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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 CAMPAIGN FINANCE TRANSPARENCY AND LOBBYING; REPEALING CHAPTER
3 66, TITLE 67, IDAHO CODE, PROVIDING LEGISLATIVE INTENT ; AMENDING TI-
4 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 66, TITLE 67, IDAHO
5 CODE, AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW
6 SECTION 67-6619, IDAHO CODE, AMENDING CHAPTER 66, TITLE 67, IDAHO CODE,
7 BY THE ADDITION OF A NEW SECTION 67-6630, IDAHO CODE,

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

9 SECTION 1. That Chapter 66, Title 67, Idaho Code, be, and the same is
10 hereby repealed.

11 SECTION 2. That Title 67, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 66, Title 67, Idaho Code, and to read as follows:

14 CHAPTER 66
15 CAMPAIGN FINANCE TRANSPARENCY AND LOBBYING

16 67-6601. PURPOSE OF ACT. The purpose of this act is:
17 (1) To promote public confidence in government; and
18 (2) To promote openness in government and avoiding secrecy by those
19 giving financial support to election campaigns and those promoting or op-
20 posing legislation or attempting to influence executive or administrative
21 actions for compensation.

22 67-6602. DEFINITIONS. As used in this chapter, the following terms
23 have the following meanings:

- 24 (1) "Candidate" or "candidate committee" means an individual who seeks
25 nomination or election or re-election to public office, and who has:
26 (a) Announced his candidacy publicly or has filed for office; or,
27 (b) Received a contribution for the purpose of promoting his candidacy
28 for office; or
29 (c) Made an expenditure or reserved space or facilities with the intent
30 of promoting his candidacy for office.

31 For purposes of this chapter, an incumbent shall be presumed to be a candi-
32 date in the subsequent election for his or her office, until he has failed to
33 file a declaration of his candidacy by the statutory deadline, or unless he
34 has filed a final termination statement and is no longer required to report.

35 (2) "Compensation" includes any advance, conveyance, forgiveness of
36 indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-
37 fer of money or anything of value, and any contract, agreement, promise or
38 other obligation, whether or not legally enforceable, to do any of the fore-
39 going, for services rendered or to be rendered, but does not include reim-
40 bursement of expenses if such reimbursement does not exceed the amount ac-

1 tually expended for such expenses and is substantiated by an itemization of
2 such expenses.

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

25 (4) "Election" means any general, special, primary or recall election,
26 whether at the statewide or local level of government.

27 (5) "Election campaign" means any campaign in support of or in opposi-
28 tion to a candidate for election to public office and any campaign in support
29 of, or in opposition to, a measure.

30 (6) (a) "Electioneering communication" means any communication within
31 thirty (30) days before a primary election or sixty (60) days before a
32 general or special election, that is broadcast by television or radio,
33 printed in a newspaper or on a billboard, posted on an internet website
34 or through social media, directly mailed or delivered by hand to per-
35 sonal residences, made through telephone calls or electronic mail, or
36 otherwise distributed to members of the public that include voters or
37 potential voters for public office or ballot measure and that refer to a
38 specific candidate or measure to be on the ballot.

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

40 (i) Any news articles, editorial endorsements, opinion or com-
41 mentary, writings, or letters to the editor printed in a newspa-
42 per, magazine, or other periodical not owned or controlled by a
43 candidate or political party;

44 (ii) Any editorial endorsements or opinions aired by a broad-
45 cast facility not owned or controlled by a candidate or political
46 party;

47 (iii) 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 ; OR

- 1 (iv) Any communication that refers to any candidate only as part
2 of the popular name of a bill or statute.
- 3 (v) A communication that constitutes an expenditure or an inde-
4 pendent expenditure under this chapter.
- 5 (7) "Executive official" means:
- 6 (a) The governor, lieutenant governor, secretary of state, state con-
7 troller, state treasurer, attorney general, superintendent of public
8 instruction and any deputy or staff member of one (1) of those individ-
9 uals who, within the course and scope of his or her employment, is di-
10 rectly involved in major policy influencing decisions for the office;
- 11 (b) A state department or agency director, deputy director, division
12 administrator or bureau chief as established and enumerated in sections
13 67-2402 and 67-2406, Idaho Code;
- 14 (c) The membership and the executive or chief administrative officer
15 of any board or commission that is authorized to make rules or conduct
16 rulemaking activities pursuant to section 67-5201, Idaho Code;
- 17 (d) The membership and the executive or chief administrative officer
18 of any board or commission that governs any of the state departments
19 enumerated in section 67-2402, Idaho Code, not including public school
20 districts;
- 21 (e) The membership and the executive or chief administrative officer
22 of the Idaho public utilities commission, the Idaho industrial commis-
23 sion, and the Idaho state tax commission; and
- 24 (f) The members of the governing board of the state insurance fund, and
25 the members of the governing board and the executive or chief adminis-
26 trative officer of the Idaho housing and finance association, the Idaho
27 energy resources authority, and the Idaho state building authority.
- 28 (8) "Expenditure" includes any payment, contribution, subscription,
29 distribution, loan, advance, deposit, or gift of money or anything of value,
30 and includes a contract, promise, or agreement, whether or not legally en-
31 forceable, to make an expenditure. The term "expenditure" also includes a
32 promise to pay, a payment or a transfer of anything of value in exchange for
33 goods, services, property, facilities or anything of value for the purpose
34 of assisting, benefiting or honoring any public official or candidate, or
35 assisting in furthering or opposing any election campaign. For the purpose
36 of making any reports required under this chapter, an expenditure is made at
37 the time the funds have been obligated or committed, whether by oral or writ-
38 ten agreement.
- 39 (9) "Independent expenditure" means any expenditure by a person for a
40 communication or other activity expressly advocating the election, passage
41 or defeat of a clearly identified candidate or measure that is not made with
42 the collaboration or coordination of a candidate or his agent, employee or
43 volunteer. As used in this subsection, "expressly advocating" means any
44 communication containing a message advocating election, passage or defeat
45 including, but not limited to, the name of the candidate or measure, or ex-
46 pression such as "vote for," "elect," "support," "cast your ballot for,"
47 "vote against," "defeat" or "reject."
- 48 (10) "Lobby" and "lobbying" each means attempting through contacts
49 with, or causing others to make contact with, members of the legislature or
50 legislative committees or an executive official, to influence the approval,

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

20 (11) "Lobbyist" includes any person who lobbies.

21 (12) "Lobbyist's employer" means the person or persons by whom a lobby-
22 ist is employed, directly or indirectly, and all persons by whom he is com-
23 pensated for acting as a lobbyist.

24 (13) "Measure" means any proposal submitted to the people for their ap-
25 proval or rejection at an election, including any initiative, referendum,
26 recall election for local, statewide or legislative district offices, or re-
27 vision of or amendment to the state constitution. An initiative or referen-
28 dum proposal shall be deemed a measure when the attorney general reviews it
29 and gives it a ballot title. A recall shall be deemed a measure upon approval
30 of the recall petition as to form pursuant to section 34-1704, Idaho Code.

31 (14) "Person" means an individual, corporation, association, firm,
32 partnership, committee, political party, club or other organization or
33 group of persons, regardless of tax status or organizational purpose.

34 (15) "Political committee" means:

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

37 (b) Any person who receives contributions and makes expenditures in
38 an amount exceeding five hundred dollars (\$500) in any calendar year
39 for the purpose of supporting or opposing one (1) or more candidates or
40 measures. Any entity registered with the federal election commission
41 shall not be considered a political committee for purposes of this chap-
42 ter.

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

47 (16) "Political treasurer" means an individual appointed by a candidate
48 or political committee as provided in section 67-6603 or 67-6604, Idaho
49 Code.

1 (17) "Public office" means any local, legislative, judicial or state
2 office or position that is filled by election.

3 (18) "Social media" means websites and applications that enable users
4 to create and share content or to participate in social networking.

5 67-6603. APPOINTMENT OF POLITICAL TREASURER -- CANDIDATE -- CONTRIBU-
6 TIONS. (1) A candidate may not receive any contributions nor make any expen-
7 ditures until he has appointed his political treasurer. Contributions and
8 expenditures may only be made to or by a candidate's political treasurer.

9 (2) A candidate shall appoint a political treasurer by certifying the
10 full name and complete address of the political treasurer to the secretary of
11 state. A political treasurer must be a registered elector of this state. An
12 individual may serve as political treasurer for more than one candidate and
13 political committee at a time. A candidate may appoint himself to be his own
14 political treasurer. A candidate may remove his political treasurer. If a
15 political treasurer dies, resigns or is removed before compliance with all
16 obligations of a political treasurer under this chapter, the candidate com-
17 mittee shall appoint a successor and certify the name and address of the suc-
18 cessor in the manner provided in the case of an original appointment.

19 (3) A candidate may not have a separate political committee in addition
20 to his candidate committee.

21 (4) A candidate for statewide or legislative office shall not maintain
22 more than one (1) account nor use more than one (1) political treasurer at a
23 time. If a candidate wishes to change the office sought, its political trea-
24 surer shall close the account and transfer the funds and any campaign expen-
25 diture debt to a new account opened for that purpose.

26 67-6604. APPOINTMENT OF POLITICAL TREASURER -- POLITICAL COMMITTEE --
27 CONTRIBUTIONS. (1) Before receiving any contributions or making any expen-
28 ditures, a political committee must register with the secretary of state.
29 The political committee shall appoint a political treasurer and certify the
30 full name and complete address of the political treasurer, as well as identi-
31 fying the committee's board of directors or, if none, the persons with spend-
32 ing authority or decisionmaking power on behalf of the committee. The polit-
33 ical treasurer must be a registered elector of this state. An individual may
34 serve as political treasurer for more than one candidate and political com-
35 mittee at a time. A political committee may remove its political treasurer.
36 If a political treasurer dies, resigns or is removed before compliance with
37 all obligations of a political treasurer under this chapter, the political
38 committee shall appoint a successor and certify the name and address of the
39 successor in the manner provided in the case of an original appointment.

40 (2) A political committee may not receive any contributions nor make
41 any expenditures until it has appointed its political treasurer. Contribu-
42 tions and expenditures may only be made to or by a political committee's po-
43 litical treasurer.

44 (3) Contributions shall not be obtained for a political committee 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 discrimi-
47 nation or financial reprisals. A political committee may solicit or obtain
48 contributions from individuals as provided in chapter 26, title 44, Idaho

1 Code, or as provided in section 44-2004, Idaho Code. A violation of the pro-
2 visions of this section shall be punished as provided in section 67-6625(2),
3 Idaho Code.

4 67-6605. ACCOUNTS OF POLITICAL TREASURER. (1) The political treasurer
5 for a candidate or political committee shall keep detailed accounts of all
6 contributions received and all expenditures made by or on behalf of the can-
7 didate or political committee. Accounts shall be updated within seven (7)
8 days of receiving a contribution or making an expenditure. The political
9 treasurer shall file reports with the secretary of state's office as re-
10 quired by this chapter. The political treasurer shall preserve the records
11 of the account for at least one (1) year following the relevant election, or
12 one (1) year following the date of the last post-election statement filed
13 pursuant to section 67-6610, Idaho Code. The secretary of state, his agent
14 or employee, may inspect a political treasurer's accounts for an investiga-
15 tion under section 67-6615, Idaho Code.

16 ~~67-6606. EXPENDITURES BY NONBUSINESS ENTITY. (1) Any nonbusiness en-~~
17 ~~tity, which is not a political committee as defined in section 67-6602(p),~~
18 ~~Idaho Code, making expenditures in or directed to voters in the state of~~
19 ~~Idaho in an amount exceeding one thousand dollars (\$1,000) in any calendar~~
20 ~~year for the purpose of supporting or opposing one (1) or more candidates or~~
21 ~~measures shall file a statement with the secretary of state. The statement~~
22 ~~shall include:~~

23 ~~(a) The name and address of the nonbusiness entity and the name and ad-~~
24 ~~dress of its principal officer or directors.~~

25 ~~(b) The name and address of each person whose fees, dues, payments~~
26 ~~or other consideration paid to such nonbusiness entity during either~~
27 ~~of the prior two (2) calendar years has exceeded five hundred dollars~~
28 ~~(\$500) or who has paid or has agreed to pay fees, dues, payments or other~~
29 ~~consideration exceeding five hundred dollars (\$500) to such entity dur-~~
30 ~~ing the current year.~~

31 ~~(2) This statement shall be filed within thirty (30) days of when the~~
32 ~~one thousand dollar (\$1,000) threshold mentioned in subsection (1) of this~~
33 ~~section is exceeded.~~

34 67-6606. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES. (1) Permit-
35 ted uses. A contribution may be used by the candidate:

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

38 (b) For ordinary and necessary expenses incurred in connection with du-
39 ties of the individual as a holder of public office;

40 (c) For contributions to an organization described in section 170(c) of
41 the Internal Revenue Code of 1986;

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

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

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

1 (2) Prohibited uses. A contribution shall not be converted by any per-
2 son to personal use. A contribution is converted to personal use if the con-
3 tribution is used to fulfill any commitment, obligation or expense of a per-
4 son that would exist irrespective of the candidate's election campaign or
5 individual's duties as a holder of public office, including:

- 6 (a) A home mortgage, rent or utility payment;
- 7 (b) A clothing purchase, except for items of de minimis value such as
8 campaign shirts or hats;
- 9 (c) A noncampaign or nonofficeholder related automobile expense;
- 10 (d) A country club membership;
- 11 (e) A vacation or other noncampaign-related trip;
- 12 (f) A tuition payment;
- 13 (g) Admission to a sporting event, concert, theater or other form of en-
14 tertainment not associated with an election campaign;
- 15 (h) Dues, fees and other payments to a health club or recreational fa-
16 cility; and
- 17 (i) Meals, groceries or other food expense, except for tickets to meals
18 that the candidate attends solely for the purpose of enhancing another
19 person's candidacy, or meal expenses that are part of a campaign activ-
20 ity or part of a function that is related to the candidate's or office-
21 holder's responsibilities.

22 67-6607. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in sub-
23 section (2) of this section, aggregate contributions for a primary election
24 or a general election made by the same corporation, political committee,
25 other recognized legal entity or an individual, other than the candidate,
26 are subject to the following limitations:

- 27 (a) To a candidate for the state legislature, and political committees
28 organized on the candidate's behalf shall be limited to an amount not
29 to exceed one thousand dollars (\$1,000) for the primary election and an
30 amount not to exceed one thousand dollars (\$1,000) for the general elec-
31 tion
- 32 (b) To a candidate for statewide office and political committees or-
33 ganized on the candidate's behalf shall be limited to an amount not to
34 exceed five thousand dollars (\$5,000) for the primary election and an
35 amount not to exceed five thousand dollars (\$5,000) for the general
36 election.

37 (2) Aggregate contributions for a primary election or for a general
38 election made by a county central committee or by the state central committee
39 of the political parties qualified under section 34-501, Idaho Code, to a
40 candidate for the state legislature, and political committees organized
41 on the candidate's behalf shall be limited to an amount not to exceed two
42 thousand dollars (\$2,000) for the primary election and an amount not to
43 exceed two thousand dollars (\$2,000) for the general election. Aggregate
44 contributions for the primary election or the general election by the state
45 central committee of the political parties qualified under section 34-501,
46 Idaho Code, to a candidate for statewide office and political committees or-
47 ganized on the candidate's behalf shall be limited to an amount not to exceed
48 ten thousand dollars (\$10,000) for the primary election and an amount not to
49 exceed ten thousand dollars (\$10,000) for the general election.

1 (3) For purposes of this section "statewide office" shall mean an of-
2 fice in state government which shall appear on the primary or general elec-
3 tion ballot throughout the state.

4 (4) Recall elections, for purposes of this section, shall be treated
5 the same as general elections for contribution limits.

6 (5) Contributions other than money or its equivalent are deemed to have
7 a monetary value equivalent to the fair market value of the contribution.
8 Services or property or rights furnished at less than their fair market value
9 for the purpose of assisting any candidate or political committee are deemed
10 a contribution. A contribution of this kind shall be reported as an in-kind
11 contribution at its fair market value and counts toward any applicable con-
12 tribution limit of the contributor. Contributions shall not include the
13 personal services of volunteers.

14 (6) The contribution limits for the state legislature shall apply to
15 judicial district offices, city offices and county offices regulated by this
16 chapter.

17 (7) For the purposes of contribution limits, the following apply:

18 (a) A contribution by a political committee with funds that have all
19 been contributed by one (1) person who exercises exclusive control over
20 the distribution of the funds of the political committee is a contribu-
21 tion by the controlling person.

22 (b) All contributions made by a person or political committee whose
23 contribution or expenditure activity is financed, maintained or con-
24 trolled by a trade association, labor union or collective bargaining
25 organization shall be considered a contribution from such trade associ-
26 ation, labor union or collective bargaining organization.

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

- 29 (i) Share the majority of members on their board of directors;
- 30 (ii) Share two (2) or more officers;
- 31 (iii) Are owned or controlled by the same majority shareholder or
32 shareholders or persons;
- 33 (iv) Are in a parent-subsidiary relationship; or
- 34 (v) Have bylaws so stating.

35 (8) The provisions of this section are hereby declared to be severable
36 and if any provision of this section or the application of such provision to
37 any person or circumstance is declared invalid for any reason, such declara-
38 tion shall not affect the validity of the remaining portions of this section.

39 67-6608. CONTRIBUTOR TRANSPARENCY REQUIREMENTS. (1) Any person who
40 contributes more than fifty dollars (\$50.00) (including one or more smaller
41 contributions which aggregate more than fifty dollars (\$50.00) in any one
42 calendar year) to a candidate shall accompany the contribution with a state-
43 ment of his full name and complete address.

44 (2) If a political treasurer is offered or receives a payment or con-
45 tribution of more than fifty dollars (\$50.00), or which together with prior
46 contributions from the same person during that calendar year exceeds fifty
47 dollars (\$50.00), and there is no statement of the full name and complete ad-
48 dress of the person making the contribution, the contribution shall be re-
49 turned to the contributor if his identity can be ascertained. If the con-

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1 tributor's identity cannot be ascertained, the contribution shall be trans-
2 mitted immediately by the political treasurer who received it to the state
3 controller for deposit in the public education stabilization fund.

4 (3) No political committee may accept a contribution of one thousand
5 dollars (\$1,000) or more, whether in a lump sum or in aggregate payments,
6 from another political committee, whether out-of-state or in-state, that
7 has not registered as a political committee with the Idaho secretary of
8 state. If registration status of the contributor cannot be confirmed, the
9 political treasurer shall return the contribution to the contributor if his
10 identity can be ascertained. If the contributor's identity cannot be ascer-
11 tained, the political treasurer shall transmit the contribution to the state
12 controller for deposit in the public education stabilization fund.

13 (4) No contribution shall be made and no expenditure shall be incurred,
14 directly or indirectly, in a fictitious name, anonymously, or by one (1) per-
15 son through an agent, relative or other person in such a manner as to conceal
16 the identity of the source of the contribution.

17 67-6609. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (1) The polit-
18 ical treasurer for each candidate shall file with the secretary of state a
19 statement of all contributions received and all expenditures made by or on
20 behalf of the candidate during each calendar month. The statement shall
21 itemize each contribution received and each expenditure made during the
22 reported month.

23 (a) Under contributions, the statement shall include a list of all the
24 contributions received, including funds or property of the candidate
25 used to cover expenditures. The statement shall list the full name and
26 complete address of each person who contributed an aggregate amount of
27 more than fifty dollars (\$50.00), and the amount contributed by that
28 person. The statement may list as a single item the total amount of con-
29 tributions of fifty dollars (\$50.00) or less each obtained in similar
30 fashion.

31 (b) Under expenditures, the statement shall include the name and ad-
32 dress of each person to whom an expenditure was made in the amount of
33 twenty-five dollars (\$25.00) or more, and the amount, date, and purpose
34 of each expenditure. Each expenditure in the amount of twenty-five
35 dollars (\$25.00) or more shall be vouched for by a receipt or cancelled
36 check or an accurate copy thereof. The statement may list as a single
37 item the total amount of expenditures less than twenty-five dollars
38 (\$25.00) without showing the exact amount of or vouching for each such
39 expenditure. Anything of value, other than money, paid for or con-
40 tributed by any person shall be listed both as an expenditure and as a
41 contribution.

42 (2) The first statement shall be due on the tenth day of the month fol-
43 lowing the month in which the candidate received the first contribution or
44 made the first expenditure, whichever occurs first. A monthly report shall
45 be due on the tenth day of each following month; provided, however, that if
46 no contributions were received and no expenditures were made during that
47 monthly reporting period, then a statement of no contributions and expendi-
48 tures shall be filed.

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1 (3) In addition to the monthly reports required under subsection (2) of
2 this section, the political treasurer for each candidate shall file a spe-
3 cial notice of any contribution received in the amount of one thousand dol-
4 lars (\$1,000) or more during the fifteen (15) calendar day period prior to
5 the date of a primary, general or special election. The one thousand dollar
6 (\$1,000) threshold may be in one lump sum or the result of aggregate smaller
7 payments from the same contributor. The special notice shall be reported by
8 the political treasurer within forty-eight (48) hours of its occurrence and
9 shall identify the receiving candidate, the contributor, the date of receipt
10 and the amount of the contribution.

11 (4) The political treasurer for a candidate at the local level is ex-
12 empt from filing reports under this section unless and until such time as
13 the candidate receives contributions or expends funds in the amount of five
14 hundred dollars (\$500) or more. Within seven (7) calendar days of the five
15 hundred dollar (\$500) threshold being met, the political treasurer for the
16 candidate shall file a cumulative report covering the period from the first
17 contribution or expenditure to the current time and shall file all subse-
18 quent reports according to this section regardless of amounts received or
19 expended. Reports filed under this section shall be filed with the appro-
20 priate officers specified in section 1-2220A, 31-2012, 33-503, 33-2106,
21 40-1417, 50-420 or 67-4931, Idaho Code. Reports under this subsection must
22 be actually received in the office of the secretary of state by 5 p.m. of the
23 seventh calendar day after the threshold was met.

24 (5) Any report required to be filed under the provisions of this section
25 may be filed by electronic means as approved by the secretary of state.

26 67-6610. POST-ELECTION REPORTS. (1) If a candidate is defeated in an
27 election, his political treasurer shall file a final monthly report of con-
28 tributions and expenditures on the tenth day of the month following the elec-
29 tion day month. If the defeated candidate's account shows an unexpended bal-
30 ance of contributions or a campaign expenditure deficit, the political trea-
31 surer shall thereafter be required to file an annual report of contributions
32 and expenditures on January 10 covering the preceding calendar year, or the
33 remainder of it since the last reporting period, until such time as the ac-
34 count no longer has an unexpended balance of contributions or campaign ex-
35 penditure deficit and the candidate files a final termination statement.

36 (2) If a candidate was elected to a statewide or legislative office, his
37 political treasurer shall continue to file monthly reports required under
38 section 67-6609, Idaho Code, until the account shows neither an unexpended
39 balance of contributions nor a campaign expenditure deficit and the candi-
40 date files a final termination statement.

41 (3) If a candidate was elected to a local office, his political trea-
42 surer shall file six-month reports of contributions and expenditures, due
43 each January 10 and July 10 covering the preceding six (6) months, or the
44 remainder of them since the last reporting period, until the account shows
45 neither an unexpended balance of contributions nor a campaign expenditure
46 deficit, and the candidate files a final termination statement.

47 67-6611. ELECTIONEERING COMMUNICATIONS -- STATEMENTS -- AUTHOR-
48 ITY. (1) Any person who conducts, transmits or pays for any electioneering

1 communication shall be required to file a statement on a form provided
2 by the secretary of state within thirty (30) days, or, if the expenditure
3 or communication takes place during the ten (10) day period prior to the
4 relevant election, within forty-eight (48) hours, of the communication.
5 Contents of the statement shall include the name and address of the person,
6 the amount spent on the communication, if any, and the names and addresses
7 of any persons who contributed fifty dollars (\$50.00) or more during the
8 previous twelve (12) months to the person conducting, transmitting or paying
9 for the electioneering communication. The statement shall also identify
10 the contributors who have contributed the five (5) largest sums of money in
11 the aggregate to the person during the previous twelve (12) months, and the
12 aggregate amount contributed by each of the top five (5) contributors.

13 (2) Any person that incurs costs of one thousand dollars (\$1,000) or
14 more when making an electioneering communication at any time shall file a
15 statement as provided in subsection (1) of this section with the secretary of
16 state within forty-eight (48) hours of incurring the expenditure, as defined
17 in section 67-6602, Idaho Code.

18 (3) Every electioneering communication shall contain an authority line
19 that states the name of the candidate, political committee or other person
20 responsible for the communication.

21 (4) An electioneering communication that is published or distributed
22 in support of or in opposition to a candidate, but is not authorized by the
23 candidate, shall include the following statement: "This message has been
24 authorized and paid for by (name of payor or payor's organization), (name and
25 title of treasurer or president). This message has not been authorized or
26 approved by any candidate."

27 (5) An electioneering communication that meets the criteria of subsec-
28 tion (2) of this section shall, in addition to providing the authority line
29 required by subsection (4) of this section, identify the top financial con-
30 tributor to the person making the communication during the previous twelve
31 (12) months, using the terms "major funding provided by" or "top contribu-
32 tor" or similar language.

33 (6) The secretary of state may issue directives as needed to ensure com-
34 pliance with this section for the various forms or mediums of electioneering
35 communications.

36 ~~67-6612. RETIRING DEBT. If a political committee organized on behalf~~
37 ~~of a candidate has unpaid debt at the end of the reporting periods specified~~
38 ~~in section 67-6607(a)(2) or 67-6607(a)(6), Idaho Code, then the committee~~
39 ~~may accept additional contributions to retire such unpaid debt, provided the~~
40 ~~contributions do not exceed the applicable contribution limits prescribed.~~

41 ~~For the purposes of this section "unpaid debt" means any unpaid mone-~~
42 ~~tary obligation incurred by the political committee as listed on the reports~~
43 ~~filed through the postelection report period minus any cash balance reported~~
44 ~~on the postelection report. Outstanding loans are considered a type of "un-~~
45 ~~paid debt."~~

46 67-6612. INDEPENDENT EXPENDITURES. (1) Each person who makes inde-
47 pendent expenditures in an aggregate amount exceeding one hundred dollars
48 (\$100) in support of or in opposition to any one (1) candidate, political

1 committee or measure, shall file a statement of the expenditure with the
2 secretary of state.

3 (2) Statements shall be filed with the secretary of state, not less than
4 seven (7) days prior to the primary and general election and thirty (30) days
5 after the primary and general election.

6 (3) The statement shall contain the following information: (a) the
7 name and address of any person to whom an expenditure in excess of fifty dol-
8 lars (\$50.00) has been made by any such person in support of or in opposition
9 to any such candidate or measure during the reporting period, together with
10 the amount, date and purpose of each expenditure; and (b) the total sum of all
11 expenditures made in support of or in opposition to the candidate or measure.

12 (4) In addition to the requirements set forth in subsections (1) and (2)
13 of this section, each person who makes independent expenditures in an aggre-
14 gate amount of one thousand dollars (\$1,000) or more after the sixteenth day
15 before, but more than forty-eight (48) hours before, any primary or general
16 election, shall file a written statement of the expenditure with the secre-
17 tary of state not more than forty-eight (48) hours from the time of such ex-
18 penditure. The statement shall include the information required in subsec-
19 tion (3) of this section. The statement shall also identify the top ten fi-
20 nancial contributors to the person making the independent expenditure dur-
21 ing the previous twelve (12) months.

22 67-6613. COMMERCIAL REPORTING. Each newspaper, periodical, broad-
23 casting station, direct mailing company, printer and advertising agency
24 which accepts expenditures from a political treasurer shall keep a cur-
25 rent record (available to the public) listing the amounts paid and the
26 obligations incurred by each candidate, political committee or political
27 treasurer to such newspaper, periodical, broadcasting station, direct mail-
28 ing company, printer or advertising agency.

29 67-6614. PERSUASIVE POLL CONCERNING CANDIDATE MUST IDENTIFY PERSON OR
30 ENTITY PAYING FOR POLL. (1) If a person, candidate, political party or polit-
31 ical committee requests or compensates a person to:

32 (a) Conduct or cause to be conducted a persuasive poll by telephone con-
33 cerning a candidate; or

34 (b) Produce automated or computerized messages by telephone to conduct
35 a persuasive poll concerning a candidate.

36 The person conducting the poll shall, at the end of the poll, disclose the
37 name and telephone number of the person, candidate, political party or po-
38 litical committee that requested or compensated the person for the poll.

39 (2) As used in this section, "persuasive poll" means the canvassing of
40 persons, by means other than an established method of scientific sampling,
41 by asking questions or other information concerning a candidate which is de-
42 signed to provide information that is designed to advocate the election, ap-
43 proval or defeat of a candidate or measure. The term does not include a poll
44 that is conducted only to measure the public's opinion about or reaction to
45 an issue, fact or theme.

46 (3) A violation of the provisions of this section shall be punishable as
47 provided in section 67-6625, Idaho Code.

1 67-6615. INSPECTION BY SECRETARY OF STATE. (1) The Secretary of State
2 shall inspect each statement filed in his office under this act within two
3 (2) days after the date it is filed.

4 (2) The secretary of state shall notify a person required to file a
5 statement under this act immediately if:

6 (a) it appears that the person has failed to file a statement as re-
7 quired by law or that a statement filed by the person does not conform to
8 law; or

9 (b) a written complaint is filed with the Secretary of State by any
10 registered voter alleging that a statement filed with the Secretary of
11 State does not conform to law or to the truth or that a person has failed
12 to file a statement required by law.

13 67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the
14 date of each election, the Secretary of State shall examine such statement
15 filed with his office under this act; and referring to the election, to de-
16 termine whether the statement conforms to law. Such examinations shall in-
17 clude a comparison of reports and statements received by the Secretary of
18 State pursuant to sections 67-6607 through 67-6610, Idaho Code. The Secre-
19 tary of State may require any person to answer in writing and under oath or
20 affirmation any question within the knowledge of that person concerning the
21 source of any contribution.

22 ***** NO CHANGES TO I.C. 67-6617 THROUGH 67-6624
23 *****

24 67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSECU-
25 TION -- LIMITATION -- VENUE. (1) Any person who violates the provisions of
26 sections 67-66**, 67-66**, 67-66** or 67-66**, Idaho Code, shall be liable
27 for a civil fine not to exceed two thousand five hundred dollars (\$2,500) if
28 an individual, and not more than twenty-five thousand dollars (\$25,000) if a
29 person other than an individual. The burden of proof for such civil liabil-
30 ity shall be met by showing a preponderance of the evidence.

31 (2) Any person who violates section 67-66** or 67-66**, Idaho Code, and
32 any person who knowingly and willfully violates sections 67-66** through
33 67-66**, Idaho Code, is guilty of a misdemeanor and, upon conviction, in
34 addition to the fines set forth in subsection (1) of this section, may be
35 imprisoned for not more than six (6) months or be both fined and imprisoned.

36 (3) The attorney general or the appropriate prosecuting attorney may
37 prosecute any violations of this act.

38 (4) Prosecution for violation of this act must be commenced within two
39 (2) years after the date on which the violation occurred.

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

43 67-6628. CONSTRUCTION. The provisions of this act are to be liberally
44 construed to effectuate the policies and purposes of this act. In the event
45 of conflict between the provisions of this act and any other act, the provi-
46 sions of this act shall govern.

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1 67-6629. SEVERABILITY. If any provisions of this act or its applica-
2 tion to any person or circumstance is held invalid, the remainder of the act,
3 or the application of the provision to other persons or circumstances is not
4 affected.