

House File 2168 - Introduced

HOUSE FILE 2168
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 638)
(SUCCESSOR TO HSB 210)

A BILL FOR

1 An Act relating to matters before the Iowa ethics and campaign
2 disclosure board, including campaign finance filings,
3 attribution statements, and delinquent payment penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.201, subsection 2, paragraphs a and
2 b, Code 2024, are amended to read as follows:

3 a. The name, purpose, mailing address, electronic mail
4 address, and telephone number of the committee. The committee
5 name shall not duplicate the name of another committee
6 organized under this section. For candidate's committees
7 filing initial statements of organization on or after July
8 1, 1995, the candidate's name shall be contained within the
9 committee name.

10 b. The name, mailing address, electronic mail address, and
11 position of the committee officers.

12 Sec. 2. Section 68A.201A, subsection 6, Code 2024, is
13 amended to read as follows:

14 6. The verified statement shall be filed ~~by 4:30~~ in an
15 electronic format no later than 11:59 p.m. of the day the
16 filing is due.

17 Sec. 3. Section 68A.401, subsection 1, paragraph a, Code
18 2024, is amended to read as follows:

19 a. A state statutory political committee, a county statutory
20 political committee, a political committee, and a candidate's
21 committee shall file all statements and reports in an
22 electronic format ~~by 4:30~~ no later than 11:59 p.m. of the day
23 the filing is due and according to rules adopted by the board.

24 Sec. 4. Section 68A.405, subsection 1, paragraph a,
25 subparagraph (3), Code 2024, is amended to read as follows:

26 (3) "*Published material*" means any newspaper, magazine,
27 shopper, outdoor advertising facility, poster, direct mailing,
28 brochure, internet site, campaign sign, or any other form of
29 printed or electronic general public political advertising.
30 "*Published material*" includes radio, television, video, or
31 ~~motion picture~~ internet advertising.

32 Sec. 5. Section 68A.405, subsection 1, paragraph b,
33 subparagraph (1), Code 2024, is amended to read as follows:

34 (1) Except as set out in subsection 2, published material
35 designed to expressly advocate the nomination, election,

1 or defeat of a candidate for public office or the passage
2 or defeat of a ballot issue shall include on the published
3 material ~~an~~ a clear and conspicuous attribution statement
4 disclosing who is responsible for the published material.

5 Sec. 6. Section 68A.405, subsection 3, Code 2024, is amended
6 to read as follows:

7 3. For television, or video, or motion picture advertising,
8 the attribution statement shall be displayed on the screen
9 in a clearly readable manner for at least four seconds. For
10 radio advertising, the attribution statement shall be read in a
11 clearly understandable manner.

12 Sec. 7. Section 68B.32, subsections 3 and 5, Code 2024, are
13 amended to read as follows:

14 3. The board shall annually elect one member to serve as
15 the chairperson of the board and one member to serve as vice
16 chairperson. The vice chairperson shall act as the chairperson
17 in the absence or disability of the chairperson or in the
18 event of a vacancy in that office. The chairperson and vice
19 chairperson shall not be members of the same political party.

20 5. The board shall employ a full-time executive director who
21 shall be the board's chief administrative officer. The board
22 shall employ or contract for the employment of legal counsel
23 notwithstanding [section 13.7](#), and any other personnel as may
24 be necessary to carry out the duties of the board. The board's
25 legal counsel shall be the chief legal officer of the board and
26 shall advise the board on all legal matters relating to the
27 administration of [this chapter](#) and [chapter 68A](#). The state may
28 be represented by the board's legal counsel in any civil action
29 regarding the enforcement of [this chapter](#) or [chapter 68A](#), or at
30 the board's request, the state may be represented by the office
31 of the attorney general. Notwithstanding [section 8A.412](#), all
32 of the board's employees, except for the executive director and
33 legal counsel, shall be employed subject to the merit system
34 provisions of [chapter 8A, subchapter IV](#). The salary of the
35 executive director shall be fixed by the board, within the

1 range established by the general assembly. The salary of the
2 legal counsel shall be fixed by the board, within a salary
3 range established by the department of administrative services
4 for a position requiring similar qualifications and experience.
5 If the executive director also serves as the board's legal
6 counsel, the board may award the executive director additional
7 compensation which shall not annually exceed fifty percent of
8 the maximum annual salary for the range established by the
9 general assembly for the board's executive director position.

10 Sec. 8. NEW SECTION. **68B.32E Delinquent penalties —**
11 **enforcement.**

12 1. A civil penalty assessed by the board under section
13 68B.32D, subsection 1, paragraph "h", shall be paid no later
14 than thirty days after the order is issued. A civil penalty is
15 delinquent if the full amount of the civil penalty has not been
16 timely paid.

17 2. *a.* In lieu of paying the full amount of the civil
18 penalty within thirty days, a person may enter into an
19 installment payment plan. A payment plan must be agreed to
20 in writing and signed by the board's executive director and
21 the person owing the civil penalty. The payment plan must
22 include a payment schedule with the payment dates described.
23 The payment plan must be established no later than thirty days
24 after the issuance of the order requiring the person to pay a
25 civil penalty, as provided under section 68B.32D, subsection
26 1, paragraph "h".

27 *b.* If a payment plan is established, the civil penalty is
28 delinquent if an installment payment is not paid within thirty
29 days of the payment date provided in the payment plan.

30 3. If a civil penalty is delinquent for sixty days or longer
31 on or after July 1, 2024, the board shall assess a late fee once
32 each month, beginning on the later of July 1, 2024, and the
33 date the civil penalty becomes delinquent. The late fee must
34 be assessed in accordance with rules adopted by the board. The
35 board may waive any assessed late fee.

1 4. If a civil penalty remains delinquent for thirty days or
2 longer, the board shall send final notice to the person owing
3 the civil penalty. Such notice shall be sent via restricted
4 certified mail, and must include notice of the applicable
5 action provided in subsection 5 or 6.

6 5. *a.* If a civil penalty owed by a person who was issued a
7 driver's license in this state is delinquent under subsection
8 1 or 2, and if the person owes two hundred fifty dollars or
9 more, the board shall notify the department of transportation
10 to suspend the person's driver's license in accordance
11 with section 321.210E until the civil penalty is no longer
12 delinquent.

13 *b.* If the civil penalty owed by the person is no longer
14 delinquent, the board shall notify the department of
15 transportation to terminate the suspension of the person's
16 driver's license in accordance with section 321.210E.

17 6. If a civil penalty owed by a person who was not issued a
18 driver's license in this state is delinquent under subsection 1
19 or 2, and if the person owes two hundred fifty dollars or more,
20 the board shall revoke any authority granted by the board for
21 the person to operate a candidate's committee and a political
22 committee in this state until the person's debt is no longer
23 delinquent.

24 7. Any penalty shall be stayed if an appeal is pending for
25 the underlying matter for which the person was issued a civil
26 penalty. For the duration of the stay, the penalty shall not
27 be deemed delinquent and is not subject to a late fee.

28 8. The board may waive collection of a penalty owed in
29 circumstances where collection is impracticable.

30 9. This section does not prohibit the board from taking
31 alternative enforcement actions permitted by this chapter or
32 chapter 17A.

33 Sec. 9. NEW SECTION. 321.210E Suspension for delinquent
34 civil penalties owed to the Iowa ethics and campaign disclosure
35 board.

1 with the board. When a committee or organization is not
2 organized under Code section 68A.201, such committee officers
3 are also required to provide an electronic mail address when
4 filing full disclosure reports of all financial activities with
5 the federal election commission or another state's disclosure
6 commission.

7 The bill extends the deadline for required filings to be
8 submitted electronically to the board from 4:30 p.m. to 11:59
9 p.m. on the day the filings are due. By operation of law,
10 in computing time, the first day is excluded and the last
11 included, unless the last falls on Sunday or holiday, in which
12 case the time prescribed is extended so as to include the
13 whole of the following Monday, or day after the holiday, as
14 applicable.

15 The bill adds radio and internet advertising to the
16 definition of "published material" as used in Code chapter
17 68A, and strikes motion picture advertising from the
18 definition. "Published material", including radio and internet
19 advertising under the bill, that is designed to expressly
20 advocate the nomination, election, or defeat of a candidate
21 for public office or the passage or defeat of a ballot issue
22 is required to include an attribution statement disclosing
23 who is responsible for the material. The bill requires the
24 attribution statement to be clear and conspicuous. For radio
25 advertising, the attribution statement must be read in a
26 clearly understandable manner.

27 Current law requires the board to annually elect one member
28 to serve as the chairperson of the board and one member to
29 serve as vice chairperson. The bill prohibits the chairperson
30 and vice chairperson from being members of the same political
31 party.

32 Under current law, the board must employ a full-time
33 executive director who is the board's chief administrative
34 officer. The board must also employ or contract for the
35 employment of legal counsel and any other personnel as may

1 be necessary to carry out the duties of the board. The
2 board's legal counsel is the chief legal officer of the
3 board and advises the board on all legal matters relating to
4 the administration of Code chapters 68A and 68B. The bill
5 authorizes the board to award the executive director, if that
6 person also serves as the board's legal counsel, additional
7 compensation. The additional compensation must not annually
8 exceed 50 percent of the maximum annual salary for the range
9 established by the general assembly for the board's executive
10 director position.

11 The bill provides enforcement provisions related to
12 delinquent civil penalties assessed by the board under Code
13 section 68B.32, subsection 1, paragraph "h". The bill requires
14 civil penalties to be paid within 30 days of the board's order
15 for a penalty unless a payment plan is established. Under the
16 bill, the board is authorized to adopt administrative rules
17 and assess a late fee once each month in addition to a civil
18 penalty that is delinquent for 60 days or longer on or after
19 July 1, 2024.

20 The bill authorizes the board to notify the department
21 of transportation (DOT) to suspend the driver's license of a
22 person who was issued a license in Iowa, if the person has a
23 delinquent penalty in excess of \$250 and received notice as
24 provided in the bill. Under current administrative rules, the
25 DOT must send notice to a person whose driver's license will
26 be suspended for nonpayment of a fine, penalty, surcharge, or
27 court costs (761 IAC 615.22). The suspension begins 30 days
28 after the notice is served and continues until the DOT issues a
29 notice terminating the suspension.

30 If a delinquent civil penalty of more than \$250 is owed
31 by a person who was not issued a driver's license in Iowa,
32 the board is required to revoke any authority granted by the
33 board for the person to operate a candidate's committee and
34 a political committee in Iowa until the person's debt is no
35 longer delinquent.

1 The bill provides for penalties to be waived and stayed under
2 certain circumstances.