

Senate File 446 - Introduced

SENATE FILE 446
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1160)

A BILL FOR

1 An Act relating to political and campaign ethics, including
2 the reporting of certain gifts and bequests received by the
3 executive branch and attribution statements on published
4 materials, and making penalties applicable.

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

1 Section 1. Section 8.7, Code 2019, is amended to read as
2 follows:

3 **8.7 Reporting of gifts and bequests received.**

4 All gifts and bequests with a value of fifty dollars or
5 more received by a department or accepted by the governor on
6 behalf of the state shall be reported within twenty days of
7 receiving the gift or bequest to the Iowa ethics and campaign
8 disclosure board ~~and the general assembly's standing committees~~
9 ~~on government oversight~~, using the board's internet reporting
10 system. The Iowa ethics and campaign disclosure board shall,
11 by January 31 of each year, submit to the fiscal services
12 division of the legislative services agency a written report
13 listing all gifts and bequests received during the previous
14 calendar year with a value over one thousand dollars and the
15 purpose for each such gift or bequest. The submission shall
16 also include a listing of all gifts and bequests received by a
17 department from a person if the cumulative value of all gifts
18 and bequests received by the department from the person during
19 the previous calendar year exceeds one thousand dollars, and
20 the Iowa ethics and campaign disclosure board shall include, if
21 available, the purpose for each such gift or bequest. However,
22 the reports on gifts or bequests filed by the state board of
23 regents and the Iowa state fair board pursuant to [section 8.44](#)
24 shall be deemed sufficient to comply with the requirements of
25 this section.

26 Sec. 2. Section 68A.405, subsection 1, paragraph a,
27 unnumbered paragraph 1, Code 2019, is amended to read as
28 follows:

29 For purposes of [this subsection section](#):

30 Sec. 3. Section 68A.405, subsection 1, paragraph a,
31 subparagraph (3), Code 2019, is amended to read as follows:

32 (3) "*Published material*" means any newspaper, magazine,
33 shopper, outdoor advertising facility, poster, direct mailing,
34 brochure, internet site, campaign sign, or any other form of
35 printed or electronic general public political advertising.

1 "Published material" includes television, video, or motion
2 picture advertising, automated telephone calls, or text
3 messages.

4 Sec. 4. Section 68A.405, subsection 1, paragraph h, Code
5 2019, is amended to read as follows:

6 h. (1) If Except as provided in subparagraph (2), if the
7 published material is the result of an independent expenditure
8 subject to section 68A.404, the published material shall
9 include a statement that the published material was not
10 authorized by any candidate, candidate's committee, or ballot
11 issue committee.

12 (2) Published material that is the result of an expenditure
13 by a political party, as defined in section 43.2, designed to
14 expressly advocate the nomination, election, or defeat of a
15 candidate for public office shall include the words "published
16 on behalf of" and the name of the political party's candidate
17 for that office.

18 EXPLANATION

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

21 This bill relates to political and campaign ethics,
22 including the gift-reporting requirements of the executive
23 branch and attribution statement requirements on published
24 materials.

25 Currently, all gifts and bequests received by a department
26 or accepted by the governor on behalf of the state are required
27 to be reported to the Iowa ethics and campaign disclosure board
28 and the general assembly's standing committees on government
29 oversight. Each year, the board is required to submit a report
30 to the legislative services agency listing all of the gifts and
31 bequests received during the previous year with a value of over
32 \$1,000 as well as all gifts and bequests a department receives
33 from a person if the cumulative value of the gifts and bequests
34 from the person to the department exceeds \$1,000 during the
35 previous calendar year.

1 The bill limits the reporting requirement to gifts and
2 bequests with a value of \$50 or more. The bill requires the
3 recipient reports to the board to be filed electronically
4 within 20 days of receiving the gift or bequest using the
5 board's internet reporting system. The bill eliminates
6 the filing requirement with the general assembly's standing
7 committees on government oversight.

8 Under Code chapter 68A (campaign finance), published
9 material designed to expressly advocate the nomination,
10 election, or defeat of a candidate for public office or the
11 passage or defeat of a ballot issue is required to include an
12 attribution statement indicating who is responsible for the
13 published material. The bill adds automated telephone calls
14 and text messages to the definition of "published material".
15 The bill also requires published material that is published
16 by a political party to state that it is published on behalf
17 of that party's candidate for an office if the published
18 material expressly advocates the nomination, election,
19 or defeat of a candidate for that office. A person who
20 violates a provision of Code chapter 68A is subject to civil
21 penalties imposed by the Iowa ethics and campaign disclosure
22 board, including remedial action, a reprimand, and a civil
23 penalty of up to \$2,000. In addition, a person who willfully
24 violates a provision of Code chapter 68A is guilty of a
25 serious misdemeanor. A serious misdemeanor is punishable by
26 confinement for no more than one year and a fine of at least
27 \$315 but not more than \$1,875.