

House File 2165 - Introduced

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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 2020, 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 site, campaign sign, or any other form of
6 printed or electronic ~~general public political advertising~~
7 material or message. "*Published material*" includes but is
8 not limited to television, radio, video, or motion picture
9 advertising.

10 Sec. 2. Section 68A.405, subsection 1, paragraph b, Code
11 2020, is amended to read as follows:

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

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

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

32 Sec. 3. Section 68A.405, subsection 2, paragraph a, Code
33 2020, is amended to read as follows:

34 a. The editorials or news ~~articles~~ coverage of a newspaper,
35 magazine, television or radio station, or other print or

1 electronic media that are not paid political advertisements.

2 Sec. 4. Section 68A.405, subsections 3 and 4, Code 2020, are
3 amended to read as follows:

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

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

18 Sec. 5. Section 68A.405, Code 2020, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 5. In addition to the penalty set out
21 in section 68A.701, a person who violates this section
22 shall be subject to a civil penalty not to exceed the total
23 amount of the expenditures made to produce and transmit the
24 communication.

25 EXPLANATION

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

28 This bill regulates audio or video broadcasts, cable or
29 internet transmissions, or automated or live telephone calls
30 which are used in political campaigns. The bill expands
31 current attribution statement requirements to include but not
32 be limited to radio advertisements and certain automated or
33 live telephone calls, as described in the bill. The bill also
34 requires that a disclaimer be made for certain other automated
35 or live telephone calls, as described in the bill.

1 The bill provides that in addition to the criminal penalty
2 set out in current Code section 68A.701, a person who violates
3 Code section 68A.405 shall be subject to a civil penalty not
4 to exceed the total amount of the expenditures made to produce
5 and transmit the communication.

6 By operation of law, a person who willfully violates a
7 provision of the bill is guilty of a serious misdemeanor, which
8 is punishable by confinement for no more than one year and a
9 fine of at least \$315 but not more than \$1,875.