

every reasonable effort to identify existing programs administered by state and local government agencies that provide assistance to low-income families and to coordinate efforts with those agencies to assist Iowa parents, including but not limited to parents with more than three children under age eleven, to comply with the requirements of this Act. This subsection is contingent upon the availability of funds to cover the costs associated with its implementation.

Approved April 28, 2004

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## CHAPTER 1114

### REGULATION OF POLITICAL ACTIVITIES AND MATERIALS

*H.F. 2319*

**AN ACT** relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 68A.402, Code Supplement 2003, is amended by striking the section and inserting in lieu thereof the following:

68A.402 DISCLOSURE REPORT DUE DATES — PERMANENT ORGANIZATION TEMPORARILY ENGAGING IN POLITICAL ACTIVITY REQUIRED TO FILE REPORTS.

1. FILING METHODS. Each committee shall file with the board reports disclosing information required under this section on forms prescribed by rule. Reports shall be filed on or before the required due dates by using any of the following methods: mail bearing a United States postal service postmark, hand-delivery, facsimile transmission, or electronic filing as prescribed by rule.

2. STATEWIDE OFFICE, GENERAL ASSEMBLY, AND COUNTY ELECTIONS.

a. ELECTION YEAR. A candidate's committee of a candidate for statewide office, the general assembly, or county office shall file reports in an election year as follows:

Report due:

May 19

July 19

October 19

January 19 (next calendar year)

Covering period:

January 1 through May 14

May 15 or Wednesday preceding primary election through July 14

July 15 through October 14

October 15 or Wednesday preceding general election through December 31

b. SUPPLEMENTARY REPORT — STATEWIDE AND GENERAL ASSEMBLY ELECTIONS. A candidate's committee of a candidate for statewide office or the general assembly shall file a supplementary report in a year in which a primary, general, or special election for that office is held. The supplementary reports shall be filed if contributions are received after the close of the period covered by the last report filed prior to that primary, general, or special election if any of the following applies:

(1) The committee of a candidate for governor receives ten thousand dollars or more.

(2) The committee of a candidate for any other statewide office receives five thousand dollars or more.

(3) The committee of a candidate for the general assembly receives one thousand dollars or more.

The amount of any contribution causing a supplementary report under this paragraph "b" shall include the estimated fair market value of any in-kind contribution. The report shall be filed by the Friday immediately preceding the election and be current through the Tuesday immediately preceding the election.

c. NONELECTION YEARS. A candidate's committee of a candidate for statewide office, the general assembly, or county office shall file reports in a nonelection year as follows:

Report due:	Covering period:
January 19	January 1 through December 31 of the previous year

### 3. CITY OFFICES.

a. ELECTION/YEARS. A candidate's committee of a candidate for city office shall file a report in an election year as follows:

Report due:	Covering period:
Five days before primary election	Date of initial activity through ten days before primary election
Five days before general election	Nine days before primary election through ten days before general election
Five days before runoff election (if applicable)	Nine days before the general election through ten days before the runoff election
January 19 (next calendar year)	Cutoff date from previously filed report through December 31

b. NONELECTION YEARS. A candidate's committee of a candidate for city office shall file a report in a nonelection year as follows:

Report due:	Covering period:
January 19 (next calendar year)	January 1 through December 31 of nonelection year

### 4. SCHOOL BOARD AND OTHER POLITICAL SUBDIVISION ELECTIONS.

a. ELECTION YEAR. A candidate's committee of a candidate for school board or any other political subdivision office, except for county and city office, shall file a report in an election year as follows:

Report due:	Covering period:
Five days before election	Date of initial activity through ten days before election
January 19 (next calendar year)	Nine days before election through December 31

b. NONELECTION YEAR. A candidate's committee of a candidate for school board or any other political subdivision office, except for county and city office, shall file a report in a nonelection year as follows:

Report due:	Covering period:
January 19 (next calendar year)	January 1 through December 31 of nonelection year

### 5. SPECIAL ELECTIONS.

a. A candidate's committee shall file a report by the fifth day prior to a special election that is current through the tenth day prior to the special election.

b. SPECIAL ELECTIONS — NONELECTION YEAR. A candidate's committee at a special election shall file a report in a nonelection year as follows:

Report due:	Covering period:
January 19 (next calendar year)	January 1 through December 31 of nonelection year

6. STATUTORY POLITICAL COMMITTEES.

a. A state statutory political committee shall file a report on the same dates as a candidate's committee is required to file reports under subsection 2, paragraph "a" and subsection 5, paragraph "b".

b. A county statutory political committee shall file a report on the same dates as a candidate's committee is required to file reports under subsection 2, paragraph "a" and subsection 5, paragraph "b".

7. POLITICAL COMMITTEES.

a. STATEWIDE OFFICE AND GENERAL ASSEMBLY ELECTIONS.

ELECTION YEAR. A political committee expressly advocating the nomination, election, or defeat of candidates for statewide office or the general assembly shall file a report on the same dates as a candidate's committee is required to file reports under subsection 2, paragraph "a".

NONELECTION YEAR. A political committee expressly advocating the nomination, election, or defeat of candidates for statewide office or the general assembly shall file a report as follows:

Report due:

January 19 (next  
calendar year)

July 19 (next  
calendar year)

Covering period:

January 1 through June 30

July 1 through December 31

b. COUNTY ELECTIONS. A political committee expressly advocating the nomination, election, or defeat of candidates for county office shall file reports on the same dates as<sup>1</sup> candidate's committee is required to file reports under subsection 2, paragraph "a" and subsection 5, paragraph "b".

c. CITY ELECTIONS. A political committee expressly advocating the nomination, election, or defeat of candidates for city office shall file reports on the same dates as candidates for city office are required to file reports under subsection 3.

d. SCHOOL BOARD AND OTHER POLITICAL SUBDIVISION ELECTIONS. A political committee expressly advocating the nomination, election, or defeat of candidates for school board or other political subdivision office, except for county office or city office, shall file reports on the same dates as candidates for school board or other political subdivision office are required to file reports under subsection 4.

8. POLITICAL COMMITTEES — BALLOT ISSUES. A political committee expressly advocating the passage or defeat of a ballot issue shall file reports on the same dates as candidates for city office are required to file reports under subsection 3.

9. PERMANENT ORGANIZATIONS. A permanent organization temporarily engaging in activity described in section 68A.102, subsection 18 shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The political committee shall file reports on the appropriate due dates as required by this section. The reports filed under this subsection shall identify the source of the original funds used for a contribution made to a candidate or a candidate's committee. When the permanent organization ceases to be involved in the political activity, the permanent organization shall dissolve the political committee. As used in this subsection, "permanent organization" means an organization that is continuing, stable, and enduring, and was originally organized for purposes other than engaging in election activities.

10. ELECTION YEAR DEFINED. As used in this section, "election year" means a year in which the name of the candidate or ballot issue that is expressly advocated for or against appears on any ballot to be voted on by the electors of the state of Iowa. For state and county statutory political committees, "election year" means a year in which primary and general elections are held.

Sec. 2. NEW SECTION. 68A.402A INFORMATION DISCLOSED ON REPORTS.

1. Each report filed under section 68A.402 shall disclose:

<sup>1</sup> See chapter 1175, §363 herein

a. The amount of cash on hand at the beginning of the reporting period.  
 b. The name and mailing address of each person who has made one or more contributions of money to the committee when the aggregate amount in a calendar year exceeds the amount specified in the following schedule:

- (1) For any candidate for school or other political subdivision office: ..... \$ 25
- (2) For any candidate for city office: ..... \$ 25
- (3) For any candidate for county office: ..... \$ 25
- (4) For any candidate for the general assembly: ..... \$ 25
- (5) For any candidate for statewide office: ..... \$ 25
- (6) For any state statutory political committee: ..... \$200
- (7) For any county statutory political committee: ..... \$ 50
- (8) For any political committee: ..... \$ 25

c. The total amount of contributions made to the committee during the reporting period and not reported under paragraph "b".

d. The name and mailing address of each person who has made one or more in-kind contributions to the committee when the aggregate market value of the in-kind contributions in a calendar year exceeds the applicable amount specified in paragraph "b". In-kind contributions shall be designated on a separate schedule from schedules showing contributions of money and shall identify the nature of the contribution and provide its estimated fair market value.

e. Each loan to any person or committee within the calendar year if in the aggregate the amount of the loan or loans exceeds the applicable amount specified in paragraph "b", together with the name and mailing address of the lender and endorsers, the date and amount of each loan received, and the date and amount of each loan repayment. Loans received and loan repayments shall be reported on a separate schedule.

f. The name and mailing address of each person to whom disbursements or loan repayments have been made by the committee from contributions during the reporting period and the amount, purpose, and date of each disbursement except that disbursements of less than five dollars may be shown as miscellaneous disbursements so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars.

g. Disbursements made to a consultant and disbursements made by the consultant during the reporting period disclosing the name and address of the recipient, amount, purpose, and date.

h. The amount and nature of debts and obligations owed by the committee in excess of the applicable amounts specified in the schedule in paragraph "b". Loans made to a committee and reported under paragraph "e" shall not be considered a debt or obligation under this paragraph. A loan made by a committee to any person shall be considered a disbursement.

i. If a person listed under paragraph "b", "d", "e", or "f" as making a contribution or loan to or purchase from a candidate's committee is related to the candidate within the third degree of consanguinity or affinity, the existence of that person's family relationship shall be indicated on the report.

j. Campaign property belonging to a candidate's committee pursuant to section 68A.304.

k. Other pertinent information required by this chapter, by rules adopted pursuant to this chapter, or forms prescribed by the board.

2. If a report is the first report filed by a committee, the report shall include all information required under subsection 1 covering the period from the beginning of the committee's financial activity, even if from a different calendar year, through the end of the current reporting period. If no contributions have been accepted, no disbursements have been made, and no indebtedness has been incurred during that reporting period, the treasurer of the committee shall file a disclosure statement that discloses only the amount of cash on hand at the beginning of the reporting period.

Sec. 3. NEW SECTION. 68A.402B COMMITTEE DISSOLUTION OR INACTIVITY.

1. If a committee, after having filed a statement of organization or one or more disclosure reports, dissolves or determines that it will no longer receive contributions or make disbursements, the committee shall notify the board within thirty days following such dissolution or determination by filing a dissolution report on forms prescribed by the board.

2. a. A committee shall not dissolve until all loans, debts, and obligations are paid, forgiven, or transferred and the remaining moneys in the committee's account are distributed according to sections 68A.302 and 68A.303. If a loan is transferred or forgiven, the amount of the transferred or forgiven loan must be reported as an in-kind contribution and deducted from the loans payable balance on the disclosure form. If, upon review of a committee's statement of dissolution and final report, the board determines that the requirements for dissolution have been satisfied, the dissolution shall be certified and the committee relieved of further filing requirements.

b. A statutory political committee is prohibited from dissolving, but may be placed in an inactive status upon the approval of the board. Inactive status may be requested for a statutory political committee when no officers exist and the statutory political committee has ceased to function. The request shall be made by the previous treasurer or chairperson of the committee and by the appropriate state statutory political committee. A statutory political committee granted inactive status shall not solicit or expend funds in its name until the committee reorganizes and fulfills the requirements of a political committee under this chapter.

Sec. 4. Section 68A.405, Code Supplement 2003, is amended by striking the section and inserting in lieu thereof the following:

68A.405 ATTRIBUTION STATEMENT ON PUBLISHED MATERIAL.

1. a. For purposes of this subsection:

(1) "Individual" includes a candidate for public office who has not filed a statement of organization under section 68A.201.

(2) "Organization" includes an organization established to advocate the passage or defeat of a ballot issue but that has not filed a statement of organization under section 68A.201.

(3) "Published material" means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, internet web site, campaign sign, or any other form of printed general public political advertising.

b. Except as set out in section 2, published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue shall include on the published material an attribution statement disclosing who is responsible for the published material.

c. If the person paying for the published material is an individual, the words "paid for by" and the name and address of the person shall appear on the material.

d. If more than one individual is responsible, the words "paid for by", the names of the individuals, and either the addresses of the individuals or a statement that the addresses of the individuals are on file with the Iowa ethics and campaign disclosure board shall appear on the material.

e. If the person responsible is an organization, the words "paid for by", the name and address of the organization, and the name of one officer of the organization shall appear on the material.

f. If the person responsible is a committee that has filed a statement of organization pursuant to section 68A.201, the words "paid for by" and the name of the committee shall appear on the material.

2. The requirement to include an attribution statement does not apply to any of the following:

a. The editorials or news articles of a newspaper or magazine that are not paid political advertisements.

b. Small items upon which the inclusion of the statement is impracticable including, but not

limited to, yard signs, bumper stickers, pins, buttons, pens, political business cards, and matchbooks.

c. T-shirts, caps, and other articles of clothing.

d. Any published material that is subject to federal regulations regarding an attribution requirement.

e. Any material published by an individual, acting independently, who spends one hundred dollars or less of the individual's own money to advocate the passage or defeat of a ballot issue.

3. The board shall adopt rules relating to the placing of an attribution statement on published materials.

Sec. 5. NEW SECTION. 68A.406B CAMPAIGN SIGNS.

1. Campaign signs may be placed with the permission of the property owner on any of the following:

a. Residential property.

b. Agricultural land owned by individuals or by a family farm operation as defined in section 9H.1, subsections 8, 9, and 10.

c. Property leased for residential purposes including, but not limited to, apartments, condominiums, and houses.

d. Vacant lots owned by a private individual.

e. Property owned by an organization that is not a prohibited contributor under section 68A.503.

f. Property leased by a candidate, committee, or an organization established to advocate the passage or defeat of a ballot issue that has not yet registered pursuant to section 68A.201, when the property is used as campaign headquarters or a campaign office and the placement of the sign is limited to the space that is actually leased.

2. Campaign signs shall not be placed on any of the following:

a. Any property owned by the state or the governing body of a county, city, or other political subdivision of the state, including all property considered the public right-of-way. Upon a determination by the board that a sign has been improperly placed, the sign shall be removed by highway authorities as provided in section 319.13, or by county or city law enforcement authorities in a manner consistent with section 319.13.

b. Property owned by a prohibited contributor under section 68A.503 unless the sign advocates the passage or defeat of a ballot issue or is exempted under section 1.

c. On any property without the permission of the property owner.

d. On election day either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.

This subsection shall not apply to the posting of signs on private property not a polling place, except that the placement of a sign on a motor vehicle, trailer, or semitrailer, or any attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of a polling place, which sign is more than ninety square inches in size, is prohibited.

3. Yard signs with dimensions of thirty-two square feet or less are exempt from the attribution statement requirement in section 68A.405. Campaign signs in excess of thirty-two square feet, or signs that are affixed to buildings or vehicles regardless of size except for bumper stickers, are required to include the attribution statement required by section 68A.405. The placement or erection of yard signs shall be exempt from the requirements of chapter 480 relating to underground facilities organization.

Sec. 6. Section 68A.503, subsection 4, unnumbered paragraph 2, Code Supplement 2003, is amended by striking the unnumbered paragraph.

Approved April 28, 2004