

House File 2511

H-8042

1 Amend House File 2511 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68A.102, subsection 10, paragraph a,
4 subparagraph (2), Code 2020, is amended to read as follows:

5 (2) The payment, by any person other than a candidate or
6 political committee who receives the service, of compensation
7 for the personal services of another person which are rendered
8 to a candidate or political committee for any such purpose.

9 Sec. _____. Section 68A.102, subsection 10, paragraph a, Code
10 2020, is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (3) A coordinated expenditure if the
12 expenditure must be reported pursuant to subchapter IV.

13 Sec. _____. Section 68A.102, subsections 14 and 18, Code 2020,
14 are amended to read as follows:

15 14. a. "*Express advocacy*" or ~~to~~ "*expressly advocate*" means
16 communication that can be characterized according to at least
17 one of the following descriptions:

18 ~~a.~~ (1) The communication is political speech made in the
19 form of a contribution.

20 ~~b.~~ (2) In advocating the election or defeat of one or more
21 clearly identified candidates or the passage or defeat of one
22 or more clearly identified ballot issues, the communication
23 includes explicit words that unambiguously indicate that the
24 communication is recommending or supporting a particular
25 outcome in the election with regard to any clearly identified
26 candidate or ballot issue.

27 b. "*Express advocacy*" or "*expressly advocate*" does not mean
28 a communication that can be characterized according to one or
29 more of the following descriptions:

30 (1) The communication encourages individuals to register
31 to vote or to vote, provided that the communication does not
32 mention or depict a candidate or ballot issue.

33 (2) The communication does not support or oppose a candidate
34 or ballot issue.

35 (3) The communication is a bona fide news story, commentary,

1 blog, or editorial distributed through the facilities of any
2 broadcasting station, newspaper, magazine, internet site, or
3 other periodical publication of general circulation.

4 (4) The communication is by a membership organization or
5 corporation to its members, stockholders, or employees.

6 (5) The board determines by rule that the communication is
7 not express advocacy.

8 18. "*Political committee*" means any of the following:

9 a. A committee, but not a candidate's committee, that
10 accepts contributions in excess of ~~one thousand~~ two hundred
11 fifty dollars in the aggregate, makes expenditures in excess
12 of ~~one thousand~~ two hundred fifty dollars in the aggregate, or
13 incurs indebtedness in excess of ~~one thousand~~ two hundred fifty
14 dollars in the aggregate in any one calendar year to expressly
15 advocate the nomination, election, or defeat of a candidate
16 for public office, make an electioneering communication, or to
17 expressly advocate the passage or defeat of a ballot issue.

18 b. An association, lodge, society, cooperative, union,
19 fraternity, sorority, educational institution, civic
20 organization, labor organization, religious organization, or
21 professional organization that accepts contributions in excess
22 of ~~one thousand~~ two hundred fifty dollars in the aggregate,
23 makes expenditures in excess of ~~one thousand~~ two hundred fifty
24 dollars in the aggregate, or incurs indebtedness in excess of
25 ~~one thousand~~ two hundred fifty dollars in the aggregate in
26 any one calendar year to expressly advocate the nomination,
27 election, or defeat of a candidate for public office, make an
28 electioneering communication, or to expressly advocate the
29 passage or defeat of a ballot issue.

30 c. A person, other than an individual, that accepts
31 contributions in excess of ~~one thousand~~ two hundred fifty
32 dollars in the aggregate, makes expenditures in excess of
33 ~~one thousand~~ two hundred fifty dollars in the aggregate, or
34 incurs indebtedness in excess of ~~one thousand~~ two hundred fifty
35 dollars in the aggregate in any one calendar year to expressly

1 advocate that an individual should or should not seek election
2 to a public office prior to the individual becoming a candidate
3 as defined in subsection 4.

4 Sec. _____. Section 68A.102, Code 2020, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 8A. *“Communication”* means any of the
7 following:

8 a. A paid advertisement broadcast over radio, television,
9 cable, or satellite.

10 b. The paid placement of content on the internet or other
11 electronic communication network.

12 c. A paid advertisement published in a newspaper or
13 periodical or on a billboard.

14 d. A mailing.

15 e. A printed material.

16 NEW SUBSECTION. 10A. *“Coordinated expenditure”* means
17 an expenditure made in cooperation with, in consultation
18 with, at the request of, or with the express prior consent
19 of a candidate or committee receiving the benefit of the
20 expenditure.

21 NEW SUBSECTION. 13A. a. *“Electioneering communication”*
22 means a paid communication that is publicly distributed by
23 radio, television, cable, satellite, internet site, newspaper,
24 periodical, billboard, mail, electronic mail, or any other
25 distribution of materials, that is made within sixty days of
26 the initiation of voting in an election that does not support
27 or oppose a candidate or ballot issue, that can be received
28 by more than one hundred persons, and that does any of the
29 following:

30 (1) Refers to one or more clearly identified candidates in
31 that election.

32 (2) Depicts the name, image, likeness, or voice of a clearly
33 identified candidate in that election.

34 (3) Refers to a political party, ballot issue, or a question
35 submitted to the voters in that election.

1 *b. "Electioneering communication"* does not include any of
2 the following:

3 (1) A bona fide news story, commentary, blog, or editorial
4 distributed through the facilities of any broadcasting station,
5 newspaper, magazine, internet site, or other periodical
6 publication of general circulation.

7 (2) A communication by a membership organization or
8 corporation to its members, stockholders, or employees.

9 (3) A commercial communication that depicts a candidate's
10 name, image, likeness, or voice only in the candidate's
11 capacity as owner, operator, or employee of a business that
12 existed prior to the organization of a candidate's committee by
13 the candidate pursuant to section 68A.202.

14 (4) A communication that constitutes a candidate debate or
15 forum or that solely promotes a candidate debate or forum and
16 is made by or on behalf of the person sponsoring the debate or
17 forum.

18 (5) A communication that the board determines by rule is not
19 an electioneering communication.>

20 2. Page 1, after line 11 by inserting:

21 <Sec. _____. Section 68A.402, subsection 9, Code 2020, is
22 amended to read as follows:

23 9. *a. Permanent organizations.* A permanent organization
24 temporarily engaging in activity described in section 68A.102,
25 subsection 18, shall organize a political committee and shall
26 keep the funds relating to that political activity segregated
27 from its operating funds. The political committee shall file
28 reports on the appropriate due dates as required by this
29 section.

30 *b.* The reports filed under **this subsection** shall identify
31 the all of the following:

32 (1) The source of the original funds used for a contribution
33 made to a candidate or a committee organized under this
34 chapter.

35 (2) The aggregate amount of contributions made by each

1 person.

2 (3) Each loan received from any person during the reporting
3 period.

4 (4) The amount and nature of debts and obligations owed to
5 the committee.

6 (5) Proceeds that total less than thirty-five dollars
7 per person from mass collections made at fund-raising events
8 sponsored by the committee.

9 (6) The total sum of contributions received by the committee
10 for a specified candidate or committee.

11 (7) The full name, mailing address, occupation, and
12 principal place of business, if any, of each person or
13 committee to whom an expenditure has been made during the
14 reporting period, including the amount, date, and purpose of
15 each expenditure and the total amount of expenditures to each
16 person or committee.

17 (8) The full name, mailing address, occupation, and
18 principal place of business, if any, of each person to whom an
19 expenditure for personal services, salaries, and reimbursement
20 of expenses has been made, including the amount, date,
21 and purpose of that expenditure, and the total amount of
22 expenditures made to each person.

23 (9) The total sum of expenditures made during the reporting
24 period.

25 (10) The full name, mailing address, occupation, and
26 principal place of business, if any, of any person to whom a
27 loan was made, and the full name, mailing address, occupation,
28 and principal place of business, if any, of any endorsers, and
29 the date and amount of each loan.

30 (11) The amount and nature of debts and obligations owed by
31 the committee.

32 (12) Other information as may be required by the board by
33 rule.

34 (13) For reports of expenditures made to a consultant,
35 advertising agency, polling firm, or other person that performs

1 services for the committee, the report shall be itemized
2 and described in sufficient detail to disclose the specific
3 services performed by the entity.

4 c. When the permanent organization ceases to be involved
5 in the political activity, the permanent organization shall
6 dissolve the political committee.

7 d. As used in this subsection, "permanent organization"
8 means an organization that is continuing, stable, and enduring,
9 and was originally organized for purposes other than engaging
10 in election activities.

11 Sec. _____. Section 68A.402A, subsection 1, paragraphs f and
12 g, Code 2020, are amended to read as follows:

13 f. The name and mailing address of each person and committee
14 to whom disbursements, payments for personal services,
15 salaries, reimbursement for expenses, or loan repayments
16 have been made by the committee from contributions during
17 the reporting period and the amount, purpose, and date of
18 each disbursement except that disbursements of less than five
19 dollars may be shown as miscellaneous disbursements so long as
20 the aggregate miscellaneous disbursements to any one person
21 during a calendar year do not exceed one hundred dollars.
22 Reports of disbursements under this paragraph must be itemized
23 and sufficiently detailed to disclose the specific services
24 performed by the person to whom a disbursement was made.

25 g. Disbursements made to a consultant, advertising agency,
26 or polling firm and disbursements made by the consultant,
27 advertising agency, or polling firm during the reporting
28 period disclosing the name and address of the recipient,
29 amount, purpose, and date. Reports of disbursements under
30 this paragraph must be itemized and sufficiently detailed to
31 disclose the specific services performed by the entity to whom
32 a disbursement was made.

33 Sec. _____. Section 68A.402A, subsection 1, Code 2020, is
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. 1. The total sum of disbursements made.

1 Sec. _____. NEW SECTION. 68A.404A Electioneering
2 communications — reports.

3 1. A person making an electioneering communication shall
4 file a report with the board, including a description of the
5 communication, how the communication was distributed, and
6 the amount of any expenditure made on the electioneering
7 communication, except that a person spending less than two
8 hundred fifty dollars on electioneering communications in a
9 taxable year shall not be required to file a report.

10 2. The board shall adopt rules for the form and schedule of
11 reports filed under this section.

12 Sec. _____. Section 68A.405, subsection 1, paragraphs b, c, d,
13 e, f, g, and h, Code 2020, are amended to read as follows:

14 **b.** (1) Except as set out in subsection 2, published
15 material designed to expressly advocate the nomination,
16 election, or defeat of a candidate for public office or
17 the passage or defeat of a ballot issue and electioneering
18 communications shall include on the published material
19 or electioneering communication an attribution statement
20 disclosing who is responsible for the published material or
21 electioneering communication.

22 (2) The person who is responsible for the published material
23 or electioneering communication has the sole responsibility
24 and liability for the attribution statement required by this
25 section.

26 **c.** If the person paying for the published material or
27 electioneering communication is an individual, the words "paid
28 for by" and the name and address of the person shall appear on
29 the published material or electioneering communication.

30 **d.** If more than one individual is responsible, the words
31 "paid for by", the names of the individuals, and either
32 the addresses of the individuals or a statement that the
33 addresses of the individuals are on file with the Iowa ethics
34 and campaign disclosure board shall appear on the published
35 material or electioneering communication.

1 e. If the person responsible is an organization, the words
2 "paid for by", the name and address of the organization, and
3 the name of one officer of the organization shall appear on the
4 published material or electioneering communication.

5 f. If the person responsible is a corporation, the words
6 "paid for by", the name and address of the corporation, and the
7 name and title of the corporation's chief executive officer
8 shall appear on the published material or electioneering
9 communication.

10 g. If the person responsible is a committee that has filed
11 a statement of organization pursuant to [section 68A.201](#), the
12 words "paid for by" and the name of the committee shall appear
13 on the published material or electioneering communication.

14 h. If the published material or electioneering communication
15 is the result of an independent expenditure subject to section
16 68A.404, the published material or electioneering communication
17 shall include a statement that the published material or
18 electioneering communication was not authorized by any
19 candidate, candidate's committee, or ballot issue committee.

20 Sec. _____. Section 68A.405, subsection 2, paragraph d, Code
21 2020, is amended to read as follows:

22 d. Any published material or electioneering communication
23 that is subject to federal regulations regarding an attribution
24 requirement.

25 Sec. _____. Section 68A.405, subsection 4, Code 2020, is
26 amended to read as follows:

27 4. The board shall adopt rules relating to the placing of an
28 attribution statement on published materials and electioneering
29 communication.>

30 3. Title page, line 2, after <signs,> by inserting
31 <requirements relating to campaign expenditures, attribution
32 statements, and reports,>

33 4. By renumbering as necessary.

McKEAN of Jones