

SENATE FILE 210
BY SIEVERS

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the definition of political party, defining
2 minor political party for certain purposes, and including
3 applicability date provisions.

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

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SF 210
STATE GOVERNMENT

1 Section 1. Section 43.2, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

3 The term "political party" ~~shall-mean~~ means a party which,
4 at the last preceding general election at which votes were
5 cast for the office of governor, cast for its candidate for
6 ~~president-of-the-United-States-or~~ for governor~~7-as-the-case~~
7 ~~may-be~~, at least ~~two~~ five percent of the total vote cast for
8 all candidates for that office at that election. It shall be
9 the responsibility of the state commissioner to determine
10 whether any organization claiming to be a political party
11 qualifies as such under the foregoing definition.

12 Sec. 2. Section 43.2, Code 2003, is amended by adding the
13 following new unnumbered paragraph after unnumbered paragraph
14 1:

15 NEW UNNUMBERED PARAGRAPH. The term "minor political party"
16 means a party which is not a political party as defined in
17 this section and which, at the last preceding general election
18 at which votes were cast for the office of governor, cast for
19 its candidates for member of the house of representatives at
20 least one-half of one percent of the total vote cast for all
21 candidates for member of the house of representatives in all
22 districts at that election. However, the votes cast for any
23 one candidate shall not account for more than twenty percent
24 of the number needed to equal one-half of one percent. It
25 shall be the responsibility of the state commissioner to
26 determine whether any organization claiming to be a minor
27 political party qualifies as such under the foregoing
28 definition.

29 Sec. 3. Section 43.63, unnumbered paragraph 1, Code 2003,
30 is amended to read as follows:

31 Upon receipt of the abstracts of votes from the counties,
32 the secretary of state shall immediately open the envelopes
33 and canvass the results for all offices. The secretary of
34 state shall invite to attend the canvass one representative
35 from each political party which, at the last preceding general

1 election at which votes were cast for the office of governor,
2 cast for its candidate for-president-of-the-United-States-or
3 for governor,--as-the-case-may-be, at least two five percent of
4 the total vote cast for all candidates for that office at that
5 election, as determined by the secretary of state. The
6 secretary of state shall notify the chairperson of each
7 political party of the time of the canvass. However, the
8 presence of a representative from a political party is not
9 necessary for the canvass to proceed.

10 Sec. 4. NEW SECTION. 43.111A MINOR POLITICAL PARTY
11 CONSTITUTION AND BYLAWS.

12 1. A minor political party shall adopt a constitution or
13 set of bylaws to govern its organization and the conduct of
14 its affairs and shall exercise thereunder any power not
15 inconsistent with the laws of this state. The constitution or
16 set of bylaws shall be filed with the secretary of state. Any
17 minor political party failing to file its constitution or set
18 of bylaws pursuant to this section shall not be qualified as a
19 minor political party. The constitution or set of bylaws
20 shall contain the following:

- 21 a. A method of nominating candidates for the partisan
22 offices.
- 23 b. A method for calling and conducting conventions.
- 24 c. A method for selecting delegates to conventions.
- 25 d. A method for the selection of members and a chairperson
26 to the state central committee and for the selection of other
27 party officers.
- 28 e. A method for filling vacancies in party offices.
- 29 f. The powers and duties of party officers.
- 30 g. The structure of the state and county party
31 organizations, if any.
- 32 h. A statement that any meeting to elect party officers,
33 including delegates, shall be held at a public place at the
34 time specified by the party chairperson and that the time and
35 place of such meeting shall be published once, no later than

1 fifteen days before such meeting, in a newspaper of general
2 circulation in each county where the members of the minor
3 political party reside.

4 i. A statement that the party chairperson, or the
5 chairperson's designee, shall be the person who shall
6 communicate on behalf of the minor political party.

7 j. A method for amending the constitution or set of
8 bylaws.

9 2. The chairperson of the party shall file any amendments
10 to the constitution or set of bylaws with the secretary of
11 state no later than fifteen days after the amendments are
12 adopted.

13 Sec. 5. Section 43.121, Code 2003, is amended to read as
14 follows:

15 43.121 NOMINATIONS BY PETITION OR NONPARTY ORGANIZATIONS.

16 This chapter shall not be construed to prohibit nomination
17 of candidates for office by petition, or by nonparty
18 organizations, as provided in chapters 44 and 45, but no
19 person so nominated shall be permitted to use the name, or any
20 part thereof of the name, of any political party authorized or
21 entitled under this chapter to nominate a ticket by primary
22 vote, or that has nominated a ticket by primary vote under
23 this chapter and no person so nominated shall be permitted to
24 use the name, or any part of the name, of any minor political
25 party.

26 Sec. 6. Section 48A.11, subsection 1, paragraph i, Code
27 2003, is amended to read as follows:

28 i. Political party or minor political party registration.

29 Sec. 7. Section 50.36, unnumbered paragraph 2, Code 2003,
30 is amended to read as follows:

31 The secretary of state shall invite to attend the canvass
32 one representative from each political party which, at the
33 last preceding general election at which votes were cast for
34 the office of governor, cast for its candidate ~~for-president~~
35 ~~of-the-United-States-or~~ for governor, ~~as-the-case-may-be,~~ at

1 least two five percent of the total vote cast for all
2 candidates for that office at that election, as determined by
3 the secretary of state. The secretary of state shall notify
4 the chairperson of each political party of the time of the
5 canvass. However, the presence of a representative from a
6 political party is not necessary for the canvass to proceed.

7 Sec. 8. Section 56.18, Code 2003, is amended to read as
8 follows:

9 56.18 CHECKOFF -- INCOME TAX.

10 A person whose state income tax liability for any taxable
11 year is one dollar and fifty cents or more may direct that one
12 dollar and fifty cents of that liability be paid over to the
13 Iowa election campaign fund when submitting the person's state
14 income tax return to the department of revenue and finance.
15 In the case of a joint return of husband and wife having a
16 state income tax liability of three dollars or more, each
17 spouse may direct that one dollar and fifty cents be paid to
18 the fund. The director of revenue and finance shall draft the
19 income tax form to provide spaces on the tax return which the
20 taxpayer may use to designate that contributions made under
21 this section be credited to a specified political party or
22 minor political party as defined by section 43.2, or to the
23 Iowa election campaign fund as a contribution to be shared by
24 all such political parties and minor political parties in the
25 manner prescribed by section 56.19. The form shall inform the
26 taxpayer of the consequences of the choices provided under
27 this section, but this information may be contained in a
28 footnote or other suitable form if the director of revenue and
29 finance finds it is not feasible to place the information
30 immediately above the signature line. The action taken by a
31 person for the checkoff is irrevocable.

32 Sec. 9. Section 56.19, Code 2003, is amended to read as
33 follows:

34 56.19 FUND CREATED.

35 The "Iowa election campaign fund" is created within the

1 office of the treasurer of state. The fund shall consist of
2 funds paid by persons as provided in section 56.18. The
3 treasurer of state shall maintain within the fund a separate
4 account for each political party and minor political party as
5 defined in section 43.2. The director of revenue and finance
6 shall remit funds collected as provided in section 56.18 to
7 the treasurer of state who shall deposit such funds in the
8 appropriate account within the Iowa election campaign fund.
9 All contributions directed to the Iowa election campaign fund
10 by taxpayers who do not designate any one political party or
11 minor political party to receive their contributions shall be
12 divided by the director of revenue and finance equally among
13 each account currently maintained in the fund. However, at
14 any time when more than two accounts are being maintained
15 within the fund contributions to the fund by taxpayers who do
16 not designate any one political party or minor political party
17 to receive their contributions shall be divided among the
18 accounts in the same proportion as the number of registered
19 voters declaring affiliation with each political party and
20 minor political party for which an account is maintained bears
21 to the total number of registered voters who have declared an
22 affiliation with a political party or minor political party.
23 Any interest income received by the treasurer of state from
24 investment of moneys deposited in the fund shall be deposited
25 in the Iowa election campaign fund. Such funds shall be
26 subject to payment to the chairperson of the specified
27 political party or minor political party by the director of
28 revenue and finance in the manner provided by section 56.22.
29 Sec. 10. Section 56.22, subsection 1, Code 2003, is
30 amended to read as follows:
31 1. The money accumulated in the Iowa election campaign
32 fund to the account of each political party and minor
33 political party in the state shall be remitted to the
34 appropriate party on the first business day of each month by
35 warrant of the director of revenue and finance drawn upon the

1 fund in favor of the state chairperson of that party. The
2 money received by each political party or minor political
3 party under this section shall be used as directed by the
4 party's state statutory political committee.

5 Sec. 11. Section 68B.2, subsection 13, paragraph b,
6 subparagraph (1), Code 2003, is amended to read as follows:

7 (1) Officials and employees of a political party organized
8 in the state of Iowa representing ~~more-than-two~~ at least five
9 percent of the total votes cast for governor in the last
10 preceding general election at which votes were cast for the
11 office of governor, but only when representing the political
12 party in an official capacity.

13 Sec. 12. APPLICABILITY DATES.

14 1. The sections of this Act amending section 43.2 apply
15 retroactively to the general election held in November 2002.

16 2. The remainder of this Act applies to elections held on
17 or after July 1, 2003.

18 EXPLANATION

19 This bill makes changes relating to the definition of
20 "political party" and creates the designation of "minor
21 political party" for certain purposes.

22 The bill changes the definition of "political party" to
23 mean a party whose candidate receives at least 5 percent of
24 the votes cast for the office of governor. The bill makes
25 amendments relating to persons invited to attend the
26 canvassing of votes and relating to the definition of lobbyist
27 for a political party in order to conform to the bill's
28 definition of "political party".

29 The bill defines "minor political party" to mean a party
30 whose candidates for the Iowa house of representatives
31 received a total of one-half of 1 percent of all votes cast
32 for all candidates for the Iowa house of representatives at
33 the general election at which votes were cast for the office
34 of governor. The bill provides, however, that no one
35 candidate may account for more than 20 percent of the one-half

1 of 1 percent threshold.

2 The bill requires a party designated as a minor political
3 party to adopt a constitution or set of bylaws to govern its
4 organization and the conduct of its affairs. The bill extends
5 to minor political parties the protection against
6 appropriation of any part of the party's official name, which
7 protection is currently afforded political parties. The bill
8 allows a voter registrant to indicate on the voter
9 registration form the minor political party with which the
10 registrant is affiliated.

11 The bill provides that a minor political party is eligible
12 to receive funds from the Iowa election campaign fund.

13 The provision relating to the definition of political party
14 and the definition of minor political party applies
15 retroactively to the general election held in November 2002.
16 The remainder of the bill applies to elections held on or
17 after July 1, 2003.

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