

MAR 15 2005  
Place On Calendar

HOUSE FILE 775  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 189)

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 mandatory  
2 disclosures in certain political telephone communications,  
3 limiting campaign contributions for statewide and legislative  
4 elections, limiting contributions to political parties,  
5 providing a penalty for filing a false complaint, and applying  
6 other penalties.

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

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HF 775

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     Sec. 2. 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 by the end 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.

10 Sec. 3. NEW SECTION. 68A.506 CONTRIBUTIONS --  
11 LIMITATIONS ON AMOUNTS.

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

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

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

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

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

1 governor and lieutenant governor together, as if the two  
2 offices were one and the same.

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

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

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

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

26 4. The aggregate amount of a contribution made to a  
27 political party as defined in section 43.2 by a candidate or a  
28 person shall not exceed ten thousand dollars in cash and an  
29 additional ten thousand dollars in-kind contribution.

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

35 Sec. 4. Section 68B.32B, subsection 1, Code 2005, is

1 amended to read as follows:

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

25 Sec. 5. Section 68B.32B, subsection 7, Code 2005, is  
26 amended to read as follows:

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

1 board in an amount not to exceed two thousand dollars.

2 EXPLANATION

3 This bill relates to political campaigns and campaign  
4 finance and disclosure. The bill renumbers certain provisions  
5 relating to attribution statements.

6 The bill creates a new Code section that requires the  
7 disclosure of certain information by the end of political  
8 telephone calls that have the effect of promoting or opposing  
9 a candidate or ballot issue.

10 The bill also limits cash and in-kind campaign  
11 contributions to candidates for statewide office or the  
12 general assembly and to political parties. The bill also  
13 provides that a political party may establish no more than one  
14 fund to provide contributions to a candidate for statewide  
15 office or the general assembly.

16 Violation of these new Code sections is subject to the  
17 penalties set out in Code sections 68A.701 and 68B.32D.

18 The bill imposes an additional civil penalty for falsely  
19 instigating a complaint with the ethics and campaign  
20 disclosure board or providing information to the board that  
21 the person knows to be untrue.

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