

FILED JAN 12 2007

STATE GOVERNMENT

SENATE FILE

2007

BY PUTNEY

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the use of certain commitments and responses
2 collected from candidates for public office, and applying a
3 penalty.

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

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SF 2007
STATE GOVERNMENT

1 Section 1. NEW SECTION. 68A.406 PRINTED OR ELECTRONIC
2 POLITICAL PUBLICATIONS -- DISCLOSURES.

3 1. For the purpose of this section, unless the context
4 otherwise requires:

5 a. "Political publication" means any letter, newsletter,
6 direct mailing, brochure, or any other form of printed or
7 electronic direct or general public political communication.

8 b. "Written or electronically recorded" means a document
9 printed and signed personally by a candidate for public
10 office; an electronic record, as defined in chapter 554D,
11 typed and accompanied by the digital signature of the
12 candidate for public office, provided the digital signature
13 complies with the provisions of chapter 554D; or an electronic
14 record, as defined in chapter 554D, otherwise containing
15 information, as defined in chapter 554D, that satisfies the
16 provisions of section 554D.111 regarding the identity of the
17 candidate for public office and the content of the commitment
18 or responses.

19 2. A person who causes the publication or distribution of
20 a political publication to a candidate for public office
21 seeking the candidate's written or electronically recorded
22 commitment on an issue, or written or electronically recorded
23 responses regarding the candidate's positions on certain
24 issues, shall include conspicuously on the political
25 publication all of the following:

26 a. The identity and address of the person responsible for
27 the political publication.

28 b. If the person responsible is an organization, the name
29 of at least one officer of the organization. However, if the
30 organization is a committee that has filed a statement of
31 organization under this chapter, only the name of the
32 committee is required.

33 c. A full disclosure statement regarding the person's
34 intended use of the candidate's commitment or responses.

35 3. A person shall not use a candidate's commitment or

1 responses in any manner that is inconsistent with the
2 disclosure statement previously made to the candidate
3 regarding the intended use of the candidate's commitment or
4 responses.

5 4. The board may adopt rules as necessary to administer
6 this section.

7 EXPLANATION

8 This bill adds a new section to Code chapter 68A, formerly
9 Code chapter 56, regarding campaign finance.

10 New Code section 68A.406 regulates the form and use of
11 printed and electronic surveys, polls, and similar documents
12 circulated to candidates for public office by interest groups
13 and others prior to an election. The new Code section
14 requires conspicuous disclosure of the name and address of the
15 person responsible for the printed or electronic political
16 publication and of the intended use of the written or
17 electronically recorded commitment or written or
18 electronically recorded responses solicited from the
19 candidate. Finally, the Code section prohibits the person
20 from using the written or electronically recorded commitment
21 or written or electronically recorded responses received from
22 the candidate in a manner that is inconsistent with the
23 disclosure given to obtain them.

24 Definitions are provided for "political publication" and
25 for "written or electronically recorded". The latter term
26 makes references to definitions and other provisions of Code
27 chapter 554D, the uniform electronic transactions Act, in
28 defining certain elements of an electronic record.

29 Pursuant to Code section 68A.701, willful violations of
30 provisions of Code chapter 68A are considered serious
31 misdemeanors; consequently, a violation of new Code section
32 68A.406 regarding the use of candidate commitments or
33 responses inconsistent with prior disclosure would be a
34 serious misdemeanor. A serious misdemeanor is punishable by
35 confinement for no more than one year and a fine of at least

1 \$250 but not more than \$1,500.

2 The Iowa ethics and campaign disclosure board is empowered
3 to adopt rules as necessary to administer the section.

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