

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 308

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO CAMPAIGN FINANCE; AMENDING TITLE 74, IDAHO CODE, BY THE ADDITION  
3 OF A NEW CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE A CHAPTER HEADING;  
4 AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW PART  
5 1, CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE FOR THE PURPOSE OF THE  
6 CHAPTER, TO DEFINE TERMS, TO PROHIBIT FOREIGN CONTRIBUTIONS, FOREIGN  
7 INDEPENDENT EXPENDITURES, AND FOREIGN ELECTIONEERING COMMUNICATIONS,  
8 TO PROVIDE FOR COMMERCIAL REPORTING, TO PROVIDE THAT CERTAIN REPORTS BE  
9 CERTIFIED BY THE SECRETARY OF STATE, TO PROVIDE FOR THE IDENTIFICATION  
10 OF THE SOURCE OF CONTRIBUTIONS AND EXPENDITURES, AND TO PROVIDE THAT  
11 POLLS CONCERNING A CANDIDATE OR MEASURE MUST IDENTIFY THE PERSON OR EN-  
12 TITY PAYING FOR THE POLL; AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY  
13 THE ADDITION OF A NEW PART 2, CHAPTER 3, TITLE 74, IDAHO CODE, TO ESTAB-  
14 LISH PROVISIONS REGARDING CANDIDATES AND A CAMPAIGN FINANCE ACCOUNT,  
15 TO PROVIDE FOR THE APPOINTMENT OF A POLITICAL TREASURER FOR CANDIDATES,  
16 TO PROVIDE FOR THE DUTIES OF A POLITICAL TREASURER FOR CANDIDATES,  
17 TO PROVIDE FOR THE IDENTIFICATION OF THE SOURCE OF CONTRIBUTIONS AND  
18 EXPENDITURES BY CANDIDATES, TO PROVIDE LIMITATIONS ON CONTRIBUTIONS  
19 TO CANDIDATES, TO PROHIBIT CANDIDATE COORDINATION TO BENEFIT FROM AN  
20 INDEPENDENT EXPENDITURE, TO PROVIDE FOR THE RETIRING OF DEBT, TO PRO-  
21 VIDE CAMPAIGN CONTRIBUTION LIMIT EXCEPTIONS, TO PROVIDE FOR THE USE OF  
22 CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES, AND TO PROVIDE FOR THE USE  
23 OF SYNTHETIC MEDIA; AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY THE  
24 ADDITION OF A NEW PART 3, CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE  
25 FOR POLITICAL ACTION COMMITTEE ORGANIZATION, TO PROVIDE FOR THE AP-  
26 POINTMENT OF A POLITICAL TREASURER FOR POLITICAL ACTION COMMITTEES, TO  
27 PROVIDE FOR THE DUTIES OF A POLITICAL TREASURER FOR POLITICAL ACTION  
28 COMMITTEES, TO PROVIDE FOR CONTRIBUTIONS OBTAINED BY POLITICAL ACTION  
29 COMMITTEES, TO PROVIDE FOR THE USE OF CONTRIBUTED AMOUNTS FOR CERTAIN  
30 PURPOSES, TO PROVIDE FOR REPORTS OF CONTRIBUTIONS TO AND EXPENDITURES  
31 BY POLITICAL ACTION COMMITTEES, TO PROHIBIT POLITICAL ACTION COMMITTEE  
32 COORDINATION WITH A CANDIDATE, AND TO PROVIDE FOR ELECTIONEERING COM-  
33 MUNICATIONS AND CERTAIN REPORTS; AMENDING CHAPTER 3, TITLE 74, IDAHO  
34 CODE, BY THE ADDITION OF A NEW PART 4, CHAPTER 3, TITLE 74, IDAHO CODE,  
35 TO PROVIDE FOR CERTAIN REPORTING REQUIREMENTS, TO PROVIDE LEGISLATIVE  
36 INTENT, TO PROVIDE FOR CONTRIBUTIONS, REPORTS, AND LIMITS FOR POLITICAL  
37 PARTY COMMITTEES AND CAUCUSES, TO PROVIDE FOR ELECTIONEERING COMMU-  
38 NICATIONS AND REPORTS, AND TO PROVIDE FOR INDEPENDENT EXPENDITURES;  
39 AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW PART  
40 5, CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE FOR THE DUTIES OF THE SEC-  
41 RETARY OF STATE, TO PROVIDE FOR THE DUTIES OF COUNTY CLERKS AND PROSECU-  
42 TORS, TO PROVIDE FOR VIOLATIONS AND FINES, TO PROVIDE FOR LATE FILINGS  
43 AND FEES, TO PROVIDE FOR OTHER VIOLATIONS, TO PROVIDE FOR CERTAIN EN-  
44 HANCED PENALTIES, TO PROVIDE FOR THE ENFORCEMENT OF CIVIL FINES AND LATE  
45 FEES, TO PROVIDE FOR PROSECUTION, LIMITATIONS, AND VENUE, TO PROVIDE

1 FOR INJUNCTIONS, TO PROVIDE SEVERABILITY, AND TO PROVIDE FOR CONSTRUC-  
 2 TION; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW  
 3 SECTION 34-1807A, IDAHO CODE, TO PROVIDE FOR THE DISCLOSURE OF PAYMENTS  
 4 MADE TO SIGNATURE GATHERERS; AMENDING SECTION 67-6602, IDAHO CODE, TO  
 5 REMOVE DEFINITIONS; REPEALING SECTIONS 67-6603 THROUGH 67-6616 AND  
 6 SECTIONS 67-6626 THROUGH 67-6628A, IDAHO CODE, RELATING TO CAMPAIGN  
 7 FINANCE; AMENDING SECTION 67-6621, IDAHO CODE, TO PROVIDE A CORRECT  
 8 CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
 9 67-6625, IDAHO CODE, TO REMOVE CODE REFERENCES AND TO MAKE TECHNICAL  
 10 CORRECTIONS; AMENDING SECTION 19-5904, IDAHO CODE, TO PROVIDE A CORRECT  
 11 CODE REFERENCE; AMENDING SECTION 19-6004, IDAHO CODE, TO PROVIDE A COR-  
 12 RECT CODE REFERENCE; AMENDING SECTION 44-2602, IDAHO CODE, TO PROVIDE  
 13 CORRECT CODE REFERENCES; AMENDING SECTION 44-2605, IDAHO CODE, TO PRO-  
 14 VIDE CORRECT CODE REFERENCES; AMENDING SECTION 50-2006, IDAHO CODE, TO  
 15 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-5282, IDAHO CODE,  
 16 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 72-1503, IDAHO  
 17 CODE, TO PROVIDE A CORRECT CODE REFERENCE; PROVIDING APPLICABILITY; AND  
 18 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

20 SECTION 1. That Title 74, Idaho Code, be, and the same is hereby amended  
 21 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
 22 ter 3, Title 74, Idaho Code, and to read as follows:

23 CHAPTER 3  
 24 CAMPAIGN FINANCE TRANSPARENCY

25 SECTION 2. That Chapter 3, Title 74, Idaho Code, be, and the same is  
 26 hereby amended by the addition thereto of a NEW PART, to be known and desig-  
 27 nated as Part 1, Chapter 3, Title 74, Idaho Code, and to read as follows:

28 PART 1  
 29 PROVISIONS OF GENERAL APPLICATION

30 74-3-101. PURPOSE OF CHAPTER. The purpose of this chapter is:  
 31 (1) To promote openness and public confidence in government; and  
 32 (2) To promote transparency by those giving financial support to elec-  
 33 tion campaigns and to persons advocating for or against candidates or ballot  
 34 measures.

35 74-3-102. DEFINITIONS. As used in this chapter, the following terms  
 36 have the following meanings:

37 (1) "Candidate" means an individual who seeks nomination, election,  
 38 or reelection to public office in Idaho and includes individuals seeking  
 39 statewide, judicial, legislative, or local government office. For the  
 40 purposes of this chapter, "candidate" does not include individuals seeking  
 41 nomination, election, or reelection to federal office.

42 (2) "Contribution" includes any advance, conveyance, forgiveness of  
 43 indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-  
 44 scription or transfer of money or anything of value, and any contract,

1 agreement, and promise or other obligation, whether or not legally enforce-  
2 able, to make a contribution in support of or in opposition to any candidate,  
3 political action committee, or measure. Such term also includes personal  
4 funds or other property of a candidate or members of his household expended  
5 or transferred to cover expenditures incurred in support of such candidate  
6 but does not include personal funds used to pay the candidate filing fee.  
7 Such term also includes the rendering of personal and professional ser-  
8 vices for less than full consideration, but does not include ordinary home  
9 hospitality or the rendering of "part-time" personal services of the sort  
10 commonly performed by volunteer campaign workers or advisors or inciden-  
11 tal expenses not in excess of twenty-five dollars (\$25.00) personally paid  
12 for by any volunteer campaign worker. "Part-time" services, for the pur-  
13 poses of this definition, means services in addition to regular full-time  
14 employment, or, in the case of an unemployed person or persons engaged in  
15 part-time employment, services rendered without compensation or reimburse-  
16 ment of expenses from any source other than the candidate or political action  
17 committee for whom such services are rendered. For the purposes of this  
18 chapter, contributions other than money or its equivalent shall be deemed to  
19 have a money value equivalent to the fair market value of the contribution.

20 (3) "Election" means any state or local general, special, recall, or  
21 primary election.

22 (4) "Election campaign" means any campaign in support of or in opposi-  
23 tion to a candidate for election to public office and any campaign in support  
24 of or in opposition to a measure.

25 (5) (a) "Electioneering communication" means any paid public communi-  
26 cation that:

27 (i) Unambiguously refers to any candidate;

28 (ii) Is broadcast, printed, mailed, delivered, made, dis-  
29 tributed, or disseminated to a recipient by telephone, in a digi-  
30 tal format online, or by other electronic means during the sixty  
31 (60) day period before a primary election or a general election;  
32 and

33 (iii) Is directed to an audience that includes members of the elec-  
34 torate for the candidate's public office.

35 (b) An electioneering communication does not include:

36 (i) Any news articles, editorial endorsements, opinion or com-  
37 mentary, writings, or letters to the editor printed in a newspa-  
38 per, magazine, or other periodical not owned or controlled by a  
39 candidate, political action committee, or political party;

40 (ii) Media appearances by a candidate on television, radio shows,  
41 podcasts, or any other type of digital media not owned or con-  
42 trolled by a candidate, political action committee, or political  
43 party;

44 (iii) Any editorial endorsements or opinions aired by a broadcast  
45 facility not owned or controlled by a candidate, political action  
46 committee, or political party;

47 (iv) Any communication by persons made in the regular course and  
48 scope of their business or any communication made by a membership  
49 organization solely to members of such organization and their fam-  
50 ilies;

1 (v) Any communication that refers to any candidate only as part of  
2 the popular name of a bill or statute;

3 (vi) A communication that constitutes an expenditure by a candi-  
4 date or political action committee or an independent expenditure  
5 that is otherwise reported under this chapter; or

6 (vii) A communication that constitutes lobbying activity, as de-  
7 fined in the lobbying disclosure laws of this state, that occurs  
8 during the legislative session, and that is reported pursuant to  
9 the lobbying disclosure laws of this state.

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

13 (7) "Expenditure" includes any payment, contribution, subscription,  
14 distribution, loan, advance, deposit, or gift of money or anything of value,  
15 and includes a contract, promise, or agreement, whether or not legally en-  
16 forceable, to make an expenditure. The term "expenditure" also includes a  
17 promise to pay, a payment or a transfer of anything of value in exchange for  
18 goods, services, property, facilities, or anything of value for the purpose  
19 of assisting, benefiting, or honoring any public official or candidate, or  
20 assisting in furthering or opposing any election campaign.

21 (8) (a) "Independent expenditure" means any expenditure by a person for  
22 a communication expressly advocating the election, passage, or defeat  
23 of a clearly identified candidate or measure that is not made in coor-  
24 dination with the candidate or with the political action committee sup-  
25 porting or opposing the measure.

26 (b) As used in this subsection, "expressly advocating" means any com-  
27 munication containing a message advocating the election, passage, or  
28 defeat of a candidate or measure by using the name of the candidate or  
29 measure and using phrases such as "vote for," "elect," "support," "cast  
30 your ballot for," "vote against," "defeat," or "reject."

31 (c) For the purpose of determining whether an expenditure is made in  
32 coordination with a candidate or political action committee, the term  
33 "coordination" means and includes but is not limited to an expenditure  
34 made with the cooperation of, with the prior consent or knowledge of, in  
35 consultation with, or at the request or suggestion of, or using nonpub-  
36 lic information obtained from, a candidate or the candidate's agent or  
37 paid or unpaid staff or volunteer or by a person acting on behalf of a po-  
38 litical action committee supporting or opposing a measure, or by a per-  
39 son acting as a conduit for messages to or from a candidate's campaign or  
40 a political action committee.

41 (9) "Local government office" means any publicly elected office for any  
42 political subdivision of the state or special district that is not a legisla-  
43 tive, judicial, statewide, or federal office.

44 (10) "Measure" means any proposal submitted to the people for their ap-  
45 proval or rejection at a statewide or local election, including any initia-  
46 tive, referendum, recall election, or revision of or amendment to the state  
47 constitution. An initiative or referendum proposal shall be deemed a mea-  
48 sure when the attorney general, county prosecutor, or city attorney, as ap-  
49 propriate, reviews it and gives it a ballot title. A recall shall be deemed

1 a measure upon approval of the recall petition as to form pursuant to section  
2 34-1704, Idaho Code.

3 (11) "Person" means an individual, corporation, association, firm,  
4 partnership, committee, political party, club or other organization or  
5 group of persons.

6 (12) "Political action committee" means:

7 (a) Any person specifically designated to support or oppose any candi-  
8 date or measure; or

9 (b) Any person who receives contributions and makes expenditures in an  
10 amount exceeding one thousand dollars (\$1,000) in any calendar year for  
11 the purpose of supporting or opposing one (1) or more candidates or mea-  
12 sures.

13 (13) "Political treasurer" means an individual appointed by a candidate  
14 as provided in section 74-3-202, Idaho Code, or by a political action commit-  
15 tee as provided in section 74-3-302, Idaho Code.

16 (14) "Public office" means any local, legislative, judicial, or state  
17 office or position that is filled by election but does not include the office  
18 of precinct committeeman.

19 74-3-103. FOREIGN CONTRIBUTIONS, FOREIGN INDEPENDENT EXPENDITURES,  
20 AND FOREIGN ELECTIONEERING COMMUNICATIONS PROHIBITED. (1) A foreign na-  
21 tional shall not make a contribution, directly or indirectly, to any  
22 candidate, political action committee, or measure or make electioneering  
23 communications or independent expenditures.

24 (2) As used in this section:

25 (a) "Foreign national" means:

26 (i) An individual who is not a citizen of the United States and is  
27 not lawfully admitted for permanent residence;

28 (ii) A government or subdivision of a foreign country;

29 (iii) A foreign political party; or

30 (iv) Any entity, such as a partnership, association, corporation,  
31 organization, union, or other combination of persons, that is or-  
32 ganized under the laws of or has its principal place of business in  
33 a foreign country.

34 (b) "Indirectly" means making a contribution or payment to a person  
35 with a designation, instruction, or encumbrance, whether direct or  
36 indirect, express or implied, oral or written, or involving interme-  
37 diaries or conduits, that results in any part of the contribution or  
38 payment being used for a purpose described in subsection (1) of this  
39 section.

40 (3) A violation of the provisions of this section shall be prosecuted  
41 and punished as provided in part 5 of this chapter. Provided, however, any  
42 person who knowingly and willfully violates the provisions of this section  
43 is guilty of a felony when:

44 (a) The aggregate amount of contributions, independent expenditures,  
45 or cost of electioneering communications made in violation of this sec-  
46 tion exceeds one thousand dollars (\$1,000) in a consecutive twelve (12)  
47 month period; or

48 (b) The person pleads guilty to or is found guilty of a knowing and will-  
49 ful violation of the provisions of this section for a second time within

1 ten (10) years, notwithstanding the form of the judgment or withheld  
2 judgment.

3 (4) If any provision of this section or its application to any person or  
4 circumstance is held invalid, the remainder of the section or the applica-  
5 tion of the provision to other persons or circumstances is not affected.

6 74-3-104. COMMERCIAL REPORTING. Each newspaper, periodical, broad-  
7 casting station, direct mailing company, printer, and advertising agency  
8 shall keep a current record of any and all obligations incurred by a can-  
9 didate or political action committee and payments made by a candidate or  
10 political action committee. Such records shall be made available for in-  
11 spection upon request by the secretary of state. Failure to make such  
12 records available shall result in a civil fine not to exceed one thousand  
13 dollars (\$1,000).

14 74-3-105. REPORTS TO BE CERTIFIED. All reports required to be filed  
15 with the secretary of state under this chapter shall be signed and certi-  
16 fied as true and correct by the person required to file the same. Electronic  
17 signatures and certifications shall be governed by the uniform electronic  
18 transactions act, chapter 50, title 28, Idaho Code.

19 74-3-106. IDENTIFICATION OF SOURCE OF CONTRIBUTIONS AND EXPENDI-  
20 TURES. (1) No contribution shall be made and no expenditure shall be in-  
21 curred, directly or indirectly, in a fictitious name, anonymously, or by one  
22 (1) person through an agent, relative, or other person in such a manner as to  
23 conceal the identity of the source of the contribution.

24 (2) (a) To ensure the proper reporting and identification of the source  
25 of expenditures, any public communication made that is reportable as an  
26 expenditure under this chapter shall clearly state: "Paid for by [the  
27 official name of the candidate, political action committee, or fil-  
28 ing entity]" and shall further state the filing entity identification  
29 number, if available, as registered or reported with the secretary of  
30 state.

31 (b) The provisions of this subsection shall not apply to campaign mate-  
32 rials that are being reused by any candidate who has run for public of-  
33 fice prior to 2025, as long as the person responsible for such communi-  
34 cations is clearly indicated on such communications.

35 (c) Failure to comply with the provisions of this section shall result  
36 in a civil fine payable to the secretary of state in the amount of fifty  
37 dollars (\$50.00) plus five percent (5%) of the monetary value of the ex-  
38 penditure being made, rounded up to the nearest whole number. The sec-  
39 retary of state shall deposit any civil fines collected pursuant to this  
40 section to the general fund.

41 74-3-107. POLL CONCERNING CANDIDATE OR MEASURE MUST IDENTIFY PERSON  
42 OR ENTITY PAYING FOR POLL. (1) Any person who conducts or causes to be con-  
43 ducted a poll concerning a candidate or measure in Idaho must, at the end of  
44 the poll, disclose the name of the person or entity that paid for the poll.

45 (2) As used in this section, "poll" means the questioning or canvassing  
46 of persons selected at random or by quota concerning a candidate or measure.

1 The poll may be conducted live by telephone or may be produced by automated  
 2 or computerized telephone messages, in a digital format online, or by other  
 3 electronic means.

4 (3) A violation of the provisions of this section shall be punishable as  
 5 provided in part 5 of this chapter.

6 SECTION 3. That Chapter 3, Title 74, Idaho Code, be, and the same is  
 7 hereby amended by the addition thereto of a NEW PART, to be known and desig-  
 8 nated as Part 2, Chapter 3, Title 74, Idaho Code, and to read as follows:

9 PART 2  
 10 CANDIDATES

11 74-3-201. CANDIDATES FOR PUBLIC OFFICE -- ESTABLISHMENT OF CAMPAIGN  
 12 FINANCE ACCOUNT. (1) A candidate shall be subject to the requirements of this  
 13 chapter once the candidate has taken any of the following actions:

- 14 (a) Announced the individual's candidacy publicly;  
 15 (b) Established a campaign finance account with the secretary of  
 16 state's office;  
 17 (c) Received a contribution for the purpose of promoting the individ-  
 18 ual's candidacy for office; or  
 19 (d) Made an expenditure, contracted for services, or reserved space  
 20 with the intent of promoting the individual's candidacy for office.

21 (2) For purposes of this chapter, an incumbent shall be presumed to be  
 22 a candidate in the subsequent election for the incumbent's office until the  
 23 incumbent has failed to file for office by the statutory deadline.

24 (3) Each candidate shall establish a campaign finance account with the  
 25 secretary of state's office as prescribed by the secretary of state. The  
 26 candidate shall provide the full name and address of the candidate, the of-  
 27 fice being sought by the candidate, the name and address of the candidate's  
 28 political treasurer, and the name of the financial institution or institu-  
 29 tions with which the candidate's campaign account will be held. The finan-  
 30 cial institution must be insured by the federal deposit insurance corpora-  
 31 tion or the national credit union administration.

32 74-3-202. APPOINTMENT OF POLITICAL TREASURER FOR CANDIDATE. (1) Each  
 33 candidate shall appoint a political treasurer who is a registered elector of  
 34 this state. The candidate shall certify the full name and complete address  
 35 of the political treasurer to the secretary of state at the time the candi-  
 36 date establishes a campaign finance account with the secretary of state's  
 37 office or as soon thereafter as practicable.

38 (2) No contribution shall be received or expenditure made by or on be-  
 39 half of a candidate until a political treasurer has been appointed pursuant  
 40 to the provisions of this section. Contributions must be received and expen-  
 41 ditures must be made by or through the candidate's political treasurer.

42 (3) A candidate may appoint himself to serve as his own political trea-  
 43 surer.

44 (4) An individual may be appointed and serve as political treasurer for  
 45 more than one (1) candidate and political action committee.

46 (5) A candidate may remove his political treasurer. In the case of the  
 47 death, resignation, or removal of a political treasurer before all obliga-

1 tions of a political treasurer under this chapter have been met, the candi-  
2 date shall appoint a successor political treasurer and certify the name and  
3 address of the successor in the manner provided in the case of an original ap-  
4 pointment.

5 74-3-203. DUTIES OF POLITICAL TREASURER FOR CANDIDATE. (1) The polit-  
6 ical treasurer or candidate shall serve as the official point of contact for  
7 the secretary of state for the candidate's campaign.

8 (2) The political treasurer for each candidate shall maintain at least  
9 one (1) checking account with a financial institution identified pursuant  
10 to the provisions of section 74-3-201(3), Idaho Code. All moneys received  
11 by the candidate's campaign shall be deposited in such account. The polit-  
12 ical treasurer for each candidate shall keep detailed accounts of all con-  
13 tributions received and all expenditures made by or on behalf of the candi-  
14 date. The political treasurer shall keep the accounts current within seven  
15 (7) days after the date of receiving a contribution or making an expenditure.  
16 A candidate's campaign funds shall be segregated from, and may not be commin-  
17 gled with, any other account. A candidate who loans his campaign his own per-  
18 sonal funds must transfer those funds to his campaign account.

19 (3) The political treasurer shall be responsible for making and filing  
20 all reports that are required of a candidate under this chapter. Accounts  
21 kept by the political treasurer for a candidate are subject to inspection by  
22 the office of the secretary of state in the case of an investigation pursuant  
23 to section 74-3-501 or 74-3-502, Idaho Code.

24 (4) Accounts kept by a political treasurer shall be preserved by him  
25 for at least one (1) year after the date of the election to which the accounts  
26 refer or at least one (1) year after the date the last report is filed under  
27 section 74-3-205, Idaho Code, whichever is later.

28 74-3-204. IDENTIFICATION OF SOURCE OF CONTRIBUTIONS AND EXPENDITURES  
29 -- CANDIDATES. (1) No contribution shall be made and no expenditure shall be  
30 incurred, directly or indirectly, in a fictitious name, anonymously, or by  
31 any person through an agent, relative, or other person in such a manner as to  
32 conceal the identity of the source of the contribution.

33 (2) (a) Any person who contributes to a candidate shall accompany the  
34 contribution with a report of his full name and complete address.

35 (b) If a political treasurer is offered or receives contributions of  
36 more than fifty dollars (\$50.00) in the aggregate from the same person  
37 during a calendar year, and there is no report of the full name and com-  
38 plete address of the person making the contribution, the contribution  
39 shall be returned to the contributor if his identity can be ascertained.  
40 If the contributor's identity cannot be ascertained, the contribution  
41 shall be transmitted immediately by the political treasurer to the sec-  
42 retary of state, who shall transmit it to the state controller for de-  
43 posit in the general fund.

44 (3) Contributions shall not be obtained for a candidate's campaign by  
45 use of coercion or physical force, by making a contribution a condition of  
46 employment or membership, or by using or threatening to use job discrimina-  
47 tion or financial reprisals. A violation of the provisions of this section  
48 shall be punishable as provided in part 5 of this chapter.



1           74-3-205. REPORTS OF CONTRIBUTIONS TO AND EXPENDITURES BY CANDI-  
2 DATES. (1) The political treasurer for each candidate shall file with the  
3 secretary of state a report of all contributions received and all expen-  
4 ditures and encumbrances made by or on behalf of the candidate during the  
5 reporting period, beginning with the month in which the first contribution,  
6 expenditure, or encumbrance took place. The report shall itemize each  
7 contribution received and each expenditure or encumbrance made during the  
8 reporting period and shall include the following:

9           (a) Under contributions, the report shall include a list of all the con-  
10 tributions received, including any funds or property of the candidate  
11 used to cover expenditures. The report shall list the full name and com-  
12 plete address of each person who contributed an aggregate amount of more  
13 than fifty dollars (\$50.00) and the amount contributed by that person.  
14 The report may list as a single item the total amount of contributions of  
15 fifty dollars (\$50.00) or less; and

16           (b) Under expenditures, the report shall include the name, city, and  
17 state of each person to whom an expenditure or encumbrance was made of at  
18 least twenty-five dollars (\$25.00) but no more than one hundred dollars  
19 (\$100) and the amount, date, and purpose of each such expenditure. For  
20 expenditures of more than one hundred dollars (\$100), the report shall  
21 include the name and address of each person to whom an expenditure or en-  
22 cumbrance was made and the amount, date, and purpose of each such expen-  
23 diture. Each expenditure or encumbrance in the amount of twenty-five  
24 dollars (\$25.00) or more shall be evidenced by an invoice, receipt, or  
25 canceled check or an accurate copy thereof. Such evidence shall not be  
26 filed with the report but shall be retained by the candidate's treasurer  
27 for a period of one (1) year after the report has been filed. The re-  
28 port may list as a single item the total amount of expenditures and en-  
29 cumbrances of less than twenty-five dollars (\$25.00) each without show-  
30 ing the exact amount of or requiring evidence of each such expenditure  
31 or encumbrance. Anything of value, other than money, paid for or con-  
32 tributed by any person shall be listed both as an expenditure and as a  
33 contribution.

34           (2) Regular reports required by this section shall be filed pursuant to  
35 this subsection.

36           (a) In the year in which the candidate's election is to take place, re-  
37 ports shall be filed on a monthly basis on or before the tenth day of the  
38 month following the month being reported.

39           (b) In any nonelection year for the candidate, reports shall be filed  
40 on a quarterly basis and shall be due on or before the tenth day of the  
41 month immediately following the close of the quarter, on April 10, July  
42 10, October 10, and January 10.

43           (3) The political treasurer for a candidate for a judicial office or a  
44 local government office is exempt from filing reports under this section un-  
45 less and until such time as the candidate receives contributions or expends  
46 funds in the amount of five hundred dollars (\$500) or more. Within seven (7)  
47 calendar days of the five-hundred-dollar (\$500) threshold being met, the po-  
48 litical treasurer for the candidate shall file a cumulative report covering  
49 the period from the first contribution or expenditure to the current date and  
50 shall file all subsequent reports on a regular basis according to the provi-

1 sions of subsection (2) of this section, regardless of amounts received or  
2 expended.

3 (4) In addition to the reports required pursuant to subsections (2) and  
4 (3) of this section, the political treasurer for a candidate shall report  
5 to the secretary of state any contribution received of one thousand dollars  
6 (\$1,000) or more within forty-eight (48) hours after the receipt of such con-  
7 tribution. Such a report shall include the name of the candidate, the iden-  
8 tification of the contributor, and the date of receipt and amount of the con-  
9 tribution.

10 (5) All reports required pursuant to this section shall be filed online  
11 with the secretary of state by no later than midnight on the date the filing  
12 is due.

13 (6) If no contribution is received or expenditure made by or on behalf  
14 of a candidate during a monthly reporting period, the political treasurer  
15 for the candidate shall file with the secretary of state a report to that ef-  
16 fect by the tenth day of the following month.

17 (7) Reports required to be filed under the provisions of this section  
18 shall be filed until the account no longer shows any unexpended balance of  
19 contributions or expenditure deficit. Once an account no longer shows a  
20 positive balance or debt, the candidate may notify the secretary of state's  
21 office that the account may be closed. If the account has shown no positive  
22 balance or debt for a period of two (2) years and the candidate has not re-  
23 quested account closure, the secretary of state may administratively close  
24 the candidate's account record following thirty (30) days' notice to the  
25 candidate.

26 (8) Candidates for federal office are not required to file contribution  
27 and expenditure reports under this section. A federal candidate's autho-  
28 rized committee may make contributions to candidates in Idaho without fil-  
29 ing reports under this subsection if the authorized committee is in compli-  
30 ance with federal election commission reporting requirements. Any contri-  
31 butions received pursuant to this section shall be reported using the of-  
32 ficial name of the candidate's authorized committee and the identification  
33 number as registered with the federal election commission.

34 74-3-206. LIMITATIONS ON CONTRIBUTIONS TO CANDIDATES.

35 (1) (a) Aggregate contributions by any person to a candidate for the  
36 state legislature, judicial office, or local government office shall be  
37 limited to no more than five thousand dollars (\$5,000) for the primary  
38 election and no more than five thousand dollars (\$5,000) for the general  
39 election.

40 (b) Aggregate contributions for a primary election or a general elec-  
41 tion by any person to a candidate for statewide office shall be limited  
42 to no more than ten thousand dollars (\$10,000) for the primary election  
43 and no more than ten thousand dollars (\$10,000) for the general elec-  
44 tion. For purposes of this subsection, "statewide office" shall mean an  
45 office in state government that appears on the primary or general elec-  
46 tion ballot throughout the state.

47 (2) The provisions of subsection (1) of this section shall not apply to  
48 political party committees, including state, county, legislative district,

1 or regional central committees. Such committees are governed by the provi-  
2 sions of section 74-3-402, Idaho Code.

3 (3) A candidate may not accept contributions for running in a general  
4 election until the candidate has won his primary election, if any.

5 (4) Candidates may allocate only those contributions received by the  
6 time the polls close on election day to that election. Contributions re-  
7 ceived after such time must be allocated by the candidate to a future elec-  
8 tion.

9 (5) For purposes of contribution limits in this section, recall and  
10 special elections shall be treated the same as general elections.

11 (6) Contributions other than money or its equivalent are deemed to have  
12 a monetary value equivalent to the fair market value of the contribution.  
13 Services or property or rights furnished at less than their fair market value  
14 for the purpose of assisting any candidate or political action committee are  
15 deemed a contribution. A contribution of this kind shall be reported as an  
16 in-kind contribution at its fair market value and counts toward any applica-  
17 ble contribution limit of the contributor. Contributions shall not include  
18 the personal services of volunteers.

19 (7) For the purposes of contribution limits, the following provisions  
20 apply:

21 (a) A contribution by a political action committee with funds that have  
22 all been contributed by one (1) person who exercises exclusive control  
23 over the distribution of the funds of the political action committee is  
24 a contribution by the controlling person;

25 (b) All contributions made by a person or political action committee  
26 whose contribution or expenditure activity is financed, maintained, or  
27 controlled by a trade association, labor union, or collective bargain-  
28 ing organization shall be considered a contribution from such trade as-  
29 sociation, labor union, or collective bargaining organization; and

30 (c) Two (2) or more entities are treated as a single entity if the enti-  
31 ties:

32 (i) Share the majority of members on their board of directors;

33 (ii) Share two (2) or more officers;

34 (iii) Are owned or controlled by the same majority shareholder or  
35 shareholders or persons;

36 (iv) Are in a parent-subsidiary relationship; or

37 (v) Have bylaws so stating.

38 (8) The contribution limits provided for in this section shall not ap-  
39 ply to a candidate contributing or loaning money to his own campaign account.

40 (9) A candidate for state legislative office may terminate his campaign  
41 account and transfer the balance of funds to a new campaign account if such  
42 candidate will campaign for a different state legislative office. Any con-  
43 tributions received in the candidate's closed account, combined with any  
44 contributions received in the candidate's new account, shall count against  
45 the contribution limits provided in this section when received from the same  
46 contributor for the same election date.

47 (10) The provisions of this section are hereby declared to be severable  
48 and if any provision of this section or the application of such provision to  
49 any person or circumstance is declared invalid for any reason, such declara-  
50 tion shall not affect the validity of the remaining portions of this section.

1 74-3-207. CANDIDATE COORDINATION PROHIBITED. (1) A candidate may not  
2 coordinate with another person to benefit from an independent expenditure,  
3 as defined in section 74-3-102, Idaho Code.

4 (2) If an expenditure is made in coordination with a candidate, it shall  
5 be considered a contribution in-kind to the candidate and shall be reported  
6 by the candidate and be included in the candidate's campaign contribution  
7 limits.

8 (3) An expenditure by a person that is not made in coordination with a  
9 candidate is not attributed to or reportable by a candidate and must be re-  
10 ported by the person making the independent expenditure pursuant to the pro-  
11 visions of section 74-3-404, Idaho Code.

12 (4) For the purpose of determining whether an expenditure is made in co-  
13 ordination with a candidate, the term "coordination" means and includes but  
14 is not limited to an expenditure made with the cooperation of, with the prior  
15 consent or knowledge of, in consultation with, at the request or suggestion  
16 of, or using nonpublic information obtained from a candidate or the candi-  
17 date's agent or paid or unpaid staff or volunteer or any person acting as a  
18 conduit for messages to or from the candidate's campaign. Coordination is  
19 presumed if a candidate benefiting from an independent expenditure by a po-  
20 litical action committee is also the treasurer or any other board member of  
21 that political action committee.

22 74-3-208. RETIRING DEBT. (1) If a candidate has unpaid debt at the end  
23 of the reporting periods specified in section 74-3-205, Idaho Code, then the  
24 candidate may accept additional contributions to retire such unpaid debt,  
25 provided the contributions do not exceed the applicable contribution limits  
26 prescribed in this chapter.

27 (2) For the purposes of this section, "unpaid debt" means any unpaid  
28 monetary obligation incurred by the candidate as listed on the reports filed  
29 through the postelection report period minus any cash balance reported on  
30 the postelection report. Outstanding loans are considered a type of unpaid  
31 debt.

32 74-3-209. CAMPAIGN CONTRIBUTION LIMIT EXCEPTIONS. A candidate shall  
33 be permitted to accept contributions in excess of the contribution limits  
34 imposed by 74-3-206, Idaho Code, and is exempt from the prohibition on coor-  
35 dination imposed by section 74-3-207, Idaho Code, if:

36 (1) Independent expenditures are made in opposition to the candidate in  
37 the aggregate amount of fifty thousand dollars (\$50,000) per election for a  
38 candidate for the state legislature, judicial office, or local government  
39 office, two hundred fifty thousand dollars (\$250,000) per election for a  
40 candidate for governor, or one hundred thousand dollars (\$100,000) per elec-  
41 tion for a candidate for any other statewide office. The candidate against  
42 whom the independent expenditures were made shall file notice with the sec-  
43 retary of state. Within twenty-four (24) hours of receiving the candidate's  
44 notice, the secretary of state shall deny, correct, or confirm the indepen-  
45 dent expenditure amount and post notice to the online filing system that the  
46 candidate is permitted to accept further contributions in order to respond  
47 to the independent expenditures; or

1 (2) An opposing candidate or opposing candidate's immediate family  
2 member makes a contribution or loan in the aggregate amount of fifty thousand  
3 dollars (\$50,000) per election for a candidate for the state legislature,  
4 judicial office, or local government office, two hundred fifty thousand  
5 dollars (\$250,000) per election for a candidate for governor, or one hun-  
6 dred thousand dollars (\$100,000) per election for a candidate for any other  
7 statewide office. The candidate against whom the independent expenditures  
8 were made shall file notice with the secretary of state. Within twenty-four  
9 (24) hours of receiving the candidate's notice, the secretary of state shall  
10 deny, correct, or confirm the aggregate amount contributed or loaned by  
11 the opposing candidate or opposing candidate's immediate family member and  
12 shall post notice to the online filing system that the candidate is permitted  
13 to accept additional contributions.

14 74-3-210. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES. (1) A con-  
15 tribution accepted by a candidate may be used by the candidate:

16 (a) For expenditures in connection with the candidate's campaign for  
17 public office;

18 (b) For ordinary and necessary expenses incurred in connection with du-  
19 ties of the individual as a public officeholder;

20 (c) For contributions to an organization described in section 26 U.S.C  
21 170(c);

22 (d) For transfers, without limitation, to a national, state, or local  
23 committee of a political party;

24 (e) For donations to state and local candidates subject to the provi-  
25 sions of state law; or

26 (f) For any other lawful purpose unless prohibited by subsection (2) of  
27 this section.

28 (2) A contribution shall not be converted by any person to personal use.  
29 For the purposes of this subsection, a contribution shall be considered to be  
30 converted to personal use if the contribution is used to fulfill any commit-  
31 ment, obligation, or expense of a person that would exist irrespective of the  
32 candidate's election campaign or individual's duties as a holder of public  
33 office, including:

34 (a) Mortgage, rent, or utility payments for a candidate's residence;

35 (b) Clothing, except for items of de minimis value used in a campaign;

36 (c) A noncampaign- or nonofficeholder-related automobile expense;

37 (d) A country club membership;

38 (e) A vacation or other noncampaign-related trip;

39 (f) A tuition payment;

40 (g) Admission to a sporting event, concert, theater, or other form of  
41 entertainment not associated with the candidate's campaign;

42 (h) Dues, fees, and other payments to a health club or recreational fa-  
43 cility, except for fees associated with a campaign fundraising event on  
44 the premises;

45 (i) Funeral, cremation, or burial expenses, except if the death arises  
46 out of or in the course of campaign activity;

47 (j) Investment expenses;

1 (k) Salary payments to a candidate's immediate family member, unless  
2 the family member is providing bona fide services and paid at a fair mar-  
3 ket value; and

4 (l) Food purchased for daily consumption inside the home or supplies  
5 needed to maintain a household.

6 74-3-211. USE OF SYNTHETIC MEDIA. (1) This section shall be known and  
7 may be cited as the "Freedom from AI-Rigged (FAIR) Elections Act."

8 (2) For purposes of this section:

9 (a) "Information content provider" means any person or entity that is  
10 responsible, in whole or in part, for the creation or development of in-  
11 formation provided through the internet or any other interactive com-  
12 puter service.

13 (b) "Interactive computer service" means any information service, sys-  
14 tem, or access software provider that provides or enables computer ac-  
15 cess by multiple users to a computer server, including specifically a  
16 service or system that provides access to the internet and such systems  
17 operated or services offered by libraries or educational institutions.

18 (c) "Synthetic media" means an audio recording or a video recording of  
19 an individual's speech or conduct that has been created through the use  
20 of generative adversarial network techniques or other digital technol-  
21 ogy in a manner to create a realistic but false audio or video that:

22 (i) Appears to a reasonable individual to be of a real event, ac-  
23 tion, or speech that did not actually occur in reality; and

24 (ii) Provides a fundamentally different understanding or impres-  
25 sion of the event, action, or speech than a reasonable person would  
26 have from the unaltered, original version of the audio recording  
27 or video recording.

28 (3) A candidate whose action or speech is deceptively represented  
29 through the use of synthetic media in an electioneering communication, ex-  
30 penditure by a candidate, or independent expenditure may seek injunctive or  
31 other equitable relief prohibiting the publication of such synthetic media.

32 (4) A candidate whose action or speech is deceptively represented  
33 through the use of synthetic media in an electioneering communication, ex-  
34 penditure by a candidate, or independent expenditure may bring an action for  
35 general damages, special damages, or both against the information content  
36 provider. The court may also award a prevailing party reasonable attorney's  
37 fees and costs. The provisions of this subsection do not limit or preclude a  
38 plaintiff from securing or recovering any other available remedy.

39 (5) It shall be an affirmative defense for any action brought pursuant  
40 to this section that the electioneering communication, expenditure by a  
41 candidate, or independent expenditure containing synthetic media includes  
42 a disclosure stating, "This (video/audio) has been manipulated" in the fol-  
43 lowing manner:

44 (a) If the media is a video, the text of the disclosure must be promi-  
45 nently displayed and appear in a size easily readable by the average  
46 viewer, and the disclosure must appear for the duration of the video; or

47 (b) If the media consists of audio only, the disclosure must be read in  
48 a clearly spoken manner and in a pitch that can be easily heard by the  
49 average listener at the beginning of the audio, at the end of the au-

1 dio, and, if the audio is greater than two (2) minutes in length, in-  
 2 terspersed within the audio at intervals of no more than two (2) minutes  
 3 each.

4 (6) In any action commenced pursuant to this section, the plaintiff  
 5 bears the burden of establishing the use of synthetic media by clear and  
 6 convincing evidence.

7 (7) Courts are encouraged to determine matters pursuant to this section  
 8 expediently.

9 (8) For an action brought pursuant to this section, the information  
 10 content provider of the electioneering communication, expenditure by a  
 11 candidate, or independent expenditure may be held liable and not the medium  
 12 disseminating the electioneering communication, expenditure by a candi-  
 13 date, or independent expenditure except as provided in subsection (9) of  
 14 this section.

15 (9) Except when a licensee, programmer, or operator of a federally li-  
 16 censed broadcasting station transmits an electioneering communication, ex-  
 17 penditure by a candidate, or independent expenditure that is subject to 47  
 18 U.S.C. 315, a medium may be held liable in a cause of action brought pursuant  
 19 to this section if:

20 (a) The medium removes any disclosure described in subsection (5) of  
 21 this section from the electioneering communication, expenditure by a  
 22 candidate, or independent expenditure it disseminates; or

23 (b) Subject to affirmative defenses described in this section, the  
 24 medium changes the content of an electioneering communication, ex-  
 25 penditure by a candidate, or independent expenditure such that it  
 26 qualifies as synthetic media.

27 (10) No provider or user of an interactive computer service shall be  
 28 treated as the publisher or speaker of any information provided by another  
 29 information content provider. However, an interactive computer service may  
 30 be held liable in accordance with subsection (9) of this section.

31 SECTION 4. That Chapter 3, Title 74, Idaho Code, be, and the same is  
 32 hereby amended by the addition thereto of a NEW PART, to be known and desig-  
 33 nated as Part 3, Chapter 3, Title 74, Idaho Code, and to read as follows:

34 PART 3

35 POLITICAL ACTION COMMITTEES

36 74-3-301. POLITICAL ACTION COMMITTEE -- ORGANIZATION.

37 (1)(a) An individual, corporation, association, firm, partnership,  
 38 committee, political party, club, or other organization or group of  
 39 persons is a political action committee required to report under this  
 40 chapter if it:

41 (i) Is specifically designated to support or oppose any candidate  
 42 or measure; or

43 (ii) Receives contributions and makes expenditures in an amount  
 44 exceeding one thousand dollars (\$1,000) in any calendar year for  
 45 the purpose of supporting or opposing one (1) or more candidates or  
 46 measures.

47 (b) A county, legislative district, or regional committee of a recog-  
 48 nized political party shall not be required to report under this chapter

1 as a political action committee unless it has expenditures exceeding  
2 five thousand dollars (\$5,000) in a calendar year. Political party com-  
3 mittees are subject to the requirements for political action committees  
4 set forth in this part except as otherwise provided in section 74-3-402,  
5 Idaho Code.

6 (2) Each political action committee shall appoint a political trea-  
7 surer. No contribution shall be received and no expenditure may be made by  
8 or on behalf of a political action committee until a political treasurer has  
9 been appointed pursuant to the provisions of section 74-3-302, Idaho Code.

10 (3) Each political action committee shall establish a campaign finance  
11 account with the secretary of state no later than ten (10) days after be-  
12 coming a political action committee required to report pursuant to the pro-  
13 visions of subsection (1) of this section. The political action committee  
14 shall certify:

15 (a) The name and address of the committee;

16 (b) The name and address of the political treasurer of the committee;  
17 and

18 (c) The name of the financial institution or institutions with which  
19 the political action committee's campaign account will be held. The  
20 financial institution must be insured by the federal deposit insurance  
21 corporation or the national credit union administration.

22 (4) Any change in organization information previously submitted to the  
23 secretary of state shall be reported no later than ten (10) days after the  
24 date of the change.

25 74-3-302. POLITICAL ACTION COMMITTEE -- APPOINTMENT OF POLITICAL  
26 TREASURER. (1) Each political action committee shall appoint a political  
27 treasurer who is a registered elector of this state.

28 (2) An individual may be appointed and serve as political treasurer for  
29 more than one (1) political action committee and candidate.

30 (3) A political action committee may remove its political treasurer.  
31 In the case of the death, resignation, or removal of its political treasurer  
32 before all obligations of a political treasurer under this chapter have been  
33 met, the political action committee shall appoint a successor political  
34 treasurer and certify the name and address of the successor to the secretary  
35 of state.

36 74-3-303. DUTIES OF POLITICAL TREASURER FOR POLITICAL ACTION COMMIT-  
37 TEE. (1) The political treasurer shall serve as the official point of contact  
38 for the secretary of state for the political action committee.

39 (2) The political treasurer for each political action committee shall  
40 maintain at least one (1) checking account with a financial institution. All  
41 moneys received by the political action committee shall be deposited in such  
42 account. The political treasurer shall keep detailed accounts of all con-  
43 tributions received and all expenditures made by or on behalf of the politi-  
44 cal action committee. The political treasurer shall keep the accounts cur-  
45 rent within seven (7) days after the date of receiving a contribution or mak-  
46 ing an expenditure. The political action committee's funds shall be segre-  
47 gated from and may not be commingled with any other account.



1 (3) The political treasurer shall be responsible for making and fil-  
2 ing all reports that are required of a political action committee under this  
3 chapter. Accounts kept by the political treasurer for a political action  
4 committee are subject to inspection by the office of the secretary of state  
5 in the case of an investigation pursuant to section 74-3-501 or 74-3-502,  
6 Idaho Code.

7 (4) Accounts kept by a political treasurer shall be preserved by him for  
8 at least one (1) year after the date of the election to which the accounts re-  
9 fer or at least one (1) year after the date the last report is filed under sec-  
10 tion 74-3-306, Idaho Code, whichever is later.

11 74-3-304. CONTRIBUTIONS OBTAINED BY A POLITICAL ACTION COMMITTEE. (1)  
12 A political action committee may solicit or obtain contributions from indi-  
13 viduals as provided in chapter 26, title 44, Idaho Code, or as provided in  
14 section 44-2004, Idaho Code.

15 (2) (a) Any person who contributes to a political action committee shall  
16 accompany the contribution with a report of his full name and complete  
17 address.

18 (b) If a political treasurer is offered or receives contributions of  
19 more than fifty dollars (\$50.00) in the aggregate from the same person  
20 during a calendar year, and there is no report of the full name and com-  
21 plete address of the person making the contribution, the contribution  
22 shall be returned to the contributor if his identity can be ascertained.  
23 If the contributor's identity cannot be ascertained, the contribution  
24 shall be transmitted immediately by the political treasurer to the sec-  
25 retary of state, who shall transmit it to the state controller for de-  
26 posit in the general fund.

27 (3) Contributions shall not be obtained for a political action commit-  
28 tee by use of coercion or physical force, by making a contribution a condi-  
29 tion of employment or membership, or by using or threatening to use job dis-  
30 crimination or financial reprisals. A violation of the provisions of this  
31 section shall be punishable as provided in part 5 of this chapter.

32 74-3-305. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES. (1) A con-  
33 tribution accepted by a political action committee may be used:

34 (a) For expenditures in connection with the political action commit-  
35 tee's purpose of campaigning for the election or defeat of a candidate  
36 or measure;

37 (b) For the ordinary and necessary expenses of a political action com-  
38 mittee;

39 (c) For contributions to an organization described in section 26 U.S.C  
40 170(c);

41 (d) For transfers, without limitation, to a national, state, or local  
42 committee of a political party;

43 (e) For donations to state and local candidates subject to the provi-  
44 sions of state law; or

45 (f) For any other lawful purpose unless prohibited by subsection (2) of  
46 this section.

47 (2) A contribution shall not be converted by any person for personal  
48 use. For the purposes of this subsection, a contribution shall be considered

1 to be converted to personal use if the contribution is used to fulfill any  
2 commitment, obligation, or expense of a person that would exist irrespective  
3 of the political action committee's campaign activities.

4 74-3-306. REPORTS OF CONTRIBUTIONS TO AND EXPENDITURES BY POLITICAL  
5 ACTION COMMITTEES. (1) The political treasurer for each political action  
6 committee shall file with the secretary of state a report each month of all  
7 contributions received and all expenditures and encumbrances made by or on  
8 behalf of the political action committee during the preceding month by no  
9 later than the tenth day of the following month. The report shall itemize  
10 each contribution received and each expenditure or encumbrance made during  
11 the monthly reporting period and shall include the following:

12 (a) Under contributions, the report shall include a list of all the  
13 contributions received, including any funds or property of the political  
14 action committee used to cover expenditures. The report shall list  
15 the full name and complete address of each person who contributed an  
16 aggregate amount of more than fifty dollars (\$50.00) and the amount con-  
17 tributed by that person. The report may list as a single item the total  
18 amount of contributions of fifty dollars (\$50.00) or less; and

19 (b) Under expenditures, the report shall include the name, city, and  
20 state of each person to whom an expenditure or encumbrance was made of at  
21 least twenty-five dollars (\$25.00) but no more than one hundred dollars  
22 (\$100) and the amount, date, and purpose of each such expenditure. For  
23 expenditures of more than one hundred dollars (\$100), the report shall  
24 include the name and address of each person to whom an expenditure or en-  
25 cumbrance was made and the amount, date, and purpose of each such expen-  
26 diture. All expenditures or encumbrances in the amount of twenty-five  
27 dollars (\$25.00) or more shall be evidenced by an invoice, receipt, or  
28 canceled check or an accurate copy thereof. Such evidence shall not be  
29 filed with the report but shall be retained by the political treasurer  
30 for a period of one (1) year after the report has been filed. The re-  
31 port may list as a single item the total amount of expenditures and en-  
32 cumbrances of less than twenty-five dollars (\$25.00) each without show-  
33 ing the exact amount of or requiring evidence of each such expenditure  
34 or encumbrance. Anything of value, other than money, paid for or con-  
35 tributed by any person shall be listed both as an expenditure and as a  
36 contribution.

37 (2) In addition to any other reports required under this section, the  
38 political treasurer for each political action committee shall report to the  
39 secretary of state any contribution of one thousand dollars (\$1,000) or more  
40 within forty-eight (48) hours after the receipt of such contribution. Such  
41 a report shall include the name of the political action committee, the iden-  
42 tification of the contributor, and the date of receipt and amount of the con-  
43 tribution. The report shall be in addition to the reporting of these contri-  
44 butions in the regular monthly reports.

45 (3) All reports required pursuant to this section shall be filed online  
46 with the secretary of state by no later than midnight on the date the filing  
47 is due.

48 (4) If no contribution is received or expenditure made by or on behalf  
49 of a political action committee during a monthly reporting period, the po-

1 political treasurer for the political action committee shall file with the  
2 secretary of state a report to that effect by the tenth day of the following  
3 month.

4 (5) Reports required to be filed under the provisions of this section  
5 shall be filed until the account no longer shows any unexpended balance of  
6 contributions or expenditure deficit. Once an account no longer shows a pos-  
7 itive balance or debt, the political treasurer may notify the secretary of  
8 state's office that the account may be closed. If the account has shown no  
9 positive balance or debt for a period of two (2) years and the political trea-  
10 surer has not requested account closure, the secretary of state may admin-  
11 istratively close the political action committee's account following thirty  
12 (30) days' notice to the political action committee.

13 (6) Except as provided in subsection (7) of this section, a political  
14 action committee that is registered with the federal election commission  
15 must file reports in accordance with the provisions of this section if the  
16 political action committee:

17 (a) Makes contributions to Idaho candidates;

18 (b) Makes an electioneering communication in Idaho; or

19 (c) Makes an independent expenditure in Idaho.

20 (7) A federal candidate's leadership political action committee may  
21 make contributions and expenditures in Idaho without filing reports under  
22 this section if the leadership political action committee is in compli-  
23 ance with federal election commission reporting requirements and follows  
24 applicable laws. The recipient of any contributions made pursuant to this  
25 subsection shall be reported using the official name of the candidate's  
26 leadership political action committee and the identification number as reg-  
27 istered with the federal election commission.

28 74-3-307. POLITICAL ACTION COMMITTEE COORDINATION. (1) A political  
29 action committee may not coordinate with a candidate to benefit that candi-  
30 date with an independent expenditure, as defined in section 74-3-102, Idaho  
31 Code.

32 (2) If an expenditure is made in coordination with a candidate, it shall  
33 be considered a contribution in-kind to the candidate and shall be reported  
34 by the candidate and be included in the candidate's campaign contribution  
35 limits.

36 (3) For the purpose of determining whether an expenditure is made in co-  
37 ordination with a candidate, the term "coordination" means and includes but  
38 is not limited to an expenditure made with the cooperation of, with the prior  
39 consent or knowledge of, in consultation with, at the request or suggestion  
40 of, or by using nonpublic information obtained from a candidate or the can-  
41 didate's agent or paid or unpaid staff or volunteer or any person acting as  
42 a conduit for messages to or from the candidate's campaign. Coordination  
43 shall be presumed if the political action committee's expenditure or inde-  
44 pendent expenditure benefits a candidate who is also the political action  
45 committee's treasurer or other board member.

46 74-3-308. ELECTIONEERING COMMUNICATIONS -- REPORTS. (1) In addition  
47 to any other reports required under this chapter, the political treasurer  
48 for each political action committee shall report to the secretary of state

1 any expenditure for an electioneering communication of at least one thousand  
2 dollars (\$1,000).

3 (a) For electioneering communications made on or before the sixteenth  
4 day before any primary or general election, the report shall be filed  
5 within forty-eight (48) hours after the expenditure.

6 (b) For electioneering communications made after the sixteenth day be-  
7 fore an election, but more than twenty-four (24) hours before any pri-  
8 mary or general election, the report shall be filed within twenty-four  
9 (24) hours after the expenditure.

10 (2) The report shall be in addition to the reporting of these expendi-  
11 tures in the regular monthly reports. The report shall contain:

12 (a) The name and address of any third party to whom an expenditure has  
13 been made by the reporting political action committee in reference to  
14 any candidate or measure, together with the amount, date, and purpose of  
15 each such expenditure, including the identity of the referenced candi-  
16 date or measure; and

17 (b) The total sum of all electioneering communications made by the po-  
18 litical action committee filing the report since the first day of the  
19 preceding calendar year.

20 (3) For the purpose of determining when a report should be filed under  
21 this section, an electioneering communication is made on the day that the  
22 electioneering communication is publicly distributed or otherwise viewed by  
23 the public or on the date payment is made, whichever is earlier.

24 SECTION 5. That Chapter 3, Title 74, Idaho Code, be, and the same is  
25 hereby amended by the addition thereto of a NEW PART, to be known and desig-  
26 nated as Part 4, Chapter 3, Title 74, Idaho Code, and to read as follows:

27 PART 4

28 OTHER PERSONS REQUIRED TO REPORT

29 74-3-401. LEGISLATIVE INTENT. In order to promote transparency re-  
30 garding the impact of all election-related financial contributions or  
31 expenditures, it is the intent of the legislature that all persons, not just  
32 those who are required to register as a candidate or a political action com-  
33 mittee, shall be required to publicly report financial contributions made or  
34 expenditures paid. All such persons making electioneering communications  
35 or independent expenditures in Idaho shall file reports with the secretary  
36 of state according to the provisions of this part.

37 74-3-402. POLITICAL PARTY COMMITTEES AND CAUCUSES -- CONTRIBUTIONS --  
38 REPORTS -- LIMITS. (1) Contributions by political party central committees,  
39 including state, county, and legislative district, and legislative caucuses  
40 of a recognized political party qualified under section 34-501, Idaho Code,  
41 are governed by the provisions of this section.

42 (2) Except as otherwise provided in subsection (6) of this section, po-  
43 litical party committees and caucuses governed by this section shall file  
44 reports of their expenditures and contributions at the same time and in the  
45 same manner as political action committees pursuant to part 3 of this chap-  
46 ter.

1 (3) For state legislative races, a committee governed by this section  
2 shall not contribute to any single candidate more than ten thousand dollars  
3 (\$10,000) in the aggregate for a primary election and ten thousand dollars  
4 (\$10,000) in the aggregate for a general election.

5 (4) For statewide office races, a committee governed by this section  
6 shall not contribute to any single candidate more than twenty thousand dol-  
7 lars (\$20,000) in the aggregate for the primary election and twenty thousand  
8 dollars (\$20,000) in the aggregate for the general election.

9 (5) No contribution may be made for a general election to a candidate  
10 who has not won his primary election, if any.

11 (6) A county or legislative district central committee of a recognized  
12 political party shall not be considered a political action committee for the  
13 purposes of filing reports under this chapter unless such political party  
14 committee has expenditures exceeding five thousand dollars (\$5,000) in a  
15 calendar year.

16 74-3-403. ELECTIONEERING COMMUNICATIONS -- REPORTS. (1) Any person  
17 other than a political action committee who makes an electioneering communi-  
18 cation, as defined in section 74-3-102, Idaho Code, in an aggregate amount of  
19 one hundred dollars (\$100) or more must file a report with the secretary of  
20 state. The report shall contain the following information:

21 (a) The name and address of any third party to whom an expenditure in  
22 excess of fifty dollars (\$50.00) has been made by the reporting person  
23 in reference to any candidate, political action committee, or measure,  
24 together with the amount, date, and purpose of each such expenditure,  
25 including the identity of the referenced candidate or measure;

26 (b) The total sum of all electioneering communications made by the  
27 person filing the report since the first day of the preceding calendar  
28 year; and

29 (c) The name and address of any donor who made aggregate contributions  
30 of one thousand dollars (\$1,000) or more to the person filing the report  
31 since the first day of the preceding calendar year to the date of the re-  
32 port for the purpose of furthering the reported electioneering communi-  
33 cation. The report may list as a single item the total amount of contri-  
34 butions made by donors who gave less than one thousand dollars (\$1,000).

35 (2) The report shall be filed with the secretary of state pursuant to  
36 this subsection.

37 (a) In the case of an electioneering communication totaling one thou-  
38 sand dollars (\$1,000) or more made on or before the sixteenth day before  
39 a primary or general election, the report shall be filed within forty-  
40 eight (48) hours of making the expenditure.

41 (b) In the case of an electioneering communication totaling one thou-  
42 sand dollars (\$1,000) or more made after the sixteenth day before an  
43 election but more than twenty-four (24) hours before a primary or gen-  
44 eral election, the report shall be filed within twenty-four (24) hours  
45 of making the expenditure.

46 (c) In the case of electioneering communications totaling less than one  
47 thousand dollars (\$1,000), the report shall be filed by the tenth day  
48 of the month following the month in which the electioneering communi-  
49 cations were made.

1           (3) For the purpose of determining when a report should be filed under  
2 this section, an electioneering communication is made on the day that the  
3 electioneering communication is publicly distributed or otherwise viewed by  
4 the public or on the date payment is made, whichever is earlier.

5           74-3-404. INDEPENDENT EXPENDITURES. (1) An independent expenditure,  
6 as defined in section 74-3-102, Idaho Code, is an expenditure by any person  
7 for a communication expressly advocating the election, passage, or defeat of  
8 a clearly identified candidate or measure if the expenditure is not coordi-  
9 nated with the candidate. An expenditure that is independent of a candidate  
10 is not attributed to or reportable by a candidate and must be reported by the  
11 person making the independent expenditure pursuant to the provisions of this  
12 section.

13           (2) If an expenditure is made in coordination with the candidate, it  
14 shall be considered a contribution in-kind to the candidate, reportable by  
15 the candidate, and shall be included in the candidate's campaign contribu-  
16 tion limits.

17           (3) For the purpose of determining whether an expenditure is made in co-  
18 ordination with a candidate, the term "coordination" means and includes but  
19 is not limited to an expenditure made with the cooperation of, with the prior  
20 consent or knowledge of, in consultation with, at the request or suggestion  
21 of, or using nonpublic information obtained from a candidate or the candi-  
22 date's agent or paid or unpaid staff or volunteer or by a person acting as a  
23 conduit for messages to or from a candidate's campaign.

24           (4) Each person who makes an independent expenditure in an aggregate  
25 amount of at least one hundred dollars (\$100) shall file a report of the ex-  
26 penditure with the secretary of state. The report shall contain:

27           (a) The name and address of any third party to whom an expenditure in ex-  
28 cess of fifty dollars (\$50.00) has been made by the reporting person for  
29 an independent expenditure in support of or in opposition to any candi-  
30 date or measure, together with the amount, date, and purpose of each  
31 such expenditure, including the identity of the referenced candidate or  
32 measure, and whether the expenditure was made either in support of or in  
33 opposition to such candidate or measure;

34           (b) The total sum of all independent expenditures made by the reporting  
35 person since the first day of the preceding calendar year in support of  
36 or in opposition to any such candidate or measure; and

37           (c) The name and address of any donor who made aggregate contributions  
38 of one thousand dollars (\$1,000) or more to the person making the report  
39 since the first day of the preceding calendar year for the purpose of  
40 furthering the reported independent expenditure. The report may list  
41 as a single item the total amount of contributions made by donors who  
42 gave less than one thousand dollars (\$1,000).

43           (5) The report shall be filed with the secretary of state pursuant to  
44 this subsection.

45           (a) In the case of an independent expenditure totaling one thousand  
46 dollars (\$1,000) or more made on or before the sixteenth day be-  
47 fore a primary or general election, the report shall be filed within  
48 forty-eight (48) hours of making the expenditure.

1 (b) In the case of an independent expenditure totaling one thousand  
 2 dollars (\$1,000) or more made after the sixteenth day before an election  
 3 but more than twenty-four (24) hours before a primary or general elec-  
 4 tion, the report shall be filed within twenty-four (24) hours of making  
 5 the expenditure.

6 (c) In the case of independent expenditures totaling less than one  
 7 thousand dollars (\$1,000), the report shall be filed by the tenth day  
 8 of the month following the month in which the independent expenditures  
 9 were made.

10 (6) For the purpose of determining when a report should be filed under  
 11 this section, an independent expenditure is made on the day that the indepen-  
 12 dent expenditure is publicly distributed or otherwise viewed by the public  
 13 or on the date payment is made, whichever is earlier.

14 (7) In addition to any reports required under sections 74-3-306 and  
 15 74-3-308, Idaho Code, a political action committee must file reports as  
 16 required by this section. A political action committee filing under this  
 17 section shall not be required to include information described in subsection  
 18 (4)(c) of this section if the political action committee is in compliance  
 19 with its other reporting requirements.

20 SECTION 6. That Chapter 3, Title 74, Idaho Code, be, and the same is  
 21 hereby amended by the addition thereto of a NEW PART, to be known and desig-  
 22 nated as Part 5, Chapter 3, Title 74, Idaho Code, and to read as follows:

23 PART 5

24 ADMINISTRATION OF CHAPTER -- DUTIES -- ENFORCEMENT -- VIOLATIONS --  
 25 PENALTIES

26 74-3-501. DUTIES OF SECRETARY OF STATE. (1) The secretary of state is  
 27 charged with the enforcement of the provisions of this chapter.

28 (2) The secretary of state shall maintain an online filing system for  
 29 the filing and publication of all reports required pursuant to this chapter.  
 30 The online filing system shall accommodate the filings of all candidates,  
 31 political action committees, and measures. The online filing system shall  
 32 be designed to aid and ensure compliance with the reporting requirements of  
 33 this chapter. The online filing system shall be accessible on the secretary  
 34 of state's website and be searchable by the public by address, candidate,  
 35 committee, contribution, contributor, date, expense, office, party, pur-  
 36 pose, and any other content deemed appropriate by the secretary of state.

37 (3) The secretary of state shall confirm the filing of each report filed  
 38 pursuant to this chapter for statewide, legislative, and judicial district  
 39 offices or measures within two (2) days after the due date of the report or  
 40 after the date it is filed, whichever is later. The secretary of state shall  
 41 notify a person required to file a report under this chapter immediately if:

42 (a) It appears that the person has failed to file a report as required by  
 43 law or that a report filed by the person does not conform to law; or

44 (b) A written complaint is filed with the secretary of state by any reg-  
 45 istered voter alleging that a report filed with the secretary of state  
 46 does not conform to law or to the truth or that a person has failed to  
 47 file a report required by law.

1 (4) The secretary of state may require any person to answer in writing  
2 and under oath or affirmation any question within the knowledge of that per-  
3 son concerning the source of any contribution or expenditure.

4 (5) The secretary of state may make administrative adjustments to cam-  
5 paign finance accounts in coordination with the political treasurer of the  
6 account to correct any imbalances identified. If the imbalance was accrued  
7 willfully and knowingly, the secretary of state may assess a fine not to ex-  
8 ceed twenty-five percent (25%) of the amount identified to be out of balance  
9 and deposit the amount assessed into the general fund.

10 (6) In addition to duties otherwise prescribed in this section, it  
11 shall be the duty of the secretary of state:

12 (a) To make investigations of reports filed under the provisions of  
13 this chapter with respect to statewide, legislative, and judicial of-  
14 fices and measures and alleged failures to file any report required  
15 under the provisions of this chapter and upon complaint by any person  
16 with respect to alleged violations of any part of this chapter;

17 (b) To report suspected criminal violations of law to the attorney gen-  
18 eral for referral to the appropriate law enforcement authorities;

19 (c) To prescribe and publish rules, subject to legislative approval, in  
20 accordance with the provisions of chapter 52, title 67, Idaho Code, and  
21 to take such other actions as may be appropriate to carry out the provi-  
22 sions of this chapter; and

23 (d) To assess fees and fines authorized by the provisions of this chap-  
24 ter.

25 74-3-502. DUTIES OF COUNTY CLERKS AND PROSECUTORS. (1) For all report-  
26 ing requirements prescribed by this chapter for all local government offices  
27 or measures for which the county is the home county, as defined in section  
28 34-1401, Idaho Code, the county clerk shall serve in the place of the secre-  
29 tary of state and the county prosecutor in the place of the attorney general.

30 (2) In the event of a potential conflict of interest by a county clerk, a  
31 county clerk may enter into an agreement with the clerk of a different county  
32 to investigate any complaints or potential violations of the provisions of  
33 this chapter.

34 74-3-503. FAILURE TO REPORT -- VIOLATIONS -- CIVIL FINES -- MISDE-  
35 MEANOR. (1) Except as otherwise provided in this section, any person who  
36 fails to file a report of contributions, expenditures, independent expen-  
37 ditures, or any other report required by this chapter shall be liable to the  
38 secretary of state for a civil fine in the amount of fifty dollars (\$50.00)  
39 plus five percent (5%) of the monetary value of the amount not reported,  
40 rounded up to the nearest whole number. The secretary of state shall deposit  
41 any civil fines collected pursuant to this section in the general fund. The  
42 burden of proof for such civil liability shall be met by showing a preponder-  
43 ance of the evidence.

44 (2) In addition to the fines set forth in subsection (1) of this sec-  
45 tion, any person who knowingly and willfully fails to file a report required  
46 by this chapter is guilty of a misdemeanor and, upon conviction, may be im-  
47 prisoned for up to six (6) months.



1           74-3-504. LATE FILING OF REPORT -- FEES. (1) If any person registered  
2 with the secretary of state fails to file a report required by this chapter  
3 on or before the prescribed deadline, he shall be liable to the secretary of  
4 state for a late fee in the amount of fifty dollars (\$50.00) plus ten dollars  
5 (\$10.00) for each day until the report is filed, which fee shall be deposited  
6 in the general fund. The late fee shall not exceed a total of one thousand  
7 dollars (\$1,000), except as otherwise provided in section 74-3-506, Idaho  
8 Code. Such fees shall be assessed beginning forty-eight (48) hours after the  
9 deadline and extend until the report is filed. The secretary of state shall  
10 notify the person and his treasurer, if any, that a late fee has been assessed  
11 and will continue to accrue until the report has been filed. The notifica-  
12 tion shall be made by telephone or electronic means within twenty-four (24)  
13 hours of the missed filing deadline.

14           (2) The remedy provided in this section is cumulative and does not ex-  
15 clude any other remedy or penalty prescribed in this chapter.

16           74-3-505. OTHER VIOLATIONS -- CIVIL FINES -- MISDEMEANOR. (1) Except  
17 as otherwise provided in subsection (2) of this section, any person who vi-  
18 olates a provision of this chapter that does not pertain to the failure to  
19 file a report or the late filing of a report shall be liable to the secretary  
20 of state for a civil fine in the amount of two thousand five hundred dollars  
21 (\$2,500), plus five percent (5%) of the monetary value of the amount of the  
22 expenditure related to the violation, if applicable, rounded up to the near-  
23 est whole number. The secretary of state shall deposit any civil fines col-  
24 lected pursuant to this section in the general fund. The burden of proof for  
25 such civil liability shall be met by showing a preponderance of the evidence.

26           (2) Any person who knowingly and willfully commits a violation of a pro-  
27 vision of this chapter that does not pertain to the failure to file a report  
28 or the late filing of a report is guilty of a misdemeanor and, upon convic-  
29 tion, may be imprisoned for up to six (6) months.

30           74-3-506. ENHANCED PENALTY -- WHEN. A person shall be liable to the  
31 secretary of state for twice the amount of the statutory penalties provided  
32 in section 74-3-503, 74-3-504, or 74-3-505, Idaho Code, if the person:

33           (1) Fails to file a report as provided in section 74-3-503, Idaho Code,  
34 which report is due during the sixty (60) day period immediately preceding  
35 the election or the thirty (30) day period immediately following the elec-  
36 tion to which the report pertains;

37           (2) Is late in filing a report as provided in section 74-3-504, Idaho  
38 Code, which report is due during the sixty (60) day period immediately pre-  
39 ceding the election or the thirty (30) day period immediately following the  
40 election to which the report pertains; or

41           (3) Commits any other violation of a provision of this chapter during  
42 the sixty (60) day period immediately preceding an election or during the  
43 thirty (30) day period immediately following an election.

44           74-3-507. ENFORCEMENT OF CIVIL FINES AND LATE FEES. If any civil fine  
45 or late fee prescribed under this part is not paid within sixty (60) days fol-  
46 lowing notice from the secretary of state's office, the secretary of state  
47 may publish the delinquent accounts on the public campaign finance website.

1 Any civil fine or late fee remaining unpaid after sixty (60) days following  
2 notice from the secretary of state's office may be referred to the office of  
3 the attorney general or to the appropriate prosecuting attorney for collec-  
4 tion.

5 74-3-508. PROSECUTION -- LIMITATION -- VENUE. (1) The attorney gen-  
6 eral may prosecute any violations of this chapter.

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

11 (3) Venue for prosecution under the provisions of this chapter shall be  
12 in the county of residence of the defendant if the defendant is a resident of  
13 the state of Idaho, otherwise venue shall be in Ada county.

14 74-3-509. INJUNCTIONS. The district courts of this state shall have  
15 original jurisdiction to issue injunctions to enforce the provisions of this  
16 chapter upon application by any citizen of this state, by the secretary of  
17 state, or by a county clerk. The court may in its discretion require the  
18 citizen plaintiff to file a written complaint with the secretary of state  
19 or county clerk prior to seeking injunctive relief. A successful plaintiff  
20 is entitled to be reimbursed for reasonable costs of litigation, including  
21 reasonable attorney's fees, by the person or persons named defendant in such  
22 injunctive action. A successful defendant is entitled to be reimbursed for  
23 reasonable costs of litigation, including reasonable attorney's fees, if  
24 the court determines that the plaintiff's action was without substantial  
25 merit.

26 74-3-510. SEVERABILITY. If any provision of this chapter or its ap-  
27 plication to any person or circumstance is held invalid, the remainder of  
28 the chapter or the application of the provision to other persons or circum-  
29 stances is not affected.

30 74-3-511. CONSTRUCTION. The provisions of this chapter are to be lib-  
31 erally construed to effectuate the policies and purposes of this chapter. In  
32 the event of conflict between the provisions of this chapter and any other  
33 chapter, the provisions of this chapter shall govern.

34 SECTION 7. That Chapter 18, Title 34, Idaho Code, be, and the same is  
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
36 ignated as Section 34-1807A, Idaho Code, and to read as follows:

37 34-1807A. DISCLOSURE OF PAYMENTS MADE TO SIGNATURE GATHERERS. (1) Any  
38 person who pays or provides other valuable consideration in an aggregate  
39 amount of one hundred dollars (\$100) or more to another person or persons,  
40 in exchange for their actions or intended actions of gathering signatures  
41 on a ballot initiative petition or referendum, shall file a report of the  
42 expenditure with the secretary of state.

43 (2) The provisions of this section shall apply beginning on the date  
44 that the ballot initiative or referendum petitioners receive from the secre-  
45 tary of state the official ballot title for which the person is paying to have

1 signatures gathered and shall continue for as long as the filer makes pay-  
2 ments to a signature gatherer or gatherers.

3 (3) Reports shall be filed on or before the twentieth day of the month  
4 following the month during which the payments to the signature gatherers  
5 were made.

6 (4) The report shall contain the following information:

7 (a) The name and address of any signature gatherer to whom a payment  
8 in excess of fifty dollars (\$50.00) has been made during the reported  
9 month; and

10 (b) The total sum of all payments made to signature gatherers in the ag-  
11 gregate during the reported month.

12 (5) In addition to the reports filed under subsection (3) of this sec-  
13 tion, any person who pays a signature gatherer or gatherers the aggregate  
14 amount of one thousand dollars (\$1,000) or more shall file a notice of the ex-  
15 penditures with the secretary of state not more than forty-eight (48) hours  
16 from the time of the expenditure. The notice shall include the information  
17 required under subsection (4) of this section.

18 (6) The secretary of state shall prescribe the form of the report re-  
19 quired under this section. The powers and duties of the secretary of state  
20 set forth in part 5, chapter 3, title 74, Idaho Code, shall apply and be  
21 available to the secretary of state for enforcement of the provisions of this  
22 section.

23 SECTION 8. That Section 67-6602, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 67-6602. DEFINITIONS. As used in this chapter, the following terms  
26 have the following meanings:

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

29 ~~(a) Announced the individual's candidacy publicly;~~

30 ~~(b) Filed for public office;~~

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

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

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

39 ~~(2) (1) "Compensation" includes any advance, conveyance, forgiveness~~  
40 ~~of indebtedness, deposit, distribution, loan, payment, gift, pledge or~~  
41 ~~transfer of money or anything of value, and any contract, agreement, promise~~  
42 ~~or other obligation, whether or not legally enforceable, to do any of the~~  
43 ~~foregoing, for services rendered or to be rendered, but does not include~~  
44 ~~reimbursement of expenses if such reimbursement does not exceed the amount~~  
45 ~~actually expended for such expenses and is substantiated by an itemization~~  
46 ~~of such expenses.~~

47 ~~(3) (2) "Contractor" means a person who receives compensation from an-~~  
48 ~~other person for either full-time or part-time work based on a contract or~~  
49 ~~compensation agreement, but who is not an employee of that person.~~

1       ~~(4) "Contribution" includes any advance, conveyance, forgiveness of~~  
2 ~~indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-~~  
3 ~~scription or transfer of money or anything of value, and any contract, agree-~~  
4 ~~ment, promise or other obligation, whether or not legally enforceable, to~~  
5 ~~make a contribution, in support of or in opposition to any candidate, polit-~~  
6 ~~ical committee or measure. Such term also includes personal funds or other~~  
7 ~~property of a candidate or members of his household expended or transferred~~  
8 ~~to cover expenditures incurred in support of such candidate but does not~~  
9 ~~include personal funds used to pay the candidate filing fee. Such term also~~  
10 ~~includes the rendering of personal and professional services for less than~~  
11 ~~full consideration, but does not include ordinary home hospitality or the~~  
12 ~~rendering of "part-time" personal services of the sort commonly performed~~  
13 ~~by volunteer campaign workers or advisors or incidental expenses not in ex-~~  
14 ~~cess of twenty-five dollars (\$25.00) personally paid for by any volunteer~~  
15 ~~campaign worker. "Part-time" services, for the purposes of this definition,~~  
16 ~~means services in addition to regular full-time employment, or, in the case~~  
17 ~~of an unemployed person or persons engaged in part-time employment, services~~  
18 ~~rendered without compensation or reimbursement of expenses from any source~~  
19 ~~other than the candidate or political committee for whom such services are~~  
20 ~~rendered. For the purposes of this act, contributions, other than money or~~  
21 ~~its equivalent shall be deemed to have a money value equivalent to the fair~~  
22 ~~market value of the contribution.~~

23       ~~(5) "Election" means any state or local general, special, recall, or~~  
24 ~~primary election.~~

25       ~~(6) "Election campaign" means any campaign in support of or in opposi-~~  
26 ~~tion to a candidate for election to public office and any campaign in support~~  
27 ~~of, or in opposition to, a measure.~~

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

- 32       ~~(i) Unambiguously refers to any candidate; and~~
- 33       ~~(ii) Is broadcasted, printed, mailed, delivered, made or dis-~~  
34 ~~tributed within thirty (30) days before a primary election or~~  
35 ~~sixty (60) days before a general election; and~~
- 36       ~~(iii) Is broadcasted to, printed in a newspaper, distributed to,~~  
37 ~~mailed to or delivered by hand to, telephone calls made to, or~~  
38 ~~otherwise distributed to an audience that includes members of the~~  
39 ~~electorate for such public office.~~

40       ~~(b) "Electioneering communication" does not include:~~

- 41       ~~(i) Any news articles, editorial endorsements, opinion or com-~~  
42 ~~mentary, writings, or letter to the editor printed in a newspaper,~~  
43 ~~magazine, or other periodical not owned or controlled by a candi-~~  
44 ~~date, political committee, or political party;~~
- 45       ~~(ii) Any editorial endorsements or opinions aired by a broadcast~~  
46 ~~facility not owned or controlled by a candidate, political commit-~~  
47 ~~tee, or political party;~~
- 48       ~~(iii) Any communication by persons made in the regular course and~~  
49 ~~scope of their business or any communication made by a membership~~

1           ~~organization solely to members of such organization and their fam-~~  
2           ~~ilies;~~

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

5           ~~(v) A communication that constitutes an expenditure or an inde-~~  
6           ~~pendent expenditure under this chapter.~~

7           ~~(8)~~ (3) "Employee" means an individual who performs a service for wages  
8           or other compensation from which the individual's employer withholds fed-  
9           eral employment taxes under a contract for hire, written or oral.

10          ~~(9)~~ (4) "Executive official" means:

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

16          (b) A state department or agency director, deputy director, division  
17          administrator or bureau chief as established and enumerated in sections  
18          67-2402 and 67-2406, Idaho Code;

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

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

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

29          (f) The members of the governing board of the state insurance fund and  
30          the members of the governing board and the executive or chief adminis-  
31          trative officer of the Idaho housing and finance association, the Idaho  
32          energy resources authority, and the Idaho state building authority.

33          ~~(10)~~ (5) "Expenditure" includes any payment, contribution, subscrip-  
34          tion, distribution, loan, advance, deposit, or gift of money or anything  
35          of value, and includes a contract, promise, or agreement, whether or not  
36          legally enforceable, to make an expenditure. The term "expenditure" also  
37          includes a promise to pay, a payment or a transfer of anything of value in  
38          exchange for goods, services, property, facilities or anything of value  
39          for the purpose of assisting, benefiting or honoring any public official or  
40          candidate, or assisting in furthering or opposing any election campaign.

41          ~~(11) "Independent expenditure" means any expenditure by a person for~~  
42          ~~a communication expressly advocating the election, passage or defeat of a~~  
43          ~~clearly identified candidate or measure that is not made with the coopera-~~  
44          ~~tion or with the prior consent of, or in consultation with, or at the consent~~  
45          ~~of, or in consultation with, or at the request of a suggestion of, a candidate~~  
46          ~~or any agent or authorized committee of the candidate or political committee~~  
47          ~~supporting or opposing a measure. As used in this subsection, "expressly ad-~~  
48          ~~vocating" means any communication containing a message advocating election,~~  
49          ~~passage or defeat including, but not limited to, the name of the candidate~~

1 ~~or measure, or expression such as "vote for," "elect," "support," "cast your~~  
 2 ~~ballot for," "vote against," "defeat" or "reject."~~

3 ~~(12)~~ (6) "Lobby" and "lobbying" each means attempting through contacts  
 4 with, or causing others to make contact with, members of the legislature or  
 5 legislative committees or an executive official to influence the approval,  
 6 modification or rejection of any legislation by the legislature of the state  
 7 of Idaho or any committee thereof or by the governor or to develop or main-  
 8 tain relationships with, promote goodwill with, or entertain members of the  
 9 legislature or executive officials. "Lobby" and "lobbying" shall also mean  
 10 communicating with an executive official for the purpose of influencing the  
 11 consideration, amendment, adoption or rejection of any rule or rulemaking as  
 12 defined in section 67-5201, Idaho Code, or any ratemaking decision, procure-  
 13 ment, contract, bid or bid process, financial services agreement, or bond  
 14 issue. Neither "lobby" nor "lobbying" includes an association's or other  
 15 organization's act of communicating with the members of that association  
 16 or organization; and provided that neither "lobby" nor "lobbying" includes  
 17 ~~communicating~~ communications with an executive official for the purpose of  
 18 carrying out ongoing negotiations following the award of a bid or a contract,  
 19 communications involving ongoing legal work and negotiations conducted by  
 20 and with attorneys for executive agencies, interactions between parties in  
 21 litigation or other contested matters, or communications among and between  
 22 members of the legislature and executive officials and their employees, or  
 23 by state employees while acting in their official capacity or within the  
 24 course and scope of their employment.

25 ~~(13)~~ (7) "Lobbyist" includes any person who lobbies.

26 ~~(14)~~ (8) "Lobbyist's client" means the person on whose behalf the lob-  
 27 byist is acting, directly or indirectly, as a contractor, and by whom the  
 28 lobbyist or lobbyist's employer is compensated for acting as a lobbyist.

29 ~~(15)~~ (9) "Lobbyist's employer" means the person or persons for whom a  
 30 lobbyist is an employee, and by whom the lobbyist is compensated for acting  
 31 as a lobbyist.

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

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

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

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

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

1       ~~(19)~~ (10) "Person" means an individual, corporation, association,  
2 firm, partnership, committee, political party, club or other organization  
3 or group of persons.

4       ~~(20)~~ "Political committee" means:

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

7       ~~(b)~~ Any person who receives contributions and makes expenditures in an  
8 amount exceeding one thousand dollars (\$1,000) in any calendar year for  
9 the purpose of supporting or opposing one (1) or more candidates or mea-  
10 sures.

11       ~~(c)~~ A county, district or regional committee of a recognized politi-  
12 cal party shall not be considered a political committee for the purposes  
13 of this chapter unless such party committee has expenditures exceeding  
14 five thousand dollars (\$5,000) in a calendar year.

15       ~~(21)~~ "Political treasurer" means an individual appointed by a candi-  
16 date or political committee as provided in section 67-6603, Idaho Code.

17       ~~(22)~~ "Public office" means any local, legislative, judicial, or state  
18 office or position that is filled by election but does not include the office  
19 of precinct committeeman.

20       SECTION 9. That Sections [67-6603](#) through [67-6616](#) and [67-6626](#) through  
21 [67-6628A](#), Idaho Code, be, and the same are hereby repealed.

22       SECTION 10. That Section 67-6621, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24       67-6621. DUTIES OF LOBBYISTS. A person required to register as a lob-  
25 byist under this chapter shall also have the following obligations, the vi-  
26 olation of which shall constitute cause for revocation of his registration,  
27 and may subject such person, and such person's employer or client, if such  
28 employer or client aids, abets, ratifies or confirms any such act, to other  
29 civil liabilities, as provided by this chapter:

30       (1) Such persons shall obtain and preserve all accounts, bills,  
31 receipts, books, papers, and documents necessary to substantiate the finan-  
32 cial reports required to be made under this chapter for a period of at least  
33 three (3) years from the date of the filing of the statement containing such  
34 items, which accounts, bills, receipts, books, papers and documents shall  
35 be made available for inspection by the secretary of state at any reasonable  
36 time during such three (3) year period; provided, however, that if a lobbyist  
37 is required under the terms of his employment contract to turn any records  
38 over to his employer or client, responsibility for the preservation of such  
39 records under this subsection shall rest with such employer or client.

40       (2) In addition, a person required to register as a lobbyist shall not:

41       (a) Engage in any activity as a lobbyist before registering as such;

42       (b) Knowingly deceive or attempt to deceive any legislator to any fact  
43 pertaining to any pending or proposed legislation;

44       (c) Cause or influence the introduction of any bill or amendment  
45 thereto for the purpose of thereafter being employed to secure its de-  
46 feat;

47       (d) Knowingly represent an interest adverse to any of his employers or  
48 clients without first obtaining such employers' or clients' consent

1 thereto after full disclosure to such employers or clients of such ad-  
2 verse interest;

3 (e) Exercise any economic reprisal, extortion, or unlawful retali-  
4 ation upon any legislator by reason of such legislator's position with  
5 respect to, or his vote upon, any pending or proposed legislation; or

6 (f) Accept any employment as a lobbyist for a compensation dependent  
7 in any manner upon the passage or defeat of any proposed or pending leg-  
8 islation or upon any other contingency connected with the action of the  
9 legislature or of either branch thereof or of any committee thereof.  
10 This contingent fee prohibition shall also apply to lobbying activities  
11 that pertain to communications with executive officials as described in  
12 section 67-6602-~~(9)~~ (4), Idaho Code.

13 SECTION 11. That Section 67-6625, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSE-  
16 CUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions  
17 of sections ~~67-6603, 67-6604, 67-6606 through 67-6614A,~~ 67-6617, 67-6619,  
18 67-6620, 67-6621(1), or 67-6624, ~~67-6627 or 67-6628,~~ Idaho Code, shall be  
19 liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an  
20 individual, and not more than two thousand five hundred dollars (\$2,500) if a  
21 person other than an individual. The burden of proof for such civil liabil-  
22 ity shall be met by showing a preponderance of the evidence.

23 (2) Any person who violates section ~~67-6605 or~~ 67-6621(2), Idaho Code,  
24 and any person who knowingly and willfully violates sections ~~67-6603 through~~  
25 ~~67-6614A,~~ 67-6617, 67-6619, 67-6620, 67-6621(1), or 67-6624, ~~67-6627 or~~  
26 ~~67-6628,~~ Idaho Code, is guilty of a misdemeanor and, upon conviction, in  
27 addition to the fines set forth in subsection (1) of this section, may be  
28 imprisoned for not more than six (6) months, or be both fined and imprisoned.

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

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

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

38 SECTION 12. That Section 19-5904, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 19-5904. STATE APPELLATE PUBLIC DEFENDER -- APPOINTMENT -- TERM --  
41 QUALIFICATIONS -- PROHIBITED CONDUCT -- REMOVAL -- VACANCIES -- COMPEN-  
42 SATION. (1) The state appellate public defender shall be appointed by the  
43 governor, with the advice and consent of the senate, to serve a four (4) year  
44 term and may be reappointed to subsequent terms in the same manner.

45 (2) The state appellate public defender must meet the following quali-  
46 fications on the effective date of his appointment:

47 (a) Be at least thirty (30) years of age;



1 (b) Be a citizen of the United States;

2 (c) Have held a license to practice law or a judicial office in one (1)  
3 or more jurisdictions of the United States for at least five (5) contin-  
4 uous years immediately preceding such appointment;

5 (d) Be or become an active member of the Idaho state bar within one (1)  
6 year of appointment and remain an active member in good standing there-  
7 after; and

8 (e) Have at least five (5) years of criminal defense or appellate expe-  
9 rience, or a combination thereof.

10 (3) The state appellate public defender shall not:

11 (a) Engage in the practice of law outside his role in the office of the  
12 state appellate public defender, except for the practice of law that is  
13 permitted for a judge by the Idaho code of judicial conduct;

14 (b) Hold or be a candidate for any federal, state, county, municipal,  
15 judicial, district, or other elective office; provided, however, this  
16 section shall not be interpreted to prohibit the state appellate public  
17 defender from seeking appointment to another office, including state or  
18 federal judicial office;

19 (c) Serve as the agent, representative, officer, political treasurer,  
20 or employee, for profit or otherwise, of any political party, political  
21 committee, or candidate, as such terms are defined in chapter ~~66~~, title  
22 ~~67~~ 3, title 74, Idaho Code; or

23 (d) Hold any other public or private sector position, for profit or oth-  
24 erwise, except for volunteer positions that are not inconsistent with  
25 the duties of the state appellate public defender.

26 (4) The state appellate public defender may be removed from office by  
27 the governor for failing to retain the qualifications of his office estab-  
28 lished in subsection (2) of this section, for engaging in prohibited conduct  
29 set forth in subsection (3) of this section, or for good cause shown. If the  
30 state appellate public defender is removed from office, the governor shall  
31 provide the house of representatives and the senate written notice of the re-  
32 moval, the effective date of removal, and the reason or reasons therefor.

33 (5) If the state appellate public defender resigns, dies, or is removed  
34 from office as provided by law, the governor shall appoint a person who meets  
35 the qualifications established in this section, subject to the advice and  
36 consent of the senate, to fill the remainder of the unexpired term.

37 (6) The state appellate public defender shall be compensated in an  
38 amount determined by the governor.

39 SECTION 13. That Section 19-6004, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 19-6004. STATE PUBLIC DEFENDER -- APPOINTMENT -- TERM -- PROHIBITED  
42 CONDUCT -- REMOVAL -- VACANCIES -- REAPPOINTMENT -- COMPENSATION. (1) The  
43 state public defender shall reside in the office of the state public defender  
44 and shall be appointed by the governor, in a manner consistent with subsec-  
45 tion (6) of this section, to serve a four (4) year term.

46 (2) The state public defender must meet the following qualifications on  
47 the effective date of appointment:

48 (a) Be at least thirty (30) years of age;

49 (b) Be a citizen of the United States;

1 (c) Have held a license to practice law or a judicial office in one (1)  
2 or more jurisdictions of the United States for at least five (5) contin-  
3 uous years immediately preceding the appointment;

4 (d) Be or become an active member of the Idaho state bar within one (1)  
5 year of appointment and remain an active member in good standing there-  
6 after; and

7 (e) Have at least five (5) years of criminal defense experience.

8 (3) The state public defender shall not:

9 (a) Engage in the practice of law outside his role in the office of the  
10 state public defender, except for the practice of law that is permitted  
11 for a judge by the Idaho code of judicial conduct;

12 (b) Hold or be a candidate for any federal, state, county, municipal,  
13 judicial, district, or other elective office; provided, however, this  
14 paragraph does not prohibit the state public defender from seeking ap-  
15 pointment to another office, including state or federal judicial of-  
16 fice;

17 (c) Serve as the agent, representative, officer, political treasurer,  
18 or employee, whether for profit or otherwise, of any political party,  
19 political committee, or candidate, as such terms are defined in chap-  
20 ter 1, title 34, Idaho Code, and chapter ~~66, title 67~~ 3, title 74, Idaho  
21 Code; or

22 (d) Hold any other public or private sector position, for profit or oth-  
23 erwise, except for volunteer positions that are not inconsistent with  
24 the duties of the state public defender.

25 (4) The state public defender may be removed from office by the gover-  
26 nor for failing to retain the qualifications of his office provided in sub-  
27 section (2) of this section, for engaging in prohibited conduct set forth in  
28 subsection (3) of this section, or for good cause shown. If the state pub-  
29 lic defender is removed from office, the governor shall provide the house of  
30 representatives and the senate written notice of the removal, the effective  
31 date of removal, and the reason or reasons therefor.

32 (5) If the state public defender resigns, dies, or is removed from of-  
33 fice as provided by law, the governor shall appoint a person who meets the  
34 qualifications established in this section, in a manner consistent with sub-  
35 section (6) of this section, to fill the unexpired term.

36 (6) The governor shall appoint a state public defender in the following  
37 manner:

38 (a) Whenever a vacancy arises in the position of state public defender,  
39 the governor shall appoint a panel with seven (7) members, with one  
40 (1) panel member appointed from the membership of each of the seven (7)  
41 district magistrates commissions. Not less than two (2) but not more  
42 than (3) panel members shall be attorneys, not more than two (2) but not  
43 less than one (1) panel member shall be a county commissioner, and one  
44 (1) member shall be a mayor. The governor shall not appoint to the panel  
45 any member of a district magistrates commission who is a judge, who is  
46 employed as a criminal prosecutor, or who otherwise prosecutes or aids  
47 in the prosecution of criminal cases, or any person employed in a law  
48 enforcement agency. The governor shall select a member of the panel to  
49 serve as chairman. The provisions of section 1-2203B(4), Idaho Code,  
50 regarding current or former law partners shall apply to any attorney

1 serving on the panel. Members of the panel shall be compensated by the  
 2 office of the state public defender as provided in section 59-509(b),  
 3 Idaho Code.

4 (b) It shall be the duty of the panel to recruit applicants, review can-  
 5 didates, and submit to the governor a list of not less than three (3),  
 6 but not more than five (5), attorneys who meet the qualifications es-  
 7 tablished in this chapter, and the governor shall appoint the state pub-  
 8 lic defender from the list, with the advice and consent of the senate.  
 9 If three (3) qualified candidates or fewer apply, the panel shall sub-  
 10 mit all applicants to the governor and may communicate to the governor  
 11 or the governor's representative, in executive session pursuant to sec-  
 12 tion 74-206(1) (a), Idaho Code, a ranking of the applicants, and the gov-  
 13 ernor shall appoint the state public defender from the list, with the  
 14 advice and consent of the senate. The governor and the office of the  
 15 state public defender may assist the panel in drawing the largest pool  
 16 of qualified applicants.

17 (c) Once the governor appoints the state public defender, the panel  
 18 shall disband until reconstituted by the governor consistent with this  
 19 section.

20 (7) When the state public defender's term expires under the law, the  
 21 governor may reappoint the state public defender to subsequent four (4) year  
 22 terms, with the advice and consent of the senate, or the governor may con-  
 23 stitute a panel consistent with subsection (6) of this section to nominate  
 24 candidates and appoint a state public defender from the list produced by the  
 25 panel, with the advice and consent of the senate.

26 (8) The state public defender shall be compensated in an amount deter-  
 27 mined by the governor.

28 SECTION 14. That Section 44-2602, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 44-2602. DEFINITIONS. (1) As used in this chapter the following terms  
 31 have the following meanings:

32 (a) "Ballot proposition" includes initiatives, referenda, proposed  
 33 constitutional amendments, and any other items submitted to the voters  
 34 for their approval or rejection.

35 (b) "Filing entity" means a candidate, officeholder, political commit-  
 36 tee, political party, and each other entity required to report contri-  
 37 butions under chapter ~~66, title 67~~ 3, title 74, Idaho Code.

38 (c) "Fund" means the separate segregated fund established by a labor  
 39 organization for political purposes according to the procedures and re-  
 40 quirements of this chapter.

41 (d) (i) "Labor organization" means any association or organization of  
 42 employees, and any agency, employee representation committee, or  
 43 plan in which employees participate that exists, in whole or in  
 44 part, to advocate on behalf of employees about grievances, labor  
 45 disputes, wages, rates of pay, hours of employment or conditions  
 46 of employment.

47 (ii) Except as provided in subsection (1) (d) (iii) of this sec-  
 48 tion, "labor organization" includes each employee association and  
 49 union for employees of public and private sector employers.

1 (iii) "Labor organization" does not include organizations gov-  
 2 erned by the national labor relations act, 29 U.S.C. section 151,  
 3 et seq. or the railway labor act, 45 U.S.C. section 151, et seq.

4 (e) "Political activities" means electoral activities, independent  
 5 expenditures, or expenditures made to any candidate, political party,  
 6 political action committee or political issues committee or in support  
 7 of or against any ballot measure.

8 (f) "Union dues" means dues, fees or other moneys required as a condi-  
 9 tion of membership in a labor organization.

10 (2) Other terms defined in chapter ~~66, title 67~~ 3, title 74, Idaho Code,  
 11 apply to this chapter.

12 SECTION 15. That Section 44-2605, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 44-2605. REGISTRATION -- DISCLOSURE. Each fund established by a labor  
 15 organization under this chapter shall:

16 (1) Register as a political committee as required by chapter ~~66, title~~  
 17 ~~67~~ 3, title 74, Idaho Code; and

18 (2) File the financial reports for political committees required by  
 19 chapter ~~66, title 67~~ 3, title 74, Idaho Code.

20 SECTION 16. That Section 50-2006, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 50-2006. URBAN RENEWAL AGENCY.

23 (1) (a) There is hereby created in each municipality an independent pub-  
 24 lic body corporate and politic to be known as the "urban renewal agency"  
 25 that was created by resolution as provided in section 50-2005, Idaho  
 26 Code, before July 1, 2011, for the municipality; provided, that such  
 27 agency shall not transact any business or exercise its powers hereunder  
 28 until or unless the local governing body has made the findings pre-  
 29 scribed in section 50-2005, Idaho Code.

30 (b) An urban renewal agency created after July 1, 2011, shall not trans-  
 31 act any business or exercise its powers provided for in this chapter  
 32 until a majority of qualified electors, voting in a citywide or coun-  
 33 tywide election, depending on the municipality in which such agency is  
 34 created, vote to authorize such agency to transact business and exer-  
 35 cise its powers provided for in this chapter. If prior to July 1, 2011,  
 36 the local governing body has made the findings prescribed in paragraph  
 37 (a) of this subsection, then such agency shall transact business and  
 38 shall exercise its powers hereunder and is not subject to the require-  
 39 ments of this paragraph.

40 (2) Upon satisfaction of the requirements under subsection (1) of this  
 41 section, the urban renewal agency is authorized to transact the business and  
 42 exercise the powers hereunder by a board of commissioners to be established  
 43 as follows:

44 (a) Unless provided otherwise in this section, the mayor, by and with  
 45 the advice and consent of the local governing body, shall appoint a  
 46 board of commissioners of the urban renewal agency, which shall consist  
 47 of not less than three (3) commissioners nor more than nine (9) commis-

1 sioners. In the order of appointment, the mayor shall designate the  
2 number of commissioners to be appointed, and the term of each, provided  
3 that the original term of office of no more than two (2) commissioners  
4 shall expire in the same year. The commissioners shall serve for terms  
5 not to exceed five (5) years, from the date of appointment, except that  
6 all vacancies shall be filled for the unexpired term.

7 (b) For inefficiency or neglect of duty or misconduct in office, a com-  
8 missioner may be removed by a majority vote of the local governing body  
9 only after a hearing and after he shall have been given a copy of the  
10 charges at least ten (10) days prior to such hearing and have had an op-  
11 portunity to be heard in person or by counsel. Any commission position  
12 that becomes vacant at a time other than the expiration of a term shall  
13 be filled by the mayor or chair of the board of county commissioners, if  
14 that is the local governing body, by and with the advice and consent of  
15 the local governing body, including the mayor, if applicable, and shall  
16 be filled for the unexpired term.

17 (c) By enactment of an ordinance, the local governing body may appoint  
18 and designate, from among its members, members of the board of commis-  
19 sioners of the urban renewal agency, provided that such representation  
20 shall be less than a majority of the board of commissioners of the urban  
21 renewal agency of the members of the local governing body on and after  
22 July 1, 2017, in which case all the rights, powers, duties, privileges,  
23 and immunities vested by the urban renewal law of 1965, and as amended,  
24 in an appointed board of commissioners, shall be vested in the local  
25 governing body, which shall, in all respects when acting as an urban re-  
26 newal agency, be acting as an arm of state government, entirely separate  
27 and distinct from the municipality, to achieve, perform, and accomplish  
28 the public purposes prescribed and provided by said urban renewal law of  
29 1965, and as amended.

30 (d) By enactment of an ordinance, the local governing body may termi-  
31 nate the appointed board of commissioners and thereby appoint and des-  
32 ignate itself as the board of commissioners of the urban renewal agency  
33 for not more than one (1) calendar year.

34 (e) By enactment of an ordinance, the local governing body may provide  
35 that the board of commissioners of the urban renewal agency shall be  
36 elected at an election held for such purpose on one (1) of the November  
37 dates provided in section 34-106, Idaho Code, and the ordinance may pro-  
38 vide term limits for the commissioners. In this case, all the rights,  
39 powers, duties, privileges, and immunities vested by the urban renewal  
40 law of 1965, and as amended, in an appointed board of commissioners,  
41 shall be vested in the elected board of commissioners of the urban  
42 renewal agency, which shall, in all respects when acting as an urban re-  
43 newal agency, be acting as an arm of state government, entirely separate  
44 and distinct from the municipality, to achieve, perform, and accomplish  
45 the public purposes prescribed and provided by said urban renewal law  
46 of 1965, and as amended. The provisions of chapter ~~66~~, ~~title 67~~ 3, title  
47 74, Idaho Code, shall apply to elected commissioners, and the county  
48 election law shall apply to the person running for commissioner as if  
49 the person were running for county commissioner. In the event of a  
50 vacancy in an elected commissioner position, the replacement shall be

1 appointed by the mayor or chair of the board of county commissioners, if  
2 that is the local governing body, by and with the advice and consent of  
3 the local governing body, and shall be filled for the unexpired term.

4 (3) In all instances, a member of the board of commissioners of the ur-  
5 ban renewal agency must be a resident of the county where the urban renewal  
6 agency is located or is doing business.

7 (4) A commissioner shall receive no compensation for his services but  
8 shall be entitled to the necessary expenses, including travel expenses, in-  
9 curred in the discharge of his duties. Each commissioner shall hold office  
10 until his successor has been appointed and has qualified. A certificate of  
11 the appointment or reappointment of any commissioner shall be filed with the  
12 clerk of the municipality and such certificate shall be conclusive evidence  
13 of the due and proper appointment of such commissioner.

14 (5) (a) The powers of an urban renewal agency shall be exercised by the  
15 commissioners thereof. A majority of the commissioners shall consti-  
16 tute a quorum for the purpose of conducting business and exercising the  
17 powers of the agency and for all other purposes. Action may be taken by  
18 the agency upon a vote of a majority of the commissioners present, un-  
19 less in any case the bylaws shall require a larger number.

20 (b) The commissioners shall elect the chairman, cochairman, or vice  
21 chairman for a term of one (1) year from among their members. An agency  
22 may employ an executive director, technical experts, and such other  
23 agents and employees, permanent and temporary, as it may require, and  
24 determine their qualifications, duties, and compensation. For such  
25 legal service as it may require, an agency may employ or retain its own  
26 counsel and legal staff.

27 (c) An agency authorized to transact business and exercise powers un-  
28 der this chapter shall file, with the local governing body, on or be-  
29 fore March 31 of each year a report of its activities for the preced-  
30 ing calendar year, which report shall include the financial data and au-  
31 dit reports required under sections 67-1075 and 67-1076, Idaho Code.  
32 The agency shall be required to hold a public meeting to report these  
33 findings and take comments from the public. At the time of filing the  
34 report, the agency shall publish in a newspaper of general circulation  
35 in the community a notice to the effect that such report has been filed  
36 with the municipality and the state controller and that the report is  
37 available for inspection during business hours in the office of the city  
38 clerk or county recorder, in the office of the agency, and at all times  
39 on the website of the state controller.

40 (d) An urban renewal agency shall have the same fiscal year as a mu-  
41 nicipality and shall be subject to the same audit requirements as a mu-  
42 nicipality. An urban renewal agency shall be required to prepare and  
43 file with its local governing body an annual financial report and shall  
44 prepare, approve, and adopt an annual budget for filing with the local  
45 governing body, for informational purposes. A budget means an annual  
46 estimate of revenues and expenses for the following fiscal year of the  
47 agency.

48 (6) An urban renewal agency shall comply with the public records law  
49 pursuant to chapter 1, title 74, Idaho Code, open meetings law pursuant to  
50 chapter 2, title 74, Idaho Code, the ethics in government law pursuant to

1 chapter 4, title 74, Idaho Code, and the competitive bidding provisions of  
2 chapter 28, title 67, Idaho Code.

3 (7) Upon dissolution of the urban renewal agency, title to all property  
4 of the urban renewal agency shall revert to the municipality.

5 SECTION 17. That Section 67-5282, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 67-5282. DUTIES AND PROHIBITED CONDUCT OF THE CHIEF ADMINISTRATIVE  
8 HEARING OFFICER. (1) The chief administrative hearing officer shall:

9 (a) Serve as the administrator of the office of administrative hear-  
10 ings;

11 (b) Conduct such contested case proceedings and such other proceedings  
12 as are conducted by the office of administrative hearings in accordance  
13 with section 67-5280(2)(a) and (b), Idaho Code;

14 (c) Devote full-time to the office of administrative hearings and his  
15 obligations as chief administrative hearing officer;

16 (d) Subject to applicable law and regulation, appoint, supervise, and  
17 remove hearing officers and staff as he deems appropriate to the proper  
18 functioning of the office of administrative hearings, determine the  
19 duties of such appointees as he deems appropriate, and, from among the  
20 hearing officers employed by the office of administrative hearings,  
21 designate a deputy chief administrative hearing officer to act in place  
22 of the chief administrative hearing officer when the chief administra-  
23 tive hearing officer is unable to perform his duties;

24 (e) Have the authority to promulgate rules, pursuant to the provisions  
25 of this chapter, to implement sections 67-5280 through 67-5286, Idaho  
26 Code;

27 (f) Establish a hearing officer code of conduct that shall, among other  
28 things, provide for independent and unbiased decision-making by hear-  
29 ing officers both as perceived and in fact and provide for a system to  
30 monitor compliance with, and sanction violations of, the hearing offi-  
31 cer code of conduct;

32 (g) Protect and ensure the decisional independence of hearing offi-  
33 cers;

34 (h) Implement a system for monitoring the quality of contested case  
35 proceedings and such other proceedings as are conducted by the office of  
36 administrative hearings in accordance with section 67-5280(2)(a) and  
37 (b), Idaho Code;

38 (i) At his discretion, unless otherwise prohibited by state or federal  
39 law, retain independent contractor hearing officers at reasonable and  
40 consistent rates of compensation; provided that an independent con-  
41 tractor hearing officer with specialized expertise may be compensated  
42 at a higher rate if such expertise is necessary to the proper adjudica-  
43 tion of the case and such higher rate of compensation is necessary in  
44 order to obtain such expertise; and

45 (j) Contract with agencies to conduct such adjudicatory hearings, me-  
46 diations, and arbitrations authorized by section 67-5280(2)(b), Idaho  
47 Code.

48 (2) The chief administrative hearing officer shall not:

1 (a) Engage in the practice of law outside of his role in the office of  
2 administrative hearings, except for the practice of law that is permit-  
3 ted for a judge by the Idaho code of judicial conduct and is not incon-  
4 sistent with the code of conduct or his duties as chief administrative  
5 hearing officer;

6 (b) Hold, or be a candidate for, any federal, state, county, municipal,  
7 district, or other elective office;

8 (c) Serve as the agent, representative, officer, political treasurer,  
9 or employee, whether for profit or otherwise, of any political party,  
10 political committee, or candidate as defined in either chapter 1, title  
11 34 or chapter ~~66~~, ~~title 67~~ 3, title 74, Idaho Code, or otherwise; and

12 (d) Hold any other public or private-sector position, whether for  
13 profit or otherwise, except for volunteer positions that are not incon-  
14 sistent with his duties as chief administrative hearing officer.

15 SECTION 18. That Section 72-1503, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 72-1503. POLITICAL ACTIVITIES PROHIBITED. No person may serve on the  
18 commission who is a candidate for political office as the term "candidate"  
19 is defined in section ~~67-6602~~ 74-3-102, Idaho Code. In the event a person  
20 serving on the commission becomes a candidate, a vacancy on the commission  
21 shall be declared by the secretary of state, and filled as provided by law.

22 SECTION 19. APPLICABILITY. Any person already registered with the sec-  
23 retary of state prior to July 1, 2025, shall bring his reports into compli-  
24 ance with the provisions of this act by no later than the date on which the  
25 person's next annual report is due.

26 SECTION 20. An emergency existing therefor, which emergency is hereby  
27 declared to exist, this act shall be in full force and effect on and after  
28 July 1, 2025.