

House Study Bill 589 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON RIZER)

A BILL FOR

1 An Act relating to the expenditure of public funds and funds
2 held in trust by statewide elected officials or local
3 officials on certain forms of advertisement and imposing
4 penalties.

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

1 Section 1. NEW SECTION. 68A.405A Certain advertising
2 expenditures prior to certain elections prohibited.

3 1. a. A statewide elected official or local official shall
4 not expend public moneys or moneys held in a private trust
5 fund as defined in section 8.2 or a trust fund controlled by
6 a political subdivision of the state on any advertisement,
7 including but not limited to a paid television advertisement,
8 paid mailing, brochure, or exhibit at a fair event as defined
9 in section 174.1, containing the name or likeness of the
10 statewide elected official or local official. For the purposes
11 of this section, "*statewide elected official*" and "*local*
12 *official*" mean as defined in section 68B.2. "*Advertisement*"
13 does not include any of the following:

14 (1) Maps, signs, or other materials produced in the
15 ordinary course of business by the department of transportation
16 containing the name or likeness of a statewide elected official
17 or local official.

18 (2) Public letterhead on an envelope or paper.

19 b. The board shall have the authority to determine whether
20 an item constitutes an advertisement or contains the likeness
21 of a statewide elected official or local official, except that
22 likeness shall not include the name of a statewide elected
23 official or local official when accompanied by the signature of
24 such an official and affixed to a letter.

25 2. A statewide elected official or local official using
26 public moneys or moneys held in a private trust fund as defined
27 in section 8.2 or a trust fund controlled by a political
28 subdivision of the state to pay for an advertisement not
29 containing the statewide elected official's or local official's
30 likeness shall include in the advertisement a statement
31 disclosing the source of the public moneys or moneys held in a
32 trust fund used to pay for the advertisement.

33 3. A person who violates this section shall be subject to a
34 civil penalty of an amount equal to the money withdrawn from a
35 public account, private trust fund as defined in section 8.2,

1 or trust fund controlled by a political subdivision of the
2 state, to be imposed by the board and paid into the account
3 from which the money was withdrawn, in addition to the criminal
4 penalty in section 68A.701 and the penalties established by the
5 board pursuant to section 68B.32A.

6 Sec. 2. Section 68A.505, subsection 1, Code 2018, is amended
7 to read as follows:

8 1. The state and the governing body of a county, city, or
9 other political subdivision of the state shall not expend or
10 permit the expenditure of public moneys for political purposes,
11 including expressly advocating the passage or defeat of a
12 ballot issue, and shall not expend or permit the expenditure of
13 public moneys or moneys held in a private trust fund as defined
14 in section 8.2 or a trust fund controlled by a political
15 subdivision of the state on any advertisement including but
16 not limited to a paid television advertisement, paid mailing,
17 brochure, or exhibit at a fair event as defined in section
18 174.1, containing the name or likeness as defined in section
19 68A.405A of a statewide elected official or local official as
20 defined in section 68B.2. "Advertisement" does not include any
21 of the following:

22 a. Maps, signs, or other materials produced in the ordinary
23 course of business by the department of transportation
24 containing the name or likeness of a statewide elected official
25 or local official.

26 b. Public letterhead on an envelope or paper.

27 EXPLANATION

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

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

1 statewide elected official's name or likeness will appear.
2 The bill also requires advertisements paid for with public
3 moneys or moneys held in trust not containing the statewide
4 elected official's or local official's likeness to include
5 a statement disclosing the source of the moneys used to pay
6 for the advertisement. Advertisements do not include maps,
7 signs, or other materials produced in the normal course of
8 business by the department of transportation, public letterhead
9 on envelopes or papers, or stickers placed on gasoline pumps
10 pursuant to department of agriculture and land stewardship
11 rule.

12 A person who violates the section of the bill prohibiting
13 certain advertisement by state and local officials is subject
14 to penalties established pursuant to Code section 68B.32A,
15 subsections 9 and 19, and must repay the trust fund or public
16 account from which the money was withdrawn. Any person who
17 willfully violates either portion of this bill is also guilty
18 of a serious misdemeanor pursuant to Code section 68A.701. A
19 serious misdemeanor is punishable by confinement for no more
20 than one year and a fine of at least \$315 but not more than
21 \$1,875.