

FEB 28 1997  
STATE GOVERNMENT

HOUSE FILE 395  
BY RICHARDSON

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

**A BILL FOR**

1 An Act to permit candidates to pledge to run positive campaigns,  
2 providing for disclaimers for nonparticipants, and  
3 establishing penalties.

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

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*HF 395*

1 Section 1. NEW SECTION. 56.14A POSITIVE CAMPAIGN PLEDGE  
2 -- PENALTIES.

3 1. A candidate in a contested election for public office  
4 may, at the time of registering with the board, pledge to  
5 conduct a positive campaign by doing all of the following:

6 a. The candidate or the candidate's committee shall not  
7 publish any material that uses the name of the candidate's  
8 opponent.

9 b. The candidate or the candidate's committee shall not  
10 publish any material that compares the opponent's record of  
11 public service or positions on any issue with the candidate's  
12 record or positions.

13 c. The candidate or the candidate's committee shall issue  
14 a statement to any person who makes expenditures or  
15 contributions in support of the candidate or the candidate's  
16 positions that encourages the person not to use the  
17 candidate's and the opponent's names together in any  
18 publications made in support of the candidate.

19 d. The candidate or the candidate's committee shall issue  
20 a statement to any person who makes expenditures or  
21 contributions in support of the candidate or the candidate's  
22 positions that encourages the person not to compare, in any  
23 material published by the person, the candidate's record of  
24 public service or positions on any issue with the candidate's  
25 opponent's record of public service or positions on any issue.

26 2. A candidate who does not make the pledge to conduct a  
27 positive campaign under subsection 1 shall include  
28 conspicuously on any material published by the candidate or  
29 the candidate's committee the following statement: "This  
30 candidate did not make the pledge to conduct a positive  
31 campaign."

32 3. Notwithstanding section 56.16, if a candidate makes the  
33 pledge to conduct a positive campaign and fails to comply with  
34 the requirements specified under subsection 1 or if a  
35 candidate who does not make the pledge fails to include the

1 statement specified under subsection 2, the board shall not  
2 refer the matter to the attorney general or county attorney  
3 for enforcement of criminal penalties but may impose a civil  
4 penalty against the candidate of five hundred dollars for a  
5 first violation. If a candidate commits a second or  
6 succeeding violation, the board shall not refer the matter to  
7 the attorney general or county attorney but may impose a civil  
8 penalty against the candidate of one thousand dollars for each  
9 violation.

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## EXPLANATION

11 This bill provides for the taking of a voluntary pledge to  
12 conduct a positive campaign by any candidate and the  
13 imposition of civil penalties on candidates who either fail to  
14 abide by the terms of the pledge or fail to include a  
15 statement on published material indicating that the candidate  
16 did not take the pledge.

17 The pledge to conduct a positive campaign includes a  
18 promise to not publish material that uses the name of the  
19 candidate's opponent or compares the public service records  
20 and positions on issues of the candidate and the candidate's  
21 opponent. Candidates taking the pledge must also issue  
22 statements to anyone who makes expenditures or contributions  
23 in support of the candidate, to the effect that those persons  
24 should also not use the candidate's opponent's name or compare  
25 the public service records or positions of the candidate and  
26 the opponent in any materials that they publish.

27 Candidates who do not take the pledge to conduct a positive  
28 campaign must include a statement on their published material  
29 that they have not taken the pledge to conduct a positive  
30 campaign.

31 The penalty for the failure of a pledging candidate to  
32 abide by the terms of the pledge, or the failure by a  
33 candidate who does not take the pledge to place the required  
34 statement on published material, is a civil penalty of \$500  
35 for a first violation and a civil penalty of \$1,000 for a

- 1 second or subsequent violation.
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