

FINAL REPORT

PUBLIC CAMPAIGN FINANCE INTERIM STUDY COMMITTEE

February, 1987

The Public Campaign Finance Interim Study Committee was established by the Legislative Council and authorized to conduct three meetings. The following members were appointed to the Committee:

Senator Robert Carr, Co-Chairperson  
Representative Rod Halvorson, Co-Chairperson  
Senator Richard Drake  
Senator Michael Gronstal  
Senator John Jensen  
Senator George Kinley  
Representative Virgil Corey  
Representative Raymond Lageschulte  
Representative Jean Lloyd-Jones  
Representative Jane Teaford

The Committee held its first meeting on October 7, 1986. The Committee reviewed the provisions of House File 2476, which had passed the House but did not reach final passage in the Senate during the last session. The bill established a method of public financing for candidates for state office. Representative Halvorson, a major proponent of the bill, reviewed the limitations on contributions and spending provided in the bill. The Committee also received testimony from representatives of the Republican and Democratic State Central Committees with the Republican representative in opposition to the public financing proposal and the Democratic representative in support of the proposal. The Committee also received testimony from a representative of Common Cause in favor of public financing, and limitations on individual contributions, total contributions, and political action committee contributions. A representative of Associated General Contractors of Iowa provided the Committee with some alternative suggestions to public financing. The Director of the Campaign Finance Disclosure Commission provided the Committee with information regarding the implementation of House File 2476 and the Legislative Service Bureau provided information regarding public financing schemes in other states.

The second meeting of the Committee was a two-day meeting on November 17-18, 1986. On the first day the Committee received and reviewed material provided from the state of Wisconsin regarding its public financing program and then held a teleconference with the Administrator of the Wisconsin State Election Board. The Administrator told the Committee about the operations of the public financing program, the history of participation in it, and responded to questions by the Committee members.

The Director of the Campaign Finance Disclosure Commission provided summaries of statewide and legislative general election campaign disclosure reports and discussed problems being experienced with the administration of existing statutes. The Legislative Service Bureau provided a review of United States Supreme Court decisions on the subject of campaign finance regulation.

On the second day the Committee discussed the administrative concerns of the Director of the Campaign Finance Disclosure Commission and recommended to the Legislative Council a bill which made the changes recommended by the Director. The bill exempts candidates who are totally self-funded from the requirements of segregating funds and maintaining a separate account in a financial institution, allows the Commission to require a county auditor to furnish a copy of a disclosure report to the commission, requires an out-of-state political committee which makes a contribution to an Iowa candidate, but does not solicit funds in Iowa, to file a verified statement identifying itself, requires a consultant's report to include the persons to whom expenditure disbursements were made, authorizes the Commission to request other pertinent information, and modifies the identification requirement for yard signs.

The Committee discussed House File 2476 and rejected a motion to include the media expenditures of political parties in the limitations on the candidates. The Committee amended the bill by transferring the income tax checkoff funds from the political parties to the political candidates fund beginning with returns filed for tax years beginning after January 1, 1988, applying the limitation on total political action committee contributions to all candidates regardless of whether they participate in public financing, requiring earlier nominations by the petition process and by nonparty political organizations, and providing for a prorating of the monies to the candidates if inadequate revenues are received through the income tax checkoff. After adopting these amendments, the Committee recommended the bill to the Legislative Council.

HOUSE/SENATE FILE \_\_\_\_\_  
BY PUBLIC CAMPAIGN FINANCE  
INTERIM STUDY COMMITTEE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to public financing of political campaigns,  
2 appropriating funds, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 56.33 POLITICAL CANDIDATES FUND.

2 1. As used in this section unless the context requires  
3 otherwise:

4 a. "Eligible office" means the offices of state senator,  
5 state representative, secretary of agriculture, secretary of  
6 state, treasurer of state, auditor of state, attorney general,  
7 lieutenant governor, and governor.

8 b. "Political action committee" means any political  
9 committee except a county statutory political committee, a  
10 state statutory political committee, a national political  
11 party, or a nonparty political organization under chapter 44.

12 c. "Qualifying nomination" means a nomination by a  
13 political party as defined by section 43.2, or a nomination  
14 under chapter 44 or 45.

15 2. A candidate for an eligible office who has a qualifying  
16 nomination may register with the commission for a restricted  
17 campaign and become eligible for a grant from the political  
18 candidates fund. A restricted campaign exists if at least two  
19 and all candidates for that eligible office with qualifying  
20 nominations have registered for a restricted campaign.

21 3. Except as provided in subsection 6, if a restricted  
22 campaign exists, the candidate's committee of those candidates  
23 with qualifying nominations to that eligible office are  
24 eligible for the following maximum grant from the political  
25 candidates fund and are subject to the following limits on  
26 total contributions and expenditures, total contributions  
27 which may be received from a political action committee, the  
28 largest contribution which may be accepted from any political  
29 action committee, and largest contribution from any  
30 individual, other than the candidate, for the following  
31 respective eligible offices:

32 a. Governor.

33 (1) Total expenditure and contribution limit, one million  
34 dollars.

35 (2) Total political action committee contribution limit,

- 1 two hundred fifty thousand dollars.
- 2 (3) Largest political action committee contribution limit,  
3 two thousand dollars.
- 4 (4) Largest contribution from any individual limit, two  
5 thousand dollars.
- 6 (5) Grant, two hundred fifty thousand dollars.
- 7 b. Lieutenant governor, attorney general, secretary of  
8 agriculture, secretary of state, treasurer of state, and  
9 auditor of state.
- 10 (1) Total expenditure and contribution limit, one hundred  
11 thousand dollars.
- 12 (2) Total political action committee contribution limit,  
13 twenty-five thousand dollars.
- 14 (3) Largest political action committee contribution limit,  
15 one thousand dollars.
- 16 (4) Largest contribution from any individual limit, one  
17 thousand dollars.
- 18 (5) Grant, twenty-five thousand dollars.
- 19 c. State senator.
- 20 (1) Total expenditure and contribution limit, eighteen  
21 thousand dollars.
- 22 (2) Total political action committee contribution limit,  
23 six thousand dollars.
- 24 (3) Largest political action committee contribution limit,  
25 five hundred dollars.
- 26 (4) Largest contribution from any individual limit, five  
27 hundred dollars.
- 28 (5) Grant, six thousand dollars.
- 29 d. State representative.
- 30 (1) Total expenditure and contribution limit, nine  
31 thousand dollars.
- 32 (2) Total political action committee contribution limit,  
33 three thousand dollars.
- 34 (3) Largest political action committee contribution limit,  
35 five hundred dollars.

1 (4) Largest contribution from any individual limit, five  
2 hundred dollars.

3 (5) Grant, three thousand dollars.

4 4. If a restricted campaign comes into being, the  
5 limitations of subsection 3 apply to contributions received  
6 and expenses incurred during the following periods:

7 a. For a candidate nominated by a convention or party  
8 state central committee, from the date of the convention until  
9 December 31 following the general election.

10 b. For a candidate nominated by a primary election, except  
11 as provided in paragraph "c", from the date of filing  
12 nomination papers until December 31 following the general  
13 election.

14 c. For a candidate nominated at a primary election who had  
15 an opponent on the primary election ballot or an opponent who  
16 received write-in votes of five percent or more of the votes  
17 cast, from the date after the primary election until December  
18 31 following the general election; however, the financial  
19 balance of the candidate's committee shall be credited against  
20 the contribution limit and the cost of campaign supplies still  
21 available to the candidate's committee shall be credited  
22 against the expenditure limit.

23 d. For a candidate nominated under chapter 44 or 45, from  
24 the date after the primary election for political parties  
25 until December 31 following the general election.

26 e. For a candidate nominated under chapter 43, 44, or 45  
27 for a special election, from the date of nomination until  
28 sixty days after the election.

29 5. A candidate nominated to an eligible office by a  
30 political party by the primary election shall file a statement  
31 with the commission within fourteen days after the primary  
32 election stating whether the candidate is registering for a  
33 restricted campaign. A candidate nominated at a convention or  
34 by a state central committee shall file the statement within  
35 seven days after that meeting. A candidate cannot register

1 for a restricted campaign if that candidate's political party  
2 previously nominated a person for that eligible office at that  
3 general election and that person declined to register for a  
4 restricted campaign.

5 A candidate for an eligible office at the general election  
6 who has been nominated or intends to be nominated under  
7 chapter 44 or 45 and who desires to register for a restricted  
8 campaign must file the registration statement and the petition  
9 as a qualifying nomination within fourteen days after the  
10 primary election under chapter 43. If the candidate desires  
11 to register for a restricted campaign at a special election,  
12 the filings must be made within seven days of the last day a  
13 nomination could be made for that office under chapter 43.

14 6. If a candidate for an eligible office with a qualifying  
15 nomination declines to register for a restricted campaign, the  
16 commission shall transmit the grant amount to which the  
17 declining candidate would have been eligible to the other  
18 candidate with a qualifying nomination for that eligible  
19 office who has registered for a restricted campaign in  
20 addition to the grant amount for the registered candidate.  
21 The grant amount of the declining candidate transmitted to the  
22 other candidate is not subject to the matching funds  
23 requirement of subsection 7. If there is more than one other  
24 registered candidate with a qualifying nomination for that  
25 eligible office the grant amount of the declining candidate  
26 shall be divided equally among them. If there is no such  
27 opposing candidate at the time, the commission shall hold the  
28 funds until a candidate can no longer be placed on the ballot  
29 and if there is no opposing candidate who has registered for a  
30 restricted campaign at that time, the funds shall be deposited  
31 in the political candidates fund.

32 A candidate may register for a restricted campaign and  
33 decline to accept the grant amount provided under this  
34 section.

35 7. If a candidate receives a grant under this section or

1 if a restricted campaign exists, the candidate's committee  
2 shall expend funds only for proper campaign expenses as  
3 defined by the rules of the commission. Such proper campaign  
4 expenses include, but are not limited to billboards,  
5 pamphlets, bumper stickers, purchase of advertising time and  
6 space, employment of staff, the lease or purchase of equipment  
7 used predominantly for campaign purposes, the purchase of  
8 professional and technical services, rental of office space,  
9 payment of personal expenses directly incurred as a result of  
10 campaigning, and other similar expenses.

11 8. A registered candidate who is eligible for a grant is  
12 entitled to twice as much grant as the candidate receives in  
13 contributions from individuals up to the maximum grant amount.  
14 However, only the first two hundred fifty dollars of a  
15 contribution to a candidate for a statewide office and the  
16 first one hundred dollars of a contribution to a candidate for  
17 a legislative office qualify for the matching of grant funds.  
18 If a candidate's committee has a balance under subsection 4,  
19 paragraph "c", that balance qualifies for matching of grant  
20 funds to the same extent as the percentage of total  
21 contributions which are qualifying contributions by  
22 individuals.

23 9. The commission shall establish by rule the requirements  
24 and forms for applications for and its determination of a  
25 candidate's eligibility and entitlement to a grant amount from  
26 the political candidates fund. The commission shall cause the  
27 payment of grant amounts to be made to those candidates who  
28 are entitled to payment under this section. The first payment  
29 shall be made by sixty days before the general election. The  
30 first payment shall be made seven days before the election at  
31 a special election. The commission shall provide procedures  
32 for supplemental filings and payments of grant amounts.

33 10. If a candidate's committee has a positive balance at  
34 the conclusion of the period covered by the restricted  
35 campaign and has received a grant under this section, the

1 candidate's committee shall remit to the commission for  
2 deposit in the political candidates fund that proportional  
3 amount of the positive balance which the grant amount was to  
4 the total amount of contributions. The funds shall be  
5 remitted with the January disclosure report for a candidate at  
6 the general election and by thirty days after the conclusion  
7 of the restricted campaign for a candidate at the special  
8 election.

9 11. The political candidates fund is created in the office  
10 of the treasurer of state. The money in the fund is  
11 appropriated to candidate's committees qualifying under this  
12 section and is payable by the director of the department of  
13 revenue and finance upon the direction of the commission. If  
14 there are not sufficient moneys in the political candidates  
15 fund to pay all the grants in full, the director of the  
16 department of revenue and finance shall prorate the payments.

17 12. For the purposes of this section an expense occurs  
18 during a period of restricted campaign if either the payment  
19 is made or the performance is made during the period.

20 Sec. 2. NEW SECTION. 56.34 PENALTY.

21 1. If a candidate's committee exceeds either of the con-  
22 tribution limits provided in section 56.33 when a restricted  
23 campaign exists, the candidate's committee shall deposit into  
24 the political candidates fund a civil penalty of an amount  
25 equal to twice the amount by which the limit was exceeded.

26 2. The criminal penalty of section 56.16 applies to  
27 violations of section 56.33 and may be imposed in addition to  
28 the civil penalty in subsection 1.

29 Sec. 3. NEW SECTION. 56.34 POLITICAL ACTION COMMITTEE  
30 LIMITS.

31 The limits on total political action committee  
32 contributions provided by section 56.33, subsection 3, apply  
33 to all candidate's committees for eligible offices regardless  
34 of whether a restricted campaign has been filed for or is in  
35 effect. Violations of this section are subject to the

1 criminal penalty of section 56.16.

2 Sec. 4. Section 44.4, unnumbered paragraph 1, Code 1987,  
3 is amended to read as follows:

4 Nominations made under the provisions of this chapter and  
5 chapter 45 which are required to be filed in the office of the  
6 state commissioner shall be filed in that office not more than  
7 ~~eighty-five days nor~~ later than five o'clock p.m. on the  
8 ~~sixty-seventh day prior to the date of the general election to~~  
9 ~~be held in November~~ third Tuesday after the first Monday in  
10 June of even-numbered years and not earlier than eighteen days  
11 before then; and those nominations made for a special election  
12 called pursuant to section 69.14 shall be filed not less than  
13 twenty days prior to the date of an election called upon at  
14 least forty days' notice and not less than seven days prior to  
15 the date of an election called upon at least ten days' notice.  
16 Nominations made pursuant to this chapter and chapter 45 which  
17 are required to be filed in the office of the commissioner  
18 shall be filed in that office not later than five o'clock p.m.  
19 on the fifty-fifth day prior to the date of the general  
20 election. Nominations made under this chapter or chapter 45  
21 for city office shall be filed not more than sixty-five days  
22 nor later than five o'clock p.m. on the fortieth day prior to  
23 the city election with the city clerk, who shall process them  
24 as provided by law.

25 Sec. 5. Section 56.17, subsection 2, Code 1987, is amended  
26 by striking the subsection.

27 Sec. 6. Section 56.18, Code 1987, is amended to read as  
28 follows:

29 56.18 CHECKOFF -- INCOME TAX.

30 A person whose state income tax liability for any taxable  
31 year is one dollar and fifty cents or more may direct that one  
32 dollar and fifty cents of that liability be paid over to the  
33 ~~Iowa-election-campaign~~ political candidates fund when  
34 submitting the person's state income tax return to the  
35 department of revenue and finance. In the case of a joint

1 return of husband and wife having a state income tax liability  
 2 of three dollars or more, each spouse may direct that one  
 3 dollar and fifty cents be paid to the fund. The director of  
 4 revenue and finance shall draft the income tax form to provide  
 5 spaces on the tax return which the taxpayer may use to  
 6 designate that contributions made under this section be  
 7 credited to ~~a specified political party as defined by section~~  
 8 ~~49-27 or to the Iowa election campaign~~ the political  
 9 candidates fund as a contribution ~~to be shared by all such~~  
 10 ~~political parties in the manner prescribed by section 56.19.~~  
 11 The form shall inform the taxpayer of the consequences of the  
 12 choices provided under this section, but this information may  
 13 be contained in a footnote or other suitable form if the  
 14 director of revenue and finance finds it is not feasible to  
 15 place the information immediately above the signature line.  
 16 The action taken by a person for the checkoff is irrevocable.

17 Sec. 7. Sections 56.19 through 56.26, Code 1987, are  
 18 repealed.

19 Sec. 8. Sections 1 through 7 take effect January 1, 1989.  
 20 Sections 6 and 7 apply to income tax returns filed for tax  
 21 years beginning on and after January 1, 1988. Funds received  
 22 after January 1, 1989 from income tax returns for tax years  
 23 beginning before January 1, 1988 shall be payable to the  
 24 political parties as provided in sections 56.18 through 56.26,  
 25 Code 1987. The reversion which would otherwise occur on  
 26 January 1, 1989 under section 56.24 shall not occur and the  
 27 funds shall be retained by the political parties.

28 EXPLANATION

29 This bill provides for partial public financing of  
 30 political campaigns for state offices.

31 Section 1 provides that the candidate must register for a  
 32 restricted campaign to receive the grant. If all candidates  
 33 with qualifying nominations register for a restricted  
 34 campaign, limits are imposed for total contributions, total  
 35 expenditures, total contributions from political action

1 committees, and largest political action committee  
2 contribution. Qualifying nominations are those made by  
3 political parties under chapter 43 and, if a supporting peti-  
4 tion with adequate signatures is filed, those made by nonparty  
5 political organizations or by petitions under chapters 44 and  
6 45. If a candidate registers and the opponent does not, the  
7 registering candidate receives both grants and is not subject  
8 to the limitations. The grant is a matching grant, up to a  
9 maximum amount, based upon contributions from individuals. If  
10 a grant is accepted, the nature of a candidate's committee's  
11 expenditure is limited.

12 Section 2 provides civil and criminal penalties for  
13 candidates in a restricted campaign.

14 Section 3 imposes a limit on total political action  
15 committee contributions on all candidates for state offices.

16 Sections 4 through 8 transfer the funds from the income tax  
17 checkoff from the political parties to the political  
18 candidates fund beginning with the returns filed for tax years  
19 beginning on or after January 1, 1988.

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SENATE/HOUSE FILE \_\_\_\_\_  
BY PUBLIC CAMPAIGN FINANCE  
INTERIM STUDY COMMITTEE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the administration of the campaign finance  
2 disclosure laws.

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

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1 Section 1. Section 56.3, subsection 2, Code 1987, is  
2 amended to read as follows:

3 2. Every person who receives contributions in excess of  
4 one hundred dollars for a committee shall, not later than  
5 fifteen days from the date of receipt of the contributions or  
6 on demand of the treasurer, render to the treasurer the  
7 contributions and an account of the total of all  
8 contributions; including the name and address of the persons  
9 making a contribution in excess of ten dollars, the amount of  
10 such contribution, and the date on which the contributions  
11 were received. The treasurer shall deposit all contributions  
12 within seven days of receipt by the treasurer in an account  
13 maintained by the committee in a financial institution. All  
14 funds of a committee shall be segregated from any other funds  
15 of officers, members, or associates of the committee or the  
16 committee's candidate. However, if the candidate's committee  
17 receives contributions only from the candidate, the committee  
18 is not required to maintain an account in a financial  
19 institution or segregate the funds.

20 Sec. 2. Section 56.4, unnumbered paragraph 1, Code 1987,  
21 is amended to read as follows:

22 All statements and reports required to be filed under this  
23 chapter for a state office shall be filed with the commission.  
24 All statements and reports required to be filed under this  
25 chapter for a county, city or school office shall be filed  
26 with the commissioner. Statements and reports on a ballot  
27 issue shall be filed with the commissioner responsible under  
28 section 47.2 for conducting the election at which the issue is  
29 voted upon, except that statements and reports on a statewide  
30 ballot issue shall be filed with the commission. Copies of  
31 any reports filed with a commissioner shall be provided by the  
32 commissioner to the commission on its request. State  
33 statutory political committees shall file all statements and  
34 reports with the commission. All other statutory political  
35 committees shall file the statements and reports with the

1 commissioner with a copy sent to the commission.

2 Sec. 3. Section 56.5, subsection 5, Code 1987, is amended  
3 to read as follows:

4 ~~5. In-lieu-of-filing~~ Unless a political committee has  
5 filed the statement of organization under subsections 1 and 2  
6 and is filing the disclosure reports under section 56.6, a  
7 political committee which is not domiciled in this state and  
8 makes a contribution to a candidate's committee or political  
9 committee in this state ~~may~~ shall file a verified statement  
10 under this subsection with the commission, with a copy to the  
11 treasurer of the committee receiving the contribution. The  
12 statement shall be attached to the report required of the  
13 committee receiving the contribution under section 56.6. The  
14 statement shall include the complete name, address and  
15 telephone number of the committee, the state or federal  
16 jurisdiction under which it is registered or operates, the  
17 identification of any parent entity or other affiliates or  
18 sponsors, its purpose and the name and address of an Iowa  
19 resident authorized to receive service of original notice.

20 Sec. 4. Section 56.6, subsection 3, paragraphs g and l,  
21 Code 1987, are amended to read as follows:

22 g. The name and mailing address of each person to whom  
23 disbursements or loan repayments have been made by the  
24 committee from contributions during the reporting period and  
25 the amount, purpose, and date of each disbursement except that  
26 disbursements of less than five dollars may be shown as  
27 miscellaneous disbursements so long as the aggregate  
28 miscellaneous disbursements to any one person during a  
29 calendar year do not exceed one hundred dollars. If  
30 disbursements are made to a consultant, the consultant shall  
31 provide the committee with a statement of disbursements made  
32 by the consultant during the reporting period showing the name  
33 and address of the recipient, amount, purpose and date to the  
34 same extent as if made by the candidate which shall be  
35 included in the report by the committee.

1 1. Such other pertinent information as may be required by  
2 this chapter, ~~or~~ by rules adopted pursuant to this chapter, or  
3 forms approved by the commission.

4 Sec. 5. Section 56.14, Code 1987, is amended to read as  
5 follows:

6 56.14 POLITICAL ADVERTISEMENTS.

7 A person who causes the publication or distribution of  
8 published material after July 1, 1984, designed to promote or  
9 defeat the nomination or election of a candidate for public  
10 office or the passage of a constitutional amendment or public  
11 measure shall include conspicuously on the published material  
12 the identity and address of the person responsible for the  
13 material. If the person responsible is an organization, the  
14 name of one officer of the organization shall appear on the  
15 material. However, if the organization is a committee which  
16 has filed a statement of organization under this chapter, only  
17 the name of the committee is required to be included on the  
18 published material. This section does not apply to the  
19 editorials or news articles of a newspaper or magazine which  
20 are not political advertisements. For the purpose of this  
21 section, "published material" means any newspaper, magazine,  
22 shopper, outdoor advertising facility, poster, yard sign  
23 including hand lettered signs, direct mailing, brochure, or  
24 any other form of printed general public political  
25 advertising, however, the identification need not be  
26 conspicuous on posters ~~and-yard-signs-including-hand-lettered~~  
27 signs. This section requires that the identification on yard  
28 signs be in letters at least one inch high; however, if the  
29 yard sign is authorized by the candidate's committee or the  
30 candidate, no identification is required by this section.  
31 This section does not apply to bumper stickers, pins, buttons,  
32 pens, matchbooks and similar small items upon which the  
33 inclusion of the disclaimer would be impracticable or to  
34 published material which is subject to federal regulations  
35 regarding a disclaimer requirement.

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EXPLANATION

This bill revises several provisions in the chapter on campaign finance disclosure.

Section 1 exempts candidates who are totally self-funded from the requirements of segregating funds and maintaining a separate account in a financial institution.

Section 2 allows the commission to require a county auditor to furnish a copy of a disclosure report to the commission.

Section 3 requires an out-of-state political committee which makes a contribution to an Iowa candidate but does not solicit funds in Iowa to file a verified statement identifying itself. This requirement does not apply if the political committee is filing disclosure reports.

Section 4 requires a consultant's report to include the persons to whom expenditure disbursements were made and authorizes the commission to request other pertinent information.

Section 5 requires the identification statement on yard signs to be at least one inch high and exempts yard signs authorized by the candidate or candidate's committee from the identification requirement.