

HOUSE FILE 256
BY JOCHUM, HUNTER, WHITEAD,
LYKAM, QUIRK, COHOON,
and SHOULTZ

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

A BILL FOR

1 An Act relating to mandatory disclosures in certain political
2 telephone communications, and applying a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 68A.407 DISCLOSURES RELATED TO
2 POLITICAL TELEPHONE CALLS.

3 1. For the purposes of this section, unless the context
4 otherwise requires:

5 a. "Legitimate poll" means a telephone call conducted by a
6 polling firm for the purpose of a scientific poll of
7 respondents concerning public opinion concerning a candidate,
8 elected public official, or ballot issue that is part of a
9 series of like telephone calls that utilizes a scientific
10 sampling technique to produce a random sample of interviewees.

11 b. "Political telemarketing" means the canvassing of
12 persons under the guise of performing a poll or survey, with
13 the purpose of encouraging support of, or opposition to, a
14 clearly identified candidate for political office or the
15 passage or defeat of a clearly identified ballot issue.

16 2. The general assembly finds that political telephone
17 communication is increasingly used in political campaigns in
18 this state in a deceptive manner, including but not limited to
19 the use of political telemarketing, also known as push-
20 polling, where an anonymous telephone communication is
21 designed to appear as a legitimate poll, but is in fact used
22 as a vehicle to sway opinion through innuendo, by the
23 communication of certain negative information related to a
24 candidate or ballot issue in a manner designed to suggest that
25 such information may be true. The general assembly declares
26 that a compelling public interest exists to identify the
27 source of funding of telephonic communications related to
28 elections, in order to prevent corruption and deceit at the
29 expense of the electorate and to preserve accountability for
30 expenditures made in connection with political campaigns.

31 3. A candidate, an authorized representative of a
32 candidate, a candidate's committee, or a political committee
33 that engages either in a telephone communication for the
34 purpose of soliciting contributions or in a telephone
35 communication that has the effect of promoting or opposing the

1 nomination or election of a candidate for public office or the
2 passage of a constitutional amendment or public measure shall
3 disclose all of the following by the end of the telephone
4 call:

5 a. The identity of the individual who is calling and the
6 entity with which the individual is affiliated, if any.

7 b. The individual or entity that paid for the telephone
8 communication. If a candidate's committee or political
9 committee has paid for or authorized the telephone
10 communication, the name of the candidate's committee or
11 political committee shall be disclosed. If any person other
12 than a candidate's committee or political committee has paid
13 for or authorized the telephone communication, the
14 communication shall also state whether or not the
15 communication has been authorized by the candidate intended to
16 benefit from the communication and shall state whether the
17 communication is an independent expenditure.

18 c. The name, telephone number, and address of an
19 individual whom the call recipient can contact for further
20 information regarding the telephone communication.

21 4. An individual who, on behalf of, at the direction of,
22 or in cooperation with a political committee, engages either
23 in a telephone communication for the purpose of soliciting
24 contributions or in a telephone communication that has the
25 effect of promoting or opposing the nomination or election of
26 a candidate for public office or the passage of a
27 constitutional amendment or public measure shall disclose all
28 of the following at the commencement of the telephone call:

29 a. The identity of the individual who is calling and the
30 entity with which the individual is affiliated, if any.

31 b. The individual or entity that paid for the telephone
32 communication. If a political committee has paid for or
33 authorized the telephone communication, the name of the
34 committee shall be disclosed. If any person other than the
35 candidate, a candidate's committee, or a political committee

1 has paid for or authorized the telephone communication, the
2 communication shall also state whether or not the
3 communication has been authorized by the candidate intended to
4 benefit from the communication.

5 c. The name, telephone number, and address of an
6 individual whom the call recipient can contact for further
7 information regarding the telephone communication.

8 5. The board shall adopt rules pursuant to chapter 17A
9 establishing procedures to administer this section.

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EXPLANATION

11 This bill creates a new Code section that requires the
12 disclosure of certain information by the end of political
13 telephone calls that solicit contributions or that have the
14 effect of promoting or opposing a candidate or ballot issue.
15 The caller must disclose the name and affiliation of the
16 caller, the name of the individual or entity that paid for the
17 telephone call, whether a candidate who will benefit from the
18 call has authorized the call, and the name, address, and
19 telephone number of an individual whom the person can contact
20 for further information regarding the call.

21 Violations of this provision are punishable under Code
22 section 68A.701 as a serious misdemeanor, which carries a
23 penalty of a fine of \$250 to \$1,500, and may also include a
24 sentence of up to one year in jail.

25 The bill also contains definitions of "legitimate poll" and
26 "political telemarketing", and contains a statement of
27 legislative intent regarding political telemarketing and push-
28 polling.

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