

House Study Bill 154

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON JOCHUM)

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

A BILL FOR

1 An Act regulating electioneering communications for campaign
2 finance and disclosure purposes and making civil remedies
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1968HC 82
6 jr/je/5

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1 1 Section 1. Section 68A.102, Code 2007, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 13A. "Electioneering committee" means any
1 4 organization, other than a candidate's committee or a
1 5 political committee, that creates or disseminates an
1 6 electioneering communication.
1 7 NEW SUBSECTION. 13B. "Electioneering communication" means
1 8 any print, radio, televised, or electronic communication in
1 9 any form or content, which is disseminated to the general
1 10 public or a segment thereof, that refers to a clearly
1 11 identified candidate for elected public office, if the
1 12 communication has the effect of encouraging or discouraging a
1 13 vote for the candidate, regardless of whether the
1 14 communication expressly advocates a vote for or against the
1 15 candidate, and is made within a period of thirty days before a
1 16 primary election or sixty days before a general or special
1 17 election for the public office sought by the candidate.
1 18 Sec. 2. NEW SECTION. 68A.401A ELECTIONEERING
1 19 COMMUNICATIONS.
1 20 1. An electioneering committee shall file a statement of
1 21 organization with the board prior to making an electioneering
1 22 communication. The statement of organization shall comply
1 23 with the provisions of section 68A.201.
1 24 2. An electioneering committee shall file a report with
1 25 the board within forty-eight hours of making an electioneering
1 26 communication. Reports filed under this section shall be
1 27 filed using the board's electronic filing system. The report
1 28 shall include all of the following:
1 29 a. The name and mailing address of each person who gave a
1 30 contribution of money, in-kind contribution, or a loan to the
1 31 electioneering committee, for use in this state, if the
1 32 aggregate amount or fair-market value exceeds twenty-five
1 33 dollars in a calendar year. Loans received and loan
1 34 repayments shall be reported on a separate schedule.
1 35 b. The name and mailing address of each person to whom
2 1 disbursements or loan repayments have been made by the
2 2 electioneering committee in this state and the amount,
2 3 purpose, and date of each disbursement except that
2 4 disbursements of less than five dollars may be shown as
2 5 miscellaneous disbursements as long as the aggregate
2 6 miscellaneous disbursements to any one person during a
2 7 calendar year do not exceed one hundred dollars.
2 8 c. The amount and nature of debts and obligations owed by
2 9 the electioneering committee for electioneering communications
2 10 in this state.
2 11 3. This section shall not apply to any of the following:
2 12 a. A communication appearing in a news story, commentary,
2 13 or editorial distributed through a media organization, unless
2 14 such organization is owned or controlled by a political party,
2 15 political committee, or candidate.
2 16 b. A communication that constitutes a candidate debate or
2 17 forum conducted pursuant to rules adopted by the board, or

2 18 that solely promotes such a debate or forum and is made by or
2 19 on behalf of the person sponsoring the debate or forum.
2 20 c. A communication disseminated to fewer than one hundred
2 21 named individuals.
2 22 d. Activities by a political committee or a candidate's
2 23 committee organized under this chapter.
2 24 e. Express advocacy communications.
2 25 4. The penalty set out in section 68A.701 does not apply
2 26 to a violation of this section.

2 27 EXPLANATION

2 28 This bill regulates electioneering communications, which
2 29 are defined as communications that: (1) refer to a clearly
2 30 identified candidate for elected public office; (2) have the
2 31 effect of encouraging or discouraging a vote for the
2 32 candidate; and (3) are made within 30 days before a primary
2 33 election or 60 days before a general or special election for
2 34 the public office sought by the candidate. The term does not
2 35 include a communication disseminated to fewer than 100

3 1 persons.

3 2 The bill requires that any organization that disseminates
3 3 electioneering communications must file a statement of
3 4 organization with the ethics and campaign disclosure board
3 5 prior to making any electioneering communication. Disclosure
3 6 reports are required to be made and must include a variety of
3 7 information including the name and mailing address of each
3 8 person who gave a contribution or contributions of money,
3 9 in-kind contributions, or loans to the electioneering
3 10 committee if the aggregate amount or fair-market value exceeds
3 11 \$25 in a calendar year.

3 12 The criminal penalty normally associated with violations of
3 13 Code chapter 68A is made inapplicable to violations of the
3 14 bill. A variety of civil remedies for a violation are
3 15 available in Code section 68B.32D, ranging from a reprimand to
3 16 a civil penalty of not more than \$2,000.

3 17 LSB 1968HC 82

3 18 jr:rj/je/5