

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.

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KONFRST of Polk