

FEB 2 2005
STATE GOVERNMENT

HOUSE FILE 189
BY HUSER and RAECKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to political campaigns by requiring attribution
2 statements for political polls, limiting campaign
3 contributions for statewide and legislative elections, and
4 imposing a penalty for falsely filing a complaint with the
5 ethics and campaign disclosure board.

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

HC 189

1 Section 1. Section 68A.405, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. a. For purposes of this subsection:

4 (1) "Individual" includes a candidate for public office
5 who has not filed a statement of organization under section
6 68A.201.

7 (2) "Organization" includes an organization established to
8 advocate the passage or defeat of a ballot issue but that has
9 not filed a statement of organization under section 68A.201.

10 (3) "Published material" means any newspaper, magazine,
11 shopper, outdoor advertising facility, poster, direct mailing,
12 brochure, internet web site, campaign sign, or any other form
13 of printed general public political advertising.

14 b. Except as set out in section 2, published material
15 designed to expressly advocate the nomination, election, or
16 defeat of a candidate for public office or the passage or
17 defeat of a ballot issue shall include on the published
18 material an attribution statement disclosing who is
19 responsible for the published material.

20 e- (1) If the person paying for the published material is
21 an individual, the words "paid for by" and the name and
22 address of the person shall appear on the material.

23 d- (2) If more than one individual is responsible, the
24 words "paid for by", the names of the individuals, and either
25 the addresses of the individuals or a statement that the
26 addresses of the individuals are on file with the Iowa ethics
27 and campaign disclosure board shall appear on the material.

28 e- (3) If the person responsible is an organization, the
29 words "paid for by", the name and address of the organization,
30 and the name of one officer of the organization shall appear
31 on the material.

32 f- (4) If the person responsible is a committee that has
33 filed a statement of organization pursuant to section 68A.201,
34 the words "paid for by" and the name of the committee shall
35 appear on the material.

1 c. A person conducting a public opinion poll or survey of
2 any type which relates to the nomination, election, or defeat
3 of a candidate for public office or the passage or defeat of a
4 ballot issue shall, prior to seeking a response from any
5 person, disclose who is responsible for the poll or survey.
6 If the person responsible is an individual, the disclosure
7 shall include the name of the individual. If the person
8 responsible is an organization, the disclosure shall include
9 the name and location of the organization, and the name of one
10 officer of the organization.

11 Sec. 2. NEW SECTION. 68A.506 CONTRIBUTIONS --
12 LIMITATIONS ON AMOUNTS.

13 1. As used in this section, the term "cash" includes, but
14 is not limited to, a check, money order, or other negotiable
15 instrument.

16 2. The aggregate amount of a contribution made to a
17 candidate or a candidate's committee by a committee or person
18 other than the candidate shall not exceed the following
19 amounts:

20 a. For the office of member of the house of
21 representatives, five hundred dollars in cash and an
22 additional five hundred dollars in-kind contribution for each
23 primary election, or in lieu thereof a convention of a
24 political party, and an equal amount for each general
25 election.

26 b. For the office of state senator, one thousand dollars
27 in cash and an additional one thousand dollars in-kind
28 contribution for each primary election, or in lieu thereof a
29 convention of a political party, and an equal amount for each
30 general election.

31 c. For the office of a statewide elected official, as
32 defined in section 68B.2, ten thousand dollars in cash and an
33 additional ten thousand dollars in-kind contribution for each
34 primary election, or in lieu thereof a convention of a
35 political party, and an equal amount for each general

1 election. The limits set out in this paragraph apply to the
2 governor and lieutenant governor together, as if the two
3 offices were one and the same.

4 3. The aggregate amount of a contribution made to a
5 candidate or a candidate's committee by a political party, as
6 defined in section 43.2, shall not exceed the following
7 amounts:

8 a. For the office of member of the house of
9 representatives, one thousand five hundred dollars in cash and
10 an additional four thousand five hundred dollars in-kind
11 contribution for each primary election, or in lieu thereof a
12 convention of a political party, and an equal amount for each
13 general election.

14 b. For the office of state senator, three thousand dollars
15 in cash and an additional nine thousand dollars in-kind
16 contribution for each primary election, or in lieu thereof a
17 convention of a political party, and an equal amount for each
18 general election.

19 c. For the office of a statewide elected official, as
20 defined in section 68B.2, thirty thousand dollars in cash and
21 an additional ninety thousand dollars in-kind contribution for
22 each primary election, or in lieu thereof a convention of a
23 political party, and an equal amount for each general
24 election. The limits set out in this paragraph apply to the
25 governor and lieutenant governor together, as if the two
26 offices were one and the same.

27 A political party may establish no more than one fund to
28 provide contributions to a candidate or a candidate's
29 committee for the office of member of the house of
30 representatives or state senator or office of a statewide
31 elected official.

32 Sec. 3. Section 68B.32B, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. Any person may file a complaint alleging that a
35 candidate, committee, person holding a state office in the

1 executive branch of state government, employee of the
2 executive branch of state government, or other person has
3 committed a violation of chapter 68A or rules adopted by the
4 board. Any person may file a complaint alleging that a person
5 holding a state office in the executive branch of state
6 government, an employee of the executive branch of state
7 government, or a lobbyist or a client of a lobbyist of the
8 executive branch of state government has committed a violation
9 of this chapter or rules adopted by the board. The board
10 shall prescribe and provide forms for this purpose. A
11 complaint must include the name and address of the
12 complainant, a statement of the facts believed to be true that
13 form the basis of the complaint, including the sources of
14 information and approximate dates of the acts alleged, and a
15 certification by the complainant under penalty of perjury that
16 the facts stated to be true are true to the best of the
17 complainant's knowledge. In addition to any other penalty, a
18 person who files a complaint with the board knowing that the
19 statement of facts provided is not true may be assessed a
20 civil penalty by the board in an amount not to exceed two
21 thousand dollars.

22 Sec. 4. Section 68B.32B, subsection 7, Code 2005, is
23 amended to read as follows:

24 7. Notwithstanding subsections 1 through 6, the board may,
25 on its own motion and without the filing of a complaint by
26 another person, initiate investigations into matters that the
27 board believes may be subject to the board's jurisdiction.
28 This section does not preclude persons from providing
29 information to the board for possible board-initiated
30 investigation instead of filing a complaint. A person who
31 provides information to the board knowing that the information
32 provided is not true may be assessed a civil penalty by the
33 board in an amount not to exceed two thousand dollars.

34 EXPLANATION

35 This bill relates to political campaigns and campaign

1 finance and disclosure.

2 The bill requires that political pollsters reveal who is
3 responsible for the poll before taking any information.

4 The bill also limits certain contributions to candidates
5 for statewide office or the general assembly.

6 The bill imposes a civil penalty for falsely instigating a
7 complaint with the ethics and campaign disclosure board.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35