

351—4.48 (68A) Sham newspapers subject to campaign laws. Iowa Code chapter 68A provides that when a media organization discusses candidates and public affairs, the media organization does not trigger the campaign laws. 2009 Iowa Code Supplement section 68A.503(5) “b” as amended by 2010 Iowa Acts, Senate File 2354, section 5, directs the board to adopt a rule requiring the owner, publisher, or editor of a sham newspaper who is using the sham newspaper to promote in any way the candidacy of any person for public office to comply with the requirements of Iowa Code chapter 68A.

4.48(1) Factors. In determining whether or not a publication is entitled to the press exception or is a sham newspaper that triggers the campaign laws, the board will consider the following factors:

- a. Whether the publication is published and made available on a regular schedule or interval;
- b. The proximity to the election in which the candidates and public affairs are discussed;
- c. Whether the publication contains news items and articles of opinion of a general character separate from discussions concerning candidates and public affairs;
- d. How widely the publication is circulated or is otherwise made available to the public in comparison to a targeted audience for potential campaign purposes;
- e. Whether the publication discusses all candidates for a particular election or otherwise gives all candidates equal space; and
- f. Whether the publication expressly advocates for the candidacy of any person.

4.48(2) Definitions. For purposes of this rule, the following definitions apply:

“*Express advocacy*” means “express advocacy” as defined in Iowa Code section 68A.102(14) and rule 351—4.53(68A).

“*Media organization*” means “media organization” as defined in rule 351—4.51(68A).

“*Sham newspaper*” means “sham newspaper” as defined in 2009 Iowa Code Supplement section 68A.503(5) “b” as amended by 2010 Iowa Acts, Senate File 2354, section 5.

This rule is intended to implement 2009 Iowa Code Supplement section 68A.503(5) “b” as amended by 2010 Iowa Acts, Senate File 2354, section 5.

[ARC 7866B, IAB 6/17/09, effective 7/22/09; ARC 8826B, IAB 6/2/10, effective 5/17/10]