

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 299

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE PUBLIC INTEGRITY IN ELECTIONS ACT; AMENDING SECTION 74-603,
2 IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 74-604, IDAHO
3 CODE, TO PROHIBIT CERTAIN ACTIONS BY PUBLIC OFFICIALS AND EMPLOYEES OF
4 STATE INSTITUTIONS OF HIGHER LEARNING.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 74-603, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 74-603. DEFINITIONS. As used in this chapter:

10 (1) (a) "Advocate" means to campaign for or against a candidate or the
11 outcome of a ballot measure.

12 (b) "Advocate" does not mean providing factual information about a bal-
13 lot measure and the public entity's reason for the ballot measure stated
14 in a factually neutral manner. Factual information includes, but is not
15 limited to, the cost of indebtedness, intended purpose, condition of
16 property to be addressed, date and location of election, qualifications
17 of candidates or other applicable information necessary to provide
18 transparency to electors.

19 (2) "Ballot measure" means constitutional amendments, bond measures or
20 levy measures.

21 (3) "Candidate" means and includes every person for whom it is contem-
22 plated or desired that votes be cast at any political convention, primary,
23 general, local or special election and who either tacitly or expressly con-
24 sents to be so considered.

25 (4) "Expenditure" means:

26 (a) A purchase, payment, donation, distribution, loan, advance, de-
27 posit, gift of money, or anything of value; or

28 (b) A legally enforceable contract, promise or agreement to make any
29 purchase, payment, donation, distribution, loan, advance, deposit,
30 gift of money, or anything of value.

31 (5) "Property or resources" means goods, services, equipment, computer
32 software and hardware, college extra credit, other items of intangible prop-
33 erty, or facilities provided to or for the benefit of a candidate, a can-
34 didate's personal campaign committee, a political issues committee for po-
35 litical purposes, or advocacy for or against a ballot measure or candidate.
36 Public property or resources that are available to the general public are ex-
37 empt from this exclusion.

38 (6) "Public entity" means the state, each state agency, county, municipi-
39 pality, school district, state institution of higher learning, or other tax-
40 ing district or public corporation empowered to submit ballot measures to
41 its electors.

1 (7) "Public funds" means any money received by a public entity from ap-
2 propriations, taxes, fees, interest or other returns on investment.

3 (8) "Public official" means an elected or appointed member of a public
4 entity who has:

5 (a) Authority to make or determine public policy;

6 (b) Supervisory authority over the personnel and affairs of a public
7 entity; or

8 (c) Authority to approve the expenditure of funds for the public en-
9 tity.

10 (9) "State agency" means each department, commission, board, council,
11 agency, institution, officer, corporation, fund, division, office, commit-
12 tee, authority or other administrative unit of the state.

13 SECTION 2. That Section 74-604, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 74-604. PUBLIC FUNDS PROHIBITED. ~~(1)~~ Unless specifically required by
16 law, and except as provided in this chapter, ~~7~~:

17 (1) Neither a public entity nor its employees shall make, nor shall a
18 public official make or authorize, an expenditure from public funds to advo-
19 cate for or against a candidate or a ballot measure.

20 (2) Neither a public entity nor any of its employees shall use, nor
21 shall a public official authorize or use, public property or resources to
22 advocate for or against a candidate or a ballot measure.

23 (3) Neither a public entity nor any of its employees shall provide or
24 offer to provide, nor shall a public official provide or offer to provide,
25 college extra credit to a student of a state institution of higher learning
26 either:

27 (a) To encourage a student to vote or not vote; or

28 (b) To influence a student's vote for or against a candidate or ballot
29 measure.