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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fourth Legislature Second Regular Session - 2018  
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1 AN ACT  
2 RELATING TO PUBLIC OFFICER AND CANDIDATE FINANCIAL DISCLOSURES; AMENDING  
3 TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 3, TITLE 74, IDAHO  
4 CODE,

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

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

9 CHAPTER 3  
10 FINANCIAL DISCLOSURES

11 74-301. DEFINITIONS. As used in this chapter:

12 (1) "City officer" means a mayor or city councilperson.

13 (2) "Conflict of interest" means an action that is taken by a regulated  
14 officeholder that the officeholder reasonably believes may cause direct fi-  
15 nancial benefit or detriment to the officeholder, a member of the office-  
16 holder's immediate family or an entity that the officeholder is required to  
17 disclose under the provisions of this chapter, if that benefit or detriment  
18 is distinguishable from the effects of that action on the public or on the of-  
19 ficeholder's profession, occupation or association generally.

20 (3) "County officer" means a county commissioner, county prosecutor, a  
21 county treasurer, county assessor, county coroner or county sheriff.

22 (4) "Entity" means a corporation, a partnership, a limited liability  
23 company, a limited partnership, a sole proprietorship, an association, a  
24 cooperative, a trust, an organization, a joint venture, a governmental en-  
25 tity, an unincorporated organization or any other legal entity, regardless  
26 of whether it is established primarily for the purpose of gain or economic  
27 profit.

28 (5) "Immediate family" means the regulated officeholder's spouse, a  
29 child living in the regulated officeholder's immediate household, or an in-  
30 dividual claimed as a dependent for state or federal income tax purposes by  
31 the regulated officeholder.

32 (6) "Income" means earnings, compensation or any other payment made to  
33 an individual for gain, regardless of source and denomination, including but  
34 not limited to wages, salary, commission, pay, bonus, severance pay, incen-  
35 tive pay, contract payment, interest, per diem, expenses, reimbursement or  
36 dividends.

37 (7) (a) "Owner or officer" means an individual who owns an ownership in-  
38 terest in an entity or holds a position where the person has authority to man-  
39 age, direct, control or make decisions for:

40 (i) The entity or a portion of the entity; or

41 (ii) An employee, agent or independent contractor of the entity.

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1 (b) "Owner or officer" includes:

2 (i) A member of a board of directors or other governing body of an  
3 entity; or

4 (ii) A partner in any type of partnership.

5 (8) "Preceding year" means the year immediately preceding the day on  
6 which the regulated officeholder files a financial disclosure form.

7 (9) "Regulated officeholder" means an individual who is required to  
8 file a financial disclosure form under the provisions of this chapter.

9 (10) "State constitutional officer" means the governor, the lieutenant  
10 governor, the state controller, the state treasurer, secretary of state, su-  
11 perintendent of public instruction or the attorney general.

12 74-302. FINANCIAL DISCLOSURES -- CANDIDATES. (1) Candidates shall  
13 file a financial disclosure form with the filing officer at the time of fil-  
14 ing a declaration of candidacy for the following offices:

15 (a) State constitutional officer;

16 (b) State legislator;

17 (c) County officer; or

18 (d) City officer.

19 (2) A filing officer may not accept a declaration of candidacy for an  
20 office listed in subsection (1) of this section unless the declaration of  
21 candidacy is accompanied by the financial disclosure required under this  
22 chapter.

23 (3) The financial disclosure form shall meet the requirements of sec-  
24 tion 74-303, Idaho Code.

25 (4) The financial disclosure form shall:

26 (a) Be made available for public inspection at the filing officer's  
27 place of business;

28 (b) If the filing officer is an individual other than the secretary of  
29 state, be provided to the secretary of state within five (5) business  
30 days of the date of filing and be made publicly available at the office  
31 of the secretary of state; and

32 (c) Be made publicly available on the website of the secretary of state.

33 74-303. FINANCIAL DISCLOSURES -- REGULATED OFFICEHOLDERS -- VIOLA-  
34 TIONS. (1) A state constitutional officer, state legislator, county officer  
35 or city officer shall file a financial disclosure form:

36 (a) On the tenth day of January of each year, or the following business  
37 day if the due date falls on a weekend or holiday; and

38 (b) Each time that the officer changes employment.

39 (2) A regulated officeholder may amend a financial disclosure form at  
40 any time.

41 (3) The financial disclosure form shall include:

42 (a) The regulated officeholder's name;

43 (b) The name and address of each of the regulated officeholder's cur-  
44 rent employers and each of the regulated officeholder's employers dur-  
45 ing the preceding year;

46 (c) For each employer described in paragraph (b) of this subsection,  
47 a brief description of the employment, including the regulated office-  
48 holder's occupation and, as applicable, job title;

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1 (d) For each entity in which the regulated officeholder is an owner or  
2 officer, or was an owner or officer during the preceding year:

3 (i) The name of the entity;

4 (ii) A brief description of the type of business or activity con-  
5 ducted by the entity; and

6 (iii) The regulated officeholder's position in the entity;

7 (e) In accordance with paragraph (b) of this subsection, for each in-  
8 dividual from whom, or entity from which, the regulated officeholder  
9 has received five thousand dollars (\$5,000) or more in income during the  
10 preceding year:

11 (i) The name of the individual or entity; and

12 (ii) A brief description of the type of business or activity con-  
13 ducted by the individual or entity;

14 provided, however, in making a disclosure under this paragraph, a regulated  
15 officeholder who provides goods or services to multiple customers or clients  
16 as part of a business or a licensed profession is only required to provide  
17 the information in relation to the entity or practice through which the reg-  
18 ulated officeholder provides the goods or services and is not required to  
19 provide information in relation to the regulated officeholder's individual  
20 customers or clients.

21 (f) For each entity in which the regulated officeholder holds any  
22 stocks or bonds having a fair market value of five thousand dollars  
23 (\$5,000) or more as of the date of the disclosure form or during the  
24 preceding year, but excluding funds that are managed by a third party,  
25 including blind trusts, managed investment accounts and mutual funds:

26 (i) The name of the entity; and

27 (ii) A brief description of the type of business or activity con-  
28 ducted by the entity;

29 (g) For each entity not listed in paragraphs (d) through (f) of this  
30 subsection in which the regulated officeholder currently serves, or  
31 served in the preceding year, on the board of directors or in any other  
32 type of paid leadership capacity;

33 (i) The name of the entity or organization;

34 (ii) A brief description of the type of business or activity con-  
35 ducted by the entity; and

36 (iii) The type of advisory position held by the regulated office-  
37 holder;

38 (h) At the option of the regulated officeholder, a description of any  
39 real property in which the regulated officeholder holds an ownership or  
40 other financial interest that the regulated officeholder believes may  
41 constitute a conflict of interest, including a description of the type  
42 of interest held by the regulated officeholder in the property;

43 (i) The name of the regulated officeholder's spouse and any other adult  
44 residing in the regulated officeholder's household who is not related  
45 by blood or marriage, as applicable;

46 (j) For the regulated officeholder's spouse, the information that a  
47 regulated officeholder is required to provide under paragraph (b) of  
48 this subsection;

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- 1 (k) A brief description of the employment and occupation of each adult  
2 who resides in the regulated officeholder's household and is not re-  
3 lated to the regulated officeholder by blood or marriage;  
4 (l) At the option of the regulated officeholder, a description of any  
5 other matter or interest that the regulated officeholder believes may  
6 constitute a conflict of interest;  
7 (m) The date the form was completed;  
8 (n) A statement that the regulated officeholder believes that the form  
9 is true and accurate to the best of the regulated officeholder's knowl-  
10 edge; and  
11 (o) The signature of the regulated officeholder.  
12 (4) The regulated officeholder shall file the financial disclosure  
13 form with the following filing officers:  
14 (a) The secretary of state; and  
15 (b) The chief clerk of the house of representatives, if the regulated  
16 officeholder is a member of the house of representatives; and  
17 (c) The secretary of the senate, if the regulated officeholder is a mem-  
18 ber of the senate.  
19 (5) The secretary of state, the secretary of the senate and the chief  
20 clerk of the house of representatives shall ensure that blank financial dis-  
21 closure forms are available on the internet and at their offices.  
22 (6) A filing officer who receives a financial disclosure form or an  
23 amendment to a financial disclosure form under this section shall make each  
24 version of the form, and each amendment to the form, available to the public  
25 on the internet and at the office where the form or amendment to the form was  
26 filed.  
27 (7) The completed financial disclosure forms or amendments to forms  
28 shall be available to the public for:  
29 (a) Two (2) years after the day on which the filing officer receives the  
30 form, for a regulated officeholder in an office that has a normal term of  
31 two (2) years or less; or  
32 (b) Four (4) years after the day on which the filing officer receives  
33 the form, for a regulated officeholder in an office that has a normal  
34 term of more than two (2) years.  
35 (8) The disclosure requirements described in this section do not pro-  
36 hibit a regulated officeholder from voting or acting on any matter.
- 37 74-304. FAILURE TO FILE -- PENALTIES. (1) Within thirty (30) days af-  
38 ter the day on which a regulated officeholder is required to file a finan-  
39 cial disclosure form under section 74-303(1)(a), Idaho Code, the secretary  
40 of state shall review each filed financial disclosure form to ensure that:  
41 (a) Each regulated officeholder who is required to file a financial  
42 disclosure form has done so; and  
43 (b) Each financial disclosure form contains the information required  
44 under section 74-303, Idaho Code.  
45 (2) The secretary of state shall take the action described in subsec-  
46 tion (3) of this section if:  
47 (a) A regulated officeholder has failed to timely file a financial dis-  
48 closure form;

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1 (b) A filed financial disclosure form does not comply with the require-  
2 ments of section 74-303, Idaho Code; or

3 (c) The secretary of state receives a written complaint alleging a vio-  
4 lation of section 74-303, Idaho Code, and after receiving the complaint  
5 and giving the regulated officeholder notice and an opportunity to be  
6 heard, the secretary of state determines that a violation occurred.

7 (3) If the secretary of state determines that a violation occurred, he  
8 shall, within five (5) days of his determination, notify the regulated of-  
9 ficeholder of the violation and direct the regulated officeholder to file an  
10 amended report correcting the violation, along with a civil penalty of two  
11 hundred fifty dollars (\$250).

12 (4) (a) It is unlawful for a regulated officeholder to fail to file or  
13 amend a financial disclosure form within seven (7) days after the day on  
14 which the regulated officeholder receives the notice described in sub-  
15 section (3) of this section.

16 (b) A regulated officeholder who violates paragraph (a) of this subsec-  
17 tion shall pay a civil penalty of five hundred dollars (\$500).

18 (5) The secretary of state shall deposit any penalty collected under  
19 this section to the general fund.

20 74-305. CONFLICT OF INTEREST DECLARATION -- VIOLATIONS. (1) Before or  
21 during the execution of any order, settlement, declaration, contract or any  
22 other official act of office in which a state constitutional officer, county  
23 officer or city officer has actual knowledge that he has a conflict of inter-  
24 est that is not stated on the financial disclosure form filed under section  
25 74-303, Idaho Code, the officer shall publicly declare that he may have a  
26 conflict of interest and shall describe the potential conflict of interest.

27 (2) Before or during any vote on legislation or any legislative matter  
28 in which a legislator, city officer or county officer has actual knowledge  
29 that he has a conflict of interest that is not stated on the financial dis-  
30 closure form filed under section 74-303, Idaho Code, the legislator or offi-  
31 cer shall orally declare to the committee or body before which the matter is  
32 pending that he may have a conflict of interest and shall describe the poten-  
33 tial conflict of interest.

34 (3) Any public declaration of a conflict of interest that is made under  
35 subsections (1) or (2) of this section shall be noted:

36 (a) On the official record of the action taken, for a state constitu-  
37 tional officer, county officer or city officer; or

38 (b) In the minutes of the committee meeting or in the senate or house  
39 journal, as applicable, for a legislator.

40 (4) The secretary of state shall impose a civil penalty of two hundred  
41 fifty dollars (\$250) against a regulated officeholder who violates a provi-  
42 sion of this section. The civil penalty shall be doubled if the secretary of  
43 state finds that the violation was knowing or intentional.

44 (5) The secretary of state shall deposit any penalty collected under  
45 this section to the general fund.

46 74-306. LINK TO REPORTS ON LEGISLATURE'S WEBSITE. The legislature's  
47 website shall include, for each legislative officeholder, a link to the fi-

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- 1 nancial reports maintained on the secretary of state's website that relate
- 2 to that legislative officeholder.