

House Study Bill 545

Bill Text

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1 1 Section 1. Section [56.2](#), subsection 14, paragraph c, Code
1 2 Supplement 1999, is amended by striking the paragraph.
1 3 Sec. 2. NEW SECTION. 56.4A FALSE MATERIAL STATEMENTS.
1 4 A person shall not knowingly or willfully make a false
1 5 material statement in any report, form, or statement filed
1 6 with the board, or with a commissioner.
1 7 Sec. 3. Section [56.12A](#), unnumbered paragraph 1, Code
1 8 Supplement 1999, is amended to read as follows:
1 9

~~The state and the governing body of a county, city, or~~

1 10

~~other political subdivision of the state~~

~~A person~~ shall not

1 11 expend or permit the expenditure of public moneys for
1 12 political purposes, including expressly advocating the passage
1 13 or defeat of a ballot issue.

1 14 Sec. 4. Section [56.13](#), Code Supplement 1999, is amended by
1 15 striking the section and inserting in lieu thereof the
1 16 following:

1 17 56.13 INDEPENDENT EXPENDITURES.

1 18 1. Any individual who meets all of the following criteria
1 19 shall file an independent expenditure statement with the board
1 20 or commissioner where the benefited committee files statements
1 21 and reports under this chapter:

1 22 a. The individual is not a candidate.

1 23 b. The individual is acting independently and not in
1 24 coordination with another individual, organization, or
1 25 committee.

1 26 c. The individual makes one or more expenditures in excess
1 27 of five hundred dollars in the aggregate, or incurs
1 28 indebtedness in excess of five hundred dollars in the
1 29 aggregate, to expressly advocate the election or defeat of a
1 30 clearly identified candidate or the passage or defeat of a
1 31 ballot issue.

1 32 2. Any combination of two or more individuals, or a person
1 33 other than an individual, that makes one or more expenditures
1 34 in excess of five hundred dollars in the aggregate, or incurs
1 35 indebtedness in excess of five hundred dollars in the
2 1 aggregate, to expressly advocate the election or defeat of a
2 2 clearly identified candidate or the passage or defeat of a
2 3 ballot issue, shall file an independent expenditure statement
2 4 with the board or commissioner where the benefited committee
2 5 files statements and reports under this chapter.

2 6 3. An independent expenditure statement shall be filed
2 7 within ten days of the making of any expenditure or incurring
2 8 of indebtedness that exceeds the five hundred dollar aggregate
2 9 threshold.

2 10 4. The independent expenditure statement shall contain all
2 11 of the following information:

2 12 a. Identification of the individuals or persons filing the
2 13 statement.

2 14 b. Description of the position advocated by the
2 15 individuals or persons with regard to the clearly identified

2 16 candidate or ballot issue.
2 17 c. Identification of the candidate or ballot issue
2 18 benefited by the independent expenditure.
2 19 d. The dates on which the expenditures or incurrence of
2 20 indebtedness took place.
2 21 e. Description of the nature of the action taken that
2 22 resulted in the expenditures or debts.
2 23 f. The cost of the expenditures at fair market value.
2 24 5. a. Publishers of print and electronic media shall
2 25 record all purchases of print space and electronic media time
2 26 or space related to advertisements that expressly advocate the
2 27 election or defeat of a clearly identified candidate or the
2 28 passage or defeat of a ballot issue.
2 29 b. Publishers of print and electronic media shall file
2 30 monthly reports of activity covered by this section with the
2 31 board due at the board or postmarked by the fifth day of each
2 32 month following any month in which media space or time has
2 33 been purchased related to advertisements that expressly
2 34 advocate the election or defeat of a clearly identified
2 35 candidate or the passage or defeat of a ballot issue.
3 1 c. The reports shall contain a detailed listing of at
3 2 least the following information:
3 3 (1) Identification of the individuals or persons
3 4 purchasing the media space or time.
3 5 (2) Identification of the candidate or ballot issue that
3 6 is clearly identified in the advertisement.
3 7 (3) Description of the position advocated by the
3 8 individuals or persons with regard to the clearly identified
3 9 candidate or ballot issue.
3 10 (4) The dates on which the purchase took place and the
3 11 dates for which the media space or time were purchased.
3 12 (5) The cost of the media space or time.
3 13 6. The filing requirements of this section shall apply in
3 14 addition to any other applicable filing requirements under
3 15 this chapter.
3 16 7. The board shall develop, prescribe, furnish, and
3 17 distribute forms for the independent expenditure statements
3 18 and media reports required by this section.
3 19 Sec. 5. Section 56.14, Code Supplement 1999, is amended to
3 20 read as follows:
3 21 56.14 ATTRIBUTION STATEMENT ON POLITICAL MATERIAL YARD
3 22 SIGNS EXEMPTED.
3 23 1. a. A person who causes the publication or distribution
3 24 of published material designed to expressly advocate the
3 25 nomination, election, or defeat of a candidate for public
3 26 office or the passage or defeat of a constitutional amendment
3 27 or public measure shall include conspicuously on the published
3 28 material the identity and address of the person responsible
3 29 for the material.
3 30 (1) If the person responsible is an organization, the name
3 31 of one officer of the organization shall appear on the
3 32 material. However, if the organization is a registered
3 33 committee

~~which has filed a statement of organization under~~

3 34

~~this chapter~~

~~-, only the name of the committee is required to be~~

3 35 included on the published material.
4 1 (2) Published material designed to expressly advocate the
4 2 nomination, election, or defeat of a candidate for public
4 3 office or the passage or defeat of a constitutional amendment
4 4 or public measure which contains language or depictions which
4 5 a reasonable person would understand as asserting that an
4 6 entity which is incorporated or is a registered committee had

4 7 authored the material shall, if the entity is not incorporated
4 8 or a registered committee, include conspicuously on the
4 9 published material a statement that the apparent organization
4 10 or committee is not incorporated or a registered committee in
4 11 addition to the attribution statement required by this
4 12 section.

4 13 b. For purposes of this section

~~4 14 , "registered~~

~~-:~~

4 14 (1) "Registered committee" means a committee which has an
4 15 active statement of organization filed under section 56.5.

4 16 (2) "Published material" means any newspaper, magazine,
4 17 shopper, outdoor advertising facility, poster, direct mailing,
4 18 brochure, or any other form of printed general public
4 19 political advertising; however, the identification need not be
4 20 conspicuous on posters. This subsection does not apply to
4 21 yard signs, bumper stickers, pins, buttons, pens, matchbooks,
4 22 and similar small items upon which the inclusion of the
4 23 attribution statement would be impracticable or to published
4 24 material which is subject to federal regulations regarding an
4 25 attribution requirement.

4 26

~~- b.~~

~~- c.~~ This subsection does not apply to the editorials or
4 27 news articles of a newspaper or magazine which are not
4 28 political advertisements.

~~- For the purpose of this subsection,~~

~~-~~

4 29

~~- "published material" means any newspaper, magazine, shopper,~~

~~-~~

4 30

~~- outdoor advertising facility, poster, direct mailing,~~

~~-~~

4 31

~~- brochure, or any other form of printed general public~~

~~-~~

4 32

~~- political advertising; however, the identification need not be~~

~~-~~

4 33

~~- conspicuous on posters. This subsection does not apply to~~

~~-~~

4 34

~~- yard signs, bumper stickers, pins, buttons, pens, matchbooks,~~

~~-~~

4 35

~~- and similar small items upon which the inclusion of the~~

~~-~~

5 1

~~- attribution statement would be impracticable or to published~~

~~-~~

5 2

~~- material which is subject to federal regulations regarding an~~

~~-~~

5 3

~~attribution requirement.~~

5 4

~~e.~~

~~d.~~ This subsection shall not be construed to require
5 5 the inclusion on published material of information which
5 6 discloses the identity or address of any individual who is
5 7 acting independently and

~~using the individual's own modest~~

5 8

~~resources~~

~~expends five hundred dollars or less to publish or~~
5 9 ~~distribute the material that expressly advocates the passage~~
5 10 ~~or defeat of a ballot issue.~~

5 11

~~2. a. Yard signs shall not be placed on any property~~

5 12

~~which adjoins a city, county, or state roadway sooner than~~

5 13

~~forty five days preceding a primary or general election and~~

5 14

~~shall be removed within seven days after the primary or~~

5 15

~~general election in which the name of the particular candidate~~

5 16

~~or ballot issue described on the yard sign appears on the~~

5 17

~~ballot. Yard signs are subject to removal by highway~~

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~~authorities as provided in section 319.13, or by county or~~

5 19

~~city law enforcement authorities in a manner consistent with~~

5 20

~~section 319.13. The placement or erection of yard signs shall~~

5 21

~~be exempt from the requirements of chapter 480. Notice may be~~

5 22

~~provided to the chairperson of the appropriate county central~~

5 23

~~committee if the highway authorities are unable to provide~~

5 24

~~notice to the candidate, candidate's committee, or political~~

5 25

~~committee regarding the yard sign.~~

5 26

~~b.~~

~~2. This~~

~~subsection~~

~~chapter does not prohibit the~~

5 27 placement of yard signs on

~~agricultural~~

~~any of the following~~

5 28 property:

5 29 a. Agricultural land owned by individuals or by a family

5 30 farm operation as defined in section 9H.1, subsections 8, 8A,

5 31 9, and 10

~~; does not prohibit the placement of yard signs on~~

5 32

~~property~~

~~For the purposes of this section, "agricultural~~

5 33 land" means agricultural land as defined in section 9H.1.

5 34 b. Property owned by private individuals who have rented

5 35 or leased the property to a corporation, if the prior written

6 1 permission of the property owner is obtained

~~; and does not~~

6 2

~~prohibit the placement of yard signs on residential~~

6 3 c. Residential property owned by a corporation but rented

6 4 or leased to a private individual, or property rented or

6 5 leased to a candidate's committee, county statutory political

6 6 committee, or other political committee, if the prior

6 7 permission of the renter or lessee is obtained.

~~For the~~

6 8

~~purposes of this chapter, "agricultural land" means~~

6 9

~~agricultural land as defined in section 9H.1.~~

6 10 3. A person shall not alter, remove, move, vandalize,

6 11 deface, or destroy any sign that expressly advocates the

6 12 election or defeat of a clearly identified candidate or the

6 13 passage or defeat of a ballot issue without the prior

6 14 permission of the owner of the sign.

6 15 Sec. 6. Section [56.41](#), subsection 2, paragraph i, Code
6 16 1999, is amended to read as follows:
6 17 i. Meals, groceries, or other food expense, except for
6 18

~~tickets~~
~~the following:~~

6 19 (1) Tickets to meals that the candidate attends solely for
6 20 the purpose of enhancing the candidacy or the candidacy of
6 21 another person.

~~However, payment for food~~

6 22 (2) Food and drink purchased for campaign related purposes
6 23 and for entertainment of campaign volunteers

~~is permitted~~

6 24 (3) Meals of up to twenty-five dollars for an event
6 25 attended by the candidate for purposes of constituency
6 26 services or for the purposes of holding elected office.

6 27 EXPLANATION

6 28 This bill amends certain provisions of Code chapter 56
6 29 pertaining to campaign finance law.

6 30 The bill strikes part of the definition of "express
6 31 advocacy" in Code section 56.2, subsection 14. The United
6 32 States court of appeals for the eighth circuit has held that
6 33 the language in that portion of the definition is
6 34 unconstitutional.

6 35 The bill adds new Code section 56.4A to provide that a
7 1 person shall not knowingly and willfully make a false material
7 2 statement in a campaign report or form. Violations of this
7 3 provision are punishable as a serious misdemeanor under Code
7 4 section 56.16. A serious misdemeanor is punishable by
7 5 confinement for no more than one year and a fine of at least
7 6 \$250 but not more than \$1,500.

7 7 The bill amends Code section 56.12A to prohibit any person
7 8 from using public moneys for political purposes. The current
7 9 statute prohibits only the state and political subdivisions
7 10 from making such expenditures.

7 11 The bill replaces language in Code section 56.13 relating
7 12 to independent expenditures and removes certain provisions
7 13 held to be unconstitutional by the United States court of
7 14 appeals for the eighth circuit. The new language requires the
7 15 filing by individuals or certain persons of an independent
7 16 expenditure statement within 10 days of making an expenditure
7 17 or incurring an indebtedness exceeding \$500 in the aggregate
7 18 to expressly advocate the election or defeat of a clearly
7 19 identified candidate or the passage or defeat of a ballot
7 20 issue. The new language specifies the criteria for filing, as
7 21 well as the contents of the statement. The new language also
7 22 requires publishers of print and electronic media to file
7 23 monthly reports of purchases of media space and time for
7 24 advertisements that expressly advocate the election or defeat
7 25 of a clearly identified candidate or the passage or defeat of
7 26 a ballot issue, by the fifth day of any month following a
7 27 month where such a purchase was made, and specifies the
7 28 contents of such reports.

7 29 The bill amends and reorganizes Code section 56.14 relating
7 30 to attribution statements on political material and to yard
7 31 signs. The bill specifies a \$500 limit for political material
7 32 that can be distributed by an individual to expressly advocate
7 33 the passage or defeat of a ballot issue, rather than the
7 34 current limit of the individual's "modest resources" regarding
7 35 candidates or ballot issues.

8 1 The bill removes restrictions on the placement of yard
8 2 signs held to be unconstitutional by the United States court

8 3 of appeals for the eighth circuit. The bill reorganizes the
8 4 remaining subsection pertaining to placement of yard signs on
8 5 certain types of property and adds that such signs can be
8 6 placed on corporate property that is rented by a political
8 7 committee.

8 8 The bill also adds a provision prohibiting the movement or
8 9 destruction of yard signs without permission. Violations of
8 10 this provision are punishable as a serious misdemeanor under
8 11 Code section 56.16. A serious misdemeanor is punishable by
8 12 confinement for no more than one year and a fine of at least
8 13 \$250 but not more than \$1,500.

8 14 Code section 56.41 is amended to permit the use of campaign
8 15 funds, up to \$25, for payment of meals for an event attended
8 16 by a candidate for purposes of constituency services or for
8 17 the purposes of holding elected office.

8 18 LSB 5280DP 78

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