

**House File 2469 - Introduced**

HOUSE FILE 2469  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 589)

**A BILL FOR**

1 An Act relating to the expenditure of public funds and funds  
2 held in trust by statewide elected officials, members of the  
3 general assembly, or local officials on certain forms of  
4 advertisement and imposing penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 68A.405A Advertising expenditures  
2 prior to elections prohibited.

3 1. For the purposes of this section:

4 a. "*Designated communication*" means a public advertisement  
5 or promotion delivered through a paid direct mailing, a paid  
6 radio communication, a paid newspaper advertisement, or a  
7 paid television communication funded in whole or in part with  
8 public moneys or moneys held in a private trust fund as defined  
9 by section 8.2, or a trust fund controlled by a political  
10 subdivision of the state, if such paid direct mailing, paid  
11 radio communication, paid newspaper advertisement, or paid  
12 television communication bears the written name, likeness, or  
13 voice of a statewide elected official, a member of the general  
14 assembly, or a local official. "*Designated communication*" does  
15 not mean any of the following:

16 (1) A report, record, letter, memorandum, document,  
17 envelope, cover sheet, certificate, constituent correspondence,  
18 routine ministerial material, or ceremonial material bearing  
19 the name, official logo, or official letterhead of the office  
20 of a statewide elected official, a member of the general  
21 assembly, or local official, provided that such report,  
22 record, letter, memorandum, document, envelope, cover sheet,  
23 certificate, routine ministerial material, or ceremonial  
24 material is used or generated in the course of the statewide  
25 elected official's, member of the general assembly's, or local  
26 official's duties.

27 (2) A depiction of the great seal of the state of Iowa  
28 through any medium when such depiction has been approved by the  
29 office of the governor.

30 (3) Official press releases or press advisories issued by  
31 the office of a statewide elected official, a member of the  
32 general assembly, or a local official in any form.

33 (4) A publication, literature, or other medium of  
34 communication designed to further the purposes of section  
35 29C.3.

1     *b. "Designated exhibit expenditure"* means a billboard,  
2 placard, banner, table skirt, sign, display, or other physical  
3 structure in excess of one hundred fifty square inches funded  
4 in whole or in part with public moneys or moneys held in a  
5 private trust fund as defined in section 8.2, or a trust fund  
6 controlled by a political subdivision of the state, and placed  
7 or displayed within or upon a defined physical booth space  
8 located at the Iowa state fair or a fairground or grounds as  
9 defined in section 174.1 bearing the written name, likeness, or  
10 voice of a statewide elected official, a member of the general  
11 assembly, or a local official. *"Designated exhibit expenditure"*  
12 does not mean any of the following:

13     (1) A report, record, letter, memorandum, document,  
14 envelope, cover sheet, certificate, constituent correspondence,  
15 routine ministerial material, or ceremonial material bearing  
16 the name, official logo, or official letterhead of the office  
17 of a statewide elected official, a member of the general  
18 assembly, or local official, provided that such report,  
19 record, letter, memorandum, document, envelope, cover sheet,  
20 certificate, routine ministerial material, or ceremonial  
21 material is used or generated in the course of the statewide  
22 elected official's, member of the general assembly's, or local  
23 official's duties.

24     (2) A depiction of the great seal of the state of Iowa  
25 through any medium when such depiction has been approved by the  
26 office of the governor.

27     (3) Official press releases or press advisories issued by  
28 the office of a statewide elected official, a member of the  
29 general assembly, or a local official in any form.

30     (4) A publication, literature, or other medium of  
31 communication designed to further the purposes of section  
32 29C.3.

33     *c. "Local official"* means the same as defined in section  
34 68B.2.

35     *d. "Statewide elected official"* means the same as defined

1 in section 68B.2.

2 2. A statewide elected official, a member of the general  
3 assembly, or a local official shall not make or authorize a  
4 designated communication or designated exhibit expenditure.

5 3. A person who willfully violates this section shall be  
6 subject to a civil penalty of an amount up to the amount of  
7 moneys withdrawn from a public account, private trust fund  
8 as defined in section 8.2, or trust fund controlled by a  
9 political subdivision of the state used to fund the designated  
10 communication or designated exhibit expenditure found to be  
11 in violation of this section by the board or, for members of  
12 the general assembly, by an appropriate legislative ethics  
13 committee. Such penalty shall be determined and assessed by  
14 the board and paid into the account from which such moneys were  
15 withdrawn. Additional criminal or civil penalties available  
16 under section 68A.701 or established by the board pursuant to  
17 section 68B.32A may also be determined and assessed by the  
18 board for violations of this section. Nothing in this section  
19 shall prevent the imposition of any penalty or sanction for a  
20 violation of this section by a legislative ethics committee.

21 4. This section shall not apply to any physically printed or  
22 electronically printed, published, or disseminated materials or  
23 literature generated by a statewide elected official, member of  
24 the general assembly, or local official prior to the effective  
25 date of this Act.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with  
28 the explanation's substance by the members of the general assembly.

29 This bill prohibits a statewide elected official, defined  
30 as the governor, lieutenant governor, secretary of state,  
31 treasurer of state, auditor of state, attorney general, or  
32 secretary of agriculture, member of the general assembly, or  
33 local official from expending public moneys or moneys held in  
34 a trust controlled by the state or a political subdivision on  
35 advertisements in which that statewide elected official's,

1 member of the general assembly's, or local official's name,  
2 likeness, or voice will appear or be heard. The bill also  
3 prohibits such expenditures on booths at the Iowa state fair  
4 and local fairs. Certain official documents and communications  
5 are excluded from these prohibitions.

6 A person who violates the bill is subject to penalties  
7 established pursuant to Code section 68B.32A, subsections  
8 9 and 19, and must repay the trust fund or public account  
9 from which the money was withdrawn. A member of the general  
10 assembly who violates the bill may be subject to penalties  
11 imposed by a legislative ethics committee. Any person who  
12 willfully violates either portion of this bill is also guilty  
13 of a serious misdemeanor pursuant to Code section 68A.701. A  
14 serious misdemeanor is punishable by confinement for no more  
15 than one year and a fine of at least \$315 but not more than  
16 \$1,875.