

# House File 2248 - Introduced

HOUSE FILE \_\_\_\_\_  
BY D. OLSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to reporting requirements for organizations that  
2 engage in public communications encouraging or discouraging a  
3 vote for a candidate for public office.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5732YH 82  
6 jr/rj/5

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1 1 Section 1. NEW SECTION. 68A.401A PUBLIC COMMUNICATIONS  
1 2 BY ORGANIZATIONS.  
1 3 1. An organization shall file a statement of organization  
1 4 with the board prior to engaging in any public communication  
1 5 intended for the public or any segment thereof in this state,  
1 6 which refers to a clearly identified candidate for elected  
1 7 public office, if the communication does all of the following:  
1 8 a. Has the effect of encouraging or discouraging a vote  
1 9 for the candidate, regardless of whether the communication  
1 10 expressly advocates a vote for or against the candidate.  
1 11 b. Can be received by five thousand or more persons who  
1 12 are eligible electors in the election for that public office.  
1 13 c. Is made within sixty days before a general or special  
1 14 election for the public office sought by the candidate, or  
1 15 thirty days before a primary election for the office sought by  
1 16 the candidate.  
1 17 2. The statement of organization shall contain the name,  
1 18 mailing address, telephone number, and internet site or e-mail  
1 19 address, if available, of the organization and shall contain  
1 20 the name of each member of the organization, and any other  
1 21 information as may be required by rules adopted pursuant to  
1 22 this chapter.  
1 23 3. An organization shall file a report with the board  
1 24 within forty-eight hours of making a public communication in  
1 25 this state as described in subsection 1. Reports filed under  
1 26 this section shall be filed using the board's electronic  
1 27 filing system. The report shall include all of the following:  
1 28 a. The name and mailing address of each person who gave a  
1 29 contribution or contributions of money to the organization if  
1 30 the aggregate amount of contributions exceeds twenty-five  
1 31 dollars in a calendar year and the contribution or  
1 32 contributions of money were used for a public communication in  
1 33 this state as described in subsection 1.  
1 34 b. The name and mailing address of each person who gave an  
1 35 in-kind contribution to the organization if the aggregate fair  
2 1 market value of the in-kind contribution exceeds twenty-five  
2 2 dollars in a calendar year and was used for a public  
2 3 communication in this state as described in subsection 1.  
2 4 c. The name and mailing address of each person who gave a  
2 5 loan to the organization in an amount greater than twenty-five  
2 6 dollars, together with the name and mailing address of the  
2 7 lender and any endorser, the date and amount of each loan  
2 8 received, and the date and amount of each loan repayment made  
2 9 or to be made. Loans received and loan repayments shall be  
2 10 reported on a separate schedule. This paragraph shall apply  
2 11 only to loans that were used for a public communication in  
2 12 this state as described in subsection 1.  
2 13 d. The name and mailing address of each person to whom  
2 14 disbursements or loan repayments have been made by the  
2 15 organization in this state and the amount, purpose, and date  
2 16 of each disbursement except that disbursements of less than  
2 17 five dollars may be shown as miscellaneous disbursements as  
2 18 long as the aggregate miscellaneous disbursements to any one  
2 19 person during a calendar year do not exceed one hundred

2 20 dollars.  
2 21 e. The amount and nature of debts and obligations owed by  
2 22 the organization for public communications in this state as  
2 23 described in subsection 1.  
2 24 f. Other pertinent information required by this chapter,  
2 25 by rules adopted pursuant to this chapter, or by forms  
2 26 prescribed by the board.  
2 27 4. This section shall not apply to any of the following:  
2 28 a. A communication appearing in a news story, commentary,  
2 29 or editorial distributed through a media organization, unless  
2 30 such media organization is owned or controlled by a political  
2 31 party, political committee, or candidate.  
2 32 b. A communication that constitutes a candidate debate or  
2 33 forum conducted pursuant to rules adopted by the board, or  
2 34 that solely promotes such a debate or forum and is made by or  
2 35 on behalf of the person sponsoring the debate or forum.  
3 1 c. Activities by a political committee or a committee  
3 2 registered under this chapter.  
3 3 5. All public communications described in subsection 1  
3 4 shall contain easily discernable information which will direct  
3 5 the public to an internet site or the Iowa ethics and campaign  
3 6 disclosure board's internet site containing the information  
3 7 required by this section.  
3 8 6. The board shall adopt rules pursuant to chapter 17A to  
3 9 administer this section.

3 10 EXPLANATION

3 11 This bill requires an organization engaging in a public  
3 12 communication, which refers to a clearly identified candidate  
3 13 for state or local public office and which has the effect of  
3 14 encouraging or discouraging a vote for that candidate, to file  
3 15 a statement of organization with the ethics and campaign  
3 16 disclosure board prior to making that communication. The bill  
3 17 applies to a public communication that can be received by  
3 18 5,000 or more persons who are eligible to vote in the election  
3 19 for that office, and is made within 60 days before a general  
3 20 or special election for the office sought by the candidate, or  
3 21 30 days before a primary election for the office sought by the  
3 22 candidate.

3 23 The organization is also required to file a report with the  
3 24 board containing a variety of information including the name  
3 25 and mailing address of each person who gave a contribution or  
3 26 contributions of money or in-kind contributions to the  
3 27 organization if the aggregate amount or fair market value  
3 28 exceeds \$25 in a calendar year.

3 29 The bill requires that all public communications contain  
3 30 easily discernable information which will direct the public to  
3 31 an internet site or the Iowa ethics and campaign disclosure  
3 32 board's internet site containing the information required by  
3 33 the bill.

3 34 The criminal penalty for a violation of Code chapter 68A is  
3 35 a serious misdemeanor. A variety of civil remedies for  
4 1 violations are also available in Code section 68B.32D, ranging  
4 2 from a reprimand to a civil penalty of not more than \$2,000.

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