

*3/21/00 Removed from Calendar*

MAR 1 2000

Place On Calendar

HOUSE FILE 2527  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HF 113)

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

**A BILL FOR**

1 **An Act** relating to mandatory disclosures in certain political  
2 telephone communications, and applying a penalty.  
3 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

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*HF 2527*

1 Section 1. NEW SECTION. 56.14A DISCLOSURES RELATED TO  
2 POLITICAL TELEPHONE CALLS.

3 1. A candidate, or the authorized representative of a  
4 candidate or the candidate's committee, who engages either in  
5 a telephone communication for the purpose of soliciting  
6 contributions or in a telephone communication that has the  
7 effect of promoting or opposing the nomination or election of  
8 a candidate for public office or the passage of a  
9 constitutional amendment or public measure, shall disclose all  
10 of the following by the end of the telephone call:

11 a. The identity of the individual who is calling and the  
12 entity with which the individual is affiliated, if any.

13 b. The individual or entity that paid for the telephone  
14 communication. If a committee has paid for or authorized the  
15 telephone communication, the name of the committee shall be  
16 disclosed. If any person other than the candidate or  
17 candidate's committee has paid for the telephone  
18 communication, the communication shall also state whether or  
19 not the communication has been authorized by the candidate  
20 intended to benefit from the communication.

21 c. The name, telephone number, and address of an  
22 individual whom the call recipient can contact for further  
23 information regarding the telephone communication.

24 2. An individual who, on behalf of, at the direction of,  
25 or in cooperation with a political committee, engages either  
26 in a telephone communication for the purpose of soliciting  
27 contributions or in a telephone communication that has the  
28 effect of promoting or opposing the nomination or election of  
29 a candidate for public office or the passage of a  
30 constitutional amendment or public measure shall disclose all  
31 of the following at the commencement of the telephone call:

32 a. The identity of the individual who is calling and the  
33 entity with which the individual is affiliated, if any.

34 b. The individual or entity that paid for the telephone  
35 communication. If a committee has paid for or authorized the

1 telephone communication, the name of the committee shall be  
2 disclosed. If any person other than the candidate or  
3 candidate's committee has paid for the telephone  
4 communication, the communication shall also state whether or  
5 not the communication has been authorized by the candidate  
6 intended to benefit from the communication.

7 c. The name, telephone number, and address of an  
8 individual whom the call recipient can contact for further  
9 information regarding the telephone communication.

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## EXPLANATION

11 This bill creates a new Code section that requires the  
12 disclosure of certain information by the end of political  
13 telephone calls that solicit contributions or that have the  
14 effect of promoting or opposing a candidate or ballot issue.  
15 The name and affiliation of the caller, the name of the  
16 individual or entity that paid for the phone call, whether a  
17 candidate that will benefit from the call has authorized the  
18 call, and the name, address, and telephone number of an  
19 individual whom the person can contact for further information  
20 regarding the call must be disclosed.

21 Violations of this provision are punishable under Code  
22 section 56.16 as a serious misdemeanor, which carries a  
23 penalty of a fine of \$250 to \$1,500, and may also include a  
24 sentence of up to one year in jail.

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HOUSE FILE 2527

H-8266

1 Amend House File 2527 as follows:

2 1. Page 2, by inserting after line 9 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 56.15B LIMITATION ON  
5 CONTRIBUTIONS.

6 1. A person shall not make a contribution to a  
7 candidate or candidate's committee that exceeds either  
8 of the following:

9 a. Five hundred dollars in the aggregate for any  
10 contested primary election.

11 b. Five hundred dollars in the aggregate for any  
12 general election.

13 2. A candidate or candidate's committee shall not  
14 receive a contribution from a person that exceeds:

15 a. Five hundred dollars in the aggregate for any  
16 contested primary election.

17 b. Five hundred dollars in the aggregate for any  
18 general election."

19 2. Title page, line 1, by inserting after the  
20 words "relating to" the following: "campaign finance,  
21 by requiring".

22 3. Title page, line 2, by inserting after the  
23 word "communications," the following: "including a  
24 limitation on political contributions to candidates,".

25 4. By renumbering as necessary.

By FALLON of Polk

H-8266 FILED MARCH 8, 2000

## HOUSE FILE 2527

## H-8206

1 Amend House File 2527 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 56.13A POLITICAL  
5 TELEMARKETING.

6 1. The general assembly finds that political  
7 telephone communication is increasingly used in  
8 political campaigns in this state in a deceitful  
9 manner, including but not limited to the use of push  
10 polling, a form of unregulated political telemarketing  
11 that jeopardizes the integrity of the electoral  
12 process and perpetuates a fraud on the citizenry by  
13 masking persuasive telemarketing techniques in a  
14 shroud of scientific sincerity. The purpose of a  
15 legitimate poll or survey is to obtain opinions; the  
16 goal of political telemarketing, especially push  
17 polling, is to push voters away from one candidate to  
18 another through innuendo, false, or misleading  
19 information about the candidate, the candidate's  
20 family, or the candidate's position on issues. As  
21 such, the general assembly believes push polling is an  
22 appropriate subject for state regulation in the same  
23 manner as written and broadcast political  
24 advertisements are an appropriate subject for state  
25 regulation. The general assembly does not intend to  
26 adversely impact legitimate scientific polling and  
27 surveys or infringe on the rights of candidates and  
28 others to engage in robust, unfettered political  
29 speech.

30 2. As used in this section:

31 a. "Basic preference question" means a question  
32 that provides a respondent with a nondescriptive list  
33 of candidates' names and asks which candidate the  
34 respondent supports in a particular election.

35 b. "Persuasion poll" means any paid telephone  
36 survey, or series of telephone surveys that are  
37 similar in nature, designed to include or actually  
38 aggregating more than one thousand calls, that  
39 reference a candidate or group of candidates other  
40 than in a basic preference question, and to which any  
41 one or more of the following applies:

42 (1) A list or directory is used, exclusively or in  
43 part, to select respondents belonging to a particular  
44 subset or combination of subsets of the population,  
45 based on demographic or political characteristics such  
46 as race, sex, age, ethnicity, party affiliation, or  
47 like characteristics.

48 (2) The poll takes less than three minutes to  
49 complete, excluding any sponsorship identification.

50 (3) The poll fails to make demographic inquiries

H-8206

H-8206

Page 2

1 on factors such as age, household income, or status as  
2 a likely voter, sufficient to allow for the tabulation  
3 of results based on relevant subsets of the population  
4 consistent with standard industry practice.

5 (4) The pollster or polling organization does not  
6 collect or tabulate survey results.

7 (5) The poll is commenced within ten days of the  
8 election to which it pertains.

9 "Persuasion poll" does not include any poll  
10 supporting a particular candidate that fails to  
11 reference another candidate or candidates, other than  
12 in a basic preference question.

13 c. "Political telephone solicitation" means any  
14 telephone call to a residence, other than a poll or  
15 survey, supporting or opposing any candidate, elected  
16 official, political party, or political organization.

17 3. A person shall not authorize, commission,  
18 conduct, or administer a persuasion poll or political  
19 telephone solicitation by telephone or telephonic  
20 device unless, during each call, the caller complies  
21 with all of the following:

22 (1) The caller identifies all persons sponsoring  
23 or authorizing the call by stating "This is a paid  
24 political advertisement by (name of persons).", and  
25 identifies the person making the call, if different  
26 from the person sponsoring or authorizing the call, by  
27 stating "This call is conducted by (name of  
28 persons).".

29 (2) If any person identified as either sponsoring  
30 or authorizing the call is not required to file any  
31 documents with the board pursuant to this chapter,  
32 then a valid, current, publicly listed telephone  
33 number and address for the person or the person's  
34 organization shall also be disclosed.

35 (3) If any person identified as either sponsoring  
36 or authorizing the call is affiliated with a  
37 candidate, the disclosure shall include the  
38 candidate's name and the office sought by the  
39 candidate.

40 (4) If the call is an independent expenditure, the  
41 disclosure shall also state that no candidate has  
42 approved the call.

43 4. A person shall not state or imply false or  
44 fictitious names or telephone numbers when providing  
45 the disclosures under this section.

46 5. All oral disclosures required by this section  
47 shall be made in a clear and intelligible manner, and  
48 shall be repeated in like fashion at the request of  
49 the call recipient. Disclosures made by any  
50 telephonic device must offer respondents a procedure

H-8206

-2-

H-8206

Page 3

1 to have the disclosures repeated.

2 6. This section does not apply to a persuasion  
3 poll or political telephone solicitation if the  
4 individuals participating in the call know each other  
5 prior to the call.

6 7. a. A person who conducts a paid persuasion  
7 poll or political telephone solicitation shall, prior  
8 to conducting such poll or solicitation, have and  
9 continuously maintain for at least one hundred eighty  
10 days following the cessation of business activities in  
11 the state, a registered agent for the purpose of  
12 service of process, notice, or demand required or  
13 permitted by law, and shall file with the board notice  
14 of such registered agent, including the name, address,  
15 and telephone number of the registered agent. The  
16 registered agent must be an individual resident of  
17 this state, a domestic corporation, or a foreign  
18 corporation authorized to do business in this state.

19 b. Any changes in information provided to the  
20 board under paragraph "a" shall be reported to the  
21 board immediately.

22 c. For purposes of this section, conducting  
23 business in this state includes placing calls from a  
24 location in this state or placing calls from outside  
25 this state to individuals located within this state.

26 d. This subsection does not apply to a person  
27 already lawfully registered to conduct business in  
28 this state.

29 8. The board shall adopt rules, and create forms  
30 as necessary to implement this section.

31 9. A person who violates this section commits a  
32 serious misdemeanor.

33 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
34 immediate importance, takes effect upon enactment."

35 2. Title page, line 2, by striking the words  
36 "applying a penalty" and inserting the following:  
37 "providing a penalty and an effective date".

By JOCHUM of Dubuque

H-8206 FILED MARCH 7, 2000