

FEB 28 2003  
STATE GOVERNMENT

HOUSE FILE 364

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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 approval of campaign advertisements.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 364

1 Section 1. NEW SECTION. 56.13A POLITICAL ADVERTISING --  
2 CANDIDATE APPROVAL.

3 1. As used in this section:

4 a. "Advertisement" means, in whole or in part, any  
5 political solicitation or persuasion in or on a newspaper,  
6 magazine, shopper publication, outdoor advertising facility,  
7 poster, direct mailing, brochure, circular, electronic mail,  
8 or any other form of printed general public political  
9 solicitation or persuasion, or a communication by radio,  
10 television, telephone, pictures, or similar means, used in  
11 connection with a political campaign. "Advertisement" also  
12 includes a script used for taking a poll of voters, whether in  
13 person, via computer, or via telephone, as well as scripts for  
14 polls more commonly known as "push-polls", which are primarily  
15 intended to persuade voters, rather than measure voter  
16 preference. "Advertisement" does not include editorials or  
17 news articles of a newspaper or magazine that are not  
18 political solicitations connected to a political campaign.

19 b. "Public office" means any state, county, city, school,  
20 or other office of a political subdivision of the state filled  
21 by election.

22 c. "Publish" means the act of printing, posting,  
23 broadcasting, mailing, speaking, or otherwise disseminating  
24 information.

25 2. A person who publishes an advertisement related to the  
26 nomination, election, or defeat of a clearly identified  
27 candidate for public office shall do all of the following  
28 prior to publication of the advertisement:

29 a. If taking such action independently of the candidate or  
30 candidate's committee, the person shall file a copy of the  
31 advertisement with the candidate or candidate's committee, at  
32 the address recorded with the ethics and campaign disclosure  
33 board for the candidate, at least two weeks prior to the  
34 proposed date of publication.

35 b. Upon receipt of the advertisement copy from an

1 independent party, the candidate shall have seventy-two hours  
2 to review the advertisement, and either sign a release  
3 approving publication of the advertisement, or sign a document  
4 indicating that the candidate refuses to approve the  
5 advertisement as presented. If an advertisement is proposed  
6 by the candidate's own committee or in coordination with a  
7 person or persons, the candidate may sign a release upon  
8 completion of the advertisement indicating agreement to the  
9 publication of the advertisement.

10 c. The original signed release or refusal to approve shall  
11 be sent by the candidate to the ethics and campaign disclosure  
12 board and shall remain on file in the candidate's filings.  
13 The candidate shall return a signed copy of the release or  
14 refusal by restricted certified mail to the person proposing  
15 the advertisement, if that person is taking such action  
16 independently of the candidate or candidate's committee.

17 d. A media outlet shall not publish an advertisement  
18 related to a political candidate without receipt of the signed  
19 release of approval by the candidate from the person placing  
20 the advertisement.

21 3. This section shall not preclude the filing of a civil  
22 action based on the same facts or events giving rise to a  
23 complaint filed with the board under this section.

24 4. Section 56.16, which applies criminal penalties for  
25 violations of chapter 56, shall not apply to violations of  
26 this section. However, this section shall not preclude  
27 application of penalties under section 68B.32D, if  
28 appropriate, with the exception of section 68B.32D, subsection  
29 1, paragraph "i".

30 Sec. 2. SEVERABILITY. If any section of this Act, or any  
31 portion of any section of this Act, or the application of the  
32 Act to any person or circumstance is found unconstitutional,  
33 invalid, or otherwise unenforceable by a court, the remaining  
34 sections or portions of sections shall be given effect to the  
35 fullest extent possible.

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EXPLANATION

This bill adds a new Code section to Code chapter 56, regarding campaign activities within the jurisdiction of the ethics and campaign disclosure board. New Code section 56.13A requires a person placing a political advertisement to file a copy of the advertisement with the candidate who is the subject of the advertisement at least two weeks prior to the proposed publication. The candidate shall have 72 hours to review the advertisement and either approve or reject the advertisement. A media outlet is prohibited from publishing the advertisement without a signed release of approval from the candidate.

The bill includes definitions for "advertisement", "public office", and "publish".

The board may not impose criminal sanctions for violations of this section, but separate civil actions arising from the same events expressly are not precluded under the new Code section. Appropriate remedies may also be pursued under Code chapter 68B, with the exception of Code section 68B.32D, subsection 1, paragraph "i", which permits the board to refer a complaint to the attorney general or a county attorney for prosecution or enforcement of criminal penalties.

The bill also includes a severability clause.