

HOUSE FILE _____
BY SWAIM and ANDERSON

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

A BILL FOR

1 An Act prohibiting the distribution of campaign material without
2 the consent of the candidate benefiting from that material,
3 restricting the content of certain types of campaign material,
4 and providing remedies and a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1518HH 82
7 jr/je/5

PAG LIN

1 1 Section 1. NEW SECTION. 68A.407 RESTRICTIONS ON THE
1 2 DISTRIBUTION OF CAMPAIGN MATERIAL WITHOUT THE CONSENT OF THE
1 3 CANDIDATE BENEFITING FROM THAT MATERIAL == CONTENT
1 4 RESTRICTIONS ON CAMPAIGN MATERIAL, == REMEDIES AND PENALTIES.
1 5 1. The general assembly finds that the use of campaign
1 6 material to disparage or denigrate a particular candidate for
1 7 public office is increasing and that such campaign material is
1 8 often generated and distributed without the approval or
1 9 knowledge of the candidate who might benefit from such
1 10 campaign material. The general assembly further finds that
1 11 such campaign material impedes a full and fair discussion of
1 12 campaign issues and diminishes the trust and confidence of the
1 13 public in the electoral process. It is not the intent of the
1 14 general assembly to lessen political debate that furthers the
1 15 ability of the public to understand the issues and positions
1 16 of candidates for public office. The general assembly
1 17 declares that a compelling state interest exists in regulating
1 18 the generation or distribution of campaign material that has
1 19 not been approved by the candidate who would benefit from that
1 20 campaign material, in order to restore the public's trust and
1 21 confidence in the electoral process.
1 22 2. As used in this section:
1 23 a. "Beneficiary candidate" means the candidate for public
1 24 office who would benefit from the distribution of campaign
1 25 material.
1 26 b. "Campaign material" means any print, radio, televised,
1 27 or electronic communication in any form or with any content
1 28 that is intended to encourage the recipient of the
1 29 communication to vote against a particular candidate for
1 30 public office.
1 31 c. "Public office" means any state, county, city, school,
1 32 or other office of a political subdivision of this state
1 33 filled by election.
1 34 d. "Target candidate" means the candidate for public
1 35 office against whom the campaign material is directed.
2 1 3. A person shall not distribute any campaign material
2 2 concerning a target candidate with the intent to encourage the
2 3 recipient of that campaign material to vote against that
2 4 target candidate, without first disclosing to the beneficiary
2 5 candidate the nature and content of the campaign material and
2 6 obtaining, in writing, the prior consent of the beneficiary
2 7 candidate to the distribution of the campaign material.
2 8 4. A person shall not distribute any campaign material
2 9 that contains a cartoon, caricature, or defacement of the
2 10 personal likeness of a target candidate.
2 11 5. A person shall not distribute any campaign material
2 12 that contains photographs or other depictions of human role
2 13 playing, except of a candidate who has approved the campaign
2 14 material.
2 15 6. A person shall not distribute any campaign material
2 16 regarding a vote cast in the general assembly by a target
2 17 candidate if a majority of the membership of the house of
2 18 which the target candidate is a member and of the political

2 19 party which is not the party of the target candidate voted in
2 20 the same manner as the target candidate.

2 21 7. Campaign material that refers to a prior vote cast by a
2 22 target candidate on an issue must disclose all of the
2 23 following:

2 24 a. The total votes cast both for and against that issue.
2 25 b. The total votes cast by members of each political party
2 26 of the membership of the legislative chamber of which the
2 27 target candidate is a member on that issue.

2 28 8. A candidate for public office who alleges a violation
2 29 of this section may file a complaint with the board. The
2 30 board shall give priority consideration to any complaint filed
2 31 under this section over all other matters pending before the
2 32 board.

2 33 9. If the board determines that a violation of this
2 34 section did occur, the board may impose any of the recommended
2 35 actions under section 68B.32D. The penalty established in
3 1 section 68A.701 does not apply to violations of this section.

3 2 EXPLANATION

3 3 This bill creates new Code section 68A.407 that prohibits
3 4 the distribution of campaign material intended to encourage
3 5 the recipient of that material to vote against a particular
3 6 candidate without the consent of the candidate benefiting from
3 7 that material.

3 8 The bill also places additional restrictions on the
3 9 negative content of campaign material used against a
3 10 particular candidate. Campaign material regarding a vote cast
3 11 in a house of the general assembly by a target candidate is
3 12 prohibited if a majority of the political party which is not
3 13 the party of the target candidate voted in the same manner as
3 14 the target candidate.

3 15 Any candidate may file a complaint with the ethics and
3 16 campaign disclosure board. If the board determines that a
3 17 violation did occur, the board may impose any of the sanctions
3 18 and remedial actions under Code section 68B.32D. These
3 19 include a civil penalty of not more than \$2,000 for each
3 20 violation.

3 21 LSB 1518HH 82

3 22 jr:rj/je/5