

SENATE FILE 2312  
BY RIFE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act prohibiting contributions to political campaigns by  
2 political committees and lobbyists, and providing an effective  
3 date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2312

1 Section 1. Section 56.2, subsection 16, Code Supplement  
2 1995, is amended to read as follows:

3 16. a. "Political committee" means a ~~committee, but not~~  
4 formal or informal association of two or more individuals,  
5 other than a candidate's committee, which accepts that, in  
6 performing any of the following activities, exceeds any of the  
7 following financial thresholds:

8 (1) Accepts contributions for political purposes in excess  
9 of five hundred dollars in the aggregate, makes in a calendar  
10 year.

11 (2) Makes expenditures for political purposes in excess of  
12 five hundred dollars in the aggregate, or incurs in a calendar  
13 year.

14 (3) Incurs indebtedness for political purposes in excess  
15 of five hundred dollars in the aggregate in any one a calendar  
16 year for the purpose of supporting or opposing a candidate for  
17 public office, or for the purpose of supporting or opposing a  
18 ballot issue.

19 b. A "political committee" ~~also means an,~~ provided it has  
20 exceeded at least one of the financial thresholds in paragraph  
21 "a", includes but is not limited to any of the following  
22 entities:

23 (1) A committee other than a candidate's committee that  
24 supports or opposes more than one candidate for public office.

25 (2) A committee other than a candidate's committee that  
26 supports or opposes a ballot issue.

27 (3) A formally organized association, lodge, society,  
28 cooperative, union, fraternity, sorority, educational  
29 institution, civic organization, labor organization, religious  
30 organization, or professional organization which accepts  
31 contributions in excess of five hundred dollars in the  
32 aggregate, makes expenditures in excess of five hundred  
33 dollars in the aggregate, or incurs indebtedness in excess of  
34 five hundred dollars in the aggregate in any one calendar year  
35 for the purpose of supporting or opposing a candidate for

1 public-office, or for the purpose of supporting or opposing a  
2 ballot issue, or other permanent organization that temporarily  
3 engages in political activity. "Political committee" also  
4 includes a committee which accepts contributions in excess of  
5 five hundred dollars in the aggregate, makes expenditures in  
6 excess of five hundred dollars in the aggregate, or incurs  
7 indebtedness in excess of five hundred dollars in the  
8 aggregate in a calendar year to cause

9 (4) A formal or informal association of two or more  
10 individuals that causes the publication or broadcasting of  
11 material in which the public policy positions or voting record  
12 of that a reasonable person would understand to advocate the  
13 support of or opposition to the election of an identifiable  
14 candidate is discussed and in which a reasonable person could  
15 find commentary favorable or unfavorable to these public  
16 policy positions or voting record.

17 c. "Political committee" does not include a state  
18 statutory political committee, a county statutory committee, a  
19 city statutory committee, or a national political party,  
20 unless expressly included.

21 Sec. 2. Section 56.4, Code Supplement 1995, is amended to  
22 read as follows:

23 56.4 REPORTS FILED WITH BOARD OR COMMISSIONER.

24 1. All the following committees shall file statements and  
25 reports required to be filed under this chapter ~~for a state~~  
26 ~~office shall be filed~~ with the board:

27 a. Candidate's committees for state offices.

28 b. State statutory political committees.

29 c. Political committees supporting or opposing statewide  
30 ballot issues.

31 d. Political committees supporting or opposing candidates  
32 for federal office.

33 e. Political committees supporting or opposing candidates  
34 or ballot issues for statewide elections and for county,  
35 municipal, or school elections. Such committees may file all

1 such activity on one report, and shall also send a copy of the  
2 report to the commissioner responsible under section 47.2 for  
3 conducting the election.

4 2. All The following committees shall file statements and  
5 reports required to be filed under this chapter for-a-county,  
6 city,-or-school-office-shall-be-filed with the commissioner  
7 responsible under section 47.2 for conducting the election:

8 a. Candidate's committees for county, city, or school  
9 offices.

10 b. Statements-and-reports-on-a Political committees  
11 supporting or opposing candidates for county, city, or school  
12 offices, or supporting or opposing a local ballot issue shall  
13 be-filed-with-the-commissioner-responsible-under-section-47.2  
14 for-conducting-the-election-at-which-the-issue-is-voted-upon,  
15 except-that-statements-and-reports-on-a-statewide-ballot-issue  
16 shall-be-filed-with-the-board.

17 c. All statutory political committees other than a state  
18 statutory political committee. These committees shall also  
19 send a copy to the board.

20 3. Copies A commissioner shall provide copies of any  
21 reports filed with a the commissioner shall-be-provided-by-the  
22 commissioner to the board on its request. State-statutory  
23 political-committees-shall-file-all-statements-and-reports  
24 with-the-board.--All-other-statutory-political-committees  
25 shall-file-the-statements-and-reports-with-the-commissioner  
26 with-a-copy-sent-to-the-board.

27 4. a. The board shall retain statements and reports filed  
28 with the board for at least five years from the date of the  
29 election in which the committee is involved, or at least five  
30 years from the certified date of dissolution of the committee,  
31 whichever date is later.

32 b. The commissioner shall retain statements and reports  
33 filed with the commissioner for at least three years from the  
34 date of the election in which the committee is involved, or at  
35 least three years from the certified date of dissolution of

1 the committee, whichever date is later.

2 ~~5. Political committees supporting or opposing candidates~~  
3 ~~for both federal office and any elected office created by law~~  
4 ~~or the Constitution of the state of Iowa shall file statements~~  
5 ~~and reports with the board in addition to any federal reports~~  
6 ~~required to be filed with the board. -- However, a~~ A political  
7 committee which is registered and filing full disclosure  
8 reports of all financial activities with the federal election  
9 commission may file verified statements as provided in section  
10 56.5.

11 ~~Political committees supporting or opposing candidates or~~  
12 ~~ballot issues for statewide elections and for county,~~  
13 ~~municipal or school elections may file all activity on one~~  
14 ~~report with the board and shall send a copy to the~~  
15 ~~commissioner responsible under section 47.2 for conducting the~~  
16 ~~election.~~

17 Sec. 3. Section 56.5, subsection 5, Code Supplement 1995,  
18 is amended to read as follows:

19 5. a. A committee or organization not organized as a  
20 committee under this section which makes a contribution to a  
21 ~~candidate's committee or~~ political committee organized in Iowa  
22 shall disclose each contribution to the board.

23 b. A committee or organization not organized as a  
24 committee under this section which is not registered and  
25 filing full disclosure reports of all financial activities  
26 with the federal election commission or another state's  
27 disclosure commission shall register and file full disclosure  
28 reports with the board pursuant to this chapter, and shall  
29 either appoint an eligible Iowa elector as committee or  
30 organization treasurer, or shall maintain all committee funds  
31 in an account in a financial institution located in Iowa.

32 c. A committee which is currently filing a disclosure  
33 report in another jurisdiction shall either file a statement  
34 of organization under subsections 1 and 2 and file disclosure  
35 reports, the same as those required of committees organized

1 only in Iowa, under section 56.6, or shall file one copy of a  
2 verified statement with the board and a second copy with the  
3 treasurer of the committee receiving the contribution. The  
4 form shall be completed and filed at the time the contribution  
5 is made.

6 (1) The verified statement shall be on forms prescribed by  
7 the board and shall attest that the committee is filing  
8 reports with the federal election commission or in a  
9 jurisdiction with reporting requirements which are  
10 substantially similar to those of this chapter, and that the  
11 contribution is made from an account which does not accept  
12 contributions which would be in violation of section 56.15.

13 (2) The form shall include the complete name, address, and  
14 telephone number of the contributing committee, the state or  
15 federal jurisdiction under which it is registered or operates,  
16 the identification of any parent entity or other affiliates or  
17 sponsors, its purpose, the name, address, and signature of an  
18 Iowa resident authorized to receive service of original notice  
19 and the name and address of the receiving committee, the  
20 amount of the cash or in-kind contribution, and the date the  
21 contribution was made.

22 Sec. 4. Section 56.5A, Code Supplement 1995, is amended to  
23 read as follows:

24 56.5A ~~CANDIDATE'S~~ CANDIDATE'S COMMITTEE ORGANIZATION.

25 1. Each candidate for state, county, city, or school  
26 office shall organize one, and only one, candidate's committee  
27 for a specific office sought ~~when the candidate receives to~~  
28 account for contributions to the candidate in excess of five  
29 hundred dollars in the aggregate, ~~makes~~ expenditures in excess  
30 of five hundred dollars in the aggregate, or ~~incurs~~  
31 indebtedness in excess of five hundred dollars in the  
32 aggregate in a calendar year.

33 2. a. A political committee shall not be established to  
34 support or oppose only one candidate for office, except that a  
35 political committee may be established to support or oppose

1 approval of a single judge standing for retention.

2 b. A political committee may be organized for the purpose  
3 of supporting or defeating a candidate for office, but a  
4 political committee, no matter where it is organized, shall  
5 not directly contribute to any candidate or candidate's  
6 committee.

7 c. An officer of a candidate's committee shall not serve  
8 as an officer of a political committee.

9 Sec. 5. Section 56.13, Code Supplement 1995, is amended to  
10 read as follows:

11 56.13 INDEPENDENT EXPENDITURES.

12 1. Action involving a contribution or expenditure which  
13 must be reported under this chapter and which is taken by any  
14 person, candidate's committee or political committee on behalf  
15 of a candidate, if known and approved by the candidate, shall  
16 be deemed action by the candidate and reported by the  
17 candidate's committee.

18 It shall be presumed that a candidate approves the action  
19 if the candidate had knowledge of it and failed to file a  
20 statement of disavowal with the commissioner or board and take  
21 corrective action within seventy-two hours of the action.

22 2. A person, candidate's committee, or political committee  
23 taking such action involving a contribution or expenditure on  
24 behalf of a candidate, which action is taken independently of  
25 that candidate's committee, shall notify that candidate's  
26 committee in writing within twenty-four hours of taking the  
27 action.

28 a. The notification shall provide that candidate's  
29 committee with the cost of the promotion at fair market value.

30 b. A copy of the notification shall be sent to the board.

31 3. Any person who makes expenditures or incurs  
32 indebtedness, other than incidental expenses incurred in  
33 performing volunteer work, in support or opposition of a  
34 candidate for public office shall notify the appropriate  
35 committee and provide necessary information for disclosure

1 reports.

2 4. For purposes of this section, action shall be construed  
3 to have been taken independently of a candidate's committee  
4 only if the action was not made with the cooperation of, with  
5 the prior consent of, in consultation with, or at the request  
6 or suggestion of any candidate, any candidate's committee, or  
7 other agent for the candidate.

8 a. For purposes of this section, an agent of the candidate  
9 is any person who has actual oral or written authority, either  
10 expressed or implied, to make or to authorize the making of  
11 expenditures on behalf of a candidate, or any person who has  
12 been placed in a position within the campaign organization  
13 where it would reasonably appear that in the ordinary course  
14 of campaign-related activities, that person may authorize  
15 activity on behalf of the candidate.

16 b. An action will be presumed to be made with the  
17 cooperation of, with the prior consent of, in consultation  
18 with, or at the request or suggestion of any candidate, any  
19 candidate's committee, or other agent for the candidate in the  
20 following situations:

21 (1) When the action is based on information about the  
22 candidate's plans, projects, or needs, which information is  
23 provided by the candidate, the candidate's committee, or other  
24 agent of the candidate.

25 (2) When the action involves any arrangement,  
26 coordination, or direction by the candidate, the candidate's  
27 committee, or other agent of the candidate prior to the  
28 action.

29 (3) When the action involves any participation by the  
30 candidate or any person who is or who has been an officer of  
31 the candidate's committee, or who is or who has been receiving  
32 compensation or reimbursement from the candidate, the  
33 candidate's committee, or other agent of the candidate.

34 5. Any expenditure which is part of action that is deemed  
35 not to have been taken independently of the candidate,



1 candidate's committee, or other agent of the candidate shall  
2 be considered a contribution and expenditure for the purpose  
3 of contribution or expenditure limitations and prohibitions.  
4 All reporting requirements shall apply to such contributions  
5 and expenditures.

6 6. No expenditure by a candidate's committee shall be  
7 construed to be an independent expenditure under this section.

8 ~~2-~~ 7. If a person, other than a political committee, makes  
9 one or more expenditures in excess of five hundred dollars in  
10 the aggregate, or incurs indebtedness in excess of five  
11 hundred dollars in the aggregate, in any one calendar year for  
12 purposes of supporting or opposing a ballot issue, the person  
13 shall file a statement of activity within ten days of taking  
14 the action exceeding the threshold. The statement shall  
15 contain information identifying the person filing the  
16 statement, identifying the ballot issue, and indicating the  
17 position urged by the person with regard to the ballot issue.  
18 The person shall file reports indicating the dates on which  
19 the expenditures or incurrence of indebtedness took place; a  
20 description of the nature of the action taken which resulted  
21 in the expenditures or debt; and the cost of the promotion at  
22 fair market value. For a local ballot issue, the reports  
23 shall be filed five days prior to any election in which the  
24 ballot issue appears and on the first day of the month  
25 following the election, as well as on the nineteenth day of  
26 January, May, and July of each year in which the ballot issue  
27 appears on the ballot and on the nineteenth day of January and  
28 October of each year in which the ballot issue does not appear  
29 on the ballot. For a statewide ballot issue, reports shall be  
30 filed on the nineteenth day of January, May, and July of each  
31 year. The reports shall be current to five days prior to the  
32 filing deadline, and are considered timely filed if mailed  
33 bearing a United States postal service postmark on or before  
34 the due date. Filing obligations shall cease when the person  
35 files a statement of discontinuation indicating that the

1 person's financial activity in support of or in opposition to  
2 the ballot issue has ceased. Statements and reports shall be  
3 filed with the commissioner responsible under section 47.2 for  
4 conducting the election at which the issue is voted upon,  
5 except that reports on a statewide ballot issue shall be filed  
6 with the board.

7 ~~3~~ 8. A person taking action involving the making of an  
8 expenditure or incurrence of indebtedness in support or  
9 opposition to a ballot issue independently of a political  
10 committee shall, within seventy-two hours of taking the  
11 action, notify in writing any political committee which  
12 advocates the same position with regard to the ballot issue as  
13 the person taking the action. The notification shall provide  
14 the political committee with the cost of the promotion at fair  
15 market value. A copy of the notification shall be sent to the  
16 board. It shall be presumed that a benefited committee  
17 approves the action if the committee fails to file a statement  
18 of disavowal with the commissioner or board and takes  
19 corrective action within ten days of the action. Action  
20 approved by a committee shall be reported as a contribution by  
21 the committee.

22 ~~4~~ 9. This section shall not be construed to require  
23 duplicate reporting of anything reported under this chapter by  
24 a political committee except that actions which constitute  
25 contributions in kind shall be reported by the benefited  
26 committee. This section shall not be construed to require  
27 reporting of action by any person which does not constitute a  
28 contribution.

29 Sec. 6. Section 56.14, subsection 1, Code Supplement 1995,  
30 is amended to read as follows:

31 1. A person who causes the publication or distribution of  
32 published material designed to promote or defeat the  
33 nomination or election of a candidate for public office or the  
34 passage of a constitutional amendment or public measure shall  
35 include conspicuously on the published material the identity

1 and address of the person responsible for the material.

2 a. If the person responsible is an organization, the name  
3 of one officer of the organization shall appear on the  
4 material. However, ~~if~~

5 b. If the organization is a committee which has filed a  
6 statement of organization under this chapter, ~~only~~ the name of  
7 the committee, but no officer identification, is required to  
8 be included on the published material.

9 c. Published material designed to promote or defeat the  
10 nomination or election of a candidate for public office or the  
11 passage of a constitutional amendment or public measure which  
12 contains language or depictions which a reasonable person  
13 would understand as asserting that an entity which is  
14 incorporated or is a registered committee had authored the  
15 material shall, if the entity is not incorporated or a  
16 registered committee, include conspicuously on the published  
17 material a statement that the apparent organization or  
18 committee is not incorporated or a registered committee in  
19 addition to the disclaimer statement required by this section.  
20 For purposes of this section, "registered committee" means a  
21 committee which has an active statement of organization filed  
22 under section 56.5.

23 Sec. 7. Section 56.15A, Code 1995, is amended to read as  
24 follows:

25 56.15A ~~PROHIBITING~~ PROHIBITED CONTRIBUTIONS DURING-THE  
26 LEGISLATIVE-SESSION.

27 1. A lobbyist or political committee, ~~other than a state~~  
28 ~~statutory political committee, county statutory political~~  
29 ~~committee, or a national political party,~~ shall not contribute  
30 to, act as an agent or intermediary for contributions to, or  
31 arrange for the making of monetary or in-kind contributions to  
32 the campaign of an elected state official, member of the  
33 general assembly, or candidate for state office ~~on any day~~  
34 ~~during the regular legislative session and, in the case of the~~  
35 ~~governor or a gubernatorial candidate, during the thirty days~~

1 following-the-adjournment-of-a-regular-legislative-session  
2 allowed-for-the-signing-of-bills.

3 2. This Notwithstanding subsection 1, this section shall  
4 not apply to the receipt of contributions by an elected state  
5 official, ~~member-of-the-general-assembly~~, or other state  
6 ~~official~~ candidate who has taken affirmative action to seek  
7 nomination or election to a federal elective office.

8 This-section-shall-not-apply-to-a-candidate-for-state  
9 office-who-filed-nomination-papers-for-an-office-for-which-a  
10 special-election-is-called-or-held-during-the-regular  
11 legislative-session, if-the-candidate-receives-the  
12 contribution-at-any-time-during-the-period-commencing-on-the  
13 date-on-which-at-least-two-candidates-have-been-nominated-for  
14 the-office-and-ending-on-the-date-on-which-the-election-is  
15 held.--A-person-who-is-an-elected-state-official-shall-not,  
16 however, solicit-contributions-during-a-legislative-session  
17 from-any-lobbyist-or-political-committee, other-than-a-state  
18 statutory-political-committee, county-statutory-political  
19 committee, or-a-national-political-party, for-another  
20 candidate-for-a-state-office-for-which-a-special-election-is  
21 held.

22 Sec. 8. EFFECTIVE DATE. This Act shall take effect on  
23 January 1, 1997.

24 EXPLANATION

25 This bill adds a prohibition against contributions to Iowa  
26 political campaigns by political committees and lobbyists.  
27 This prohibition is primarily contained in section 7 of this  
28 bill, with a related prohibition in section 4, including the  
29 prohibition of a current officer of a candidate's committee  
30 serving as an officer of a political committee.

31 Consistent with this prohibition, section 5 adds  
32 prohibitions against action by political committees which can  
33 be attributed to the candidate, the candidate's committee, or  
34 an agent of the candidate. Sections 3 and 6 make technical  
35 changes consistent with the prohibition of contributions by

1 political committees.

2 Section 2 reorganizes Code section 56.4, regarding which  
3 disclosure reports are filed with the Iowa ethics and campaign  
4 disclosure board, and which are filed with the local  
5 commissioner of elections.

6 Section 8 adds an effective date of January 1, 1997, to  
7 allow for the conclusion of the current campaign cycle.

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