

CHAPTER 1059

CAMPAIGN FINANCE — FILING AND REPORTING REQUIREMENTS — ILLEGAL CONTRIBUTIONS

S.F. 2256

AN ACT relating to campaign finance, including electronic filing requirements for statements and reports filed with the ethics and campaign disclosure board and disclosure requirements for contributions made to candidates or committees.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 68A.201A, subsection 6](#), Code 2018, is amended to read as follows:

6. Effective January 1, 2011, the ~~The~~ verified statement shall be filed in an electronic format by 4:30 p.m. of the day the filing is due.

Sec. 2. [Section 68A.401, subsection 1](#), Code 2018, is amended to read as follows:

1. All statements and reports required to be filed under [this chapter](#) shall be filed with the board as provided in [this section](#) and [section 68A.402, subsection 1](#). The board shall post on its internet site all statements and reports filed under [this chapter](#). For purposes of [this section](#), the term “statement” does not include a bank statement.

a. A state statutory political committee, a county statutory political committee, a political committee expressly advocating for or against the nomination, election, or defeat of a candidate for statewide office or the general assembly, and a candidate’s committee of a candidate for statewide office or the general assembly shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board.

~~b. Any other candidate or committee involved in a county, city, school, or other political subdivision election that accepts monetary or in-kind contributions in excess of two thousand dollars, or incurs indebtedness in excess of two thousand dollars in the aggregate in a calendar year, or makes expenditures in excess of two thousand dollars in a calendar year to expressly advocate for or against a clearly identified candidate or ballot issue shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board. The committee shall continue to file subsequent statements and reports in an electronic format until being certified as dissolved under [section 68A.402B](#).~~

c. Effective January 1, 2016, any other candidate or political committee not described in paragraphs “a” and “b” shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due according to rules adopted by the board pursuant to [chapter 17A](#).

d. ~~b.~~ If the board determines that a violation of [this subsection](#) has occurred, the board may impose any of the remedies or penalties provided for under [section 68B.32D](#), except that the board shall not refer any complaint or supporting information of a violation of [this section](#) to the attorney general or any county attorney for prosecution.

Sec. 3. [Section 68A.402, subsection 1](#), Code 2018, is amended to read as follows:

1. *Filing methods.* Each committee shall electronically file with the board reports disclosing information required under [this section](#) on forms prescribed by rule. ~~Except as set out in [section 68A.401](#), reports shall be filed on or before the required due dates by using any of the following methods:— mail bearing a United States postal service postmark, hand-delivery, facsimile transmission, electronic mail attachment, or electronic filing as prescribed by rule. Any report that is required to be filed five days or less prior to an election must be physically received by the board to be considered timely filed. For purposes of [this section](#), “physically received” means the report is either electronically filed using the board’s electronic filing system or is received by the board prior to 4:30 p.m. on the report due date.~~

Sec. 4. [Section 68A.403](#), Code 2018, is amended to read as follows:

68A.403 Reports signed and preserved.

1. Unless filed in an electronic format, a report or statement required to be filed under [this chapter](#) shall be signed by the person filing the report.

2. A copy of every report or statement shall be preserved by the person filing it or the person's successor for at least three years following the filing of the report or statement.

Sec. 5. [Section 68A.502](#), Code 2018, is amended to read as follows:

68A.502 Contribution in name of another — prohibited.

1. A person making a contribution in excess of twenty-five dollars shall provide the person's name and address to the candidate or committee receiving the contribution.

~~1.~~ 2. A person shall not make a contribution or expenditure in the name of another person, and a person shall not knowingly accept a contribution or expenditure made by one person in the name of another.

3. For the purpose of [this section](#), a an illegal contribution or expenditure is any of the following:

a. A contribution or expenditure made by one person which is ultimately reimbursed by another person who has not been identified as the ultimate source or recipient of the funds is considered to be an illegal contribution or expenditure in the name of another.

b. A contribution or expenditure made using a fictitious name. A name is fictitious in the case of an individual if the name does not include the individual's legal surname at the time of the contribution or expenditure.

c. A contribution or expenditure made by a person who borrowed the money from another person if the original source of said money is not disclosed.

~~2.~~ 4. Any candidate or committee receiving funds, the original source of which was a loan, shall be required to list the lender as a contributor. No candidate or committee shall knowingly receive funds from a contributor who has borrowed the money without listing the original source of said money.

Approved April 2, 2018