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LEGISLATURE OF THE STATE OF IDAHO
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1 AN ACT
2 RELATING TO CAMPAIGN FINANCE; AMENDING SECTION 67-6602, IDAHO CODE, TO RE-
3 VISE DEFINITIONS; AMENDING SECTION 67-6607, IDAHO CODE, TO REVISE THE
4 REQUIREMENTS FOR NOTIFICATION TO THE SECRETARY OF STATE OF CERTAIN CON-
5 TRIBUTIONS DURING CERTAIN TIME PERIODS; AND AMENDING SECTION 67-6610,
6 IDAHO CODE, TO PROHIBIT A POLITICAL COMMITTEE FROM ACCEPTING CERTAIN
7 CONTRIBUTIONS UNDER CERTAIN CONDITIONS.

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

9 SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-6602. DEFINITIONS. As used in this chapter, the following terms
12 have the following meanings:

13 ~~(a1) "Candidate" means an individual who has taken affirmative action~~
14 ~~to seek nomination or election to public office. An individual shall be~~
15 ~~deemed to have taken affirmative action to seek such nomination or election~~
16 ~~to public office when he first:~~

17 ~~(1) Receives contributions or makes expenditures or reserves space or~~
18 ~~facilities with intent to promote his candidacy for office; or~~

19 ~~(2) Announces publicly or files for office~~
20 seeks nomination, election or reelection to public office and who has:

21 (a) Announced his or her candidacy publicly;

22 (b) Filed for public office;

23 (c) Received a contribution for the purpose of promoting his or her can-
24 didacy for office; or

25 (d) Made an expenditure, contracted for services or reserved space with
26 the intent of promoting his or her candidacy for office.

27 ~~(3) For purposes of this chapter, an incumbent shall be presumed to be~~
28 ~~a candidate in the subsequent election for his or her office. Contri-~~
29 ~~butions received by an incumbent candidate shall not be in excess of the~~
30 ~~prescribed contribution limits for the subsequent election by which the~~
31 ~~incumbent candidate's name would first appear on the ballot. An incum-~~
32 ~~berent shall no longer be a candidate for his or her office after the dead-~~
33 ~~line for the filing of a declaration of candidacy to first appear on the~~
34 ~~ballot for that office has expired, until he or she has failed to file a~~
35 declaration of candidacy by the statutory deadline.

36 ~~(b2) "Compensation" includes any advance, conveyance, forgiveness of~~
37 ~~indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-~~
38 ~~fer of money or anything of value, and any contract, agreement, promise or~~
39 ~~other obligation, whether or not legally enforceable, to do any of the fore-~~
40 ~~going, for services rendered or to be rendered, but does not include reim-~~
41 ~~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 (e3) "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 (d4) "Election" means any general, special or primary election.

26 (e5) "Election campaign" means any campaign in support of or in opposi-
27 tion to a candidate for election to public office and any campaign in support
28 of, or in opposition to, a measure.

29 (f6) (1a) "Electioneering communication" means any communication
30 broadcast by television or radio, printed in a newspaper or on a bill-
31 board, directly mailed or delivered by hand to personal residences, or
32 telephone calls made to personal residences, or otherwise distributed
33 that:

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

42 (2b) "Electioneering communication" does not include:

- 43 (i) Any news articles, editorial endorsements, opinion or com-
44 mentary, writings, or letter to the editor printed in a newspaper,
45 magazine, or other periodical not owned or controlled by a candi-
46 date or political party;
- 47 (ii) Any editorial endorsements or opinions aired by a broad-
48 cast facility not owned or controlled by a candidate or political
49 party;

1 (iii) Any communication by persons made in the regular course and
2 scope of their business or any communication made by a membership
3 organization solely to members of such organization and their fam-
4 ilies;

5 (iv) Any communication which refers to any candidate only as part
6 of the popular name of a bill or statute;

7 (v) A communication which constitutes an expenditure or an inde-
8 pendent expenditure under this chapter.

9 (~~7~~) "Executive official" means:

10 (~~1a~~) The governor, lieutenant governor, secretary of state, state con-
11 troller, state treasurer, attorney general, superintendent of public
12 instruction and any deputy or staff member of one (1) of those individ-
13 uals who, within the course and scope of his or her employment, is di-
14 rectly involved in major policy influencing decisions for the office;

15 (~~2b~~) A state department or agency director, deputy director, division
16 administrator or bureau chief as established and enumerated in sections
17 67-2402 and 67-2406, Idaho Code;

18 (~~3c~~) The membership and the executive or chief administrative officer
19 of any board or commission that is authorized to make rules or conduct
20 rulemaking activities pursuant to section 67-5201, Idaho Code;

21 (~~4d~~) The membership and the executive or chief administrative officer
22 of any board or commission that governs any of the state departments
23 enumerated in section 67-2402, Idaho Code, not including public school
24 districts;

25 (~~5e~~) The membership and the executive or chief administrative officer
26 of the Idaho public utilities commission, the Idaho industrial commis-
27 sion, and the Idaho state tax commission; and

28 (~~6f~~) The members of the governing board of the state insurance fund, and
29 the members of the governing board and the executive or chief adminis-
30 trative officer of the Idaho housing and finance association, the Idaho
31 energy resources authority, and the Idaho state building authority.

32 (~~8~~) "Expenditure" includes any payment, contribution, subscription,
33 distribution, loan, advance, deposit, or gift of money or anything of value,
34 and includes a contract, promise, or agreement, whether or not legally en-
35 forceable, to make an expenditure. The term "expenditure" also includes a
36 promise to pay, a payment or a transfer of anything of value in exchange for
37 goods, services, property, facilities or anything of value for the purpose
38 of assisting, benefiting or honoring any public official or candidate, or
39 assisting in furthering or opposing any election campaign. For the purpose
40 of making any reports required under this chapter, an expenditure is made at
41 the time any portion of goods is delivered or any portion of services is pro-
42 vided. In the case of an electioneering communication, an expenditure is
43 made when any portion of the communication reaches members of the public who
44 are voters or potential voters.

45 (~~9~~) "Independent expenditure" means any expenditure by a person for
46 a communication or other activity expressly advocating the election, pas-
47 sage or defeat of a clearly identified candidate or measure that is not made
48 with the ~~cooperation or with the prior consent of, or in consultation with,~~
49 ~~or at the consent of, or in consultation with, or at the request of a sugges-~~
50 ~~tion of, a candidate or any agent or authorized committee of the candidate~~

1 collaboration or coordination of a candidate or his agent, employee or vol-
2 unteer, or a political committee supporting or opposing a measure. As used
3 in this subsection, "expressly advocating" means any communication contain-
4 ing a message advocating election, passage or defeat including, but not lim-
5 ited to, the name of the candidate or measure, or expression such as "vote
6 for," "elect," "support," "cast your ballot for," "vote against," "defeat"
7 or "reject."

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

30 (~~¶~~11) "Lobbyist" includes any person who lobbies.

31 (~~±~~12) "Lobbyist's employer" means the person or persons by whom a lob-
32 byist is employed, directly or indirectly, and all persons by whom he is com-
33 pensated for acting as a lobbyist.

34 (~~≡~~13) "Measure" means any proposal, to be voted statewide, submitted
35 to the people for their approval or rejection at an election, including any
36 initiative, referendum, recall election for statewide or legislative dis-
37 trict offices, 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 reviews it and gives it a ballot title. A recall shall be deemed
40 a measure upon approval of the recall petition as to form pursuant to section
41 34-1704, Idaho Code.

42 (~~≠~~14) "Nonbusiness entity" means any group of two (2) or more individu-
43 als, corporation, association, firm, partnership, committee, club or other
44 organization which:

45 (~~1~~a) Does not have as its principal purpose the conduct of business ac-
46 tivities for profit; and

47 (~~2~~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 (~~a~~15) "Person" means an individual, corporation, association, firm,
2 partnership, committee, political party, club or other organization or
3 group of persons.

4 (~~p~~16) "Political committee" means:

5 (~~1~~a) Any person specifically designated to support or oppose any candi-
6 date or measure; or

7 (~~2~~b) Any person who receives contributions and makes expenditures in
8 an amount exceeding five hundred dollars (\$500) in any calendar year
9 for the purpose of supporting or opposing one (1) or more candidates or
10 measures. Any entity registered with the federal election commission
11 shall not be considered a political committee for purposes of this chap-
12 ter.

13 (~~3~~c) A county, district or regional committee of a recognized politi-
14 cal party shall not be considered a political committee for the purposes
15 of this chapter unless such party committee has expenditures exceeding
16 five thousand dollars (\$5,000) in a calendar year.

17 (~~a~~17) "Political treasurer" means an individual appointed by a candi-
18 date or political committee as provided in section 67-6603, Idaho Code.

19 (~~1~~8) "Public office" means any state office or position, state sena-
20 tor, state representative, and judge of the district court that is filled by
21 election.

22 SECTION 2. That Section 67-6607, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (~~a~~1) The politi-
25 cal treasurer for each candidate and the political treasurer of each politi-
26 cal committee shall file with the secretary of state:

27 (~~1~~a) Not more than fourteen (14) days and not less than seven (7) days
28 before the date of a primary election in which the candidate or polit-
29 ical committee is involved, a statement of all contributions received
30 and all expenditures or encumbrances made by or on behalf of the candi-
31 date or political committee prior to the fifteenth day before the pri-
32 mary election;

33 (~~2~~b) Not more than thirty (30) days after the date of a primary election
34 in which a candidate or a political committee is involved, a statement
35 of all contributions received and all expenditures or encumbrances made
36 by or on behalf of the candidate or political committee to cover the pe-
37 riod since the fifteenth day before the primary election to and includ-
38 ing the tenth day after the primary election;

39 (~~3~~c) For all political committees supporting or opposing measures, a
40 statement of all contributions received and all expenditures or encum-
41 brances made by or on behalf of the measure or any candidate or made by
42 or against the measure or any candidate shall be filed on the same dates
43 provided in paragraphs (1), (2), (4), (5) and (6) of this subsection;

44 (~~4~~d) Not later than October 10 immediately preceding a general election
45 in which the candidate or political committee is involved, a statement
46 of all contributions received and all expenditures or encumbrances made
47 by or on behalf of the candidate or political committee since and in-

1 cluding the eleventh day after the date of the primary election and to
2 and including September 30;

3 (~~5e~~) Not more than fourteen (14) days and not less than seven (7) days
4 before the date of a general election in which the candidate or polit-
5 ical committee is involved, a statement of all contributions received
6 and all expenditures or encumbrances made by or on behalf of the can-
7 didate or political committee since and including October 1 and to and
8 including the sixteenth day before the general election, together with
9 a cumulative statement showing all such contributions and expenditures
10 or encumbrances to and including the sixteenth day before the general
11 election; and

12 (~~6f~~) Not more than thirty (30) days after the date of a general election
13 in which the candidate or political committee is involved, a statement
14 of all contributions received and all expenditures or encumbrances made
15 by or on behalf of the candidate or political committee to cover the pe-
16 riod since the fifteenth day before the general election to and includ-
17 ing the tenth day after the general election.

18 (~~b2~~) For the first report under this section the reporting period shall
19 cover the period beginning with the first contribution, expenditure, or en-
20 cumbrance.

21 (~~e3~~) Notwithstanding any other reports required under this section,
22 the political treasurer for each candidate and any political committee shall
23 notify the secretary of state, ~~in writing,~~ of any contribution of one thou-
24 sand dollars (\$1,000) or more, received by the political treasurer after
25 the ~~sixteenth~~ forty-fifth day before, ~~but more than forty-eight (48) hours~~
26 ~~before,~~ any ~~primary or general~~ election. This notification shall be made
27 within forty-eight (48) hours after the receipt of such contribution and
28 shall include the name of the candidate, political committee or measure,
29 the identification of the contributor, and the date of receipt and amount of
30 the contribution. The notification shall be in addition to the reporting of
31 these contributions in the postelection report.

32 (~~d4~~) For all reports required pursuant to this section the secretary of
33 state shall accept the date of a postmark as the date of receipt except for
34 the seven (7) day preelection reports which must be received by no later than
35 5:00 p.m. on the seventh day preceding the primary or general election.

36 (~~e5~~) Any reports required to be filed under the provisions of this sec-
37 tion may also be filed by means of an electronic facsimile transmission ma-
38 chine and may be filed by other electronic means as approved by the secretary
39 of state.

40 SECTION 3. That Section 67-6610, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 67-6610. CONTRIBUTION IN EXCESS OF FIFTY DOLLARS. (~~a1~~) Any person who
43 contributes more than fifty dollars (\$50.00) (including one or more smaller
44 contributions which aggregate more than fifty dollars (\$50.00) in any one
45 calendar year) to a candidate or political committee shall accompany the
46 contribution with a statement of his full name and complete address.

47 (~~b2~~) If a political treasurer is offered or receives a payment or con-
48 tribution of more than fifty dollars (\$50.00), or which together with prior

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1 contributions from the same person during that calendar year exceeds fifty
2 dollars (\$50.00), and there is no statement of the full name and complete ad-
3 dress of the person making the contribution, the contribution shall be re-
4 turned to the contributor if his identity can be ascertained. If the con-
5 tributor's identity cannot be ascertained, the contribution shall be trans-
6 mitted immediately by the political treasurer who received it to the state
7 controller for deposit in the public school fund.

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