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STATE GOVERNMENT

HOUSE FILE 2462  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the Iowa clean elections Act.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2462

1 Section 1. NEW SECTION. 56.6A ELECTRONIC FILING.

2 Reports filed with the board pursuant to the requirements  
3 of section 56.6 shall be filed in an electronic format if a  
4 candidate or committee accepts contributions in excess of  
5 twenty thousand dollars in the aggregate, makes expenditures  
6 in excess of twenty thousand dollars in the aggregate, or  
7 incurs indebtedness in excess of twenty thousand dollars in  
8 the aggregate.

9 Sec. 2. NEW SECTION. 56.13A MEDIA REPORTS.

10 1. a. Publishers of print and electronic media shall  
11 record all purchases of print space and electronic media time  
12 or space related to advertisements that expressly advocate the  
13 election or defeat of a clearly identified candidate or the  
14 passage or defeat of a ballot issue.

15 b. Publishers shall file monthly reports of activity  
16 covered by this section with the board, due at the board or  
17 postmarked by the fifth day of each month following any month  
18 in which media space or time has been purchased related to  
19 advertisements that expressly advocate the election or defeat  
20 of a clearly identified candidate or the passage or defeat of  
21 a ballot issue.

22 c. The reports shall contain a detailed listing of at  
23 least the following information:

24 (1) Identification of the persons buying the media space  
25 or time.

26 (2) Identification of the candidate or ballot issue that  
27 is clearly identified in the advertisement.

28 (3) Description of the position advocated by the persons  
29 buying the media space or time with regard to the clearly  
30 identified candidate or ballot issue.

31 (4) The dates on which the purchase took place, and the  
32 dates for which the media space or time was purchased.

33 (5) The cost of the media space or time.

34 2. The filing requirements of this section shall apply in  
35 addition to any other applicable filing requirements under

1 this chapter.

2 3. The board shall develop, prescribe, furnish, and  
3 distribute forms for the media reports.

4 Sec. 3. NEW SECTION. 56.100 DEFINITIONS.

5 For the purposes of this subchapter:

6 1. "Allowable contribution" means a qualifying  
7 contribution or a seed money contribution.

8 2. "Board" means the Iowa ethics and campaign disclosure  
9 board established under section 68B.32.

10 3. "Clean money qualifying period" means the period during  
11 which candidates are permitted to collect qualifying  
12 contributions in order to qualify for clean money funding.  
13 The period begins ninety days before the beginning of the  
14 primary election campaign period and ends thirty days before  
15 the beginning of the primary election campaign period.

16 4. "Coordination" means a payment made for a communication  
17 or anything of value that is for the purpose of influencing  
18 the outcome of an election and that is made by a person  
19 according to at least one of the following:

20 a. In cooperation, consultation, or concert with, at the  
21 request or suggestion of, or pursuant to, a particular  
22 understanding with a candidate, a candidate's authorized  
23 committee, or an agent acting on behalf of a candidate or  
24 authorized committee.

25 b. For the dissemination, distribution, or republication,  
26 in whole or in part, of any broadcast or any written, graphic,  
27 or other form of campaign material prepared by a candidate, a  
28 candidate's committee, or an agent of a candidate or  
29 candidate's committee.

30 c. Based on specific information about the candidate's  
31 plans, projects, or needs provided to the person making the  
32 payment by the candidate or the candidate's agent who provides  
33 the information with a view toward having the payment made.

34 d. If, in the same election cycle in which the payment is  
35 made, the person making the payment is serving or has served

1 as a member, employee, fund-raiser, or agent of the  
2 candidate's committee in an executive or policymaking  
3 position.

4 e. If the person making the payment has served in any  
5 formal policy or advisory position with the candidate's  
6 campaign or has participated in strategic or policymaking  
7 discussions with the candidate's campaign relating to the  
8 candidate's pursuit of nomination for election, or election,  
9 to office, in the same election cycle as the election cycle in  
10 which the payment is made.

11 f. If the person making the payment retains the  
12 professional services of an individual or person who, in a  
13 nonministerial capacity, has provided or is providing  
14 campaign-related services in the same election cycle to a  
15 candidate who is pursuing the same nomination or election as  
16 any of the candidates to whom the communication refers. For  
17 purposes of this section, "professional services" includes  
18 services in support of a candidate's pursuit of nomination for  
19 election or election to office such as polling, media advice,  
20 direct mail, fund-raising, or campaign research.

21 5. "Excess expenditure amount" means the amount of money  
22 spent or obligated to be spent by a nonparticipating candidate  
23 in excess of the clean money amount available to a  
24 participating candidate running for the same office.

25 6. "Express advocacy" means the same as defined in section  
26 56.2.

27 7. "General election campaign period" means the period  
28 beginning the day after the primary election and ending on the  
29 day of the general election.

30 8. "Independent candidate" means a candidate who does not  
31 represent a political party that has been granted ballot  
32 status and holds a primary election to choose its nominee for  
33 the general election.

34 9. "Independent expenditure" means an expenditure made by  
35 a person or group of persons other than a candidate or

1 candidate's committee that meets both of the following  
2 conditions:

3 a. The expenditure is made for a communication that  
4 contains express advocacy.

5 b. The expenditure is made without the participation or  
6 cooperation of and without coordination with a candidate or a  
7 candidate's committee.

8 10. "Issue advertisement" means a communication through a  
9 broadcasting station, newspaper, magazine, outdoor advertising  
10 facility, mailing, or any other type of general public  
11 political advertising that has all of the following  
12 characteristics:

13 a. The purchase does not constitute an independent  
14 expenditure or a contribution.

15 b. The cost, in the aggregate, is at least five hundred  
16 dollars.

17 c. The communication contains the name or likeness of one  
18 or more candidates.

19 d. The communication was made during a primary or general  
20 election period.

21 e. The communication recommends a position on a political  
22 issue.

23 11. "Nonparticipating candidate" means a candidate who is  
24 on the ballot but has chosen not to apply for clean money  
25 campaign funding, or a candidate who is on the ballot and has  
26 applied for but has not satisfied the requirements for  
27 receiving clean money funding.

28 12. "Participating candidate" means a candidate who  
29 qualifies for clean money campaign funding. Such candidates  
30 are eligible to receive clean money funding during primary or  
31 general election campaign periods.

32 13. "Party candidate" means a candidate who represents a  
33 political party as defined by section 43.2.

34 14. "Primary election campaign period" means the period  
35 beginning ninety days before the primary election and ending

1 on the day of the primary election.

2 15. "Qualifying contribution" means a contribution of five  
3 dollars that is received during the designated clean money  
4 qualifying period by a candidate seeking to become eligible  
5 for clean money campaign funding and that is acknowledged by a  
6 written receipt identifying the contributor.

7 16. "Seed money contribution" means a contribution of no  
8 more than one hundred dollars made by an individual adult  
9 during the seed money period, but specifically excludes all of  
10 the following:

11 a. Payments by a membership organization for the costs of  
12 communications to its members.

13 b. Payments by a membership organization for the purpose  
14 of facilitating the making of qualifying contributions.

15 c. Volunteer activity, including the payment of incidental  
16 expenses by volunteers.

17 17. "Seed money period" means the period beginning the day  
18 following the previous general election for that office and  
19 ending on the last day of the clean money qualifying period.  
20 This is the exploratory period during which candidates who  
21 wish to become eligible for clean money funding for the next  
22 elections are permitted to raise and spend a limited amount of  
23 private seed money, from contributions of up to one hundred  
24 dollars per individual, for the purpose of determining whether  
25 to become a candidate and fulfilling the clean money  
26 eligibility requirements.

27 Sec. 4. NEW SECTION. 56.101 ELIGIBILITY FOR PARTY  
28 CANDIDATES.

29 1. A party candidate qualifies as a participating  
30 candidate for the primary election campaign period if the  
31 candidate does both of the following:

32 a. The candidate files a declaration with the board that  
33 the candidate has complied and will comply with all of the  
34 requirements of this subchapter, including the requirement  
35 that during the seed money period and the clean money

1 qualifying period the candidate not accept or spend private  
2 contributions from any source other than seed money  
3 contributions and clean money qualifying contributions, unless  
4 the provisions of section 56.103 apply.

5 b. The candidate meets both of the following qualifying  
6 contribution requirements before the close of the clean money  
7 qualifying period:

8 (1) A party candidate must collect both qualifying  
9 contributions and signatures as follows:

10 (a) For the office of governor, from five hundred  
11 registered voters in each congressional district.

12 (b) For statewide office other than governor, from two  
13 hundred fifty registered voters in each congressional  
14 district.

15 (c) For the Iowa senate, from two hundred registered  
16 voters in the senate candidate's electoral district.

17 (d) For the Iowa house of representatives from one hundred  
18 registered voters in the house candidate's electoral district.

19 (2) Each qualifying contribution must meet all  
20 requirements of this section.

21 2. Contributors shall be registered voters who reside  
22 within the candidate's electoral district and who are  
23 therefore eligible to vote for that candidate.

24 3. Qualifying contributions shall be:

25 a. Made in cash or by check or money order.

26 b. Gathered by candidates themselves or by volunteers who  
27 do not receive compensation.

28 c. Acknowledged by a receipt to the contributor, with a  
29 copy to be kept by the candidate and a third copy to be  
30 submitted to the board. The receipt shall indicate, by the  
31 contributor's signature, that the contributor understands that  
32 the purpose of the contribution is to help the candidate  
33 qualify for clean money campaign funding, and shall include a  
34 signed statement indicating that the contribution is made  
35 without coercion or reimbursement. The receipt shall include

1 the contributor's signature, printed name, home address, and  
2 telephone number, and the name of the candidate on whose  
3 behalf the contribution is made.

4 d. Turned over to the board for deposit in the clean money  
5 fund established under section 56.122, with the signed and  
6 completed receipt, according to a schedule and procedure to be  
7 determined by the board. A contribution submitted as a  
8 qualifying contribution that does not include the signed and  
9 completed receipt shall not be counted as a qualifying  
10 contribution.

11 4. A party candidate qualifies as a participating  
12 candidate for the general election campaign period when the  
13 candidate does both of the following:

14 a. The candidate has met all of the applicable  
15 requirements and filed a declaration with the board that the  
16 candidate has fulfilled and will fulfill all of the  
17 requirements of a participating candidate as stated in this  
18 subchapter.

19 b. As a participating candidate during the primary  
20 election campaign period, the candidate had the highest number  
21 of votes of the candidates contesting the primary election  
22 from the candidate's respective party and won the party's  
23 nomination.

24 Sec. 5. NEW SECTION. 56.102 ELIGIBILITY FOR INDEPENDENT  
25 CANDIDATES.

26 1. An independent candidate qualifies as a participating  
27 candidate for the primary election campaign period if the  
28 candidate does both of the following:

29 a. The candidate files a declaration with the board that  
30 the candidate has complied and will comply with all of the  
31 requirements of this subchapter, including the requirement  
32 that during the seed money period and the clean money  
33 qualifying period the candidate not accept or spend private  
34 contributions from any source other than seed money  
35 contributions and clean money qualifying contributions, unless



1 the provisions of section 56.103 apply.

2 b. The candidate meets the following qualifying  
3 contribution requirements before the close of the clean money  
4 qualifying period:

5 (1) An independent candidate shall collect the same number  
6 of qualifying contributions as required of a party candidate  
7 for the same office under section 56.101.

8 (2) Each qualifying contribution must meet all  
9 requirements of this section.

10 2. Contributors shall be registered voters who reside  
11 within the candidate's electoral district and who are  
12 therefore eligible to vote for that candidate.

13 3. Qualifying contributions shall be:

14 a. Made in cash or by check or money order.

15 b. Gathered by candidates themselves or by volunteers who  
16 do not receive compensation.

17 c. Acknowledged by a receipt to the contributor, with a  
18 copy to be kept by the candidate and a third copy to be  
19 submitted to the board. The receipt shall indicate, by the  
20 contributor's signature, that the contributor understands that  
21 the purpose of the contribution is to help the candidate  
22 qualify for clean money campaign funding, and shall include a  
23 signed statement indicating that the contribution is made  
24 without coercion or reimbursement. The receipt shall include  
25 the contributor's signature, printed name, home address, and  
26 telephone number, and the name of the candidate on whose  
27 behalf the contribution is made.

28 d. Turned over to the board for deposit in the clean money  
29 fund established under section 56.122, with the signed and  
30 completed receipt, according to a schedule and procedure to be  
31 determined by the board. A contribution submitted as a  
32 qualifying contribution that does not include the signed and  
33 completed receipt shall not be counted as a qualifying  
34 contribution.

35 4. An independent candidate qualifies as a participating

1 candidate for the general election campaign period when the  
2 candidate does both of the following:

3 a. If, prior to the primary election, the candidate has  
4 met all of the applicable requirements of this subchapter and  
5 filed a declaration with the board that the candidate has  
6 fulfilled and will fulfill all of the requirements of a  
7 participating candidate as stated in this subchapter.

8 b. If, during the primary election campaign period, the  
9 candidate has fulfilled all the requirements of a  
10 participating candidate as stated in this subchapter.

11 Sec. 6. NEW SECTION. 56.103 TRANSITION RULE FOR CURRENT  
12 ELECTION CYCLE.

13 During the election cycle in effect on the date of  
14 enactment of this subchapter, a candidate may be certified as  
15 a participating candidate, notwithstanding the acceptance of  
16 contributions or making of expenditures from private funds  
17 before the date of enactment that would, absent this section,  
18 disqualify the candidate as a participating candidate,  
19 provided that any private funds accepted but not expended  
20 before the date of enactment of this subchapter shall either  
21 be returned to the contributor or submitted to the board for  
22 deposit in the clean money fund established under section  
23 56.122.

24 Sec. 7. NEW SECTION. 56.104 CONTINUING OBLIGATION TO  
25 COMPLY.

26 A participating candidate who accepts any benefits under  
27 section 56.111 during the primary election campaign period  
28 shall comply with all the requirements of this subchapter  
29 through any remaining time during the primary election  
30 campaign period as well as through the general election  
31 campaign period whether or not the candidate continues to  
32 accept benefits.

33 Sec. 8. NEW SECTION. 56.105 CONTRIBUTIONS AND  
34 EXPENDITURES.

35 1. During the primary and general election campaign

1 periods, a participating candidate who has voluntarily agreed  
2 to participate in clean money financing shall not accept  
3 private contributions from any source other than the  
4 candidate's political party as specified in section 56.106.

5 2. Notwithstanding section 56.12, a person shall not make  
6 a contribution in the name of another person. A participating  
7 candidate who receives a qualifying contribution or a seed  
8 money contribution that is not from the person listed on the  
9 receipt as required by this subchapter shall be liable to pay  
10 to the board for deposit in the clean money fund established  
11 under section 56.122 the entire amount of such contribution,  
12 in addition to any penalties.

13 3. During the primary and general election campaign  
14 periods, a participating candidate shall pay by means of the  
15 board's clean money debit card.

16 4. Eligible candidates shall furnish complete campaign  
17 records, including all records of seed money contributions and  
18 qualifying contributions, to the board at regular filing  
19 times, or on request by the board. Candidates must cooperate  
20 with any audit or examination conducted or ordered by the  
21 board.

22 Sec. 9. NEW SECTION. 56.105A NONPARTICIPATING CANDIDATES  
23 -- CONTRIBUTION LIMITS.

24 Nonparticipating candidates shall be subject to the  
25 following contribution limits:

26 1. Candidates for statewide office:

27 a. One thousand dollars in the aggregate per individual  
28 contribution.

29 b. Five thousand dollars in the aggregate per political  
30 committee contribution.

31 2. Candidates for the Iowa senate and house of  
32 representatives:

33 a. Five hundred dollars in the aggregate per individual  
34 contribution.

35 b. One thousand dollars in the aggregate per political

1 committee contribution.

2 Sec. 10. NEW SECTION. 56.106 POLITICAL PARTY

3 CONTRIBUTIONS AND EXPENDITURES.

4 1. Participating candidates may accept monetary or in-kind  
5 contributions from political parties provided that the  
6 aggregate amount of such contributions from all political  
7 party committees combined does not exceed the equivalent of  
8 five percent of the clean money financing amount for that  
9 office.

10 2. In-kind contributions made during a general election  
11 campaign period on behalf of a group of the party's candidates  
12 shall not be considered a prohibited party contribution or  
13 count against the five percent limit established in subsection  
14 1 if such group includes at least fifty-one percent of the  
15 candidates whose names will appear on the general election  
16 ballot in the political subdivision represented by the party  
17 committee making such in-kind contributions.

18 3. Contributions made to, and expenditures made by,  
19 political parties during primary and general campaign periods  
20 shall be reported to the board on the same basis as  
21 contributions and expenditures made to or by candidates.

22 4. This section and this subchapter shall not prevent  
23 political party funds from being used for any of the  
24 following:

25 a. General operating expenses of the party.

26 b. Conventions.

27 c. Nominating and endorsing candidates.

28 d. Identifying, researching, and developing the party's  
29 positions on issues.

30 e. Party platform activities.

31 f. Non-candidate-specific voter registration.

32 g. Non-candidate-specific get-out-the-vote drives.

33 h. Travel expenses for noncandidate party leaders and  
34 staff.

35 i. Other non-candidate-specific party-building activities,

1 as defined by rule of the board.

2 Sec. 11. NEW SECTION. 56.107 USE OF PERSONAL FUNDS.

3 1. Personal funds contributed as seed money by a candidate  
4 seeking to become eligible as a participating candidate or by  
5 the candidate's spouse shall not exceed one hundred dollars  
6 per contributor.

7 2. Personal funds shall not be used to meet the qualifying  
8 contribution requirement except for one five dollar  
9 contribution from the candidate and one five dollar  
10 contribution from the candidate's spouse.

11 Sec. 12. NEW SECTION. 56.108 SEED MONEY.

12 1. The only private contributions a candidate seeking to  
13 become eligible for clean money funding shall accept, other  
14 than qualifying contributions, are seed money contributions  
15 contributed by individual adults prior to the end of the clean  
16 money qualifying period.

17 2. A seed money contribution shall not exceed one hundred  
18 dollars, and the aggregate amount of seed money contributions  
19 accepted by a candidate seeking to become eligible for clean  
20 money funding shall not exceed the relevant limit, as follows:

21 a. Twenty-five thousand dollars for a candidate team  
22 running for governor and lieutenant governor.

23 b. Fifteen thousand dollars for a candidate team running  
24 for statewide office other than governor or lieutenant  
25 governor.

26 c. Two thousand dollars for a candidate running for the  
27 Iowa senate.

28 d. One thousand dollars for a candidate running for the  
29 Iowa house of representatives.

30 3. Receipts for seed money contributions shall include the  
31 contributor's signature, printed name, street address and zip  
32 code, telephone number, occupation, and name of employer.  
33 Contributions shall not be accepted if the required disclosure  
34 information is not received.

35 4. Seed money shall be spent only during the clean money

1 qualifying period. Seed money shall not be spent during the  
2 primary or general election campaign periods.

3 5. Within forty-eight hours after the close of the clean  
4 money qualifying period, candidates seeking to become eligible  
5 for clean money funding shall do both of the following:

6 a. Fully disclose all seed money contributions and  
7 expenditures to the board.

8 b. Turn over to the board for deposit in the clean money  
9 fund any seed money the candidate has raised during the  
10 designated seed money period that exceeds the aggregate seed  
11 money limit.

12 Sec. 13. NEW SECTION. 56.109 PARTICIPATION IN DEBATES.

13 1. Participating candidates in contested races shall  
14 participate in all of the following:

15 a. For the offices of governor and lieutenant governor:

16 (1) One one-hour debate during a contested primary  
17 election.

18 (2) Two one-hour debates during a contested general  
19 election.

20 b. For all other offices:

21 (1) One one-hour debate during a contested primary  
22 election.

23 (2) One one-hour debate during a contested general  
24 election.

25 2. Licensed broadcasters who receive any state funds shall  
26 be required to publicly broadcast the debates held pursuant to  
27 this section and section 56.120.

28 3. Nonparticipating candidates for the same office whose  
29 names will appear on the ballot shall be invited to join the  
30 debates.

31 Sec. 14. NEW SECTION. 56.110 CERTIFICATION.

32 1. No more than five days after a candidate applies for  
33 clean money benefits, the board shall certify that the  
34 candidate is or is not eligible.

35 2. Eligibility can be revoked if the candidate violates

1 the requirements of this subchapter, in which case all clean  
2 money funds shall be repaid.

3 3. The candidate's request for certification shall be  
4 signed by the candidate and the treasurer of the candidate's  
5 committee under penalty of perjury.

6 4. The board's determination is final except that it is  
7 subject to examination and audit by an outside agency  
8 according to rule and to prompt judicial review according to  
9 rule and chapter 17A.

10 Sec. 15. NEW SECTION. 56.111 BENEFITS PROVIDED TO  
11 CANDIDATES ELIGIBLE TO RECEIVE CLEAN MONEY.

12 1. Candidates who qualify for clean money funding for  
13 primary and general elections shall receive all of the  
14 following:

15 a. Clean money funding from the board for each election,  
16 the amount of which is specified in section 56.113. This  
17 funding may be used to finance any and all campaign expenses  
18 during the particular campaign period for which it was  
19 received.

20 b. Media benefits as provided for in section 56.120.

21 c. Indication on the ballot of participation in the public  
22 funding program as provided in section 56.121.

23 d. Additional clean money funding to match any excess  
24 expenditure amount spent by a nonparticipating candidate, as  
25 specified in section 56.115.

26 e. Additional clean money funding to match any independent  
27 expenditure made in opposition to their candidacies or on  
28 behalf of their opponents' candidacies, as specified in  
29 section 56.117.

30 f. Additional clean money funding to match any issue  
31 advertisement expenditure, as specified in section 56.118.

32 2. The maximum aggregate amount of additional funding a  
33 participating candidate shall receive to match independent  
34 expenditures and the excess expenditures of nonparticipating  
35 candidates shall be two hundred percent of the full amount of

1 clean money funding allocated to a participating candidate for  
2 a particular primary or general election campaign period.

3 Sec. 16. NEW SECTION. 56.112 SCHEDULE OF CLEAN MONEY  
4 PAYMENTS.

5 1. An eligible candidate shall receive clean money funding  
6 for the primary election campaign period on the date on which  
7 the board certifies the candidate as a participating  
8 candidate. This certification shall take place no later than  
9 five days after the candidate has submitted the required  
10 number of qualifying contributions and a declaration stating  
11 that the candidate has complied with all other requirements  
12 for eligibility as a participating candidate, but no earlier  
13 than the beginning of the primary election campaign period.

14 2. An eligible candidate shall receive clean money funding  
15 for the general election campaign period within forty-eight  
16 hours after certification of the primary election results.

17 Sec. 17. NEW SECTION. 56.113 DETERMINATION OF CLEAN  
18 MONEY AMOUNTS.

19 1. a. For party candidates, the amount of clean money  
20 funding for a contested primary election is as follows:

21 (1) Five hundred thousand dollars for a candidate team  
22 running for governor and lieutenant governor.

23 (2) Fifty thousand dollars for a candidate for attorney  
24 general.

25 (3) Twenty-five thousand dollars for a candidate for  
26 statewide office other than governor, lieutenant governor, or  
27 attorney general.

28 (4) Fifteen thousand dollars for a candidate running for  
29 the Iowa senate.

30 (5) Ten thousand dollars for a candidate running for the  
31 Iowa house of representatives.

32 b. The clean money amount for an eligible party candidate  
33 in an uncontested primary election is twenty-five percent of  
34 the amount provided in a contested primary election.

35 c. In a contested general election, if an eligible party



1 candidate or all of the candidates of the candidate's party  
2 combined received at least twenty percent of the total number  
3 of votes cast for all candidates seeking that office in the  
4 just-held primary election or in the previous general  
5 election, the candidate shall receive the full amount of clean  
6 money funding for the general election, as follows:

7 (1) Two million dollars for a candidate team running for  
8 governor and lieutenant governor.

9 (2) One hundred thousand dollars for a candidate for  
10 attorney general.

11 (3) Seventy-five thousand dollars for a candidate for  
12 statewide office other than governor, lieutenant governor, or  
13 attorney general.

14 (4) Thirty-five thousand dollars for a candidate running  
15 for the Iowa senate.

16 (5) Twenty thousand dollars for a candidate running for  
17 the Iowa house of representative.

18 d. The clean money amount for an eligible party candidate  
19 in an uncontested general election is ten percent of the  
20 amount provided in a contested general election for the same  
21 office.

22 2. a. For eligible independent candidates, the clean  
23 money amount for a primary election is twenty-five percent of  
24 the amount received by a party candidate in a contested  
25 primary election.

26 b. The clean money amount for an eligible independent  
27 candidate in the general election is the same as the full  
28 amount received by a party candidate in the general election.

29 c. After the first cycle of clean money elections, the  
30 board shall modify all clean money amounts based on the  
31 percentage increase in the consumer price index, for all urban  
32 consumers, United States city average, as published in the  
33 federal register by the United States department of labor,  
34 bureau of labor statistics, that reflects the percentage  
35 increase in the consumer price index for the twelve-month

1 period ending December 31 of the previous year.

2 Sec. 18. NEW SECTION. 56.114 EXPENDITURES MADE WITH  
3 CLEAN MONEY FUNDS.

4 1. The clean money funding received by a participating  
5 candidate shall be used only for the purpose of defraying that  
6 candidate's campaign-related expenses during the particular  
7 election campaign period for which the clean money funding was  
8 received.

9 2. Payments shall not be used for the following:

10 a. Payments that are in violation of the law.

11 b. Payments that repay any personal, family, or business  
12 loans, expenditures, or debts.

13 Sec. 19. NEW SECTION. 56.115 DISCLOSURE OF EXCESS  
14 SPENDING BY NONPARTICIPATING CANDIDATES.

15 1. If a nonparticipating candidate's total expenditures  
16 exceed the amount of clean money funding allocated to the  
17 candidate's clean money opponent, the candidate shall declare  
18 to the board within forty-eight hours every excess expenditure  
19 amount that, in the aggregate, is more than one thousand  
20 dollars.

21 2. During the last twenty days before the end of the  
22 relevant campaign period, a nonparticipating candidate shall  
23 declare to the board each excess expenditure amount over five  
24 hundred dollars within twenty-four hours of when the  
25 expenditure is made or obligated to be made.

26 3. The board may make its own determination as to whether  
27 excess expenditures have been made by nonparticipating  
28 candidates.

29 4. Upon receiving an excess expenditure declaration, the  
30 board shall immediately release additional clean money funding  
31 to the opposing participating candidate or candidates equal to  
32 the excess expenditure amount the nonparticipating candidate  
33 has spent or intends to spend, subject to the limit set forth  
34 in section 56.111.

35 Sec. 20. NEW SECTION. 56.116 CAMPAIGN ADVERTISEMENTS.

1 All broadcast and print advertisements placed by candidates  
2 or candidate's committees shall include a clear written or  
3 spoken statement indicating that the candidate has approved of  
4 the contents of the advertisement.

5 Sec. 21. NEW SECTION. 56.117 DISCLOSURE OF, AND  
6 ADDITIONAL CLEAN MONEY TO RESPOND TO, INDEPENDENT  
7 EXPENDITURES.

8 1. Any person or group of persons who makes or obligates  
9 to make an independent expenditure during a primary or general  
10 election campaign period which, in the aggregate, exceeds one  
11 thousand dollars shall report each expenditure within forty-  
12 eight hours to the board.

13 2. The report to the board shall include a statement,  
14 under penalty of perjury, by the person or persons making the  
15 independent expenditure identifying the candidate whom the  
16 independent expenditure is intended to help elect or defeat  
17 and affirming that the expenditure is totally independent and  
18 involves no cooperation or coordination with a candidate or a  
19 political party.

20 a. An individual or organization may file a complaint with  
21 the board if the candidate or the organization believes that  
22 the statement according to this subsection is false.

23 b. A hearing on a complaint under this subsection shall be  
24 held within three business days of filing and a decision  
25 issued within seven days of filing.

26 3. Any person or group of persons who makes or obligates  
27 to make an independent expenditure during the last twenty days  
28 before the end of the relevant campaign period which, in the  
29 aggregate, exceeds five hundred dollars shall report each  
30 expenditure within twenty-four hours to the board.

31 4. Upon receiving a report that an independent expenditure  
32 has been made or obligated to be made, the board shall  
33 immediately release additional clean money funding, equal in  
34 amount to the cost of the independent expenditure, to all  
35 participating candidates whom the independent expenditure is

1 intended to oppose or defeat provided that the maximum  
2 aggregate amount of additional funding a participating  
3 candidate shall receive to match independent expenditures and  
4 the excess expenditures of nonparticipating candidates is no  
5 more than two hundred percent of the full amount of clean  
6 money funding allocated to a participating candidate in that  
7 election.

8 Sec. 22. NEW SECTION. 56.118 DEFINITION AND DISCLOSURE  
9 OF, AND ADDITIONAL CLEAN MONEY TO RESPOND TO, ISSUE  
10 ADVERTISEMENTS.

11 1. A person who makes or obligates to make a disbursement  
12 to purchase an issue advertisement shall file a report with  
13 the board not later than forty-eight hours after making or  
14 obligating to make the disbursement, containing the following  
15 information:

16 a. The amount of the disbursement.

17 b. The name and address of the person making the  
18 disbursement.

19 c. The purpose of the issue advertisement.

20 2. Upon receiving a report that an issue advertisement has  
21 been made or obligated to be made, and upon determination that  
22 the advertisement can reasonably be interpreted as having the  
23 effect of promoting the defeat of a participating candidate or  
24 the election of that candidate's opponent, the board shall  
25 immediately release to that candidate additional clean money  
26 funding, equal in amount to the cost of the issue  
27 advertisement.

28 Sec. 23. NEW SECTION. 56.119 VOTER INFORMATION PROGRAM.

29 1. The board shall establish and administer a nonpartisan  
30 voter information program, including an advisory council  
31 consisting of representatives of nonprofit organizations,  
32 political parties, the media, and interested citizens.

33 2. The voter information program advisory council shall be  
34 authorized to establish a voter information program for the  
35 purpose of providing voters with election-related information

1 and fostering political dialogue and debate.

2 3. The voter information program advisory council shall  
3 organize the publication and distribution of a voter  
4 information guide that includes important information about  
5 the following issues:

6 a. Candidates appearing on the ballot, including  
7 biographical material submitted by the candidates.

8 b. Whether candidates are funding their campaigns with  
9 public money or private money.

10 c. Policy statements by the candidates or their political  
11 parties on issues designated by the council and other issues.

12 d. Candidates' voting records.

13 Sec. 24. NEW SECTION. 56.120 BROADCAST DEBATES.

14 1. All public television and radio broadcast stations  
15 funded in whole or in part by the state shall make available  
16 free coverage for candidate debates in contested primary and  
17 general elections. The minimum amount of time that  
18 broadcasters shall broadcast, and participating candidates  
19 shall participate in, shall be as follows:

20 a. For the office of governor and lieutenant governor:

21 (1) One one-hour debate during a contested primary  
22 election.

23 (2) Two one-hour debates during a contested general  
24 election.

25 b. For all other offices:

26 (1) One one-hour debate during a contested primary  
27 election.

28 (2) One one-hour debate during a contested general  
29 election.

30 2. All participating candidates shall participate in the  
31 debates and all nonparticipating candidates for the same  
32 office whose names will appear on the ballot must be invited  
33 to join the debates.

34 Sec. 25. NEW SECTION. 56.121 BALLOT LABEL.

35 The board shall inform voters as to which candidates have

1 qualified for and accepted clean money funding by placing the  
2 following sentence below the name of each participating  
3 candidate on the ballot:

4 THIS CANDIDATE IS PARTICIPATING IN IOWA'S VOLUNTARY PUBLIC-  
5 FINANCING PROGRAM.

6 Sec. 26. NEW SECTION. 56.122 CLEAN MONEY FUND -- NATURE  
7 AND PURPOSES.

8 1. A special clean money fund is established as a separate  
9 fund within the state treasury, under the control of the  
10 board, for the following purposes:

11 a. Providing public financing for the election campaigns  
12 of certified participating candidates during primary, general,  
13 and runoff campaign periods.

14 b. Paying for the administrative and enforcement costs of  
15 the board in relation to this subchapter.

16 2. The fund shall consist of moneys received according to  
17 section 56.123. Notwithstanding section 8.33, unencumbered or  
18 unobligated moneys and any interest earned on moneys in the  
19 fund on June 30 of any fiscal year shall not revert to the  
20 general fund of the state but shall remain in the fund and  
21 available for expenditure in subsequent years.

22 Sec. 27. NEW SECTION. 56.123 FUNDING.

23 1. In addition to any moneys appropriated by the general  
24 assembly to the clean money fund established in section  
25 56.122, the following moneys shall be deposited in the fund:

26 a. The qualifying contributions required of candidates  
27 seeking to become certified as participating candidates  
28 according to section 56.101 and candidates' excess qualifying  
29 contributions.

30 b. The excess seed money contributions of candidates  
31 seeking to become certified as participating candidates as  
32 defined by section 56.108.

33 c. Moneys distributed to any participating candidate who  
34 does not remain a candidate until the primary or general  
35 election for which they were distributed.

1 d. Civil penalties levied by the board against candidates  
2 for violations of this chapter.

3 e. Voluntary donations made directly to the clean money  
4 fund.

5 f. Any other sources of revenue designated by the general  
6 assembly.

7 2. The general assembly shall appropriate additional funds  
8 as necessary to fully fund clean money payments required under  
9 this subchapter.

10 Sec. 28. NEW SECTION. 56.124 POWERS AND PROCEDURES.

11 The board shall have the following powers and procedures,  
12 in addition to those granted in this chapter and chapter 68B,  
13 when administering this subchapter:

14 1. After every primary and general election, the board may  
15 conduct random audits and investigations to ensure compliance  
16 with this subchapter.

17 2. The subjects of audits and investigations shall be  
18 selected on the basis of impartial criteria established by a  
19 vote of at least three members of the board.

20 3. The board may investigate anonymous complaints.

21 4. Complainants may receive whistle blower protection.

22 5. The board may seek injunctions when all of the  
23 following conditions are met:

24 a. There is a substantial likelihood that a violation of  
25 this subchapter is occurring or is about to occur.

26 b. The failure to act expeditiously will result in  
27 irreparable harm to a party affected by the potential  
28 violation.

29 c. Expeditious action will not cause undue harm or  
30 prejudice to the interests of others.

31 d. The public interest would be best served by the  
32 issuance of an injunction.

33 6. The board may levy civil penalties for violations of  
34 the law. Civil penalties shall be deposited in the clean  
35 money fund.

1 7. The board shall refer criminal violations to the county  
2 attorney or attorney general for prosecution.

3 8. The board may participate fully in any actions filed  
4 under this section.

5 9. The board shall adopt rules pursuant to chapter 17A as  
6 necessary to administer this subchapter, including a program  
7 to implement a clean money debit card.

8 Sec. 29. NEW SECTION. 56.125 CIVIL ACTIONS.

9 1. A citizen who believes a candidate has violated the law  
10 may pursue a civil action in a court of relevant jurisdiction,  
11 provided that both of the following are true:

12 a. The citizen has previously filed a complaint regarding  
13 the same alleged violation with the board.

14 b. The board has failed to make a determination within  
15 thirty days of the filing of the complaint.

16 2. A party which wins a civil action charging a violation  
17 of this subchapter shall be entitled to receive reasonable  
18 attorney fees and court costs from the defendant.

19 3. If a court in which a civil action has been filed under  
20 subsection 1 finds that the complaint in that action was made  
21 frivolously or without cause, the court may require the  
22 complainant to pay the costs of the board, the court, and the  
23 defendant parties.

24 Sec. 30. NEW SECTION. 56.126 BOARD REPORTS.

25 1. The board shall report fully to the general assembly  
26 after each election cycle.

27 2. The report shall include a detailed summary of all seed  
28 money contributions, qualifying contributions, and benefits  
29 received, and expenditures made, by all participating  
30 candidates. The report shall also include a summary and  
31 evaluation of the board's activities and recommendations  
32 relating to the implementation, administration, and  
33 enforcement of this subchapter.

34 Sec. 31. NEW SECTION. 56.127 REPAYMENTS OF EXCESS  
35 EXPENDITURES.



1 1. If a participating candidate spends or obligates to  
2 spend more than the clean money funding the candidate  
3 receives, and if such is determined not to be an amount that  
4 had or could have been expected to have a significant impact  
5 on the outcome of the election, the candidate shall repay to  
6 the clean money fund an amount equal to the excess.

7 2. If a participating candidate spends or obligates to  
8 spend more than the clean money funding the candidate  
9 receives, and if such is determined to be an amount that had  
10 or could have been expected to have a significant impact on  
11 the outcome of the election, the candidate shall repay to the  
12 clean money fund an amount equal to five times the value of  
13 the excess.

14 Sec. 32. NEW SECTION. 56.128 PENALTIES.

15 1. A candidate shall not knowingly accept more benefits  
16 than those to which the candidate is entitled, spend more than  
17 the amount of clean money funding received, or misuse such  
18 benefits or clean money funding.

19 2. If a violation of subsection 1 was intentional and  
20 involved an amount that had or could have been expected to  
21 have a significant impact on the outcome of the election, the  
22 candidate commits an aggravated misdemeanor.

23 3. If it is determined that the violation of subsection 1  
24 was intentional and involved an amount that had or could have  
25 been expected to have a significant impact on the outcome of  
26 the election, and if, in the judgment of the board, the  
27 violation is believed to have contributed to the violator  
28 winning the election, the board may recommend to the general  
29 assembly that the results of the election be nullified and a  
30 new election called.

31 4. A person shall not provide false information to the  
32 board or conceal or withhold information from the board. A  
33 violation of this subsection is an aggravated misdemeanor.

34 Sec. 33. SEVERABILITY. The provisions of this Act are  
35 severable as provided in section 4.12.

1 Sec. 34. EFFECTIVE DATE. This Act takes effect January 1,  
2 2001.

3 EXPLANATION

4 This bill amends Code chapter 56, relating to campaign  
5 finance law, to add a new subchapter relating to public  
6 financing for certain political campaigns.

7 The bill enacts a "clean money" model for public financing,  
8 and enacts new Code section 56.100, providing definitions for  
9 key terms related to a clean money model.

10 New Code section 56.122 establishes a separate,  
11 nonreverting fund in the state treasury for the clean money  
12 fund, and new Code section 56.123 provides sources of revenue  
13 for the fund.

14 New Code sections 56.101 and 56.102 specify eligibility  
15 procedures for both party and independent candidates,  
16 specifying the number and details for collection of qualifying  
17 contributions.

18 New Code section 56.105 prohibits a participating candidate  
19 from accepting private funding during the primary and general  
20 election campaign periods other than certain permitted party  
21 funding. Contributions in the name of another person are  
22 prohibited and subject to payment to the board as are any  
23 applicable penalties. The use of personal funds for seed  
24 money or as qualifying contributions is limited by new Code  
25 section 56.107.

26 New Code section 56.106 limits political party  
27 contributions and expenditures on behalf of candidates.

28 New Code section 56.108 details the collection of private  
29 contributions for use as seed money, limited to \$100 per  
30 individual contributor, and also limited in the aggregate in  
31 differing amounts for candidates for governor and lieutenant  
32 governor, for other statewide candidates, for Iowa senate  
33 candidates, and for Iowa house of representatives candidates.  
34 Seed money expenditures are limited to the clean money  
35 qualifying period and seed money contributions and

1 expenditures must be fully disclosed at the end of the clean  
2 money qualifying period.

3 New Code section 56.110 provides for a certification  
4 process after a candidate applies for clean money benefits and  
5 requires repayment of funds if eligibility is revoked. The  
6 bill provides for audit and judicial review of the  
7 certification decision.

8 New Code section 56.112 provides for a schedule of payments  
9 to participating candidates, and new Code section 56.113  
10 specifies differing total amounts for primary and general  
11 elections for candidates for governor and lieutenant governor,  
12 for other statewide candidates, for Iowa senate candidates,  
13 and for Iowa house of representatives candidates. Alternate  
14 amounts are provided for uncontested races. Clean money  
15 payments must be used only for campaign-related expenses, and  
16 cannot be used for payments in violation of law or to repay  
17 personal or business loans, expenditures, or debts, pursuant  
18 to new Code section 56.114.

19 Nonparticipating candidates must disclose within 48 hours  
20 every expenditure in excess of the clean money funding  
21 allocated to the candidate's participating opponent, that in  
22 the aggregate is more than \$1,000, pursuant to new Code  
23 section 56.115. Contributions to nonparticipating candidates  
24 are limited in Code section 56.105A. Certain other reporting  
25 requirements apply during the last 20 days of a campaign.

26 New Code section 56.111 provides certain benefits for  
27 participating candidates, including specified amounts of  
28 public funding pursuant to new Code section 56.113, mandatory  
29 participation in debates on public television pursuant to new  
30 Code sections 56.109 and 56.120, designation on the ballot of  
31 participation in the public funding program pursuant to new  
32 Code section 56.121, and additional limited public funding to  
33 respond to certain excess expenditures by nonparticipating  
34 candidates, independent expenditures, and issue advertisement  
35 expenditures pursuant to Code sections 56.115, 56.117, and

1 56.118. Any candidate who accepts benefits during the primary  
2 campaign must continue to comply with the requirements of the  
3 public financing program, even if the candidate stops  
4 accepting benefits of the program at any point during the  
5 primary or general election according to new Code section  
6 56.104.

7 All candidates must include a statement with all  
8 advertisements indicating that the candidate has approved of  
9 the contents of the advertisement pursuant to new Code section  
10 56.116.

11 Public television and radio stations receiving any state  
12 funds must offer certain free coverage for candidate debates  
13 pursuant to new Code section 56.120.

14 Persons making certain independent expenditures must report  
15 such expenditures to the board, along with an affidavit  
16 affirming that the expenditure has not been coordinated with  
17 the candidate or party, pursuant to new Code section 56.117.  
18 Alleged violations of the coordination affirmation are subject  
19 to an expedited hearing procedure.

20 Persons making certain issue advertisements must also  
21 report to the board pursuant to new Code section 56.118.

22 New Code section 56.119 provides that the board shall  
23 administer a voter information program, including an advisory  
24 council, to provide voters with election-related information,  
25 including a voter guide with candidate biographical material,  
26 policy statements, voting records, and whether the candidate  
27 funds the campaign with public or private money.

28 New Code section 56.124 provides the board with certain  
29 specific enforcement powers in relation to the new subchapter,  
30 and new Code section 56.126 provides for an election cycle  
31 report to the general assembly on the public funding program.

32 New Code section 56.125 creates a civil right of action for  
33 citizens alleging that a candidate has violated the law.

34 Violations of the public funding program are subject to  
35 aggravated misdemeanor penalties, pursuant to new Code section

1 56.128. New Code section 56.127 provides for repayment of  
2 certain excess expenditures.

3 The bill provides for an effective date of January 1, 2001.  
4 New Code section 56.103 also provides guidelines for dealing  
5 with money collected by candidates prior to the effective date  
6 of the public financing program.

7 The bill also requires in new Code section 56.6A electronic  
8 filing by any candidate or committee that reaches a \$20,000  
9 threshold, and requires publishers of print and electronic  
10 media to file reports of media buys in new Code section  
11 56.13A.

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