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SENATE FILE **402**
BY GRONSTAL

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to establish a truth in campaign advertising advisory
2 board.

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

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1 Section 1. NEW SECTION. 56.14A TRUTH IN CAMPAIGN
2 ADVERTISING ADVISORY BOARD -- ESTABLISHED.

3 1. An Iowa truth in campaign advertising advisory board is
4 established as an independent agency attached to the ethics
5 and campaign disclosure board for administrative purposes.
6 The board shall review complaints and requests relating to
7 advertising used in political campaigns of candidates for
8 public office. The board shall consist of nine members who
9 shall be appointed as follows:

10 a. Two members of the same political party, to be
11 appointed by the speaker of the house of representatives.

12 b. Two members of the same political party, but other than
13 the party referred to in paragraph "a", to be appointed by the
14 minority leader of the house of representatives.

15 c. Two members of the same political party, to be
16 appointed by the president of the senate.

17 d. Two members of the same political party, to be
18 appointed by the minority leader of the senate.

19 e. One member of a political party which is not one of the
20 political parties represented in paragraphs "a" through "d",
21 but which cast for its candidate for president of the United
22 States or for governor, at least two percent of the total vote
23 cast for all candidates for that office at the last preceding
24 general election. The member shall be appointed by the
25 chairperson of that political party.

26 2. Members shall serve staggered four-year terms beginning
27 and ending as provided in section 69.19. Any vacancy on the
28 board shall be filled by appointment for the unexpired portion
29 of the term, within ninety days of the vacancy and in
30 accordance with the procedures for regular appointments. A
31 member of the board may be reappointed to serve additional
32 terms on the board. Members may be removed in the manner
33 provided in chapter 69.

34 3. The board shall annually elect one member to serve as
35 the chairperson of the board and one member to serve as vice

1 chairperson. The vice chairperson shall act as the
2 chairperson in the absence or disability of the chairperson or
3 in the event of a vacancy in that office.

4 4. The chairperson of the board shall have the following
5 powers, duties, and functions:

6 a. Preside over meetings of the board.

7 b. Call meetings of the board upon receipt of a complaint
8 or request submitted through the ethics and campaign
9 disclosure board which pertains to the truthfulness or
10 accuracy of campaign advertising.

11 5. A candidate, candidate's committee, or a political
12 party may file a request or complaint regarding the
13 truthfulness or accuracy of a campaign advertisement by filing
14 the request or complaint with the ethics and campaign
15 disclosure board. The complaint or request shall include,
16 when known, the name of the person making the request or
17 filing the complaint, the name of the person who published or
18 is responsible for the publication of the advertisement, and a
19 statement of any facts believed to be relevant to the
20 truthfulness or falsity of the advertisement, including the
21 sources of information and approximate dates on which the
22 advertisement was published. Upon receiving a request or
23 complaint which alleges that an item of campaign advertising
24 was false or misleading, the ethics and campaign disclosure
25 board shall immediately transmit the request or complaint and
26 any supporting information to the chairperson of the truth in
27 advertising board.

28 6. Upon receipt of a request or complaint, the chairperson
29 shall call a meeting of the board for purposes of reviewing
30 the request or complaint and any supporting information.

31 7. The board shall promptly notify any person alleged to
32 have published a false or misleading advertisement by causing
33 a copy of the request or complaint to be delivered to the
34 person. The board shall request that the person respond to
35 the allegations within a reasonable period of time.

1 8. The board shall determine, on the basis of information
2 received, whether there is sufficient information to proceed
3 with an advisory opinion or whether further information is
4 needed.

5 Once the board determines that sufficient information is
6 available, the board shall issue an advisory opinion which
7 states whether the information contained in the campaign
8 advertisement is true and accurate. Opinions shall be issued
9 when approved by a majority of the members of the board.
10 Opinions are not binding on the candidate or the candidate's
11 opponent. Unless the request or complaint is received within
12 the two weeks immediately preceding the election, the board
13 shall consider the request or complaint and issue an opinion
14 within two weeks of the date that the request or complaint is
15 received. If the request or complaint is received during the
16 week which precedes the week of the election, the board shall
17 consider the request or complaint and issue an opinion within
18 three days of the date that the request or complaint is
19 received. If the request or complaint is received during the
20 week of the election, the board shall consider the request or
21 complaint and issue an opinion within twenty-four hours of
22 receiving the request or complaint.

23 9. The ethics and campaign disclosure board shall adopt
24 rules for the receipt, processing, and transmission of
25 requests and complaints regarding the truthfulness and
26 accuracy of campaign advertising to the truth in advertising
27 board.

28 10. The truth in advertising board shall adopt rules for
29 the processing of requests and complaints and for the issuance
30 and publication of opinions relating to the truthfulness or
31 accuracy of campaign advertising. The rules shall provide
32 that copies of the board opinions shall be sent to both the
33 person who made the request or complaint and the person who is
34 the subject of the request or complaint, as well as any
35 appropriate members of the media. The rules shall also

1 provide for issuance of a statement of disapproval regarding
2 the issuance or publication of any new campaign advertisement
3 during the two-week period which immediately precedes an
4 election. The board shall consider a campaign advertisement
5 to be new if the campaign advertisement was not issued or
6 published at some time prior to the two-week period which
7 immediately precedes the election.

8 11. Requests, complaints, investigative material, and the
9 opinions of the board are public records subject to public
10 inspection and copying under chapter 22.

11 EXPLANATION

12 This bill provides for the establishment of a new truth in
13 advertising board, which is attached to the ethics and
14 campaign disclosure board for administrative purposes. The
15 truth in advertising board is a nine-member board. Eight of
16 the members are to be selected by general assembly leadership,
17 and the remaining member is to be selected by the chairperson
18 of a party which was recognized as a political party during
19 the last general election by having garnered for its candidate
20 for governor or president at least two percent of the total
21 vote cast for all candidates for that office.

22 The truth in advertising board is to receive requests or
23 complaints, which may be submitted by candidates, candidate's
24 committees, or political parties, regarding the truthfulness
25 or accuracy of campaign advertising. The requests or
26 complaints are to be initially received by the ethics and
27 campaign disclosure board and then transmitted to the truth in
28 advertising board chairperson, who is to call a meeting of the
29 board to review the request or complaint and any supporting
30 information. The board is to issue an advisory opinion on the
31 issue of whether the advertising is false or misleading. The
32 board is also authorized to issue a statement of disapproval
33 regarding the issuance or publication of any new campaign
34 advertisement during the two-week period which immediately
35 precedes an election. Requests, complaints, any investigative

1 material, and opinions of the board are public records subject
2 to inspection and copying under Code chapter 22.

3 Requests or complaints are to be resolved within two weeks
4 of receipt, except that if a request or complaint is received
5 during the week preceding the week of the election, the matter
6 is to be resolved within three days, and if the request or
7 complaint is received during the week of the election, the
8 matter is to be resolved within twenty-four hours.

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