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SENATE FILE 64
BY KIBBIE and LUNDBY

Passed Senate, Date _____ Passed House, 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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SF 64
STATE GOVERNMENT

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

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

5 a. "Legitimate poll" means a telephone call conducted by a
6 polling firm for the purpose of a scientific poll of
7 respondents concerning public opinion concerning a candidate,
8 elected public official, or ballot issue that is part of a
9 series of like telephone calls that utilizes a scientific
10 sampling technique to produce a random sample of interviewees.

11 b. "Political telemarketing" means the canvassing of
12 persons under the guise of performing a poll or survey, with
13 the purpose of encouraging support of, or opposition to, a
14 clearly identified candidate for political office or the
15 passage or defeat of a clearly identified ballot issue.

16 2. The general assembly finds that political telephone
17 communication is increasingly used in political campaigns in
18 this state in a deceptive manner, including but not limited to
19 the use of political telemarketing, also known as push-
20 polling, where an anonymous telephone communication is
21 designed to appear as a legitimate poll, but is in fact used
22 as a vehicle to sway opinion through innuendo, by the
23 communication of certain negative information related to a
24 candidate or ballot issue in a manner designed to suggest that
25 such information may be true. The general assembly declares
26 that a compelling public interest exists to identify the
27 source of funding of telephonic communications related to
28 elections, in order to prevent corruption and deceit at the
29 expense of the electorate and to preserve accountability for
30 expenditures made in connection with political campaigns.

31 3. A candidate, or the authorized representative of a
32 candidate or the candidate's committee, who engages either in
33 a telephone communication for the purpose of soliciting
34 contributions or in a telephone communication that has the
35 effect of promoting or opposing the nomination or election of

1 a candidate for public office or the passage of a
2 constitutional amendment or public measure, shall disclose all
3 of the following by the end of the telephone call:

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

6 b. The individual or entity that paid for the telephone
7 communication. If a committee has paid for or authorized the
8 telephone communication, the name of the committee shall be
9 disclosed. If any person other than the candidate or
10 candidate's committee has paid for the telephone
11 communication, the communication shall also state whether or
12 not the communication has been authorized by the candidate
13 intended to benefit from the communication.

14 c. The name, telephone number, and address of an
15 individual whom the call recipient can contact for further
16 information regarding the telephone communication.

17 4. An individual who, on behalf of, at the direction of,
18 or in cooperation with a political committee, engages either
19 in a telephone communication for the purpose of soliciting
20 contributions or in a telephone communication that has the
21 effect of promoting or opposing the nomination or election of
22 a candidate for public office or the passage of a
23 constitutional amendment or public measure shall disclose all
24 of the following at the commencement of the telephone call:

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

27 b. The individual or entity that paid for the telephone
28 communication. If a committee has paid for or authorized the
29 telephone communication, the name of the committee shall be
30 disclosed. If any person other than the candidate or
31 candidate's committee has paid for the telephone
32 communication, the communication shall also state whether or
33 not the communication has been authorized by the candidate
34 intended to benefit from the communication.

35 c. The name, telephone number, and address of an

1 individual whom the call recipient can contact for further
2 information regarding the telephone communication.

3 5. The board shall adopt rules pursuant to chapter 17A
4 establishing procedures to administer this section.

5 EXPLANATION

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

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

20 The bill also contains definitions of "legitimate poll" and
21 "political telemarketing", and contains a statement of
22 legislative intent regarding political telemarketing and push-
23 polling.

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