

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 437

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE SECRETARY OF STATE; AMENDING SECTION 67-6607, IDAHO CODE, TO ALLOW THE FILING OF REPORTS BY ELECTRONIC MEANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6619, IDAHO CODE, TO ALLOW THE FILING OF REPORTS BY ELECTRONIC MEANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES OF THE SECRETARY OF STATE AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 67-6607, Idaho Code, be, and the same is hereby amended to read as follows:

67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (a) The political treasurer for each candidate and the political treasurer of each political committee shall file with the secretary of state:

(1) Not more than fourteen (14) days and not less than seven (7) days before the date of a primary election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee prior to the fifteenth day before the primary election;

(2) Not more than thirty (30) days after the date of a primary election in which a candidate or a political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the primary election to and including the tenth day after the primary election;

(3) For all political committees supporting or opposing measures, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the measure or any candidate or made by or against the measure or any candidate shall be filed on the same dates provided in paragraphs (1), (2), (4), (5) and (6) of this subsection;

(4) Not later than October 10 immediately preceding a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including the eleventh day after the date of the primary election and to and including September 30;

(5) Not more than fourteen (14) days and not less than seven (7) days before the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of

1 the candidate or political committee since and including October 1  
 2 and to and including the sixteenth day before the general election,  
 3 together with a cumulative statement showing all such contributions and  
 4 expenditures or encumbrances to and including the sixteenth day before  
 5 the general election; and

6 (6) Not more than thirty (30) days after the date of a general election  
 7 in which the candidate or political committee is involved, a statement  
 8 of all contributions received and all expenditures or encumbrances  
 9 made by or on behalf of the candidate or political committee to cover  
 10 the period since the fifteenth day before the general election to and  
 11 including the tenth day after the general election.

12 (b) For the first report under this section the reporting period shall  
 13 cover the period beginning with the first contribution, expenditure, or  
 14 encumbrance.

15 (c) Notwithstanding any other reports required under this section,  
 16 the political treasurer for each candidate and any political committee  
 17 supporting or opposing a measure shall notify the secretary of state, in  
 18 writing, of any contribution of one thousand dollars (\$1,000) or more,  
 19 received by the political treasurer after the sixteenth day before, but more  
 20 than forty-eight (48) hours before, any primary or general election. This  
 21 notification shall be made within forty-eight (48) hours after the receipt  
 22 of such contribution and shall include the name of the candidate or measure,  
 23 the identification of the contributor, and the date of receipt and amount of  
 24 the contribution. The notification shall be in addition to the reporting of  
 25 these contributions in the ~~post-election~~ postelection report.

26 (d) For all reports required pursuant to this section the secretary of  
 27 state shall accept the date of a postmark as the date of receipt except for  
 28 the seven (7) day ~~pre-election~~ preelection reports which must be received by  
 29 no later than 5:00 p.m. on the seventh day preceding the primary or general  
 30 election.

31 (e) Any reports required to be filed under the provisions of this  
 32 section may also be filed by means of an electronic facsimile transmission  
 33 machine and may be filed by other electronic means as approved by the  
 34 secretary of state.

35 SECTION 2. That Section 67-6619, Idaho Code, be, and the same is hereby  
 36 amended to read as follows:

37 67-6619. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under  
 38 section 67-6617, Idaho Code, shall file with the secretary of state an  
 39 annual report of his lobbying activities signed by both the lobbyist and the  
 40 lobbyist's employer or employers. The reports shall be made in the form and  
 41 manner prescribed by the secretary of state and shall be filed on January  
 42 31 of each year. In addition to the annual report, while the legislature is  
 43 in session, every registered lobbyist shall file interim monthly periodic  
 44 reports for each month or portion thereof that the legislature is in session,  
 45 which reports need to be signed only by the lobbyist and which shall be filed  
 46 within fifteen (15) days of the first day of the month for the activities of  
 47 the month just past, provided however, that any lobbyist covered under this  
 48 chapter whose lobbying activities are confined only to executive officials  
 49 shall be required to file interim periodic reports semiannually on January

1 31 and July 31, which reports need to be signed by the lobbyist and the  
2 lobbyist's employer or employers.

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

4 (a) The total of all expenditures made or incurred on behalf of  
5 such lobbyist by the lobbyist's employer or employers, not including  
6 payments made directly to the lobbyist, during the period covered by the  
7 report. The totals shall be segregated according to financial category  
8 including, but not limited to: entertainment, food and refreshment,  
9 honoraria, travel, lodging, advertising and other like expenditures.  
10 Reimbursed personal living and travel expenses of a lobbyist made or  
11 incurred directly or indirectly for any lobbying purpose need not be  
12 reported.

13 (b) The name of any legislator or executive official to whom or for  
14 whose benefit on any one (1) occasion, an expenditure in excess of: (i)  
15 seventy-five dollars (\$75.00) per person from 2008 through December  
16 31, 2010, and (ii) in excess of one hundred dollars (\$100) per person  
17 on and after January 1, 2011, for the purpose of lobbying, is made  
18 or incurred and the date, name of payee, purpose and amount of such  
19 expenditure. Expenditures for the benefit of the members of the  
20 household of a legislator or executive official shall also be itemized  
21 if such expenditure exceeds the amount listed in this subsection.

22 (c) In the case of a lobbyist employed by more than one (1) employer,  
23 the proportionate amount of such expenditures in each category made or  
24 incurred on behalf of each of his employers.

25 (d) The subject matter of proposed legislation and the number of  
26 each senate or house bill, resolution, memorial or other legislative  
27 activity or any rule, ratemaking decision, procurement, contract,  
28 bid or bid process, financial services agreement or bond in which  
29 the lobbyist has been engaged in supporting or opposing during the  
30 reporting period; provided that in the case of appropriations bills,  
31 the lobbyist shall enumerate the specific section or sections which he  
32 supported or opposed.

33 (e) The itemization threshold in subsection (2)(b) of this section  
34 shall be adjusted biennially by directive of the secretary of  
35 state, using consumer price index data compiled by the United States  
36 department of labor.

37 (3) Reports provided by this section to be filed under the provisions of  
38 this section may be filed by means of an electronic facsimile transmission  
39 machine and may be filed by other electronic means as approved by the  
40 secretary of state.

41 SECTION 3. That Section 67-6623, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 67-6623. DUTIES OF SECRETARY OF STATE. The secretary of state is  
44 charged with enforcement of the provisions of this act, and in addition to  
45 duties otherwise prescribed herein, it shall be his duty:

46 (a) ~~to~~ To prescribe forms for statements and other information required  
47 to be filed by this act, and to furnish such forms and instruction manual to  
48 persons required to file such statements and information;

1           (b) ~~to~~To make statements and other information filed with him available  
2 for public inspection and copying during regular office hours, and to make  
3 copying facilities available at a charge not to exceed actual cost;

4           (c) ~~to~~To preserve such statements and other information for a period of  
5 four (4) years from date of receipt;

6           (d) ~~to~~To make investigations with respect to statements filed under the  
7 provisions of this act, and with respect to alleged failures to file any  
8 statement required under the provisions of this act, and upon complaint by  
9 any person with respect to alleged violations of any part of this act;

10          (e) ~~to~~To report suspected violations of law to the appropriate law  
11 enforcement authorities;

12          (f) ~~to~~To prescribe and publish rules ~~and regulations,~~ in accordance with  
13 the provisions of chapter 52, title 67, Idaho Code, and to take such other  
14 actions as may be appropriate to carry out the provisions of this act;

15          (g) To prescribe methods of the filing of reports by electronic means.

16          SECTION 4. An emergency existing therefor, which emergency is hereby  
17 declared to exist, Sections 2 and 3 of this act shall be in full force and  
18 effect on and after passage and approval. Section 1 of this act shall be in  
19 full force and effect on and after July 1, 2010.