commission shall adopt
9 rules under chapter 17A as necessary to administer this
10 section.

11 Sec. 3. NEW SECTION. 43.29A NOTICE OF LIMITATION OF
12 CAMPAIGN EXPENDITURES ON BALLOT.

13 The ballot shall indicate under the name of each candidate
14 for the office of governor, attorney general, secretary of
15 agriculture, secretary of state, treasurer of state, auditor
16 of state, state senator, and state representative whether the
17 candidate agreed or did not agree to limit campaign
18 expenditures under section 56.33.

19 Below the name of a candidate who agrees to limit campaign
20 expenditures, the ballot shall state the following: "This
21 candidate agreed to voluntarily limit campaign expenditures."
22 Below the name of a candidate who did not agree to limit
23 campaign expenditures, the ballot shall state the following:
24 "This candidate did not agree to voluntarily limit campaign
25 expenditures."

26 Sec. 4. NEW SECTION. 49.31A NOTICE OF LIMITATION OF
27 CAMPAIGN EXPENDITURES ON BALLOT.

28 The ballot shall indicate under the name of each candidate
29 for the office of governor, attorney general, secretary of
30 agriculture, secretary of state, treasurer of state, auditor
31 of state, state senator, and state representative whether the
32 candidate agreed or did not agree to limit campaign
33 expenditures under section 56.33.

34 Below the name of a candidate who agrees to limit campaign
35 expenditures, the ballot shall state the following: "This

1 candidate agreed to voluntarily limit campaign expenditures."
2 Below the name of a candidate who did not agree to limit
3 campaign expenditures, the ballot shall state the following:
4 "This candidate did not agree to voluntarily limit campaign
5 expenditures."

6 EXPLANATION

7 This bill provides that a candidate for the office of
8 governor, secretary of agriculture, secretary of state,
9 treasurer of state, auditor of state, attorney general, state
10 senator, or state representative may voluntarily agree to
11 limit campaign expenditures. Limitations for spending in
12 primary and general elections are specified for each office.
13 Each candidate for each office listed is required to file a
14 statement of intent prior to or with the filing of nomination
15 papers. A candidate who does not agree to limit expenditures
16 is required to obtain signatures of at least ten percent of
17 the total number of votes cast in the last general election
18 for that office, and to notarize each signature, on the
19 candidate's nomination petition. A candidate nominated by a
20 write-in vote who does not agree to limit expenditures must
21 obtain signatures as provided above within fifteen days of
22 nomination in order to be placed on the general election
23 ballot. A candidate who agrees to limit expenditures may
24 withdraw the agreement within five days of the candidate's
25 opponent filing a statement indicating that the opponent does
26 not agree to limit expenditures. The ballots for primary and
27 general elections are required to indicate for each office
28 listed if the candidate agreed or did not agree to limit
29 campaign expenditures. Penalties are provided for candidates
30 who violate spending limits, with fines collected given to the
31 political party of the violating candidate's opponent. The
32 campaign finance commission is directed to adopt rules as
33 necessary to administer the Act.

34
35



OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANDTAD
GOVERNOR

May 20, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
D O C A L

Dear Madam Secretary:

Senate File 505, an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 505 would create restricted campaigns calling for candidates to voluntarily agree to limit campaign expenditures. A candidate who does not agree to a restricted campaign must receive notarized signatures of at least ten percent of the total number of votes cast in the last general election for the same office. Political advertisements and printed ballots would indicate under the name of each candidate whether the candidate agreed or did not agree to a restricted campaign.

This bill also establishes expenditure limits for statewide state offices and legislative races. In-kind contributions must be included within the expenditure limits. The Campaign Disclosure Commission would biannually adjust the expenditure limitations to reflect the consumer price index.

This bill not only does not reduce the influence of special interests, it actually enhances the influence of large political action committees (PAC's). It makes it more difficult for candidates who refuse special interest money and who rely on individual small contributions to finance their campaigns.

There are no limits on PAC contributions even though some PAC's have contributed as much as \$100,000 in a single contribution. A candidate who relies on few special interests could raise all of his or her campaign funds with little cost, therefore, having all that money available for advertising and other campaign expenses.

The Honorable Elaine Baxter
May 30, 1991
Page 2

On the other hand, the candidate that raises his or her money from thousands of small individual contributors must by necessity spend thousands of dollars traveling to events and on direct mail and telephone solicitation.

Because campaign limits apply to costs of raising money as well as advertising and other expenses, this bill actually provides an incentive to rely on a few special interest PAC's and discourages building a broad base of public support from individual Iowans. I believe that would be bad public policy.

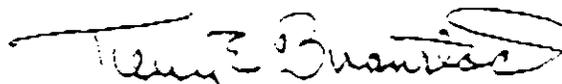
The "scarlet letter" on the ballot is unfair. The ballot needs to be completely free from any kind of favoritism or attempts to influence voters for or against a particular candidate.

Requiring some candidates to have signatures for nominating petitions notarized is an unnecessary burden. We don't even require absentee ballots to be notarized anymore.

One good thing can be said about this bill; it does not shift the burden of campaigns to Iowa taxpayers. Yet, we can do better than this. I sincerely ask the General Assembly to consider the recommendations made by my 1990 bipartisan task force on campaign reform.

For the above reasons, I hereby respectfully disapprove Senate File 505.

Sincerely,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 505

AN ACT

PROVIDING FOR VOLUNTARY LIMITATION OF CAMPAIGN EXPENDITURES
FOR CERTAIN ELECTIVE OFFICERS AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Sections 2 through 7 of this Act are created as a new division of chapter 56.

Sec. 2. NEW SECTION. 56.33 DEFINITIONS.

As used in this division, unless the context requires otherwise:

1. "Advocacy information" is material published or broadcast which discusses public issues, candidates, or voting records from which a reasonable person could draw a fair inference that the material recommends the defeat or election of an identifiable candidate in a restricted campaign.

2. "Benefited candidate" means a candidate in a restricted campaign whose election is recommended or whose opponent's defeat is recommended by advocacy information or by the fair inferences drawn from the advocacy information by a reasonable person as determined by the commission.

3. "Eligible office" means the offices of state representative, state senator, secretary of agriculture, secretary of state, treasurer of state, auditor of state, attorney general, and governor. The office of lieutenant governor shall not be considered a separate eligible office but shall be considered with the office of governor for purposes of this division.

4. "Political action committee" means any political committee except a county statutory political committee, a state statutory political committee, a national political party, or a nonparty political organization under chapter 44.

5. "Qualifying nomination" means a nomination by a political party as defined by section 43.2, or a nomination under chapter 44 or 45.

6. "Restricted campaign" means a campaign for an eligible office in which there are two or more candidates with qualifying nominations and all of those candidates have registered with the commission for a restricted campaign.

Sec. 3. NEW SECTION. 56.34 REGISTRATION FOR A RESTRICTED CAMPAIGN.

Each candidate for an eligible office shall register with the commission and shall indicate whether the candidate voluntarily agrees to limit campaign expenditures in a restricted campaign prior to or with the filing of nomination papers pursuant to chapter 43, 44, or 45.

Notwithstanding section 43.20, the nomination petition of a candidate who does not agree to a restricted campaign must contain signatures, with each signature notarized, of at least ten percent of the total number of votes cast in the last general election for that office. A candidate nominated

pursuant to section 43.66 who does not agree to a restricted campaign must file a nomination petition within fifteen days of nomination containing signatures, with each signature notarized, of at least ten percent of the total number of votes cast in the last general election for that office in order to be placed on the general election ballot. A candidate who agrees to a restricted campaign and whose opponent does not agree to a restricted campaign is not required to obtain signatures under this section, is not subject to the limitations on campaign expenditures imposed in this division, and shall be considered as a candidate who agreed to a restricted campaign for purposes of the following sections: 43.29A, 49.31A, and 56.14.

The ballots printed for primary elections under chapter 43 and for general elections under chapter 49 shall indicate under the name of each candidate for an eligible office whether the candidate agreed or did not agree to a restricted campaign. Political advertisements shall contain such an indication pursuant to section 56.14.

Sec. 4. NEW SECTION. 56.35 RESTRICTED CAMPAIGNS -- LIMITS ON EXPENDITURES.

If a restricted campaign exists, the candidate's committees of those candidates with qualifying nominations to that eligible office are subject to the following limits on expenditures as follows:

1. Governor. Total expenditure limit, seven hundred fifty thousand dollars in a primary election if there is no primary opponent, one million five hundred thousand dollars in a primary election if there is a primary opponent, and one million five hundred thousand dollars in a general election.

2. Attorney general, secretary of agriculture, secretary of state, treasurer of state, and auditor of state. Total expenditure limit, fifty thousand dollars in a primary election if there is no primary opponent, one hundred thousand dollars in a primary election if there is a primary opponent, and one hundred thousand dollars in a general election.

3. State senator. Total expenditure limit, twelve thousand five hundred dollars in a primary election if there is no primary opponent, twenty-five thousand dollars in a primary election if there is a primary opponent, and twenty-five thousand dollars in a general election.

4. State representative. Total expenditure limit, seven thousand five hundred dollars in a primary election if there is no primary opponent, fifteen thousand dollars in a primary election if there is a primary opponent, and fifteen thousand dollars in a general election.

For purposes of this division, an expenditure occurs at the time of performance and not at the time of payment.

Actions involving an expenditure taken on behalf of a candidate in a restricted campaign shall be accepted, reported, and credited against the limits of this section, or disavowed pursuant to section 56.13. Actions taken by a county or state statutory political committee or a national political party which benefit the political party generally and which benefit more than one candidate shall not be considered as expenditures under this division.

The commission shall, by July 1 in each odd-numbered year, adjust the limitations on expenditures to reflect any increase in the consumer price index as released by the federal government.

Sec. 5. NEW SECTION. 56.36 PERIODS THE EXPENDITURE LIMITS ARE IN EFFECT.

If a restricted campaign exists, the limitations of section 56.35 apply to expenses incurred during the following periods:

1. During an even-numbered year, from the date the candidate or the candidate's treasurer files a statement of organization as required by section 56.5, or from the date the candidate or the candidate's designee files an affidavit of candidacy with the state commissioner of elections, whichever date is earlier, through the date of the general election for that office.

2. During a special election, from the date the candidate or the candidate's treasurer files a statement of organization as required by section 56.5, or from the date the candidate or the candidate's designee files an affidavit of candidacy with the state commissioner of elections, whichever date is earlier, through the date of the special election for that office.

Sec. 6. NEW SECTION. 56.36A ADJUSTMENTS FOR BENEFITED CANDIDATES AND OPPONENTS.

1. A person or political committee which causes the publication, mass mailing, or broadcast of advocacy information in a restricted campaign shall give notice to the commission and to the benefited candidate. The notice shall be given by certified restricted mail within twenty-four hours after the publication, mailing, or broadcast of the advocacy information and be accompanied by the text of the advocacy information and the amount of the publication, mailing, or broadcasting expenditures.

2. The benefited candidate shall notify the commission within seventy-two hours whether the candidate accepts or disavows the expenditure. If the candidate accepts the expenditure, the anticipated expenditure shall be credited against the candidate's expenditure limit. If the candidate files a statement of disavowal, the commissioner or commission shall forward a copy of the statement to the candidate's opponent.

3. For the purposes of this section, the commission shall disregard the first five hundred dollars of aggregate disavowed expenditures regarding a benefited candidate for the general assembly, the first one thousand dollars of aggregate disavowed expenditures regarding a benefited candidate for a statewide office other than governor, and the first five thousand dollars of aggregate disavowed expenditures regarding a benefited candidate for governor. If the aggregate disavowed expenditures regarding a benefited candidate exceed

the amounts provided in this section, the commission shall determine if a reasonable person would or would not draw a fair inference that the material assists the election of the benefited candidate or the defeat of an opposing candidate. If the commission determines that a candidate is benefited, the commission shall attribute the disavowed expenditure to the expenditure limits of the benefited candidate and shall do one of the following: increase the benefited candidate's opponent's expenditure limits by the amount of the disavowed expenditures attributed to the benefited candidate or eliminate the expenditure limit of the benefited candidate's opponent for that election period.

4. The commission by rule may delegate decisions under subsection 3 to the executive secretary or a panel of three members of the commission. If delegated, the decisions of the executive secretary or panel constitute final agency action for the purposes of chapter 17A. Notwithstanding section 17A.19, a petition for judicial review of a decision under this section shall be filed only in Polk county, the court shall not stay the raising of the limits for the candidates opposing the benefited candidate pending the outcome of the judicial review proceeding, the petitioner has only two days after filing to provide notice or copies to the other parties, and the proceeding shall receive the highest priority among the cases before the district court.

The decisions under subsection 3 shall be made within two days of the commission's receipt of the benefited candidate's disavowal and the benefited candidate and opponents shall be promptly notified.

Advocacy information caused by a county or state statutory political committee or a national political party which benefit the political party generally and which benefit more than one candidate are not subject to the requirements of this section.

Sec. 7. NEW SECTION. 56.37 PENALTIES.

1. A candidate who voluntarily agrees to a restricted campaign, and who exceeds the expenditure limitations in this division, shall be subject to a fine which is based on the percentage by which the candidate exceeds permitted expenditures, so that the candidate shall pay a percentage of the excess campaign expenditures as follows:

a. Governor, under two thousand dollars, one percent; two thousand to ten thousand dollars, ten percent; ten thousand one to twenty thousand dollars, twenty-five percent; over twenty thousand dollars, fifty percent.

b. Attorney general, secretary of agriculture, secretary of state, treasurer of state, and auditor of state, under one thousand dollars, one percent; one thousand to five thousand dollars, ten percent; five thousand one to ten thousand dollars, twenty-five percent; over ten thousand dollars, fifty percent.

c. State senator, under five hundred dollars, one percent; five hundred to one thousand dollars, ten percent; one thousand one to five thousand dollars, twenty-five percent; over five thousand dollars, fifty percent.

d. State representative, under two hundred fifty dollars, one percent; two hundred fifty-one to five hundred dollars, ten percent; five hundred one to two thousand five hundred dollars, twenty-five percent; over two thousand five hundred dollars, fifty percent.

Fines collected pursuant to this section shall be paid to the state political party of the violating candidate's opponent.

2. Mileage expenses of the candidate, at a rate of twenty-one cents per mile, are not subject to the expenditure limitations of subsection 2.

3. The criminal penalty of section 56.16 applies to violations of this division.

4. A candidate who knowingly and intentionally violates the expenditure limits of section 56.35 is, upon conviction,

guilty of a class "D" felony. A candidate shall not take the oath of office pending conviction or acquittal, following trial, on charges brought under this subsection, and a candidate is disqualified from holding office upon conviction obtained pursuant to this subsection.

Sec. 8. NEW SECTION. 43.29A NOTICE OF LIMITATION OF CAMPAIGN EXPENDITURES ON BALLOT.

The ballot shall indicate under the name of each candidate for the office of governor, attorney general, secretary of agriculture, secretary of state, treasurer of state, auditor of state, state senator, and state representative whether the candidate agreed or did not agree to limit campaign expenditures under section 56.34.

Below the name of a candidate who agrees to limit campaign expenditures, the ballot shall state the following: "This candidate agreed to voluntarily limit campaign expenditures." Below the name of a candidate who did not agree to limit campaign expenditures, the ballot shall state the following: "This candidate did not agree to voluntarily limit campaign expenditures."

Sec. 9. Section 44.4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not ~~more than~~ ninety-nine days not later than five p.m. on the ~~eighty-first day before the date of the general election to be held in~~ November date of the primary election. Nominations made for a special election called pursuant to section 69.14 shall be filed by five p.m. not less than twenty days before the date of an election called upon at least forty days' notice and not less than seven days before the date of an election called upon at least ten days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by five p.m. not less than twenty days before the date

of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than five p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than five p.m. on the forty-seventh day before the city election with the city clerk, who shall process them as provided by law.

Sec. 10. NEW SECTION. 49.31A NOTICE OF LIMITATION OF CAMPAIGN EXPENDITURES ON BALLOT.

The ballot shall indicate under the name of each candidate for the office of governor, attorney general, secretary of agriculture, secretary of state, treasurer of state, auditor of state, state senator, and state representative whether the candidate agreed or did not agree to limit campaign expenditures under section 56.34.

Below the name of a candidate who agrees to limit campaign expenditures, the ballot shall state the following: "This candidate agreed to voluntarily limit campaign expenditures." Below the name of a candidate who did not agree to limit campaign expenditures, the ballot shall state the following: "This candidate did not agree to voluntarily limit campaign expenditures."

Sec. 11. Section 56.13, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Action involving a contribution or expenditure which must be reported under this chapter and which is taken by any person, candidate's committee or political committee on behalf of a candidate, if known and approved by the candidate, shall be deemed action by the candidate and reported by the candidate's committee. If a restricted campaign exists, the action involving an expenditure which must be reported under this chapter which is taken by any person, candidate's committee or political committee on behalf of a candidate, if

known and approved by the candidate, shall be deemed action by the candidate, shall be reported by the candidate's committee, and shall be credited against the candidate's expenditure limits pursuant to section 56.35. It shall be presumed that a candidate approves the action if the candidate had knowledge of it and failed to file a statement of disavowal with the commissioner or commission and take corrective action within seventy-two hours of the action. A person, candidate's committee or political committee taking such action independently of that candidate's committee shall notify that candidate's committee in writing within twenty-four hours of taking the action. The notification shall provide that candidate's committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the commission. If a candidate files a statement of disavowal, the commissioner or commission shall forward a copy of the statement to the candidate's opponent.

Sec. 12. Section 56.14, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the identification required in this section, a candidate's committee shall include, on all printed material, a statement, equal in size to the identification information, as to whether or not the candidate is registered for a restricted campaign pursuant to section 56.34. A similar disclaimer must also be included, vocally, in all radio and television commercials purchased on behalf of a candidate. Candidates who have registered for a restricted campaign must state the following: "(name of candidate) agreed to voluntarily limit campaign expenditures." Candidates who have not registered for a restricted campaign must state the following: "(name of candidate) did not agree to voluntarily limit campaign expenditures."

Sec. 13. ANTISEVERABILITY CLAUSE.

Notwithstanding section 4.12, if section 56.36A or section 56.37, subsection 3, or the application thereof is invalid, this Act as a whole shall be invalid.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 505, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Witness
Approved May 8, 1991

TERRY E. BRANSTAD
Governor