

House Study Bill 225

Bill Text

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1 1 Section 1. Section [46.20](#), Code 1997, is amended to read as
1 2 follows:
1 3 46.20 DECLARATION OF CANDIDACY.
1 4 At least one hundred four days before the judicial election
1 5 preceding expiration of the initial or regular term of office,
1 6 a judge of the supreme court, court of appeals, or district
1 7 court including district associate judges,
~~1 8 or a clerk of the~~
~~1 9 district court who is required to stand for retention under~~
~~1 10 section 602.1216~~
1 11 may file a declaration of candidacy with the
1 12 state commissioner of elections to stand for retention or
1 13 rejection at that election. If a judge
~~1 14 or clerk~~
1 15 fails to file
1 16 the declaration, the office shall be vacant at the end of the
1 17 term. District associate judges filing the declaration shall
1 18 stand for retention in the judicial election district of their
1 19 residence.
1 20 Sec. 2. Section [46.21](#), unnumbered paragraph 1, Code 1997,
1 21 is amended to read as follows:
1 22 At least sixty-nine days before each judicial election, the
1 23 state commissioner of elections shall certify to the county
1 24 commissioner of elections of each county a list of the judges
1 25 of the supreme court, court of appeals, and district court
1 26 including district associate judges,
~~1 27 and clerks of the~~
~~1 28 district court~~
1 29 to be voted on in each county at that election.
1 30 The county commissioner of elections shall place the names
1 31 upon the ballot in the order in which they appear in the
1 32 certificate, unless only one county is voting thereon. The
1 33 state commissioner of elections shall rotate the names in the
1 34 certificate by county, or the county commissioner of elections
1 35 shall rotate them upon the ballot by precinct if only one
1 36 county is voting thereon. The names of all judges
~~1 37 and clerks~~
1 38 to be voted on shall be placed upon one ballot, which shall be
1 39 in substantially the following form:
1 40 Sec. 3. Section [46.24](#), Code 1997, is amended to read as
1 41 follows:
1 42 46.24 RESULTS OF ELECTION.

2 1 A judge of the supreme court, court of appeals, or district
2 2 court including a district associate judge,

~~or a clerk of the~~

~~-~~
2 3

~~district court~~

- must receive more affirmative than negative

2 4 votes to be retained in office. When the poll is closed, the
2 5 election judges shall publicly canvass the vote forthwith.

2 6 The board of supervisors shall canvass the returns on the
2 7 Monday or Tuesday after the election, and shall promptly
2 8 certify the number of affirmative and negative votes on each
2 9 judge

~~or clerk~~

- to the state commissioner of elections.

2 10 The state board of canvassers shall, at the time of
2 11 canvassing the vote cast at a general election, open and
2 12 canvass all of the returns for the judicial election. Each
2 13 judge of the supreme court, court of appeals or district court
2 14 including a district associate judge,

~~or a clerk of the~~

~~-~~
2 15

~~district court~~

- who has received more affirmative than negative

2 16 votes shall receive from the state board of canvassers an
2 17 appropriate certificate so stating.

2 18 Sec. 4. Section [49.51](#), unnumbered paragraph 2, Code 1997,
2 19 is amended by striking the unnumbered paragraph.

2 20 Sec. 5. Section [56.3](#), subsections 1 and 2, Code 1997, are
2 21 amended to read as follows:

2 22 1. Every candidate's committee shall appoint a treasurer
2 23 who shall be an Iowa resident who has reached the age of
2 24 majority. Every political committee shall appoint both a
2 25 treasurer and a chairperson, each of whom shall have reached
2 26 the age of majority. Every candidate's committee shall
2 27 maintain all of the committee's funds in bank accounts in a
2 28 financial institution located in Iowa. Every political
2 29 committee shall either have an Iowa resident as treasurer or
2 30 maintain all of the committee's funds in bank accounts in a
2 31 financial institution located in Iowa. An expenditure shall
2 32 not be made by the treasurer or treasurer's designee for or on
2 33 behalf of a committee without the approval of the chairperson
2 34 of the committee, or the candidate. Expenditures shall be
2 35 remitted to the designated recipient within

~~fifteen~~

- ~~thirty~~

3 1 days of the date of the issuance of the payment.

3 2 2. An individual who receives contributions for a
3 3 committee without the prior authorization of the chairperson
3 4 of the committee or the candidate shall be responsible for
3 5 either rendering the contributions to the treasurer within
3 6

~~fifteen~~

- ~~thirty~~ days of the date of receipt of the

3 7 contributions, or depositing the contributions in the account
3 8 maintained by the committee within

~~seven~~

- ~~thirty~~ days of the

3 9 date of receipt of the contributions. A person who receives
3 10 contributions for a committee shall, not later than

~~—fifteen~~

3 11 ~~thirty~~ days from the date of receipt of the contributions or
3 12 on demand of the treasurer, render to the treasurer the
3 13 contributions and an account of the total of all
3 14 contributions, including the name and address of each person
3 15 making a contribution in excess of ten dollars, the amount of
3 16 the contributions, and the date on which the contributions
3 17 were received. The treasurer shall deposit all contributions
3 18 within

~~—seven~~

— ~~thirty~~ days of receipt by the treasurer in an
3 19 account maintained by the committee. All funds of a committee
3 20 shall be segregated from any other funds held by officers,
3 21 members, or associates of the committee or the committee's
3 22 candidate. However, if a candidate's committee receives
3 23 contributions only from the candidate, or if a permanent
3 24 organization temporarily engages in activity which qualifies
3 25 it as a political committee and all expenditures of the
3 26 organization are made from existing general operating funds
3 27 and funds are not solicited or received for this purpose from
3 28 sources other than operating funds, then that committee is not
3 29 required to maintain a separate account in a financial
3 30 institution. The funds of a committee are not attachable for
3 31 the personal debt of the committee's candidate or an officer,
3 32 member, or associate of the committee.

3 33 Sec. 6. Section [56.5](#), subsection 2, paragraph a, Code
3 34 1997, is amended to read as follows:

3 35 a. The name, purpose, mailing address, and telephone
4 1 number of the committee.

4 2 (1) The committee name shall not duplicate the name of
4 3 another committee organized under this section.

4 4 (2) For candidate's committees filing initial statements
4 5 of organization on or after July 1, 1995, the candidate's name
4 6 shall be contained within the committee name.

4 7 (3) Except for a political committee formed to support or
4 8 oppose approval of a judge, the name of a political committee
4 9 shall not contain the name of any of the following:

4 10 (a) A candidate seeking election for federal, state,
4 11 county, city, or school office.

4 12 (b) A current federal, state, county, city, or school
4 13 officeholder.

4 14 Sec. 7. Section [56.6](#), subsection 3, paragraphs f and g,
4 15 Code 1997, are amended to read as follows:

4 16 f. The total amount of proceeds from any fund-raising
4 17 event.

~~—Contributions and sales at fund-raising events which~~

~~—~~
4 18

~~—involve the sale of a product acquired at less than market~~

~~—~~
4 19

~~—value and sold for an amount of money in excess of the amount~~

~~—~~
4 20

~~—specified in paragraph "b" of this subsection shall be~~

~~—~~
4 21

~~designated separately from in-kind and monetary contributions~~

4 22

~~and the report shall include the name and address of the~~

4 23

~~donor, a description of the product, the market value of the~~

4 24

~~product, the sales price of the product, and the name and~~

4 25

~~address of the purchaser.~~

4 26 g. The name and mailing address of each person to whom
4 27 disbursements or loan repayments have been made by the
4 28 committee from contributions during the reporting period and
4 29 the amount, purpose, and date of each disbursement except that
4 30 disbursements of less than five dollars may be shown as
4 31 miscellaneous disbursements so long as the aggregate
4 32 miscellaneous disbursements to any one person during a
4 33 calendar year do not exceed one hundred dollars.

~~If~~

4 34

~~disbursements are made to a consultant, the consultant shall~~

4 35

~~provide the committee with a statement of disbursements made~~

5 1

~~by the consultant during the reporting period showing the name~~

5 2

~~and address of the recipient, amount, purpose, and date to the~~

5 3

~~same extent as if made by the candidate, which shall be~~

5 4

~~included in the report by the committee.~~

5 5 Sec. 8. Section [56.6](#), subsection 3, paragraph j, Code
5 6 1997, is amended by striking the paragraph.

5 7 Sec. 9. Section [56.7](#), Code 1997, is amended to read as
5 8 follows:

5 9 56.7 REPORTS SIGNED.

5 10 1. A report or statement required to be filed by a

5 11

~~treasurer of a political
committee~~

~~, a candidate, or by any~~

5 12

~~other person,~~
- shall be signed

~~by the person filing the report.~~

-
5 13 as follows:
5 14 a. In the case of a candidate's committee, the report
5 15 shall be signed by the candidate or the treasurer.
5 16 b. In the case of a political committee, the report shall
5 17 be signed by the chairperson or the treasurer.
5 18 2. A committee report that is signed in accordance with
5 19 this section is assumed to be in compliance with the law, and
5 20 shall not be subject to audit by the ethics and campaign
5 21 disclosure board unless a complaint is filed in accordance
5 22 with section 68B.32B.
5 23

~~2.~~

- 3. A copy of every report or statement shall be
5 24 preserved by the person filing it or the person's successor
5 25 for at least

~~three~~

- five years following the filing of the
5 26 report or statement.
5 27 Sec. 10. Section 56.14, subsection 1, paragraph c, Code
5 28 1997, is amended to read as follows:
5 29 c. This subsection shall not be construed to require

~~the~~

-
5 30

~~inclusion~~

- an individual to disclose that individual's identity
5 31 or address on published material

~~of information which~~

-
5 32

~~discloses the identity or address of any~~

- relating to a ballot
5 33 issue, as long as the individual

~~who~~

- is acting independently
5 34 and

~~using~~

- has not expended more than five hundred dollars of
5 35 the individual's own

~~modest~~

- resources in a calendar year in
6 1 order to publish or distribute the material. However, this
6 2 exception does not apply to text or graphics that are
6 3 transmitted to another computer by computer, via the internet,
6 4 or via other means.
6 5 Sec. 11. Section 56.41, subsection 1, Code 1997, is
6 6 amended to read as follows:
6 7

~~1.~~

- A candidate and the candidate's committee

~~shall use~~

6 8

~~campaign funds only for campaign purposes, educational and~~

6 9

~~other expenses associated with the duties of office, or~~

6 10

~~constituency services, and~~

~~shall not use campaign funds for~~

6 11 personal expenses or personal benefit.

~~The purchase of~~

6 12

~~subscriptions to newspapers from or which circulate within the~~

6 13

~~area represented by the office which a candidate is seeking or~~

6 14

~~holds is presumed to be an expense that is associated with the~~

6 15

~~duties of the campaign for and duties of office.~~

6 16 Sec. 12. Section [56.41](#), subsections 2 and 3, Code 1997,
6 17 are amended by striking the subsections.

6 18 Sec. 13. Section [56.42](#), subsection 1, Code 1997, is
6 19 amended to read as follows:

6 20 1.

~~In addition to the uses permitted under section 56.41,~~

6 21

~~a~~

~~A candidate's committee may only transfer campaign funds in~~
6 22 one or more of the following ways:

6 23 a. Contributions to charitable organizations.

6 24 b. Contributions to national, state, or local political
6 25 party central committees,

~~or~~

~~to partisan political committees~~

6 26 organized to represent persons within the boundaries of a

6 27 congressional district, ~~or to committees representing a~~

6 28 ~~nonparty political organization described in section 44.1.~~

6 29 c. Transfers to the treasurer of state for deposit in the
6 30 general fund of the state, or to the appropriate treasurer for
6 31 deposit in the general fund of a political subdivision of the
6 32 state.

6 33

~~d. Return of contributions to contributors on a pro rata~~

6 34

~~basis, except that any contributor who contributed five~~

~~dollars or less may be excluded from the distribution.~~

7 1

~~e.~~

~~d.~~ Contributions to another candidate's committee when
7 2 the candidate for whom both committees are formed is the same
7 3 person.

7 4 Sec. 14. Section [68B.32A](#), subsection 3, Code 1997, is
7 5 amended to read as follows:

7 6 3. Review the contents of all campaign finance disclosure
7 7 reports and statements filed with the board and promptly
7 8 advise each person or committee of errors found.

7 9 a. The board may verify information contained in the
7 10 reports with other parties to assure accurate disclosure. The
7 11 board may also verify information by requesting that a
7 12 candidate or committee produce copies of receipts, bills,
7 13 logbooks, or other memoranda of reimbursements of expenses to
7 14 a candidate for expenses incurred during a campaign.

7 15 b. For the purposes of obtaining verifying information,
7 16 the board may issue administrative subpoenas for the requested
7 17 information, which may be served upon the candidate,
7 18 committee, or third party by restricted certified mail or by
7 19 personal service as in civil actions. Information may be
7 20 sought from a third party by subpoena after notice to the
7 21 committee which is the subject of the review. However, if the
7 22 chairperson of the board concludes that notification to the
7 23 committee would have the potential of jeopardizing the
7 24 validity of the information sought, prior notice to the
7 25 committee which is the subject of the review is not required.

7 26 c. The board, upon its own motion, may initiate action and
7 27 conduct a hearing relating to requirements under chapter 56.

7 28 d. The board may require a county commissioner of
7 29 elections to periodically file summary reports with the board.

7 30 Sec. 15. Section [68B.37](#), Code 1997, is amended to read as
7 31 follows:

7 32 68B.37 LOBBYIST REPORTING.

7 33 1. A lobbyist before the general assembly shall file with
7 34 the general assembly, on forms prescribed by each house of the
7 35 general assembly, a report disclosing all of the following:

8 1 a. The lobbyist's clients.

8 2 b. Contributions made to candidates for state office by
8 3 the lobbyist during calendar months during the reporting
8 4 period when the general assembly is not in session.

8 5 c. The recipient of the campaign contributions.

8 6 d. Expenditures made by the lobbyist for the purposes of
8 7 providing the services enumerated under section 68B.2,
8 8 subsection 13, paragraph "a".

8 9 For purposes of this subsection, "expenditures" does not
8 10 include expenses that are reimbursed or paid by the client of
8 11 the lobbyist and are reported by the client pursuant to
8 12 section 68B.38, subsection 1, or expenditures made by any
8 13 organization for publishing a newsletter or other
8 14 informational release for its members.

8 15 2. A lobbyist before a state agency or the office of the
8 16 governor shall file with the board, on forms prescribed by the
8 17 board, a report disclosing the same items described in
8 18 subsection 1.

8 19 3. The reports by lobbyists

~~before the general assembly~~

8 20 shall be filed

~~not later than twenty five days following any~~

~~8 21~~

~~month in which the general assembly is in session and~~

~~8 22~~

~~thereafter on or before July 31, October 31, and January 31.~~

~~8 23~~

~~The reports filed by a lobbyist before the general assembly~~

~~8 24~~

~~shall contain information for the preceding calendar month or~~

~~8 25~~

~~quarter or parts thereof during which the person was engaged~~

~~8 26~~

~~in lobbying. Reports filed by lobbyists before a state agency~~

~~8 27~~

~~shall be filed~~

~~on or before April 30, July 31, October 31, and~~

~~8 28 January 31, for the preceding calendar quarter or parts~~

~~8 29 thereof during which the person was engaged in lobbying.~~

~~8 30 4. If a person cancels the person's lobbyist registration~~

~~8 31 at any time during the calendar year, the reports required by~~

~~8 32 this section are due on the dates required by this section or~~

~~8 33 fifteen days after cancellation, whichever is earlier.~~

~~The~~

~~8 34~~

~~report due January 31 shall include all reportable items for~~

~~8 35~~

~~the preceding calendar year in addition to containing the~~

~~9 1~~

~~quarterly reportable items. A lobbyist who cancels the~~

~~9 2~~

~~person's lobbyist registration before January 1 of a year~~

~~9 3~~

~~shall file a report listing all reportable items for the year~~

~~9 4~~

~~in which the cancellation was filed. A lobbyist who cancels~~

~~9 5~~

~~the person's lobbyist registration between January 1 and~~

9 6

~~January 15 of a year shall file a report listing all~~

9 7

~~reportable items for the preceding year and so much of the~~

9 8

~~month of January as has expired at the time of cancellation.~~

9 9

~~However, if~~

9 10 5. If a lobbyist is a person who is designated to
9 11 represent the interest of an organization as defined in
9 12 section 68B.2, subsection 13, paragraph "a", subparagraph (2),
9 13 but is not paid compensation for that representation and does
9 14 not expend more than one thousand dollars as provided in
9 15 section 68B.2, subsection 13, paragraph "a", subparagraph (4),
9 16 the lobbyist shall only be required to file the report
9 17 specified in

~~this section~~

~~subsection 3~~ once annually, which
9 18 shall be performed at the time of filing the person's lobbyist
9 19 registration form or forms.

9 20 Sec. 16. Section [68B.38](#), Code 1997, is amended to read as
9 21 follows:

9 22 68B.38 LOBBYIST'S CLIENT REPORTING.

9 23 1.

~~Beginning in 1994, no~~

~~No~~ later than January 31

~~and July~~

9 24

~~31~~

~~of each year, unless no payments are made, a lobbyist's~~
9 25 client shall file with the general assembly or board a report
9 26 that contains information on all salaries, fees,

~~and~~

9 27 retainers, expenses, and reimbursements of expenses paid to
9 28 the lobbyist by the lobbyist's client

~~to the lobbyist~~

~~for~~

9 29 lobbying purposes during the preceding

~~six calendar months~~

9 30 year. Reports by lobbyists' clients shall be filed with the
9 31 same entity with which the lobbyist filed the lobbyist's
9 32 registration.

9 33 2.

~~The report due January 31 shall include a cumulative~~

9 34

~~total of all salaries, fees, retainers, and reimbursements of~~

~~expenses paid to the lobbyist for lobbying activities during~~

10 1

~~the preceding calendar year.~~

- The secretary of the senate,

10 2 chief clerk of the house, and the board shall develop forms to
10 3 implement this section.

10 4 Sec. 17. Section [602.1216](#), Code 1997, is repealed.

10 5 EXPLANATION

10 6 This bill strikes a portion of Code section 49.51, which
10 7 currently requires the ethics and campaign disclosure board to
10 8 receive a copy of sample ballots in county elections.

10 9 The bill amends Code section 56.3 by changing all
10 10 requirements for deposit in or payment from a bank account of
10 11 a candidate's committee to 30 days.

10 12 The bill amends Code section 56.5 to prohibit a political
10 13 committee from using the name of a current officeholder or
10 14 candidate in its name. This prohibition does not apply to
10 15 committees formed to support or oppose approval of a judge in
10 16 a judicial retention election.

10 17 The bill deletes language in Code section 56.6 that
10 18 requires committee disclosure reports to include information
10 19 relating to sale of products at fund-raising events,
10 20 consultant activity, and future contracts.

10 21 The bill amends Code section 56.7 to specify that a
10 22 chairperson or candidate (according to the type of committee),
10 23 or a treasurer, must sign filed reports. The person required
10 24 to file a report or statement must preserve a copy for five
10 25 rather than three years. The bill adds a provision that
10 26 states that a report signed and in accordance with this
10 27 provision will not be audited by the ethics and campaign
10 28 disclosure board unless a complaint is filed under Code
10 29 section 68B.32B.

10 30 The bill amends Code section 56.14 to replace language
10 31 regarding political material paid for by the "modest"
10 32 resources of an individual with the express amount of \$500,
10 33 the amount used as a financial threshold for filing disclosure
10 34 reports under Code chapter 56.

10 35 The bill amends Code section 56.41 to state that a
11 1 candidate shall not use campaign funds for personal purposes,
11 2 and deletes both the affirmative requirement that a candidate
11 3 use campaign funds only for campaign, educational, or
11 4 constituency purposes, as well as deleting all specific
11 5 prohibited uses of campaign funds.

11 6 This bill amends Code section 56.42 to permit transfers of
11 7 funds remaining in a candidate's account to minor political
11 8 parties, as well as to the major political parties currently
11 9 permitted under the Code. The bill also deletes language
11 10 permitting a pro rata return of funds to contributors.

11 11 The bill amends Code section 68B.32A to provide for service
11 12 of process by the ethics and campaign disclosure board by
11 13 certified mail, in addition to the current procedure of
11 14 service by the sheriff. Prior notice to a committee is
11 15 required under this provision, unless the board concludes that
11 16 prior notice would jeopardize the investigation.

11 17 The bill amends lobbyist reporting requirements under Code
11 18 section 68B.37, to parallel lobbyist reporting times for
11 19 executive branch lobbyists, and to eliminate reporting of
11 20 expenses reported by the lobbyist's client under Code section
11 21 68B.38. Code section 68B.38 is also amended to require only
11 22 one report per year from the client of a lobbyist.

11 23 Code section 602.1216, requiring a district clerk of court
11 24 to stand for retention in a judicial election if certain

11 25 requirements are met, is repealed. Conforming amendments are
11 26 made to Code sections 46.20, 46.21, and 46.24.
11 27 LSB 2722YC 77
11 28 jls/jw/5