

IN THE SENATE

SENATE BILL NO. 1367

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CAMPAIGN FINANCE AND LOBBYISTS; AMENDING SECTION 67-6602, IDAHO
2 CODE, TO DEFINE A TERM AND TO REVISE DEFINITIONS; AMENDING SECTION
3 67-6603, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE APPOINTMENT
4 OF A POLITICAL TREASURER; AMENDING SECTION 67-6607, IDAHO CODE, TO
5 REVISE PROVISIONS REGARDING REGULAR REPORTS OF CONTRIBUTIONS AND EX-
6 PENDITURES; REPEALING SECTION 67-6608, IDAHO CODE, RELATING TO SPECIAL
7 PROVISIONS FOR CERTAIN ELECTIONS AND MEASURES; AMENDING CHAPTER 66, TI-
8 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6608, IDAHO CODE,
9 TO ESTABLISH PROVISIONS REGARDING SPECIAL REPORTS OF CONTRIBUTIONS
10 AND EXPENDITURES; REPEALING SECTION 67-6610, IDAHO CODE, RELATING TO
11 CONTRIBUTIONS IN EXCESS OF FIFTY DOLLARS; AMENDING CHAPTER 66, TITLE
12 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6610, IDAHO CODE,
13 TO ESTABLISH PROVISIONS REGARDING THE IDENTIFICATION OF THE SOURCE OF
14 CONTRIBUTIONS AND EXPENDITURES; REPEALING SECTION 67-6611, IDAHO CODE,
15 RELATING TO INDEPENDENT EXPENDITURES; REPEALING SECTION 67-6614, IDAHO
16 CODE, RELATING TO THE IDENTIFICATION OF THE SOURCE OF CONTRIBUTIONS
17 AND EXPENDITURES; AMENDING SECTION 67-6614A, IDAHO CODE, TO REVISE
18 PROVISIONS REGARDING THE PUBLICATION OR DISTRIBUTION OF POLITICAL
19 STATEMENTS; AMENDING SECTION 67-6616, IDAHO CODE, TO REVISE PROVISIONS
20 REGARDING THE EXAMINATION OF REPORTS AND TO REMOVE CODE REFERENCES;
21 AMENDING SECTION 67-6619, IDAHO CODE, TO REVISE PROVISIONS REGARDING
22 REPORTING BY LOBBYISTS; AMENDING SECTION 67-6622, IDAHO CODE, TO REVISE
23 PROVISIONS REGARDING REPORTS BY THE SECRETARY OF STATE; REPEALING SEC-
24 TION 67-6628, IDAHO CODE, RELATING TO ELECTIONEERING COMMUNICATIONS;
25 AMENDING SECTION 67-6625, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO
26 MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN
27 EFFECTIVE DATE.
28

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

30 SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 67-6602. DEFINITIONS. As used in this chapter, the following terms
33 have the following meanings:

34 (1) "Candidate" means an individual who seeks nomination, election, or
35 reelection to public office and who has taken any of the following actions:

36 (a) Announced the individual's candidacy publicly;

37 (b) Filed for public office;

38 (c) Received a contribution for the purpose of promoting the individ-
39 ual's candidacy for office; or

40 (d) Made an expenditure, contracted for services, or reserved space
41 with the intent of promoting the individual's candidacy for office.

1 For purposes of this chapter, an incumbent shall be presumed to be a can-
2 didate in the subsequent election for his or her office until the in-
3 cumbent has failed to file a declaration of candidacy by the statutory
4 deadline.

5 (2) "Compensation" includes any advance, conveyance, forgiveness of
6 indebtedness, deposit, distribution, loan, payment, gift, ~~pledge~~ or trans-
7 fer of money or anything of value, and any contract, agreement, promise or
8 other obligation, whether or not legally enforceable, to do any of the fore-
9 going, for services rendered or to be rendered, but does not include reim-
10 bursement of expenses if such reimbursement does not exceed the amount ac-
11 tually expended for such expenses and is substantiated by an itemization of
12 such expenses.

13 (3) "Contractor" means a person who receives compensation from another
14 person for either full-time or part-time work based on a contract or compen-
15 sation agreement, but who is not an employee of that person.

16 (4) "Contribution" includes any advance, conveyance, forgiveness of
17 indebtedness, deposit, distribution, loan, payment, gift, ~~pledge~~, sub-
18 scription, or transfer of money or anything of value, and any contract,
19 agreement, promise or other obligation, whether or not legally enforceable,
20 to make a contribution, in support of or in opposition to any candidate,
21 political committee or measure. Such term also includes personal funds
22 or other property of a candidate or members of his household expended or
23 transferred to cover expenditures incurred in support of such candidate but
24 does not include personal funds used to pay the candidate filing fee. Such
25 term also includes the rendering of personal and professional services for
26 less than full consideration, but does not include ordinary home hospital-
27 ity or the rendering of "part-time" personal services of the sort commonly
28 performed by volunteer campaign workers or advisors or incidental expenses
29 not in excess of twenty-five dollars (\$25.00) personally paid for by any
30 volunteer campaign worker. "Part-time" services, for the purposes of this
31 definition, means services in addition to regular full-time employment, or,
32 in the case of an unemployed person or persons engaged in part-time employ-
33 ment, services rendered without compensation or reimbursement of expenses
34 from any source other than the candidate or political committee for whom such
35 services are rendered. For the purposes of this act, contributions, other
36 than money or its equivalent shall be deemed to have a money value equivalent
37 to the fair market value of the contribution.

38 (5) "Election" means any state or local general, special, recall, or
39 primary election.

40 (6) "Election campaign" means any campaign in support of or in opposi-
41 tion to a candidate for election to public office and any campaign in support
42 of, or in opposition to, a measure.

43 (7) (a) "Electioneering communication" means any communication broad-
44 cast by television or radio, printed in a newspaper or on a billboard,
45 directly mailed or delivered by hand to personal residences, or tele-
46 phone calls made to personal residences, or otherwise distributed that:

47 (i) Unambiguously refers to any candidate; ~~and~~

48 (ii) Is broadcasted, printed, mailed, delivered, made or dis-
49 tributed within ~~thirty (30) days before a primary election or~~
50 sixty (60) days before a general election; ~~and~~

1 (iii) Involves five hundred dollars (\$500) or more in aggregate
2 expenditures on all communications referring to a particular candi-
3 date; and

4 (iv) Is broadcasted to, printed in a newspaper, distributed to,
5 mailed to or delivered by hand to, telephone calls made to, or
6 otherwise distributed to an audience that includes members of the
7 electorate for such public office.

8 (b) "Electioneering communication" does not include:

9 (i) Any news articles, editorial endorsements, opinion or com-
10 mentary, writings, or letter to the editor printed in a newspaper,
11 magazine, or other periodical not owned or controlled by a candi-
12 date, political committee, or political party;

13 (ii) Any editorial endorsements or opinions aired by a broadcast
14 facility not owned or controlled by a candidate, political commit-
15 tee, or political party;

16 (iii) Any communication by persons made in the regular course and
17 scope of their business or any communication made by a membership
18 organization solely to members of such organization and their fam-
19 ilies;

20 (iv) Any communication that refers to any candidate only as part
21 of the popular name of a bill or statute;

22 (v) A communication that constitutes an expenditure or an inde-
23 pendent expenditure under this chapter.

24 (8) "Employee" means an individual who performs a service for wages or
25 other compensation from which the individual's employer withholds federal
26 employment taxes under a contract for hire, written or oral.

27 (9) "Executive official" means:

28 (a) The governor, lieutenant governor, secretary of state, state con-
29 troller, state treasurer, attorney general, superintendent of public
30 instruction and any deputy or staff member of any of those individuals
31 who, within the course and scope of his or her employment, is directly
32 involved in major policy-influencing decisions for the office;

33 (b) A state department or agency director, deputy director, division
34 administrator or bureau chief as established and enumerated in sections
35 67-2402 and 67-2406, Idaho Code;

36 (c) The membership and the executive or chief administrative officer
37 of any board or commission that is authorized to make rules or conduct
38 rulemaking activities pursuant to section 67-5201, Idaho Code;

39 (d) The membership and the executive or chief administrative officer
40 of any board or commission that governs any of the state departments
41 enumerated in section 67-2402, Idaho Code, not including public school
42 districts;

43 (e) The membership and the executive or chief administrative officer
44 of the Idaho public utilities commission, the Idaho industrial commis-
45 sion, and the Idaho state tax commission; and

46 (f) The members of the governing board of the state insurance fund and
47 the members of the governing board and the executive or chief adminis-
48 trative officer of the Idaho housing and finance association, the Idaho
49 energy resources authority, and the Idaho state building authority.

1 (10) "Expenditure" includes any payment, contribution, subscription,
2 distribution, loan, advance, deposit, or gift of money or anything of value,
3 and includes a contract, promise, or agreement, whether or not legally en-
4 forceable, to make an expenditure. The term "expenditure" also includes a
5 promise to pay, a payment or a transfer of anything of value in exchange for
6 goods, services, property, facilities or anything of value for the purpose
7 of assisting, benefiting or honoring any public official or candidate, or
8 assisting in furthering or opposing any election campaign.

9 (11) "Independent expenditure" means any expenditure by a person for
10 a communication expressly advocating the election, passage or defeat of a
11 clearly identified candidate or measure that is not made with the coopera-
12 tion or with the prior consent of, or in consultation with, or at the consent
13 of, or in consultation with, or at the request of a suggestion of, a candidate
14 or any agent or authorized committee of the candidate or political committee
15 supporting or opposing a measure. As used in this subsection, "expressly ad-
16 vocating" means any communication containing a message advocating election,
17 passage or defeat including, but not limited to, the name of the candidate
18 or measure, or expression such as "vote for," "elect," "support," "cast your
19 ballot for," "vote against," "defeat" or "reject."

20 (12) "Lobby" and "lobbying" each means attempting through contacts
21 with, or causing others to make contact with, members of the legislature or
22 legislative committees or an executive official to influence the approval,
23 modification or rejection of any legislation by the legislature of the state
24 of Idaho or any committee thereof or by the governor or to develop or main-
25 tain relationships with, promote goodwill with, or entertain members of the
26 legislature or executive officials. "Lobby" and "lobbying" shall also mean
27 communicating with an executive official for the purpose of influencing the
28 consideration, amendment, adoption or rejection of any rule or rulemaking as
29 defined in section 67-5201, Idaho Code, or any ratemaking decision, procure-
30 ment, contract, bid or bid process, financial services agreement, or bond
31 issue. Neither "lobby" nor "lobbying" includes an association's or other
32 organization's act of communicating with the members of that association
33 or organization; and provided that neither "lobby" nor "lobbying" includes
34 communicating with an executive official for the purpose of carrying out
35 ongoing negotiations following the award of a bid or a contract, communica-
36 tions involving ongoing legal work and negotiations conducted by and with
37 attorneys for executive agencies, interactions between parties in litiga-
38 tion or other contested matters, or communications among and between members
39 of the legislature and executive officials and their employees, or by state
40 employees while acting in their official capacity or within the course and
41 scope of their employment.

42 (13) "Lobbyist" includes any person who lobbies.

43 (14) "Lobbyist's client" means the person on whose behalf the lobbyist
44 is acting, directly or indirectly, as a contractor, and by whom the lobbyist
45 or lobbyist's employer is compensated for acting as a lobbyist.

46 (15) "Lobbyist's employer" means the person or persons for whom a lob-
47 byist is an employee, and by whom the lobbyist is compensated for acting as a
48 lobbyist.

1 (16) "Local government office" means any publicly elected office for
 2 any political subdivision of the state or special district that is not a leg-
 3 islative, judicial, statewide, or federal office.

4 (17) "Measure" means any proposal submitted to the people for their ap-
 5 proval or rejection at an election, including any initiative, referendum,
 6 recall election, or revision of or amendment to the state constitution. An
 7 initiative or referendum proposal shall be deemed a measure when the attor-
 8 ney general, county prosecutor, or city attorney, as appropriate, reviews it
 9 and gives it a ballot title. A recall shall be deemed a measure upon approval
 10 of the recall petition as to form pursuant to section 34-1704, Idaho Code.

11 (18) "Nonbusiness entity" means any group of two (2) or more individ-
 12 uals, a corporation, association, firm, partnership, committee, club or
 13 other organization that:

14 (a) Does not have as its principal purpose the conduct of business ac-
 15 tivities for profit; and

16 (b) Received during the preceding or current calendar year contribu-
 17 tions, gifts or membership fees, which in the aggregate exceeded ten
 18 percent (10%) of its total receipts for such year.

19 (19) "Person" means an individual, corporation, association, firm,
 20 partnership, committee, political party, club or other organization or
 21 group of persons.

22 (20) (a) "Political committee" means:-

23 ~~(a) Any person specifically designated to support or oppose any candi-~~
 24 ~~date or measure; or~~

25 ~~(b) Any any person who receives contributions and or makes expenditures~~
 26 ~~in an amount exceeding one thousand five hundred dollars (\$1,0500) in~~
 27 ~~the current or any previous calendar year for the purpose of support-~~
 28 ~~ing or opposing one (1) or more candidates or measures, until reports~~
 29 ~~are no longer required pursuant to section 67-6607, Idaho Code, and the~~
 30 ~~reporting account with the secretary of state is terminated. Any en-~~
 31 ~~tity registered with the federal election commission that makes expen-~~
 32 ~~ditures supporting or opposing any candidate or measure in the state of~~
 33 ~~Idaho, except for federal candidate elections, shall be considered a~~
 34 ~~political committee for the purposes of this chapter. Any other entity~~
 35 ~~registered with the federal election commission shall not be considered~~
 36 ~~a political committee for purposes of this chapter.~~

37 (eb) A county, district or regional committee of a recognized political
 38 party shall not be considered a political committee for the purposes of
 39 this chapter unless such party committee has had expenditures exceeding
 40 five thousand dollars (\$5,000) in a the current or any previous calendar
 41 year.

42 (21) "Political party" means an organization of electors defined and
 43 qualified pursuant to section 34-501, Idaho Code.

44 (22) "Political treasurer" means an individual appointed by a candidate
 45 or political committee as provided in section 67-6603, Idaho Code.

46 (223) "Public office" means any local, legislative, judicial, or state
 47 office or position that is filled by election but does not include the office
 48 of precinct committeeman.

49 SECTION 2. That Section 67-6603, Idaho Code, be, and the same is hereby
 50 amended to read as follows:

1 67-6603. APPOINTMENT OF POLITICAL TREASURER. (~~a~~1) Each candidate and
 2 political committee shall appoint a political treasurer and certify the full
 3 name and complete address of the political treasurer to the secretary of
 4 state. A political treasurer so appointed shall be a registered elector of
 5 this state. An individual may be appointed and serve as political treasurer
 6 for a candidate and a political committee or two (2) or more candidates or
 7 political committees. A candidate may appoint himself his own political
 8 treasurer and shall be deemed to have appointed himself as his own political
 9 treasurer unless and until he appoints another individual to serve as such.

10 (~~b~~2) A candidate or political committee may remove his or its political
 11 treasurer. In case of the death, resignation or removal of his or its polit-
 12 ical treasurer before compliance with all obligations of a political trea-
 13 surer under this act, such candidate or political committee shall appoint
 14 a successor and certify the name and address of the successor in the manner
 15 provided in the case of an original appointment.

16 (~~e~~3) No contribution shall be received or expenditure made by or on be-
 17 half of a candidate or political committee:

18 (~~1~~a) Until the candidate or political committee appoints a political
 19 treasurer and certifies the name and address of the political treasurer
 20 to the secretary of state or, in the event of a vacancy in the office of
 21 political treasurer, has certified the name and address of the succes-
 22 sor as provided therein; and

23 (~~2~~b) Unless the contribution is received or expenditure made by or
 24 through the political treasurer for the candidate or political commit-
 25 tee.

26 SECTION 3. That Section 67-6607, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 67-6607. REGULAR REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDI-
 29 DATES AND POLITICAL COMMITTEES. (1) Each candidate or the political trea-
 30 surer for each candidate who receives contributions or makes expenditures in
 31 an amount exceeding five hundred dollars (\$500) in the current or any previ-
 32 ous calendar year, and each political committee or the political treasurer
 33 of each political committee, and each person transmitting electioneering
 34 communications shall file with the secretary of state a ~~statement~~ report of
 35 all contributions received and all expenditures and encumbrances made by or
 36 on behalf of the candidate, ~~or~~ political committee, ~~or~~ person transmitting
 37 electioneering communications according to the schedule provided in this
 38 section. The ~~statement~~ report shall itemize each contribution received and
 39 each expenditure or encumbrance made during the reporting period and shall
 40 include the following:

41 (a) Under contributions, the statement report shall include a list of
 42 all the contributions received, including any funds or property of the
 43 candidate used to cover expenditures. The statement report shall list
 44 the full name and complete address of each person who contributed an ag-
 45 gregate amount of more than fifty dollars (\$50.00) and the amount con-
 46 tributed by that person. The statement report may list as a single item
 47 the total amount of contributions of fifty dollars (\$50.00) or less; ~~and~~

48 (b) Under expenditures, the statement report shall include the name and
 49 address of each person to whom an expenditure or encumbrance was made

1 in the an amount of twenty-five exceeding fifty dollars (\$2550.00) or
 2 more, and the amount, date, and purpose of each such expenditure. Each
 3 expenditure or encumbrance in the amount of twenty-five exceeding fifty
 4 dollars (\$2550.00) or more shall be evidenced by an invoice, receipt, or
 5 canceled check or an accurate copy thereof. Such evidence shall not be
 6 filed with the statement report but shall be retained by the committee,
 7 or candidate, or person for a period of one (1) year after the statement
 8 report has been filed. The statement report may list as a single item
 9 the total amount of expenditures and encumbrances of fifty dollars
 10 (\$50.00) or less than twenty-five dollars (\$25.00) without showing the
 11 exact amount of or requiring evidence of each such expenditure or encum-
 12 brance. Anything of value, other than money, paid for or contributed by
 13 any person shall be listed both as an expenditure and as a contribution;

14 (c) For each independent expenditure, the report shall also show:

15 (i) The identity of the candidate or measure;

16 (ii) That either the expenditure was made in support of or in oppo-
 17 sition to such candidate or measure; and

18 (iii) The total sum of all expenditures made in support or in oppo-
 19 sition to such candidate or measure; and

20 (d) For each electioneering communication, the report shall also show:

21 (i) The identity of the candidate or measure referenced in the
 22 electioneering communication; and

23 (ii) The total sum of all expenditures made in the electioneering
 24 communications that referenced the candidate or measure.

25 (2) (a) For the first report under this section, the reporting period
 26 shall cover the period beginning with the first contribution, expendi-
 27 ture, or encumbrance through the end of the current reporting period.
 28 Each candidate and each political committee, or the treasurer for a can-
 29 didate or political committee or ballot measure, shall file the report
 30 described under subsection (1) of this section as follows:

31 (a) (i) In the year of the candidate's election or the year in which a
 32 political committee expends money, a monthly report shall be filed
 33 for each month of the year. Each report shall be filed by the tenth
 34 day of the month following the month being reported; and

35 (a) (ii) For the nonelection year, an annual report covering the non-
 36 election year shall be filed by January 10 of the following year.

37 (b) Any electioneering communication made by a person that is not a
 38 candidate, candidate's treasurer, or political committee shall be re-
 39 ported pursuant to the schedule in paragraph (a) (i) of this subsection
 40 for any months in which electioneering communications are made.

41 (3) Notwithstanding any other reports required under this section,
 42 each candidate and each political committee, or the political treasurer for
 43 each candidate and each political committee, shall notify the secretary of
 44 state of any contribution of one thousand dollars (\$1,000) or more. This
 45 notification shall be made within forty-eight (48) hours after the receipt
 46 of such contribution and shall include the name of the candidate, political
 47 committee or measure, the identification of the contributor, and the date of
 48 receipt and amount of the contribution. The notification shall be in addi-
 49 tion to the reporting of these contributions in the regular reports.

1 ~~(4)~~ All reports required pursuant to this section shall be filed online
2 with the secretary of state, unless a waiver has been provided under section
3 67-6623, Idaho Code, by no later than midnight on the date the filing is due.

4 ~~(5)~~ Reports required to be filed under the provisions of this section
5 shall continue to be filed until the account no longer shows ~~any unexpended~~
6 ~~balance of contributions or expenditure deficit~~ debt or unexpended money,
7 and the account has been terminated.

8 SECTION 4. That Section 67-6608, Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 5. That Chapter 66, Title 67, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 67-6608, Idaho Code, and to read as follows:

13 67-6608. SPECIAL REPORTS OF CONTRIBUTIONS AND EXPENDITURES. In addi-
14 tion to the reports required by section 67-6607, Idaho Code, the following
15 reports are required:

16 (1) Each candidate and each political committee, or the political
17 treasurer for each candidate and each political committee, shall report to
18 the secretary of state any contribution of one thousand dollars (\$1,000) or
19 more. This report shall be made within two (2) days after the receipt of such
20 contribution and shall include the name of the candidate, political commit-
21 tee, or measure; the identification of the contributor; the date of receipt;
22 and the amount of the contribution.

23 (2) Each person who makes independent expenditures in an aggregate
24 amount of one thousand dollars (\$1,000) or more shall report the same to the
25 secretary of state no more than two (2) days after incurring the cost of such
26 expenditure. The report shall include the name and address of any person to
27 whom an expenditure in excess of fifty dollars (\$50.00) has been made by any
28 such person in support of or in opposition to any such candidate or measure
29 during the reporting period, together with the amount, date, and purpose of
30 each such expenditure, including the identity of the candidate or measure;
31 that either the expenditure was made in support of or in opposition to such
32 candidate or measure; and the total sum of all expenditures made in support
33 of or in opposition to any such candidate or measure.

34 (3) Any person who incurs costs of one thousand dollars (\$1,000) or
35 more when making an electioneering communication shall report the same to
36 the secretary of state no more than two (2) days after incurring the costs
37 for such communication. Such report shall include the amount spent on such
38 communications; the name and address of the person making the expenditure
39 and the person receiving funds; the names and addresses of any persons
40 who contribute more than fifty dollars (\$50.00) to the person making the
41 expenditure; the identity of the candidate or measure referenced in the
42 electioneering communication; and the total sum of all expenditures made in
43 such communications that referenced the candidate or measure.

44 (4) Any person required to make monthly reports pursuant to section
45 67-6607, Idaho Code, who makes independent expenditures or electioneering
46 communications for an election, and who would not otherwise be required to
47 report such expenditures or communications prior to the day of election,
48 shall report the same seven (7) days prior to the election.

1 (5) All reports required pursuant to this section shall be filed online
2 with the secretary of state, unless a waiver has been provided under section
3 67-6623, Idaho Code, by no later than midnight on the date the filing is due.

4 SECTION 6. That Section [67-6610](#), Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 7. That Chapter 66, Title 67, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 67-6610, Idaho Code, and to read as follows:

9 67-6610. IDENTIFICATION OF SOURCE OF CONTRIBUTIONS AND EXPENDI-
10 TURES. (1) No contribution shall be made and no expenditure shall be in-
11 curred, directly or indirectly, in a fictitious name, anonymously, or by one
12 (1) person through an agency, relative, or other person in such a manner as to
13 conceal the identity of the source of the contribution, except that the state
14 central committee or a county central committee of a political party may
15 raise funds through raffle ticket and merchandise sale transactions of fifty
16 dollars (\$50.00) or less, and report the same as unitemized funds raised, if
17 the full name and address of each person attending the event is reported.

18 (2) Except as provided in subsection (1) of this section, any person who
19 contributes to a candidate or political committee shall accompany the con-
20 tribution with a statement of his full name and complete address.

21 (3) Any contributions received in violation of this section shall be
22 transmitted within seven (7) days by the political treasurer who received it
23 to the state controller for deposit in the public school income fund.

24 SECTION 8. That Section [67-6611](#), Idaho Code, be, and the same is hereby
25 repealed.

26 SECTION 9. That Section [67-6614](#), Idaho Code, be, and the same is hereby
27 repealed.

28 SECTION 10. That Section 67-6614A, Idaho Code, be, and the same is
29 hereby amended to read as follows:

30 67-6614A. PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS. When-
31 ever any person makes an expenditure for the purpose of financing communica-
32 tions expressly advocating the election, approval, or defeat of a candidate,
33 measure, or person standing for election to the position of precinct commit-
34 teeman through any broadcasting station, newspaper, magazine, outdoor ad-
35 vertising facility, direct mailing, or any other type of general public po-
36 litical advertising, including social media advertising, the person respon-
37 sible for such communication shall be clearly indicated on such communica-
38 tion.

39 SECTION 11. That Section 67-6616, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 67-6616. EXAMINATION OF STATEMENTS REPORTS. Within three (3) months
42 after the date of each election, the secretary of state shall examine such
43 ~~statement~~ report filed pursuant to this chapter for statewide, legislative,

1 and judicial district offices or measures, and the county clerk shall in-
 2 spect each statement report filed for all local government offices or mea-
 3 sures for which the county is the home county, as defined in section 34-1401,
 4 Idaho Code, and, referring to the election, determine whether the statement
 5 report conforms to law. Such examinations shall include a comparison of re-
 6 ports and statements received by the secretary of state pursuant to sections
 7 67-6607 through 67-6609, ~~67-6611, and 67-6614,~~ Idaho Code. The secretary
 8 of state or county clerk may require any person to answer in writing and un-
 9 der oath or affirmation any question within the knowledge of that person con-
 10 cerning the source of any contribution.

11 SECTION 12. That Section 67-6619, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 67-6619. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under
 14 section 67-6617, Idaho Code, shall file with the secretary of state an annual
 15 report of his lobbying activities signed by the lobbyist. The reports shall
 16 be made in the form and manner prescribed by the secretary of state and shall
 17 be filed on January 31 of each year. In addition to the annual report, while
 18 the legislature is convened and in session, every registered lobbyist shall
 19 file interim monthly periodic reports for each month or portion thereof that
 20 the legislature is convened and in session, which shall be filed within fif-
 21 teen (15) days of the first day of the month for the activities of the month
 22 just past, provided however, that any lobbyist covered under this chapter
 23 whose lobbying activities are confined only to executive officials shall
 24 be required to file interim periodic reports semiannually on January 31 and
 25 July 31.

26 (2) Once a lobbyist has filed an annual or semiannual report, each per-
 27 son identified as an employer, client, or designated contact on the report
 28 will be electronically notified that the report has been filed by the lob-
 29 byist, using the contact information provided for the employer, client, or
 30 designated contact upon registration.

31 (3) Each annual, semiannual and monthly periodic report shall contain:

32 (a) The total of all expenditures made or incurred on behalf of such
 33 lobbyist by the lobbyist's employer, employers, client, or clients,
 34 not including payments made directly to the lobbyist, during the period
 35 covered by the report. The totals shall be segregated according to fi-
 36 nancial category including, but not limited to: entertainment, food
 37 and refreshment, honoraria, travel, lodging, advertising and other
 38 like expenditures. Reimbursed personal living and travel expenses of a
 39 lobbyist made or incurred directly or indirectly for any lobbying pur-
 40 pose need not be reported.

41 (b) The name of any legislator or executive official to whom or for
 42 whose benefit on any one (1) occasion an expenditure in excess of one
 43 hundred dollars (\$100) per person, for the purpose of lobbying, is made
 44 or incurred and the date, name of payee, purpose and amount of such ex-
 45 penditure. Expenditures for the benefit of the members of the household
 46 of a legislator or executive official shall also be itemized if such
 47 expenditure exceeds the amount listed in this subsection.

48 (c) In the case of a lobbyist employed by or contracted with more than
 49 one (1) employer or client, the proportionate amount of such expendi-

1 tures in each category made or incurred on behalf of each of his employ-
2 ers or clients.

3 (d) The subject matter of proposed legislation and the number of each
4 senate or house bill, resolution, memorial or other legislative activ-
5 ity or any rule, ratemaking decision, procurement, contract, bid or bid
6 process, financial services agreement or bond in which the lobbyist has
7 been engaged in supporting or opposing during the reporting period;
8 provided that, in the case of appropriations bills, the lobbyist shall
9 enumerate the specific section or sections which he supported or op-
10 posed.

11 (e) The itemization threshold in ~~subsection (3) paragraph~~ (b) of this
12 subsection shall be adjusted biennially by directive of the secretary
13 of state, using consumer price index data compiled by the United States
14 department of labor.

15 (4) Reports required to be filed under the provisions of this section
16 shall be filed online with the secretary of state, except as provided in sec-
17 tion 67-6623, Idaho Code, by no later than midnight on the date the filing is
18 due.

19 SECTION 13. That Section 67-6622, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 67-6622. ~~DOCKET REPORTS -- CONTENTS -- REPORTS TO LEGISLATURE --~~
22 ~~SUBJECTS OF LEGISLATION -- WRITTEN AUTHORIZATION AVAILABLE ON PUBLIC WEB-~~
23 ~~SITE.~~ The ~~S~~secretary of ~~S~~state shall prepare and keep a docket in which shall
24 ~~be entered~~ reports on the name and business address of each lobbyist and the
25 name and business address of his employer or employers, and the subject or
26 subjects of legislation (by bill number, if available) to which the employ-
27 ment relates, which information shall also be indexed by names of employers
28 of lobbyists. Such ~~docket reports~~ shall be a public record and ~~open to the~~
29 ~~inspection of any citizen upon demand at any time during the regular business~~
30 ~~hours of the office of~~ made available to the public on the website of the
31 ~~S~~secretary of ~~S~~state. Beginning with the first week following the beginning
32 of any regular or special session of the legislature and on every Wednesday
33 thereafter for the duration of such session, the Secretary of State shall
34 from his records report to each house of the legislature the names of lob-
35 byists registered under this act not previously reported, the names of the
36 persons whom they represent as such lobbyist, and subject of legislation (by
37 bill number, if available) in which they are interested.

38 SECTION 14. That Section [67-6628](#), Idaho Code, be, and the same is hereby
39 repealed.

40 SECTION 15. That Section 67-6625, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSE-
43 CUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions
44 of sections 67-6603, 67-6604, 67-6606 through 67-6614A, 67-6617, 67-6619,
45 67-6620, 67-6621(1), 67-6624, or 67-6627 ~~or 67-6628~~, Idaho Code, shall be
46 liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an

1 individual, and not more than two thousand five hundred dollars (\$2,500) if a
2 person other than an individual. The burden of proof for such civil liability
3 shall be met by showing a preponderance of the evidence.

4 (2) Any person who violates section 67-6605 or 67-6621(2), Idaho Code,
5 and any person who knowingly and willfully violates sections 67-6603 through
6 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, or 67-6627 ~~or~~
7 ~~67-6628~~, Idaho Code, is guilty of a misdemeanor and, upon conviction, in
8 addition to the fines set forth in subsection (1) of this section, may be
9 imprisoned for not more than six (6) months, or be both fined and imprisoned.

10 (3) The attorney general or the appropriate prosecuting attorney may
11 prosecute any violations of this chapter.

12 (4) Prosecution for a civil or misdemeanor violation of this chapter
13 must be commenced within two (2) years after the date on which the violation
14 occurred. Prosecution for a felony violation of this chapter must be com-
15 menced pursuant to the provisions of section 19-402, Idaho Code.

16 (5) Venue for prosecution under the provisions of this chapter shall be
17 in the county of residence of the defendant if the defendant is a resident of
18 the state of Idaho; otherwise, venue shall be in Ada county.

19 SECTION 16. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 January 1, 2023.