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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fifth Legislature First Regular Session - 2019  
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1 AN ACT  
2 RELATING TO CAMPAIGN FINANCE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY  
3 THE ADDITION OF A NEW SECTION 67-6607A, IDAHO CODE, TO PROVIDE FOR THE  
4 BALLOT DISQUALIFICATION OF CANDIDATES WHO FAIL TO TIMELY FILE REPORTS  
5 REQUIRED BY LAW; AMENDING SECTION 67-6625, IDAHO CODE, TO REVISE THE  
6 MAXIMUM CIVIL FINE FOR VIOLATORS OF CERTAIN CAMPAIGN FINANCE REPORTING  
7 LAWS AND TO PROVIDE FOR CUMULATIVE PENALTIES AND REMEDIES; AND AMENDING  
8 SECTION 67-6625A, IDAHO CODE, TO PROVIDE FOR CUMULATIVE PENALTIES AND  
9 REMEDIES.

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

11 SECTION 1. That Chapter 66, Title 67, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 67-6607A, Idaho Code, and to read as follows:

14 67-6607A. FAILURE TO FILE REPORT -- BALLOT DISQUALIFICATION. (1) If  
15 a candidate fails to file the report required under section 67-6607, Idaho  
16 Code, within forty-eight (48) hours after the deadline for filing the re-  
17 port, the secretary of state shall disqualify the candidate and inform the  
18 county clerk and other appropriate election officials that the candidate is  
19 disqualified and the political party of which the candidate is a member, if  
20 any, will not be permitted to replace the candidate.

21 (2) If a candidate fails to timely file a report required under section  
22 67-6607, Idaho Code, the secretary of state may, within twenty-four (24)  
23 hours of the missed deadline, send an electronic notice to the candidate and  
24 the political party of which the candidate is a member, if any, informing  
25 them of the provisions of subsection (1) of this section.

26 (3) If a candidate is disqualified under this section, the election of-  
27 ficial shall:

28 (a) Remove the candidate's name from the ballot; or  
29 (b) If removing the candidate's name from the ballot is not practi-  
30 cable, inform the voters by any practicable method that the candidate  
31 has been disqualified and that votes cast for the candidate will not be  
32 counted.

33 (4) An election official may fulfill the requirements of subsection  
34 (3) of this section in relation to an absentee voter, including a military  
35 or overseas absentee voter, by including with the absentee ballot a written  
36 notice directing the voter to a public website that will inform the voter  
37 whether a candidate on the ballot has been disqualified.

38 (5) A candidate is not disqualified under this section if all of the  
39 following conditions are met:

40 (a) The candidate files the reports required under section 67-6607,  
41 Idaho Code, no later than forty-eight (48) hours after the applicable  
42 deadlines for filing the reports;

- 1 (b) The reports are complete, detailing accurately and completely the
- 2 information required by law, except for inadvertent omissions or in-
- 3 significant errors or inaccuracies; and
- 4 (c) The omissions, errors or inaccuracies described in this subsection
- 5 are corrected in an amended report or the next scheduled report.
- 6 (6) The remedy provided in this section is cumulative and does not
- 7 exclude any other remedy or penalty prescribed in sections 67-6625 and
- 8 67-6625A, Idaho Code.

9 SECTION 2. That Section 67-6625, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

- 11 67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSE-
- 12 CUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions
- 13 of sections 67-6603, 67-6604, 67-6606 through 67-6614A, 67-6617, 67-6619,
- 14 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, Idaho Code, shall be li-
- 15 able for a civil fine not to exceed ~~two hundred fifty dollars (\$250) if an~~
- 16 ~~individual, and not more than two thousand five hundred dollars (\$2,500) if a~~
- 17 ~~person other than an individual~~. The burden of proof for such civil liabil-
- 18 ity shall be met by showing a preponderance of the evidence.
- 19 (2) Any person who violates section 67-6605 or 67-6621(2), Idaho
- 20 Code, and any person who knowingly and willfully violates sections 67-6603
- 21 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627
- 22 or 67-6628, Idaho Code, is guilty of a misdemeanor and, upon conviction, in
- 23 addition to the fines set forth in subsection (1) of this section, may be
- 24 imprisoned for not more than six (6) months or be both fined and imprisoned.
- 25 (3) The attorney general or the appropriate prosecuting attorney may
- 26 prosecute any violations of this act.
- 27 (4) Prosecution for violation of this act must be commenced within two
- 28 (2) years after the date on which the violation occurred.
- 29 (5) Venue for prosecution under the provisions of this chapter shall be
- 30 in the county of residence of the defendant if the defendant is a resident of
- 31 the state of Idaho, otherwise venue shall be in Ada county.
- 32 (6) The provisions of this section are cumulative and do not exclude any
- 33 other remedy or penalty prescribed in sections 67-6607A or 67-6625A, Idaho
- 34 Code.

35 SECTION 3. That Section 67-6625A, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

- 37 67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. (1) If any per-
- 38 son fails to file a report or statement on or before a specified date, he
- 39 shall be liable to the secretary of state in an the amount of fifty dollars
- 40 (\$50.00) per day after the deadline until the statement or report is filed,
- 41 ~~to the secretary of state~~. Liability need not be enforced by the secretary
- 42 of state if on an impartial basis he determines that the late filing was not
- 43 willful and that enforcement of the liability will not further the purposes
- 44 of the act, except that no liability shall be waived if a statement or report
- 45 is not filed within five (5) days after receiving written notice of the fil-
- 46 ing requirement from the secretary of state.

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1           (2) The ~~remedy~~ penalties provided in this section ~~is~~ are cumulative  
2 and ~~does~~ do not exclude any other remedy or penalty prescribed in ~~section~~  
3 sections 67-6607A and 67-6625, Idaho Code.