

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 470

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A  
2 NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING  
3 THE ELECTION CRIMES AND SECURITY OFFICE WITHIN THE OFFICE OF THE ATTOR-  
4 NEY GENERAL AND TO PROVIDE CERTAIN POWERS AND DUTIES; AMENDING SECTION  
5 67-1401, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF THE  
6 ATTORNEY GENERAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
7 DATE.  
8

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

10 SECTION 1. That Title 34, Idaho Code, be, and the same is hereby amended  
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
12 ter 26, Title 34, Idaho Code, and to read as follows:

13 CHAPTER 26  
14 OFFICE OF ELECTION CRIMES AND SECURITY

15 34-2601. OFFICE OF ELECTION CRIMES AND SECURITY. (1) The office of  
16 election crimes and security is hereby created within the office of the at-  
17 torney general for the purpose of receiving, investigating, and responding  
18 to complaints or allegations of election crimes set forth in chapter 23,  
19 title 18, Idaho Code, or any other violations of election laws set forth in  
20 title 34 or title 50, Idaho Code, or any associated administrative rule.

21 (2) The office of election crimes and security may receive and review  
22 complaints from any person. The office shall establish, staff, and oversee  
23 a voter fraud hotline for such purpose and may establish all other procedures  
24 for receiving complaints as it deems necessary. The office may also initiate  
25 independent inquiries into alleged election law violations.

26 (3) The office of election crimes and security shall employ investi-  
27 gators to conduct any investigations of election law violations. The posi-  
28 tions and resources necessary for the office to accomplish its duties shall  
29 be established pursuant to the legislative appropriations process.

30 (4) The office of election crimes and security shall have the authority  
31 to receive sworn statements and to issue subpoenas to compel the production  
32 of records and other documents from any registrar of voters or other elec-  
33 tions official in pursuance of its investigative powers.

34 (5) Upon the receipt of a complaint of any alleged election law viola-  
35 tion during early voting, on election day, or during the canvass of votes  
36 pursuant to chapter 12, title 34, Idaho Code, any member of the office of  
37 election crimes and security may enter a polling place or elections office to  
38 investigate alleged violations of title 34, Idaho Code.

39 (6) The office of election crimes and security shall exercise concur-  
40 rent investigative and prosecutorial authority and responsibility with  
41 county prosecutors if the office determines that there may be a violation of

1 any provision of criminal law or elections law pursuant to title 34 or title  
 2 50, Idaho Code. The findings of the investigation shall be turned over to  
 3 the appropriate prosecutorial agency for further investigation or prose-  
 4 cution as appropriate. The provisions of this section shall not limit the  
 5 jurisdiction of any other office or agency of the state empowered by law to  
 6 investigate, act upon, or dispose of alleged election law violations.

7 (7) (a) By January 15 of each year, the office of election crimes and se-  
 8 curity shall submit a report to the governor, the president pro tempore  
 9 of the senate, and the speaker of the house of representatives detail-  
 10 ing:

- 11 (i) The total number of complaints received by the office;
- 12 (ii) The total number of independent investigations initiated by  
 13 the office; and
- 14 (iii) The number of complaints referred to another agency for fur-  
 15 ther investigation or prosecution.

16 (b) For each alleged violation investigated by the office of election  
 17 crimes and security, the report provided in paragraph (a) of this sub-  
 18 section shall include:

- 19 (i) The source of the alleged violation;
- 20 (ii) The law allegedly violated and the nature of the violation  
 21 reported;
- 22 (iii) The county in which the alleged violation occurred;
- 23 (iv) Whether the alleged violation was referred to another agency  
 24 for further investigation or prosecution, and if so, to which  
 25 agency; and
- 26 (v) The current status of the investigation or resulting criminal  
 27 case.

28 SECTION 2. That Section 67-1401, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 67-1401. DUTIES OF ATTORNEY GENERAL. Except as otherwise provided in  
 31 this chapter, it is the duty of the attorney general:

32 (1) To perform all legal services for the state and to represent the  
 33 state and all departments, agencies, offices, officers, boards, commis-  
 34 sions, institutions and other state entities in all courts and before all  
 35 administrative tribunals or bodies of any nature. Representation shall be  
 36 provided to those entities exempted pursuant to the provisions of section  
 37 67-1406, Idaho Code. Whenever required to attend upon any court or adminis-  
 38 trative tribunal, the attorney general shall be allowed necessary and actual  
 39 expenses, all claims for which shall be audited by the state board of exam-  
 40 iners.

41 (2) To advise all departments, agencies, offices, officers, boards,  
 42 commissions, institutions and other state entities in all matters involving  
 43 questions of law.

44 (3) After judgment in any of the causes referred to in this chapter, to  
 45 direct the issuing of such process as may be necessary to carry the same into  
 46 execution.

47 (4) To account for and pay over to the proper officer all moneys re-  
 48 ceived that belong to the state.

1 (5) To enforce the Idaho charitable solicitation act, chapter 12, ti-  
2 tle 48, Idaho Code, and the Idaho nonprofit hospital sale or conversion act,  
3 chapter 15, title 48, Idaho Code; to supervise charitable organizations, as  
4 such term is defined in section 48-1903(4), Idaho Code; and to enforce when-  
5 ever necessary any noncompliance or departure from the charitable purpose of  
6 such charitable organizations as set forth and provided in chapter 19, title  
7 48, Idaho Code.

8 (6) To give an opinion in writing, without fee, to the legislature or  
9 either house thereof, or any senator or representative, and to the governor,  
10 secretary of state, treasurer, state controller, and the superintendent of  
11 public instruction, when requested, ~~upon~~ on any question of law relating to  
12 their respective offices. The attorney general shall keep a record of all  
13 written opinions rendered by the office and such opinions shall be compiled  
14 annually and made available for public inspection. All costs incurred in  
15 the preparation of said opinions shall be borne by the office of the attor-  
16 ney general. A copy of the opinions shall be furnished to the supreme court  
17 and to the state librarian.

18 (7) When required by the public service, to repair to any county in the  
19 state and assist the prosecuting attorney thereof in the discharge of du-  
20 ties.

21 (8) To bid ~~upon~~ on and purchase, when necessary, in the name of the  
22 state, and under the direction of the state controller, any property offered  
23 for sale under execution issued ~~upon~~ on judgments in favor of or for the use  
24 of the state and to enter satisfaction in whole or in part of such judgments  
25 as the consideration for such purchases.

26 (9) Whenever the property of a judgment debtor in any judgment men-  
27 tioned in subsection (8) of this section has been sold under a prior judg-  
28 ment, or is subject to any judgment, lien, or encumbrance, taking precedence  
29 of the judgment in favor of the state, under the direction of the state  
30 controller, to redeem such property from such prior judgment, lien, or en-  
31 cumbrance; and all sums of money necessary for such redemption must, upon the  
32 order of the board of examiners, be paid out of any money appropriated for  
33 such purposes.

34 (10) When necessary for the collection or enforcement of any judgment  
35 hereinbefore mentioned, to institute and prosecute, in behalf of the state,  
36 such suits or other proceedings as may be necessary to set aside and annul all  
37 conveyances fraudulently made by such judgment debtors; the cost necessary  
38 to the prosecution must, when allowed by the board of examiners, be paid out  
39 of any appropriations for the prosecution of delinquents.

40 (11) To exercise all the common law power and authority usually apper-  
41 taining to the office and to discharge the other duties prescribed by law.

42 (12) To report to the governor the condition of the affairs of the attor-  
43 ney general's office and of the reports received from prosecuting attorneys.

44 (13) To appoint deputy attorneys general and special deputy attorneys  
45 general and other necessary staff to assist in the performance of the du-  
46 ties of the office. Such deputies and staff shall be nonclassified employees  
47 within the meaning of section 67-5302, Idaho Code.

48 (14) To establish a medicaid fraud control unit pursuant to the provi-  
49 sions of section 56-226, Idaho Code, and to exercise concurrent investiga-  
50 tive and prosecutorial authority and responsibility with county prosecutors

1 to prosecute persons for the violation of the criminal provisions of chap-  
2 ter 2, title 56, Idaho Code, and for criminal offenses that are not defined  
3 in ~~said~~ chapter 2, title 56, Idaho Code, but that involve or are directly re-  
4 lated to the use of medicaid program funds or services provided through the  
5 medicaid program.

6 (15) To seek injunctive and any other appropriate relief as expedi-  
7 tiously as possible to preserve the rights and property of the residents  
8 of the state of Idaho and to defend as necessary the state of Idaho, its  
9 officials, employees, and agents in the event that any law or regulation  
10 violating the public policy set forth in the Idaho health freedom act, chap-  
11 ter 90, title 39, Idaho Code, is enacted by any government, subdivision, or  
12 agency thereof.

13 (16) To establish an internet crimes against children unit pursuant to  
14 the provisions of section 67-1410, Idaho Code, and to exercise concurrent  
15 investigative and prosecutorial authority and responsibility with county  
16 prosecutors to prosecute persons for the violation of the criminal provi-  
17 sions of sections 18-1507, 18-1509A, 18-1513 and 18-1515, Idaho Code, which  
18 may also encompass criminal offenses that are not defined in said sections  
19 but that involve or are directly related to child pornography and sollicita-  
20 tion of minors for pornography, prostitution or sex-related offenses.

21 (17) To respond to allegations of violation of state law by elected  
22 county officers, to investigate such claims, to issue appropriate findings  
23 and to refer such cases for further investigation and prosecution pursuant  
24 to section 31-2002, Idaho Code.

25 (18) To establish a sobriety and drug monitoring program to reduce the  
26 number of people on Idaho's highways who drive under the influence of alco-  
27 hol or drugs, to reduce the number of repeat offenders for certain offenses  
28 in which the abuse of alcohol or drugs was a contributing factor, and to in-  
29 crease pretrial and posttrial options for prosecutors and judges in respond-  
30 ing to repeat DUI offenders and offenders for certain crimes in which the  
31 abuse of alcohol or drugs was a contributing factor in the commission of the  
32 crime; and to adopt such rules and establish such fees as are necessary for  
33 the operation of said program, as set forth by law.

34 (19) To establish the office of election crimes and security pursuant to  
35 section 34-2601, Idaho Code, and to exercise concurrent investigative and  
36 prosecutorial authority and responsibility with county prosecutors to pros-  
37 ecute persons for the commission of election crimes set forth in chapter 23,  
38 title 18, Idaho Code, or any other violations of election laws set forth in  
39 title 34 or title 50, Idaho Code.

40 SECTION 3. An emergency existing therefor, which emergency is hereby  
41 declared to exist, this act shall be in full force and effect on and after  
42 July 1, 2024.