

House File 358

H-1103

1 Amend House File 358 as follows:

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

3 <DIVISION I
4 CAMPAIGN CONTRIBUTIONS AND DISCLOSURES>

5 2. Page 2, after line 15 by inserting:

6 <DIVISION ____
7 EXPENDITURES AND ATTRIBUTION STATEMENTS

8 Sec. _____. Section 68A.102, subsection 10, paragraph a,
9 subparagraph (2), Code 2021, is amended to read as follows:

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

14 Sec. _____. Section 68A.102, subsection 10, paragraph a, Code
15 2021, is amended by adding the following new subparagraph:

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

18 Sec. _____. Section 68A.102, subsections 14 and 18, Code 2021,
19 are amended to read as follows:

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

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

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

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

35 (1) The communication encourages individuals to register

1 to vote or to vote, provided that the communication does not
2 mention or depict a candidate or ballot issue.

3 (2) The communication does not support or oppose a candidate
4 or ballot issue.

5 (3) The communication is a bona fide news story, commentary,
6 blog, or editorial distributed through the facilities of any
7 broadcasting station, newspaper, magazine, internet site, or
8 other periodical publication of general circulation.

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

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

13 18. *“Political committee”* means any of the following:

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

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

35 c. A person, other than an individual, that accepts

1 contributions in excess of ~~one thousand~~ two hundred fifty
2 dollars in the aggregate, makes expenditures in excess of
3 ~~one thousand~~ two hundred fifty dollars in the aggregate, or
4 incurs indebtedness in excess of ~~one thousand~~ two hundred fifty
5 dollars in the aggregate in any one calendar year to expressly
6 advocate that an individual should or should not seek election
7 to a public office prior to the individual becoming a candidate
8 as defined in [subsection 4](#).

9 Sec. _____. Section 68A.102, Code 2021, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 8A. "*Communication*" means any of the
12 following:

13 a. A paid advertisement broadcast over radio, television,
14 cable, or satellite.

15 b. The paid placement of content on the internet or other
16 electronic communication network.

17 c. A paid advertisement published in a newspaper or
18 periodical or on a billboard.

19 d. A mailing.

20 e. A printed material.

21 NEW SUBSECTION. 10A. "*Coordinated expenditure*" means
22 an expenditure made in cooperation with, in consultation
23 with, at the request of, or with the express prior consent
24 of a candidate or committee receiving the benefit of the
25 expenditure.

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

35 (1) Refers to one or more clearly identified candidates in

1 that election.

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

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

6 *b. "Electioneering communication"* does not include any of
7 the following:

8 (1) A bona fide news story, commentary, blog, or editorial
9 distributed through the facilities of any broadcasting station,
10 newspaper, magazine, internet site, or other periodical
11 publication of general circulation.

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

14 (3) A commercial communication that depicts a candidate's
15 name, image, likeness, or voice only in the candidate's
16 capacity as owner, operator, or employee of a business that
17 existed prior to the organization of a candidate's committee by
18 the candidate pursuant to section 68A.202.

19 (4) A communication that constitutes a candidate debate or
20 forum or that solely promotes a candidate debate or forum and
21 is made by or on behalf of the person sponsoring the debate or
22 forum.

23 (5) A communication that the board determines by rule is not
24 an electioneering communication.

25 Sec. _____. Section 68A.402, subsection 9, Code 2021, is
26 amended to read as follows:

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

34 *b.* The reports filed under [this subsection](#) shall identify
35 ~~the~~ all of the following:

- 1 (1) The source of the original funds used for a contribution
2 made to a candidate or a committee organized under this
3 chapter.
- 4 (2) The aggregate amount of contributions made by each
5 person.
- 6 (3) Each loan received from any person during the reporting
7 period.
- 8 (4) The amount and nature of debts and obligations owed to
9 the committee.
- 10 (5) Proceeds that total less than thirty-five dollars
11 per person from mass collections made at fund-raising events
12 sponsored by the committee.
- 13 (6) The total sum of contributions received by the committee
14 for a specified candidate or committee.
- 15 (7) The full name, mailing address, occupation, and
16 principal place of business, if any, of each person or
17 committee to whom an expenditure has been made during the
18 reporting period, including the amount, date, and purpose of
19 each expenditure and the total amount of expenditures to each
20 person or committee.
- 21 (8) The full name, mailing address, occupation, and
22 principal place of business, if any, of each person to whom an
23 expenditure for personal services, salaries, and reimbursement
24 of expenses has been made, including the amount, date,
25 and purpose of that expenditure, and the total amount of
26 expenditures made to each person.
- 27 (9) The total sum of expenditures made during the reporting
28 period.
- 29 (10) The full name, mailing address, occupation, and
30 principal place of business, if any, of any person to whom a
31 loan was made, and the full name, mailing address, occupation,
32 and principal place of business, if any, of any endorsers, and
33 the date and amount of each loan.
- 34 (11) The amount and nature of debts and obligations owed by
35 the committee.

1 (12) Other information as may be required by the board by
2 rule.

3 (13) For reports of expenditures made to a consultant,
4 advertising agency, polling firm, or other person that performs
5 services for the committee, the report shall be itemized
6 and described in sufficient detail to disclose the specific
7 services performed by the entity.

8 c. When the permanent organization ceases to be involved
9 in the political activity, the permanent organization shall
10 dissolve the political committee.

11 d. As used in this subsection, *"permanent organization"*
12 means an organization that is continuing, stable, and enduring,
13 and was originally organized for purposes other than engaging
14 in election activities.

15 Sec. _____. Section 68A.402A, subsection 1, paragraphs f and
16 g, Code 2021, are amended to read as follows:

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

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

1 a disbursement was made.

2 Sec. _____. Section 68A.402A, subsection 1, Code 2021, is
3 amended by adding the following new paragraph:

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

5 Sec. _____. NEW SECTION. 68A.404A Electioneering
6 communications — reports.

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

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

16 Sec. _____. Section 68A.405, subsection 1, paragraphs b, c, d,
17 e, f, g, and h, Code 2021, are amended to read as follows:

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

26 (2) The person who is responsible for the published material
27 or electioneering communication has the sole responsibility
28 and liability for the attribution statement required by this
29 section.

30 *c.* If the person paying for the published material or
31 electioneering communication is an individual, the words "paid
32 for by" and the name and address of the person shall appear on
33 the published material or electioneering communication.

34 *d.* If more than one individual is responsible, the words
35 "paid for by", the names of the individuals, and either

1 the addresses of the individuals or a statement that the
2 addresses of the individuals are on file with the Iowa ethics
3 and campaign disclosure board shall appear on the published
4 material or electioneering communication.

5 *e.* If the person responsible is an organization, the words
6 "paid for by", the name and address of the organization, and
7 the name of one officer of the organization shall appear on the
8 published material or electioneering communication.

9 *f.* If the person responsible is a corporation, the words
10 "paid for by", the name and address of the corporation, and the
11 name and title of the corporation's chief executive officer
12 shall appear on the published material or electioneering
13 communication.

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

18 *h.* If the published material or electioneering communication
19 is the result of an independent expenditure subject to section
20 68A.404, the published material or electioneering communication
21 shall include a statement that the published material or
22 electioneering communication was not authorized by any
23 candidate, candidate's committee, or ballot issue committee.

24 Sec. _____. Section 68A.405, subsection 2, paragraph d, Code
25 2021, is amended to read as follows:

26 *d.* Any published material or electioneering communication
27 that is subject to federal regulations regarding an attribution
28 requirement.

29 Sec. _____. Section 68A.405, subsection 4, Code 2021, is
30 amended to read as follows:

31 4. The board shall adopt rules relating to the placing of an
32 attribution statement on published materials and electioneering
33 communication.>

34 3. Title page, line 1, after <including> by inserting
35 <expenditures, attribution statements, and>

1 4. By renumbering as necessary.

KONFRST of Polk