

Senate Amendment 5489

Amendment Text

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1 1 Amend [House File 2449](#), as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 "Section 1. Sections 2 through 8 of this Act are
1 6 created as a new division of chapter 56.
1 7 Sec. 2. NEW SECTION. 56.31 DEFINITIONS.
1 8 As used in this division, unless the context
1 9 requires otherwise:
1 10 1. "Advocacy information" is material published or
1 11 broadcast which discusses public issues, candidates,
1 12 or voting records from which a reasonable person could
1 13 draw a fair inference that the material recommends the
1 14 defeat or election of an identifiable candidate in a
1 15 restricted campaign.
1 16 2. "Benefited candidate" means a candidate in a
1 17 restricted campaign whose election is recommended or
1 18 whose opponent's defeat is recommended by advocacy
1 19 information or by the fair inferences drawn from the
1 20 advocacy information by a reasonable person as
1 21 determined by the board.
1 22 3. "Eligible office" means the offices of state
1 23 representative, state senator, secretary of
1 24 agriculture, secretary of state, treasurer of state,
1 25 auditor of state, attorney general, and governor. The
1 26 office of lieutenant governor shall not be considered
1 27 a separate eligible office but shall be considered
1 28 with the office of governor for purposes of this
1 29 division.
1 30 4. "Political action committee" means any
1 31 political committee except a county statutory
1 32 political committee, a state statutory political
1 33 committee, a national political party, or a nonparty
1 34 political organization under chapter 44.
1 35 5. "Qualifying nomination" means a nomination by a
1 36 political party as defined by section 43.2, or a
1 37 nomination under chapter 44 or 45.
1 38 6. "Restricted campaign" means a campaign for an
1 39 eligible office in which there are two or more
1 40 candidates with qualifying nominations and all of
1 41 those candidates have registered with the board and
1 42 voluntarily agreed to limit campaign expenditures and
1 43 contributions pursuant to section 56.33.
1 44 Sec. 3. NEW SECTION. 56.32 REGISTRATION FOR A
1 45 RESTRICTED CAMPAIGN.
1 46 Each candidate for an eligible office shall
1 47 register with the board and shall indicate whether the
1 48 candidate voluntarily agrees to limit campaign
1 49 expenditures and contributions in a restricted
1 50 campaign prior to or with the filing of nomination
2 1 papers pursuant to chapter 43, 44, or 45.
2 2 Notwithstanding section 43.20, the nomination
2 3 petition of a candidate who does not agree to a
2 4 restricted campaign must contain signatures of at
2 5 least twenty percent of the total number of votes cast
2 6 in the last general election for that office. A
2 7 candidate nominated pursuant to section 43.66 who does

2 8 not agree to a restricted campaign must file a
2 9 nomination petition within fifteen days of nomination
2 10 containing signatures of at least twenty percent of
2 11 the total number of votes cast in the last general
2 12 election for that office in order to be placed on the
2 13 general election ballot. A candidate who agrees to a
2 14 restricted campaign and whose opponent does not agree
2 15 to a restricted campaign is not required to obtain
2 16 signatures under this section, is not subject to the
2 17 limitations on campaign expenditures or contributions
2 18 imposed in this division, but shall be considered as a
2 19 candidate who agreed to a restricted campaign for all
2 20 other purposes of this following division.

2 21 Notwithstanding the dates required for filing
2 22 disclosure reports pursuant to section 56.6, a
2 23 candidate who does not agree to a restricted campaign
2 24 pursuant to this section shall file a disclosure
2 25 report each month until June 30 of the year of the
2 26 election. Beginning July 1 of the year of the
2 27 election, the candidate shall file a disclosure report
2 28 every fourteen days until the date of the general
2 29 election. After the date of election, the candidate
2 30 shall file a disclosure report each month until the
2 31 candidate files nomination papers for the same or
2 32 another public office, or closes the candidate's
2 33 campaign account.

2 34 The commissioner required to publish notice of the
2 35 election and the ballot pursuant to section 49.53
2 36 shall, simultaneously with such publication, publish
2 37 the names of candidates who agree and do not agree to
2 38 a restricted campaign using the following language
2 39 where applicable: "These candidates refused to limit
2 40 their campaign spending."; or "These candidates
2 41 voluntarily agreed to limit their campaign spending."

2 42 Sec. 4. NEW SECTION. 56.33 RESTRICTED CAMPAIGNS
2 43 - LIMITS ON EXPENDITURES.

2 44 If a restricted campaign exists, the candidate's
2 45 committees of those candidates with qualifying
2 46 nominations to that eligible office are subject to the
2 47 following limits on expenditures:

2 48 1. Governor. Total expenditure limit, five
2 49 hundred thousand dollars in a primary election if
2 50 there is no primary opponent, one million dollars in a
3 1 primary election if there is a primary opponent, and
3 2 one million five hundred thousand dollars in a general
3 3 election.

3 4 2. Attorney general, secretary of agriculture,
3 5 secretary of state, treasurer of state, and auditor of
3 6 state. Total expenditure limit, fifty thousand
3 7 dollars in a primary election if there is no primary
3 8 opponent, one hundred thousand dollars in a primary
3 9 election if there is a primary opponent, and one
3 10 hundred thousand dollars in a general election.

3 11 3. State senator. Total expenditure limit, ten
3 12 thousand dollars in a primary election if there is no
3 13 primary opponent, twenty-five thousand dollars in a
3 14 primary election if there is a primary opponent, and
3 15 twenty-five thousand dollars in a general election.

3 16 4. State representative. Total expenditure limit,
3 17 five thousand dollars in a primary election if there
3 18 is no primary opponent, fifteen thousand dollars in a
3 19 primary election if there is a primary opponent, and
3 20 fifteen thousand dollars in a general election.

3 21 For purposes of this division, an expenditure
3 22 occurs at the time of performance and not at the time
3 23 of payment.

3 24 Actions involving an expenditure taken on behalf of

3 25 a candidate in a restricted campaign shall be
3 26 accepted, reported, and credited against the limits of
3 27 this section, or disavowed pursuant to section 56.13.
3 28 Actions taken by a county or state statutory political
3 29 committee or a national political party which benefit
3 30 the political party generally and which benefit more
3 31 than one candidate shall not be considered as
3 32 expenditures under this division.

3 33 The board shall, by July 1 in each odd-numbered
3 34 year, adjust the limitations on expenditures to
3 35 reflect any increase in the consumer price index as
3 36 released by the federal government.

3 37 Sec. 5. NEW SECTION. 56.34 PERIODS THE
3 38 EXPENDITURE LIMITS ARE IN EFFECT.

3 39 If a restricted campaign exists, the limitations of
3 40 section 56.33 apply to expenses incurred during the
3 41 following periods:

3 42 1. During an even-numbered year, from the date the
3 43 candidate or the candidate's treasurer files a
3 44 statement of organization as required by section 56.5,
3 45 or from the date the candidate or the candidate's
3 46 designee files an affidavit of candidacy with the
3 47 state commissioner of elections, whichever date is
3 48 earlier, through the date of the general election for
3 49 that office.

3 50 2. During a special election, from the date the
4 1 candidate or the candidate's treasurer files a
4 2 statement of organization as required by section 56.5,
4 3 or from the date the candidate or the candidate's
4 4 designee files an affidavit of candidacy with the
4 5 state commissioner of elections, whichever date is
4 6 earlier, through the date of the special election for
4 7 that office.

4 8 Sec. 6. NEW SECTION. 56.35 ADJUSTMENTS FOR
4 9 BENEFITED CANDIDATES AND OPPONENTS.

4 10 1. A person or political committee which causes
4 11 the publication, mass mailing, or broadcast of
4 12 advocacy information in a restricted campaign shall
4 13 give notice to the board and to the benefited
4 14 candidate. The notice shall be given by certified
4 15 restricted mail within twenty-four hours after the
4 16 publication, mailing, or broadcast of the advocacy
4 17 information and be accompanied by the text of the
4 18 advocacy information and the amount of the
4 19 publication, mailing, or broadcasting expenditures.

4 20 2. The benefited candidate shall notify the board
4 21 within seventy-two hours of receipt of notice given
4 22 pursuant to subsection 1 whether the candidate accepts
4 23 or disavows the expenditure. If the candidate accepts
4 24 the expenditure, the anticipated expenditure shall be
4 25 credited against the candidate's expenditure limit.
4 26 If the candidate files a statement of disavowal, the
4 27 board shall forward a copy of the statement to the
4 28 candidate's opponent.

4 29 3. For the purposes of this section, the board
4 30 shall disregard the first five hundred dollars of
4 31 aggregate disavowed expenditures regarding a benefited
4 32 candidate for the general assembly, the first one
4 33 thousand dollars of aggregate disavowed expenditures
4 34 regarding a benefited candidate for a statewide office
4 35 other than governor, and the first five thousand
4 36 dollars of aggregate disavowed expenditures regarding
4 37 a benefited candidate for governor. If the aggregate
4 38 disavowed expenditures regarding a benefited candidate
4 39 exceed the amounts provided in this section, the board
4 40 shall determine if a reasonable person would or would
4 41 not draw a fair inference that the material assists

4 42 the election of the benefited candidate or the defeat
4 43 of an opposing candidate. If the board determines
4 44 that a candidate is benefited, the board shall
4 45 attribute the disavowed expenditure to the expenditure
4 46 limits of the benefited candidate and shall do one of
4 47 the following: increase the benefited candidate's
4 48 opponent's expenditure limits by the amount of the
4 49 disavowed expenditures attributed to the benefited
4 50 candidate or eliminate the expenditure limit of the
5 1 benefited candidate's opponent for that election
5 2 period.

5 3 4. The board by rule may delegate decisions under
5 4 subsection 3 to a panel of three members of the board.
5 5 If delegated, the decisions of the panel constitute
5 6 final agency action for the purposes of chapter 17A.
5 7 Notwithstanding section 17A.19, a petition for
5 8 judicial review of a decision under this section shall
5 9 be filed only in Polk county district court, the court
5 10 shall not stay the increase or elimination of the
5 11 limits for the candidates opposing the benefited
5 12 candidate pending the outcome of the judicial review
5 13 proceeding, the petitioner has only two days after
5 14 filing to provide notice or copies to the other
5 15 parties, and the proceeding shall receive the highest
5 16 priority among the cases before the district court.

5 17 The decisions under subsection 3 shall be made
5 18 within two days of the board's receipt of the
5 19 benefited candidate's disavowal and the benefited
5 20 candidate and opponents shall be promptly notified.

5 21 Advocacy information caused by a county or state
5 22 statutory political committee or a national political
5 23 party which benefits the political party generally and
5 24 which benefit more than one candidate are not subject
5 25 to the requirements of this section.

5 26 Sec. 7. NEW SECTION. 56.36 RESTRICTED CAMPAIGNS
5 27 - LIMITS ON ACCEPTANCE OF CONTRIBUTIONS.

5 28 If a restricted campaign exists, the acceptance of
5 29 contributions by candidates for the following offices
5 30 from political action committees and individuals is
5 31 subject to the following limitations:

5 32 1. Governor.

5 33 a. Total political action committee contributions,
5 34 fifty percent of the candidate's applicable
5 35 expenditure limit in a primary election, and fifty
5 36 percent of the candidate's expenditure limit in a
5 37 general election.

5 38 b. Largest political action committee
5 39 contribution, five thousand dollars.

5 40 c. Largest individual contribution, excluding
5 41 contributions made by a candidate to the candidate's
5 42 own campaign, one thousand dollars.

5 43 2. Attorney general, secretary of agriculture,
5 44 secretary of state, treasurer of state, and auditor of
5 45 state.

5 46 a. Total political action committee contributions,
5 47 fifty percent of the candidate's applicable
5 48 expenditure limit in a primary election, and fifty
5 49 percent of the candidate's expenditure limit in a
5 50 general election.

6 1 b. Largest political action committee
6 2 contribution, five thousand dollars.

6 3 c. Largest individual contribution, excluding
6 4 contributions made by a candidate to the candidate's
6 5 own campaign, one thousand dollars.

6 6 3. State senator.

6 7 a. Total political action committee contributions,
6 8 fifty percent of the candidate's applicable

6 9 expenditure limit in a primary election, and fifty
6 10 percent of the candidate's expenditure limit in a
6 11 general election.

6 12 b. Largest political action committee
6 13 contribution, one thousand dollars.

6 14 c. Largest individual contribution, excluding
6 15 contributions made by a candidate to the candidate's
6 16 own campaign, five hundred dollars.

6 17 4. State representative.

6 18 a. Total political action committee contributions,
6 19 fifty percent of the candidate's applicable
6 20 expenditure limit in a primary election, and fifty
6 21 percent of the candidate's expenditure limit in a
6 22 general election.

6 23 b. Largest political action committee
6 24 contribution, one thousand dollars.

6 25 c. Largest individual contribution, excluding
6 26 contributions made by the candidate to the candidate's
6 27 own campaign, five hundred dollars.

6 28 5. Individual contributions to the candidate or
6 29 candidate's committee made by one individual of a
6 30 cumulative value of one hundred dollars or more shall
6 31 be reported, including the name, address, occupation,
6 32 and place of business of the contributor.

6 33 Sec. 8. NEW SECTION. 56.37 PENALTIES.

6 34 1. A candidate who voluntarily agrees to a
6 35 restricted campaign, and who exceeds the expenditure
6 36 or contribution limitations in this division, shall be
6 37 subject to a fine which is based on the percentage by
6 38 which the candidate exceeds permitted expenditures or
6 39 contributions, so that the candidate shall pay a
6 40 percentage of the excess campaign expenditures or
6 41 contributions as follows:

6 42 a. Governor. Under two thousand dollars, one
6 43 percent; two thousand to ten thousand dollars, ten
6 44 percent; ten thousand one to twenty thousand dollars,
6 45 twenty-five percent; over twenty thousand dollars,
6 46 fifty percent.

6 47 b. Attorney general, secretary of agriculture,
6 48 secretary of state, treasurer of state, and auditor of
6 49 state. Under one thousand dollars, one percent; one
6 50 thousand to five thousand dollars, ten percent; five
7 1 thousand one to ten thousand dollars, twenty-five
7 2 percent; over ten thousand dollars, fifty percent.

7 3 c. State senator. Under five hundred dollars, one
7 4 percent; five hundred to one thousand dollars, ten
7 5 percent; one thousand one to five thousand dollars,
7 6 twenty-five percent; over five thousand dollars, fifty
7 7 percent.

7 8 d. State representative. Under two hundred fifty
7 9 dollars, one percent; two hundred fifty to five
7 10 hundred dollars, ten percent; five hundred one to two
7 11 thousand five hundred dollars, twenty-five percent;
7 12 over two thousand five hundred dollars, fifty percent.

7 13 Fines collected pursuant to this section shall be
7 14 paid to the state political party of the violating
7 15 candidate's opponent.

7 16 2. Mileage expenses of the candidate, at a rate
7 17 determined pursuant to section 2.10, are not subject
7 18 to the expenditure limits of section 56.33.

7 19 3. The criminal penalty of section 56.16 applies
7 20 to violations of this division.

7 21 4. A candidate who knowingly and intentionally
7 22 violates the expenditure or contribution limits of
7 23 section 56.33 or section 56.36 is, upon conviction,
7 24 guilty of a class "D" felony, but is only subject to a
7 25 fine and is not subject to imprisonment,

7 26 notwithstanding the provisions of section 902.9. A
7 27 candidate shall not take the oath of office pending
7 28 conviction or acquittal, following trial, on charges
7 29 brought under this subsection, and a candidate is
7 30 disqualified from holding office upon conviction
7 31 obtained pursuant to this subsection.

7 32 Sec. 9. Section [56.13](#), subsection 1, unnumbered
7 33 paragraph 1, Code Supplement 1995, is amended to read
7 34 as follows:

7 35 Action involving a contribution or expenditure
7 36 which must be reported under this chapter and which is
7 37 taken by any person, candidate's committee or
7 38 political committee on behalf of a candidate, if known
7 39 and approved by the candidate, shall be deemed action
7 40 by the candidate and reported by the candidate's
7 41 committee. If a restricted campaign exists, the
7 42 action involving an expenditure or contribution which
7 43 must be reported under this chapter which is taken by
7 44 any person, candidate's committee, or political
7 45 committee on behalf of a candidate, if known and
7 46 approved by the candidate, shall be deemed action by
7 47 the candidate, shall be reported by the candidate's
7 48 committee, and shall be credited against the
7 49 candidate's expenditure or contribution limits
7 50 pursuant to section 56.33 or 56.36. It shall be

8 1 presumed that a candidate approves the action if the
8 2 candidate had knowledge of it and failed to file a
8 3 statement of disavowal with the

~~commissioner or~~
- board

8 4 and take corrective action within seventy-two hours of
8 5 the action. A person, candidate's committee or
8 6 political committee taking such action independently
8 7 of that candidate's committee shall notify that
8 8 candidate's committee in writing within twenty-four
8 9 hours of taking the action. The notification shall
8 10 provide that candidate's committee with the cost of
8 11 the promotion at fair market value. A copy of the
8 12 notification shall be sent to the board. If a
8 13 candidate files a statement of disavowal, the board
8 14 shall forward a copy of the statement to the
8 15 candidate's opponent.

8 16 Sec. 10. Section [56.14](#), Code Supplement 1995, is
8 17 amended by adding the following new unnumbered
8 18 paragraph:

8 19 NEW UNNUMBERED PARAGRAPH. In addition to the
8 20 identification required in this section, a candidate's
8 21 committee of a candidate who is not registered for a
8 22 restricted campaign pursuant to section 56.32 shall
8 23 include, on all printed material, a statement, equal
8 24 in size to the identification information, that the
8 25 candidate is not registered for a restricted campaign.
8 26 A similar disclaimer shall also be included, vocally,
8 27 in all radio and television commercials purchased on
8 28 behalf of the candidate. Candidates who have not
8 29 registered for a restricted campaign shall state the
8 30 following: "(name of candidate) refused to limit
8 31 campaign spending." The information required under
8 32 this paragraph may be included on materials and
8 33 commercials by a candidate who is registered for a
8 34 restricted campaign.

8 35 Sec. 11. ANTI-SEVERABILITY CLAUSE. Notwithstanding
8 36 section 4.12, if section 56.35, subsection 3 or 4, or
8 37 section 56.37, subsection 3, or the application
8 38 thereof is invalid, this Act as a whole shall be
8 39 invalid.

8 40 Sec. 12. EFFECTIVE DATE. This Act takes effect
8 41 January 1, 1997."
8 42 #2. Title page, line 1, by inserting after the
8 43 word "contribution" the following: "and expenditure".
8 44 #3. Title page, lines 1 through 3, by striking the
8 45 words "by persons and political committees, addressing
8 46 independent expenditures on behalf of candidates,
8 47 employee and member contributions,".
8 48 #4. By renumbering as necessary.
8 49
8 50

9 1 _____
9 2 COMMITTEE ON [STATE GOVERNMENT](#)
9 3 MICHAEL E. GRONSTAL, Chairperson
9 4 [HF 2449.3](#)10 76
9 5 jls/cf