

**House File 150 - Introduced**

HOUSE FILE 150

BY ISENHART

**A BILL FOR**

1 An Act relating to certain campaign communications, providing  
2 for fees, and providing for penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.405, subsection 1, paragraph a,  
2 subparagraph (3), Code 2013, is amended to read as follows:

3 (3) "*Published material*" means any newspaper, magazine,  
4 shopper, outdoor advertising facility, poster, direct mailing,  
5 brochure, internet ~~website~~ site, campaign sign, or any  
6 other form of printed general public political advertising.  
7 "*Published material*" includes television, radio, video, or  
8 motion picture advertising.

9 Sec. 2. Section 68A.405, subsection 1, paragraph b, Code  
10 2013, is amended to read as follows:

11 b. (1) Except as set out in subsection 2, published  
12 material or automated or live telephone calls designed to  
13 expressly advocate the nomination, election, or defeat of a  
14 candidate for public office or the passage or defeat of a  
15 ballot issue shall include on the published material or in  
16 the telephone call an attribution statement disclosing who is  
17 responsible for the published material or telephone call.

18 (2) Automated or live telephone calls made by a person  
19 or organization for the purpose of gathering information to  
20 inform or influence a public election campaign shall include a  
21 disclaimer clearly identifying the name of the caller, the name  
22 of the person or organization sponsoring the communication,  
23 and the name and telephone number of an authorized person  
24 responsible for the communication.

25 ~~(2)~~ (3) The person who is responsible for the published  
26 material or automated or live telephone calls has the sole  
27 responsibility and liability for the attribution statement  
28 required by this section.

29 Sec. 3. Section 68A.405, subsection 2, paragraph a, Code  
30 2013, is amended to read as follows:

31 a. The editorials or news articles of a newspaper, magazine,  
32 television or radio station, or other print or electronic media  
33 that are not paid political advertisements.

34 Sec. 4. Section 68A.405, subsections 3 and 4, Code 2013, are  
35 amended to read as follows:

1 3. For television, video, or motion picture advertising,  
2 the attribution statement shall be displayed on the screen in a  
3 clearly readable manner for at least four seconds. For radio,  
4 the attribution statement shall be read at the conclusion of  
5 the advertisement at a volume and with enunciation to make  
6 the statement easily understandable. For automated or live  
7 telephone calls described in subsection 1, paragraph "b", the  
8 attribution statement or disclaimer, as applicable, shall  
9 be read at the conclusion of the call at a volume and with  
10 enunciation to make the statement easily understandable.

11 4. The board shall adopt rules relating to the placing of  
12 an attribution statement on published materials and for the  
13 reading of attribution statements or disclaimers for radio and  
14 automated or live telephone calls.

15 Sec. 5. **NEW SECTION. 68A.407 Certain communications**  
16 **provided to the board.**

17 1. Any communication intended for audio or video broadcast,  
18 cable or internet transmission, or any automated or live  
19 telephone call that is made to influence a public election,  
20 and paid for as a direct, in-kind, or independent expenditure  
21 by a person, a candidate, or political committee, shall be  
22 supplied to the board in an electronic format according to  
23 specifications established by the board.

24 2. The communication shall be supplied by noon on the  
25 same day that the transmission first occurs or by noon on the  
26 previous Friday if the first transmission occurs on a Saturday  
27 or Sunday.

28 3. The communication shall be supplied to the board eleven  
29 days before the day of the election if the transmission will  
30 first occur within eleven days preceding the election. The  
31 communication shall be supplied to the board seven days  
32 before the day of the election if the communication responds  
33 to a communication that will first occur within eleven days  
34 preceding the election. The material supplied to the board  
35 shall include a specific listing of each radio, television,

1 cable, internet, or other outlet used to transmit the  
2 communication, and the total of expenditures associated with  
3 the communication.

4 4. An audio or video broadcast, cable or internet  
5 transmission, or automated or live telephone call made to  
6 influence a public election, and paid for as a direct, in-kind,  
7 or independent expenditure by a person or by a candidate or  
8 political committee may not be made if it has not been supplied  
9 to the board as required in this section.

10 5. Any communication supplied to the board which directly or  
11 indirectly refers to a vote or position taken by a candidate  
12 for public office, or portrays the view of a candidate for  
13 office, shall include documentation of that vote, position,  
14 or view in a form required by the board. The documentation  
15 shall include but not be limited to the date, place, and manner  
16 that the candidate cast such vote, took such a position, or  
17 expressed such views and shall reference a public source  
18 of information at which the citation can be verified. In  
19 addition, the filing shall include the name, address, telephone  
20 number, and electronic mail address of the person who is taking  
21 legal responsibility for the truthfulness of the information.

22 6. A communication supplied to the board, and its associated  
23 documentation, shall be permanently posted by the board  
24 on an internet site accessible by the public in an easily  
25 identifiable format as soon as technically and reasonably  
26 possible.

27 7. The board may establish reasonable fees to cover  
28 the costs associated with implementation of this section  
29 and such fees shall be payable by the persons, candidate  
30 committees, political committees, or other entities submitting  
31 a communication.

32 8. In addition to the penalty set out in section 68A.701, a  
33 person who violates this section shall be subject to a civil  
34 penalty not to exceed the total amount of the expenditures made  
35 to produce and transmit the communication.

EXPLANATION

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This bill regulates audio or video broadcasts, cable or internet transmissions, or automated or live telephone calls which are used in political campaigns. The bill expands current attribution statement requirements to include radio advertisements and certain automated or live telephone calls, as described in the bill. The bill also requires that a disclaimer be made for certain other automated or live telephone calls, as described in the bill.

The bill enacts new Code section 68A.407 to require that the contents of a campaign-related audio or video broadcast, cable or internet transmission, or automated or live telephone call must be provided to the ethics and campaign finance disclosure board. The bill sets out specific timelines when these communications must be provided. These communications are prohibited unless they have been supplied to the board as required by the bill.

The bill requires that any communication which directly or indirectly refers to a vote, position, or viewpoint taken by a candidate shall include documentation of that vote, position, or viewpoint in a form required by the board.

Communications supplied to the board under new Code section 68A.407 shall be permanently posted on an internet site accessible by the public.

The bill empowers the board to establish reasonable fees to cover the costs associated with implementation of new Code section 68A.407.

The bill provides that in addition to the criminal penalty set out in current Code section 68A.701, a person who violates new Code section 68A.407 shall be subject to a civil penalty not to exceed the total amount of the expenditures made to produce and transmit the communication.