

House File 2601

S-5203

1 Amend House File 2601, as passed by the House, 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 2026, 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 2026, 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 2. Page 1, after line 2 by inserting:

14 <NEW SUBSECTION. 8A. "*Communication*" means any of the  
15 following:

16 a. A paid advertisement broadcast over radio, television,  
17 cable, or satellite.

18 b. The paid placement of content on the internet or other  
19 electronic communication network.

20 c. A paid advertisement published in a newspaper or  
21 periodical or on a billboard.

22 d. A mailing.

23 e. A printed material.

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

29 3. Page 1, after line 5 by inserting:

30 <NEW SUBSECTION. 13A. a. "*Electioneering communication*"  
31 means a paid communication that is publicly distributed by  
32 radio, television, cable, satellite, internet site, newspaper,  
33 periodical, billboard, mail, electronic mail, or any other  
34 distribution of materials, that is made within sixty days of  
35 the initiation of voting in an election that does not support

1 or oppose a candidate or ballot issue, that can be received  
2 by more than one hundred persons, and that does any of the  
3 following:

4 (1) Refers to one or more clearly identified candidates in  
5 that election.

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

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

10 *b. "Electioneering communication"* does not include any of  
11 the following:

12 (1) A bona fide news story, commentary, blog, or editorial  
13 distributed through the facilities of any broadcasting station,  
14 newspaper, magazine, internet site, or other periodical  
15 publication of general circulation.

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

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

23 (4) A communication that constitutes a candidate debate or  
24 forum or that solely promotes a candidate debate or forum and  
25 is made by or on behalf of the person sponsoring the debate or  
26 forum.

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

29 4. Page 1, after line 28 by inserting:

30 <Sec. \_\_\_\_\_. Section 68A.102, subsections 14 and 18, Code  
31 2026, are amended to read as follows:

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

35 ~~a.~~ (1) The communication is political speech made in the

1 form of a contribution.

2 ~~b.~~ (2) In advocating the election or defeat of one or more  
3 clearly identified candidates or the passage or defeat of one  
4 or more clearly identified ballot issues, the communication  
5 includes explicit words that unambiguously indicate that the  
6 communication is recommending or supporting a particular  
7 outcome in the election with regard to any clearly identified  
8 candidate or ballot issue.

9 b. "Express advocacy" or "expressly advocate" does not mean  
10 a communication that can be characterized according to one or  
11 more of the following descriptions:

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

15 (2) The communication does not support or oppose a candidate  
16 or ballot issue.

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

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

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

25 18. "Political committee" means any of the following:

26 a. A committee, but not a candidate's committee, that  
27 accepts contributions in excess of ~~one thousand~~ two hundred  
28 fifty dollars in the aggregate, makes expenditures in excess  
29 of ~~one thousand~~ two hundred fifty dollars in the aggregate, or  
30 incurs indebtedness in excess of ~~one thousand~~ two hundred fifty  
31 dollars in the aggregate in any one calendar year to expressly  
32 advocate the nomination, election, or defeat of a candidate  
33 for public office, make an electioneering communication, or to  
34 expressly advocate the passage or defeat of a ballot issue.

35 b. An association, lodge, society, cooperative, union,

1 fraternity, sorority, educational institution, civic  
2 organization, labor organization, religious organization, or  
3 professional organization that accepts contributions in excess  
4 of ~~one thousand~~ two hundred fifty dollars in the aggregate,  
5 makes expenditures in excess of ~~one thousand~~ two hundred fifty  
6 dollars in the aggregate, or incurs indebtedness in excess of  
7 ~~one thousand~~ two hundred fifty dollars in the aggregate in  
8 any one calendar year to expressly advocate the nomination,  
9 election, or defeat of a candidate for public office, make an  
10 electioneering communication, or to expressly advocate the  
11 passage or defeat of a ballot issue.

12 c. A person, other than an individual, that accepts  
13 contributions in excess of ~~one thousand~~ two hundred fifty  
14 dollars in the aggregate, makes expenditures in excess of  
15 ~~one thousand~~ two hundred fifty dollars in the aggregate, or  
16 incurs indebtedness in excess of ~~one thousand~~ two hundred fifty  
17 dollars in the aggregate in any one calendar year to expressly  
18 advocate that an individual should or should not seek election  
19 to a public office prior to the individual becoming a candidate  
20 as defined in [subsection 4](#).>

21 5. Page 2, after line 25 by inserting:

22 <Sec. \_\_\_\_\_. Section 68A.402, subsection 9, Code 2026, is  
23 amended to read as follows:

24 9. *Permanent organizations.*

25 a. A permanent organization temporarily engaging in activity  
26 described in [section 68A.102, subsection 18](#), shall organize a  
27 political committee and shall keep the funds relating to that  
28 political activity segregated from its operating funds. The  
29 political committee shall file reports on the appropriate due  
30 dates as required by [this section](#).

31 b. The reports filed under [this subsection](#) shall identify  
32 the all of the following:

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

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

1 advertising agency, polling firm, or other person that performs  
2 services for the committee, the report shall be itemized  
3 and described in sufficient detail to disclose the specific  
4 services performed by the entity.

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

8 d. As used in [this subsection](#), “*permanent organization*”  
9 means an organization that is continuing, stable, and enduring,  
10 and was originally organized for purposes other than engaging  
11 in election activities.

12 Sec. \_\_\_\_\_. Section 68A.402A, subsection 1, paragraphs f and  
13 g, Code 2026, are amended to read as follows:

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

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

34 Sec. \_\_\_\_\_. Section 68A.402A, subsection 1, Code 2026, is  
35 amended by adding the following new paragraph:

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

2 6. Page 3, after line 17 by inserting:

3 <Sec. \_\_\_\_\_. NEW SECTION. 68A.404A Electioneering  
4 communications — reports.

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

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

14 Sec. \_\_\_\_\_. Section 68A.405, subsection 1, paragraphs b, c, d,  
15 e, f, g, and h, Code 2026, are amended to read as follows:

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

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

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

32 d. If more than one individual is responsible, the words  
33 "paid for by", the names of the individuals, and either  
34 the addresses of the individuals or a statement that the  
35 addresses of the individuals are on file with the Iowa ethics

1 and campaign disclosure board shall appear on the published  
2 material or electioneering communication.

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

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

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

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

22 Sec. \_\_\_\_\_. Section 68A.405, subsection 2, paragraph d, Code  
23 2026, is amended to read as follows:

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

27 Sec. \_\_\_\_\_. Section 68A.405, subsection 4, Code 2026, is  
28 amended to read as follows:

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

32 7. By renumbering as necessary.

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MOLLY DONAHUE