

House Study Bill 534 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act requiring certain campaign finance statements and
2 reports to be filed in an electronic format.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.201, subsection 5, Code 2009, is
2 amended by striking the subsection.

3 Sec. 2. NEW SECTION. **68A.201A Contributions from federal**
4 **and out-of-state committees or organizations.**

5 1. When either a committee or organization not organized
6 as a committee under section 68A.201 makes a contribution to
7 a committee organized in Iowa, that committee or organization
8 shall disclose each contribution in excess of fifty dollars to
9 the board.

10 2. A committee or organization not organized as a committee
11 under section 68A.201 that is not registered and filing full
12 disclosure reports of all financial activities with the federal
13 election commission or another state's disclosure commission
14 shall register and file full disclosure reports with the board
15 pursuant to this chapter. The committee or organization
16 shall either appoint an eligible Iowa elector as committee or
17 organization treasurer, or shall maintain all committee funds
18 in an account in a financial institution located in Iowa.

19 3. A committee that is currently filing a disclosure report
20 in another jurisdiction shall either file a statement of
21 organization under section 68A.201 and file disclosure reports
22 under section 68A.402, or shall file a verified statement with
23 the board within fifteen days of the contribution being made.

24 4. The verified statement shall be on forms prescribed by
25 the board and shall attest that the committee is filing reports
26 with the federal election commission or in a jurisdiction with
27 reporting requirements which are substantially similar to those
28 of this chapter, and that the contribution is made from an
29 account that does not accept contributions that would be in
30 violation of section 68A.503.

31 5. The verified statement shall include the complete name,
32 address, and telephone number of the contributing committee,
33 the state or federal jurisdiction under which it is registered
34 or operates, the identification of any parent entity or other
35 affiliates or sponsors, its purpose, the name and address of an

1 Iowa resident authorized to receive service of original notice,
2 the name and address of the receiving committee, the amount of
3 the cash or in-kind contribution, and the date the contribution
4 was made.

5 6. Effective January 1, 2011, the verified statement shall
6 be filed in an electronic format by 4:30 p.m. of the day the
7 filing is due.

8 Sec. 3. Section 68A.401, subsection 1, Code Supplement
9 2009, is amended to read as follows:

10 1. All statements and reports required to be filed under
11 this chapter shall be filed with the board as provided in
12 section 68A.402, subsection 1. The board shall post on its
13 internet website all statements and reports filed under this
14 chapter. For purposes of this section, the term "*statement*"
15 does not include a bank statement.

16 *a.* A candidate's committee of a candidate for statewide
17 office or the general assembly shall file all statements and
18 reports in an electronic format by 4:30 p.m. of the day the
19 filing is due and according to rules adopted by the board.
20 ~~Any other candidate or political committee may submit the~~
21 ~~statements and reports in an electronic format as prescribed~~
22 ~~by rule.~~

23 *b.* Effective January 1, 2011, a county statutory political
24 committee shall file all statements and reports in an
25 electronic format by 4:30 p.m. of the day the filing is due and
26 according to rules adopted by the board.

27 *c.* Effective January 1, 2011, any other candidate or
28 committee involved in a county, city, school, or other
29 political subdivision election that accepts monetary or in-kind
30 contributions in excess of two thousand dollars, or incurs
31 indebtedness in excess of two thousand dollars in the aggregate
32 in a calendar year, or makes expenditures in excess of two
33 thousand dollars in a calendar year to expressly advocate for
34 or against a clearly identified candidate or ballot issue shall
35 file all statements and reports in an electronic format by

1 4:30 p.m. of the day the filing is due and according to rules
2 adopted by the board. The committee shall continue to file
3 subsequent statements and reports in an electronic format until
4 being certified as dissolved under section 68A.402B.

5 d. Any other candidate or political committee not otherwise
6 required to file a statement or report in an electronic format
7 under this section shall file the statements and reports in
8 either an electronic format as prescribed by rule or by one of
9 the methods specified in section 68A.402, subsection 1.

10 ~~b.~~ e. If the board determines that a violation of this
11 subsection has occurred, the board may impose any of the
12 remedies or penalties provided for under section 68B.32D,
13 except that the board shall not refer any complaint or
14 supporting information of a violation of this section to the
15 attorney general or any county attorney for prosecution.

16 EXPLANATION

17 This bill makes changes relating to electronic filing of
18 campaign finance statements and reports.

19 The bill transfers current language codified as Code
20 section 68A.201(5) and recodifies it as a separate Code
21 section, 68A.201A, requiring that contributions in excess of
22 \$50 from federal and out-of-state committees or organizations
23 be disclosed to the board. Effective January 1, 2011, the
24 disclosure shall be filed in an electronic format.

25 Under current law, effective January 1, 2010, all statements
26 and reports filed by new committees for state office must
27 be filed electronically. Effective January 1, 2012, all
28 statements and reports filed by all committees for state
29 office must be filed electronically. Commencing May 1,
30 2010, this requirement will also apply to a state statutory
31 political committee and to a political committee expressly
32 advocating for or against the nomination, election, or
33 defeat of a candidate for statewide office or the general
34 assembly. The bill provides that, commencing January 1, 2011,
35 a county statutory political committee and any other candidate

1 or committee involved in a county, city, school, or other
2 political subdivision election that accepts monetary or in-kind
3 contributions in excess of \$2,000 or incurs indebtedness
4 in excess of \$2,000 in the aggregate in a calendar year or
5 makes expenditures in excess of \$2,000 in a calendar year
6 to expressly advocate for or against a clearly identified
7 candidate or ballot issue shall file all statements and reports
8 in an electronic format until being certified as dissolved.