

FEB 23 2006  
Place On Calendar

HOUSE FILE 2513  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 535)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to campaign funding and reporting.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2513

1 Section 1. Section 68A.102, subsection 10, paragraph b,  
2 Code Supplement 2005, is amended to read as follows:

3 b. The payment, by any person other than a candidate or  
4 political committee, of compensation for the personal services  
5 of another person which are rendered to a candidate or  
6 political committee for any such purpose.

7 "Contribution" shall not include services provided without  
8 compensation by individuals volunteering their time on behalf  
9 of a candidate's committee or political committee or a state  
10 or county statutory political committee except when organized  
11 or provided on a collective basis by a business, trade  
12 association, labor union, or any other organized group or  
13 association. "Contribution" shall not include refreshments  
14 served at a campaign function so long as such refreshments do  
15 not exceed fifty dollars in value or transportation provided  
16 to a candidate so long as its value computed at a rate of  
17 ~~twenty-cents-per-mile-does-not-exceed-one-hundred-dollars-in~~  
18 ~~value-in-any-one-reporting-period~~ the current rate of  
19 reimbursement allowed under the standard mileage rate method  
20 for computation of business expenses pursuant to the Internal  
21 Revenue Code does not exceed one hundred dollars in any one  
22 reporting period. "Contribution" shall not include something  
23 provided to a candidate for the candidate's personal  
24 consumption or use and not intended for or on behalf of the  
25 candidate's committee.

26 Sec. 2. Section 68A.201, subsection 1, Code 2005, is  
27 amended to read as follows:

28 1. Every committee, as defined in this chapter, shall file  
29 a statement of organization within ten days from the date of  
30 its organization. Unless formal organization has previously  
31 occurred, a committee is deemed to have organized as of the  
32 date that committee transactions exceed the financial activity  
33 threshold established in section 68A.102, subsection 5 or 18.  
34 If a committee's transactions exceed the financial activity  
35 threshold prior to the due date for filing a disclosure report

1 as established under section 68A.402, the committee shall file  
2 a disclosure report regardless of whether or not a statement  
3 of organization has been filed by the committee.

4 Sec. 3. Section 68A.201, subsection 5, Code 2005, is  
5 amended to read as follows:

6 5. a. When either a committee or organization not  
7 organized as a committee under this section makes a  
8 contribution to a committee organized in Iowa, that committee  
9 or organization shall disclose each contribution in excess of  
10 fifty dollars to the board.

11 b. A committee or organization not organized as a  
12 committee under this section ~~which~~ that is not registered and  
13 filing full disclosure reports of all financial activities  
14 with the federal election commission or another state's  
15 disclosure commission shall register and file full disclosure  
16 reports with the board pursuant to this chapter~~7~~-and. The  
17 committee or organization shall either appoint an eligible  
18 Iowa elector as committee or organization treasurer~~7~~ or shall  
19 maintain all committee funds in an account in a financial  
20 institution located in Iowa.

21 c. A committee ~~which~~ that is currently filing a disclosure  
22 report in another jurisdiction shall either file a statement  
23 of organization under subsections 1 and 2 and file disclosure  
24 reports~~7-the-same-as-those-required-of-committees-organized~~  
25 ~~only-in-iowa~~~~7~~ under section 68A.402~~7~~ or shall file one copy of  
26 a verified statement with the board and a second copy with the  
27 treasurer of the committee receiving the contribution. The  
28 form shall be completed and filed at the time the contribution  
29 is made.

30 d. The verified statement shall be on forms prescribed by  
31 the board and shall attest that the committee is filing  
32 reports with the federal election commission or in a  
33 jurisdiction with reporting requirements which are  
34 substantially similar to those of this chapter~~7~~ and that the  
35 contribution is made from an account ~~which~~ that does not

1 accept contributions which that would be in violation of  
2 section 68A.503.

3 e. The verified statement form shall include the complete  
4 name, address, and telephone number of the contributing  
5 committee, the state or federal jurisdiction under which it is  
6 registered or operates, the identification of any parent  
7 entity or other affiliates or sponsors, its purpose, the name  
8 and address of an Iowa resident authorized to receive service  
9 of original notice, and the name and address of the receiving  
10 committee, the amount of the cash or in-kind contribution, and  
11 the date the contribution was made.

12 Sec. 4. Section 68A.203, subsection 2, Code Supplement  
13 2005, is amended to read as follows:

14 2. a. An individual who receives contributions for a  
15 committee without the prior authorization of the chairperson  
16 of the committee or the candidate shall be responsible for  
17 either rendering the contributions to the treasurer within  
18 fifteen days of the date of receipt of the contributions, or  
19 depositing the contributions in the account maintained by the  
20 committee within seven days of the date of receipt of the  
21 contributions.

22 b. A person, other than a candidate or committee officer,  
23 who receives contributions for a committee shall, not later  
24 than fifteen days from the date of receipt of the  
25 contributions or on demand of the treasurer, render to the  
26 treasurer the contributions and an account of the total of all  
27 contributions, including the name and address of each person  
28 making a contribution in excess of ten dollars, the amount of  
29 the contributions, and the date on which the contributions  
30 were received.

31 c. The treasurer shall deposit all contributions within  
32 seven days of receipt by the treasurer in an account  
33 maintained by the committee.

34 d. All funds of a committee shall be segregated from any  
35 other funds held by officers, members, or associates of the

1 committee or the committee's candidate. However, if a  
2 candidate's committee receives contributions only from the  
3 candidate, or if a permanent organization temporarily engages  
4 in activity which that qualifies it as a political committee  
5 and all expenditures of the organization are made from  
6 existing general operating funds and funds are not solicited  
7 or received for this purpose from sources other than operating  
8 funds, then that committee is not required to maintain a  
9 separate account in a financial institution.

10 e. Committee funds or committee property shall not be used  
11 for the personal benefit of ~~an~~ a candidate, officer, member,  
12 or associate of the committee. The funds of a committee are  
13 not attachable for the personal debt of the committee's  
14 candidate or an officer, member, or associate of the  
15 committee.

16 Sec. 5. Section 68A.401, subsection 3, Code 2005, is  
17 amended by striking the subsection.

18 Sec. 6. Section 68A.402, subsection 8, Code Supplement  
19 2005, is amended to read as follows:

20 8. POLITICAL COMMITTEES -- BALLOT ISSUES. A political  
21 committee expressly advocating the passage or defeat of a  
22 ballot issue shall file reports as follows:

23 a. ELECTION YEAR. Five days before the election covering  
24 the period of the date of initial activity through ten days  
25 before election. Another report covering the time period from  
26 nine days before the election through December 31 shall be  
27 filed on or before January 19 of the next calendar year.

28 b. NONELECTION YEAR. On January 19 of the next calendar  
29 year that covers the time period of ~~nine-days-before-the~~  
30 election January 1 through December 31 of the previous  
31 calendar year.

32 Sec. 7. Section 68A.406, subsection 2, paragraph a, Code  
33 Supplement 2005, is amended to read as follows:

34 a. Any property owned by the state or the governing body  
35 of a county, city, or other political subdivision of the

1 state, including all property considered the public right-of-  
2 way. ~~Upon a determination by the board that a sign has been~~  
3 ~~improperly placed, the sign shall be removed by highway~~  
4 ~~authorities as provided in section 319.13, or by county or~~  
5 ~~city law enforcement authorities in a manner consistent with~~  
6 ~~section 319.13.~~ If the board determines a campaign sign is  
7 improperly placed, the board shall notify the person who paid  
8 for or placed the sign and the person shall remove the sign.  
9 If the person fails to do so, the board may notify the proper  
10 state, county, or city law enforcement authorities to have the  
11 sign removed at cost to the person. The board may sanction  
12 any person for failing to remove an improperly placed campaign  
13 sign.

14 Sec. 8. Section 68A.501, Code 2005, is amended to read as  
15 follows:

16 68A.501 FUNDS FROM UNKNOWN SOURCE -- ESCHEAT.

17 The expenditure of funds from an unknown or unidentifiable  
18 source received by a candidate or committee is prohibited.  
19 Such funds received by a candidate or committee shall escheat  
20 to the state. Any candidate or committee receiving such  
21 contributions shall remit such contributions to the director  
22 of the department of administrative services board who shall  
23 forward such contributions to the proper agency for deposit in  
24 the general fund of the state. Persons requested to make a  
25 contribution at a fundraising event shall be advised that it  
26 is illegal to make a contribution in excess of ten dollars  
27 unless the person making the contribution also provides the  
28 person's name and address.

29 EXPLANATION

30 This bill makes a number of revisions to Iowa's campaign  
31 disclosure income tax checkoff Act.

32 Code section 68A.102 contains a definition of the term  
33 "contribution". Under current law the provision of  
34 transportation to a candidate is not defined as a contribution  
35 as long as the value is not more than \$100, calculated at 20

1 cents per mile; the bill ties the per mile rate to that  
2 specified in the internal revenue code for business expenses.  
3 Code section 68A.201 requires the filing of a statement of  
4 organization by a committee. The bill requires a committee to  
5 file a disclosure report, even if it has not previously filed  
6 a statement of organization, when the committee's financial  
7 activity reaches the level where a disclosure statement is  
8 required.

9 Code sections 68A.201 and 68A.203 are amended editorially  
10 and structurally. The latter revisions also exempt a  
11 candidate or a committee officer from the requirement that a  
12 person who receives contributions on behalf of a committee  
13 provide an accounting of all contributions within 15 days of  
14 either receipt of the contribution or demand of the treasurer.  
15 Current provisions provide that committee funds or property  
16 may not be used to the personal benefit of the committee  
17 members or associates of members. The bill includes the  
18 candidate in this prohibition.

19 The bill strikes Code section 68A.401, subsection 3. That  
20 subsection requires that the county commissioner of elections  
21 retain statements and reports provided by the ethics and  
22 campaign disclosure board for a county, city, school, or other  
23 political subdivision for a specified period.

24 Code section 68A.402 relates to reports by a political  
25 committee expressly advocating the passage or defeat of a  
26 ballot issue. The bill requires that a report covering the  
27 time period from nine days before the election through  
28 December 31 must be filed on or before January 19 of the next  
29 calendar year.

30 Code section 68A.406 is amended to require that the person  
31 who either paid for or placed a campaign sign be responsible  
32 for moving the sign if it is improperly placed. Current law  
33 places this burden on highway officials.

34 Code section 68A.501 relates to the receipt of  
35 contributions from an unknown source. The bill's revision

1 requires those contributions to be remitted to the board;  
2 current provisions require those contributions to be remitted  
3 to the department of administrative services.  
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**HOUSE FILE 2513**

**H-8119**

1 Amend House File 2513 as follows:  
2 1. Page 1, by inserting after line 25 the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 68A.102, Code Supplement 2005,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 23. "527 tax-exempt group" means  
7 a tax-exempt group organized under section 527 of the  
8 Internal Revenue Code to raise moneys for political  
9 activities including voter mobilization efforts, issue  
10 advocacy, and other political activities.  
11 Sec. \_\_\_\_\_. NEW SECTION. 68A.105 CERTAIN ACCOUNTS  
12 BY CANDIDATES PROHIBITED.  
13 A candidate for public office shall not establish,  
14 maintain, advise, conduct fundraising for, or  
15 determine allocations from a 527 tax-exempt group."  
16 2. By renumbering as necessary.

**By JOCHUM of Dubuque**

**H-8119 FILED MARCH 6, 2006**

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HSB 535

STATE GOVERNMENT

Succeeded F

SENATE/HOUSE FILE

SF 1025/3

BY (PROPOSED ETHICS AND CAMPAIGN DISCLOSURE BOARD BILL)

Roberts, Chair  
Bukta  
Paulsen  
Tomenga  
Taylor, T.

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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TLSB 5370DP 81

jr/sh/8

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18 ~~value-in-any-one-reporting-period~~ the current rate of  
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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

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# IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

V. CHARLES SMITHSON  
Executive Director  
& Legal Counsel

510 East 12<sup>th</sup>, Suite 1A  
Des Moines, Iowa 50319  
Telephone 515-281-4028/Fax 515-281-3701  
[www.iowa.gov/ethics](http://www.iowa.gov/ethics)

**BOARD MEMBERS:**  
James Albert, Chair  
Janet Carl, Vice Chair  
Gerald Sullivan  
Betsy Roe  
John Walsh  
Patricia Harper

**TO: MEMBERS OF 2006 IOWA GENERAL ASSEMBLY**  
**FROM: CHARLIE SMITHSON, ETHICS BOARD DIRECTOR & COUNSEL**  
**DATE: DECEMBER 29, 2005**  
**Re: PROPOSED TECHNICAL AMENDMENTS TO CAMPAIGN LAWS**

On behalf of the Iowa Ethics and Campaign Disclosure Board, I hereby respectfully submit the Board's 2006 agency bill concerning technical amendments to the campaign laws in Iowa Code chapter 68A. The proposals in the bill are for the following purposes:

Section 1 resolves a statutory conflict. In the section of the campaign laws concerning permissible uses of campaign funds, candidates are permitted to reimburse themselves for campaign mileage at a rate as established by the IRS. In the section being amended, it currently appears that candidates are permitted to reimburse at twenty cents per mile. The proposal removes the twenty cents and mirrors language found elsewhere in the campaign laws.

Section 2 clarifies confusion surrounding the filing of campaign disclosure reports during the time period between a committee exceeding \$750 and filing a statement of organization. The proposal reflects current Board policy that a committee crossing the \$750 threshold is required to file a campaign disclosure report even if the report is due within the ten days that the committee has to file the statement of organization.

Section 3 is cleanup language to the requirement for a federal or out-of-state PAC to file a verified statement of registration. The proposal is to make the current law easier to read and understand.

Section 4 is cleanup language concerning the duties of the committee treasurer to make the current law easier to read and understand as well as remove points of confusion.

Sections 5 strikes the requirement in the campaign laws for county commissioners of elections to maintain copies of campaign disclosure reports. As all campaign reports are now filed directly with the Board and are available for viewing on the Board's Web site as well as at the Board office, the statutory provision is no longer necessary.

Sections 6 clarifies that a ballot issue committee files a report in January after the election as well as a report the next January following if the committee remains active.

Section 7 clarifies the procedure for the removal of an illegally placed campaign sign.

Section 8 clarifies the process for the escheat of an anonymous contribution in excess of \$10.

