

MAR 3 2005
STATE GOVERNMENT

HOUSE FILE 551
BY RAECKER

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

A BILL FOR

1 An Act requiring a specific citation in published material, or in
2 a radio or television announcement, which references a
3 candidate's voting record.

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

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HF 551

HOUSE FILE 551

H-1091

1 Amend House File 551 as follows:
2 1. Page 1, by inserting after line 9 the
3 following:
4 "This section does not apply to a person who owns
5 the newspaper, magazine, other publication, or other
6 print media in which the reference appears, or to a
7 person who owns the radio station, television station,
8 or other electronic medium which makes such a
9 reference."
10 2. Title page, line 3, by inserting after the
11 word "record" the following: "and making penalties
12 applicable".

By RAECKER of Polk

H-1091 FILED MARCH 16, 2005

1 Section 1. NEW SECTION. 68A.405A CITATION OF CANDIDATE'S
2 VOTING RECORD.

3 Any person who makes reference in published material, or in
4 a radio or television announcement, to a candidate's voting
5 record in regard to a specific vote or issue, shall include in
6 that reference a citation to a document that identifies the
7 vote and the location of the document recording the vote. For
8 purposes of this section, "published material" means the same
9 as defined in section 68A.405.

10 EXPLANATION

11 This bill requires, in new Code section 68A.405A, that any
12 person who makes reference, in published material or in a
13 radio or television announcement, to a candidate's voting
14 record provide a specific citation to that vote. The Iowa
15 ethics and campaign disclosure board may impose penalties for
16 the violation of any provision of Code chapter 68A. Those
17 penalties are enumerated in Code section 68B.32D, ranging from
18 an admonishment up to a \$2,000 fine.

19 _____
HOUSE FILE 551

20 **H-1119**

21 1 Amend House File 551 as follows:
22 2 1. Page 1, by inserting after line 9 the
23 3 following:
24 4 "This section does not apply to a newspaper,
25 5 magazine, publication, or other print media in which
26 6 the reference appears, or a radio station, television
27 7 station, or other electronic medium which makes such a
28 8 reference."
29 9 2. Title page, line 3, by inserting after the
10 word "record" the following: "and making penalties
11 applicable".

By RAECKER of Polk

29 **H-1119** FILED MARCH 21, 2005

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HOUSE FILE 551

H-1181

1 Amend House File 551 as follows:

2 1. Page 1, by inserting after line 9 the
3 following:

4 "Sec. ____ . NEW SECTION. 68A.407 DISSEMINATION OF
5 CERTAIN FALSE STATEMENTS OF FACT AND CERTAIN
6 DEROGATORY STATEMENTS CONCERNING CANDIDATE PROHIBITED
7 -- REMEDIES.

8 1. The general assembly finds that the increasing
9 use of false statements of fact and certain derogatory
10 statements aimed at candidates for public office
11 impedes campaigns and diminishes the trust and
12 confidence of the public in the electoral process. It
13 is not the intent of the general assembly to lessen
14 political debate that furthers the ability of the
15 public to understand the issues and positions of
16 candidates for public office. The general assembly
17 declares that a compelling state interest exists in
18 prohibiting the use of false statements of fact and
19 certain derogatory statements that impede campaigns
20 for public office in Iowa and diminish the public's
21 trust and confidence in the electoral process.

22 2. As used in this section:

23 a. "Actual malice" means knowledge of the falsity
24 of a statement or reckless disregard for whether a
25 statement is true or false.

26 b. "Disseminate" means the act of causing the
27 printing, posting, broadcasting, mailing, or other
28 publishing of a false statement of fact.

29 c. "Public office" means any state, county, city,
30 school, or other office of a political subdivision of
31 this state filled by election.

32 3. A person shall not, with actual malice, cause
33 to be disseminated a false statement of fact
34 concerning a candidate for public office involving any
35 of the following:

36 a. The education or training of the candidate.

37 b. The current profession or occupation of the
38 candidate or any former profession or occupation of
39 the candidate.

40 c. Whether the candidate committed, was indicted
41 for committing, or was convicted of committing a crime
42 punishable by law.

43 d. Whether the candidate was subject to discipline
44 or sanction by any body of the federal government,
45 state government, or political subdivision of the
46 state.

47 e. Whether the candidate has received treatment
48 for a mental illness.

49 f. Whether another person endorses or opposes the
50 candidate.

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1 g. The record of voting of a candidate if the
2 candidate serves or formerly served in an elected
3 office.

4 4. A person shall not, with actual malice, cause
5 to be disseminated a derogatory statement involving a
6 candidate's race, creed, color, religion, national
7 origin, sex, age, or physical or mental disability,
8 which is intended to demean or belittle the candidate
9 and which has no rational relationship to the
10 candidate's ability or qualifications for public
11 office.

12 5. Any candidate for public office who alleges
13 that a false statement of fact or a derogatory
14 statement concerning the candidate has been
15 disseminated in violation of this section may file a
16 complaint with the board. The board shall give
17 priority consideration to any complaint filed under
18 this section over all other matters pending before the
19 board.

20 6. If the board determines that a violation did
21 occur, the board may impose any of the recommended
22 actions under section 68B.32D, except that the board
23 shall not refer any complaint or supporting
24 information of a violation of this section to the
25 attorney general or any county attorney for
26 prosecution.

27 7. This section shall not preclude the filing of a
28 civil action based on the same facts or event giving
29 rise to a complaint filed with the board under this
30 section.

31 8. A person shall not provide information to the
32 board, relating to the dissemination of a false
33 statement of fact or a derogatory statement under this
34 section, if the person has actual knowledge that the
35 information provided is not true. A person who
36 violates this subsection may be assessed a civil
37 penalty as provided in section 68B.32D, subsection 1,
38 paragraph "h".

39 9. Section 68A.701, which otherwise applies
40 criminal penalties for violations of this chapter,
41 shall not apply to violations of this section.

42 10. This section does not apply to a newspaper,
43 magazine, publication, or other print media in which
44 the dissemination of a false statement of fact or a
45 derogatory statement appears, or a radio station,
46 television station, or other electronic medium which
47 makes the dissemination of a false statement of fact
48 or a derogatory statement."

49 2. Title page, by striking lines 1 through 3 and
50 inserting the following: "An Act relating to the

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Page 3

1 public dissemination of certain information concerning
2 candidates for public office by requiring a specific
3 citation in published material, or in a radio or
4 television announcement, referencing a candidate's
5 voting record, prohibiting the dissemination of
6 certain false statements of fact and derogatory
7 statements made with actual malice, and providing
8 remedies."

9 3. By renumbering as necessary.

By RAECKER of Polk

JOCHUM of Dubuque

HUSER of Polk

JACOBS of Polk

ELGIN of Linn

FORD of Polk

H-1181 FILED MARCH 24, 2005

HOUSE FILE 551

H-1197

1 Amend the amendment, H-1181, to House File 551 as
2 follows:

3 1. Page 2, line 7, by inserting after the word
4 "age," the following: "real or perceived sexual
5 orientation,".

6 2. Page 2, line 12, by striking the words
7 "candidate for public office" and inserting the
8 following: "person".

9 3. Page 2, line 14, by striking the word "the"
10 and inserting the following: "a".

By HUNTER of Polk

H-1197 FILED MARCH 29, 2005
