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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 SECTION 67-6604, IDAHO CODE, TO PRO-
3 VIDE FOR THE INSPECTION OF CERTAIN POLITICAL ACCOUNTS BY A COUNTY CLERK,
4 TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;
5 AMENDING SECTION 67-6615, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE
6 DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE IN-
7 SPECTION OF STATEMENTS PURSUANT TO THIS CHAPTER, TO PROVIDE LEGISLATIVE
8 INTENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6616,
9 IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF
10 STATE AND OF COUNTY CLERKS REGARDING THE EXAMINATION OF STATEMENTS
11 FILED PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS;
12 AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE
13 DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS; AMENDING SECTION
14 67-6625A, IDAHO CODE, TO CLARIFY THE LIABILITY FOR THE LATE FILING OF A
15 STATEMENT OR REPORT; AND AMENDING SECTION 67-6626, IDAHO CODE, TO PRO-
16 VIDE FOR THE ROLE OF A COUNTY CLERK IN AN INJUNCTION TO ENFORCE THE ACT.

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

18 SECTION 1. That Section 67-6604, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 67-6604. ACCOUNTS OF POLITICAL TREASURER. (a~~1~~) The political trea-
21 surer for each candidate or political committee shall keep detailed ac-
22 counts, current within not more than seven (7) days after the date of receiv-
23 ing the contribution or making an expenditure, of all contributions received
24 and all expenditures made by or on behalf of the candidate or political com-
25 mittee that are required to be set forth in a statement filed under this act.

26 (b~~2~~) Accounts kept by the political treasurer for a candidate or polit-
27 ical committee may be inspected, before the election to which the accounts
28 refer, by the Secretary of State, or county clerk for local government of-
29 fices or measures, or his agent or employee, who is making an investigation
30 pursuant to section 67-6615, Idaho Code.

31 (e~~3~~) Accounts kept by a political treasurer shall be preserved by him
32 for at least one (1) year after the date of the election to which the accounts
33 refer or at least one (1) year after the date the last supplemental statement
34 is filed under section 67-6609~~,8~~, Idaho Code, whichever is later.

35 SECTION 2. That Section 67-6615, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 67-6615. INSPECTION BY SECRETARY OF STATE AND COUNTY CLERKS. (1) It
38 is the intent of the legislature to consolidate filings for all offices and
39 measures in a central online database established by the secretary of state.

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1 (2) ~~The Secretary of State shall inspect each statement filed in his office~~
2 ~~under this act pursuant to this chapter for statewide, legislative and~~
3 ~~judicial district offices or measures, and the county clerk shall inspect~~
4 ~~each statement filed for all local government offices or measures for which~~
5 ~~the county is the home county, as defined in section 34-1401, Idaho Code,~~
6 ~~within two (2) days after the date it is filed. He shall notify a person re-~~
7 ~~quired to file a statement under this act immediately if:~~

8 (a) ~~It~~ appears that the person has failed to file a statement as re-
9 quired by law or that a statement filed by the person does not conform to
10 law; or

11 (b) ~~a~~ written complaint is filed with the Secretary of State or county
12 clerk by any registered voter alleging that a statement filed with the
13 Secretary of State does not conform to law or to the truth or that a per-
14 son has failed to file a statement required by law.

15 SECTION 3. That Section 67-6616, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the
18 date of each election, the Secretary of State shall examine such statement
19 ~~filed with his office under this act pursuant to this chapter for statewide,~~
20 ~~legislative and judicial district offices or measures, and the county clerk~~
21 ~~shall inspect each statement filed for all local government offices or mea-~~
22 ~~asures for which the county is the home county, as defined in section 34-1401,~~
23 ~~Idaho Code; and referring to the election, to determine whether the state-~~
24 ~~ment conforms to law. Such examinations shall include a comparison of re-~~
25 ~~ports and statements received by the Secretary of State pursuant to sections~~
26 ~~67-6607--67-6609, 67-6611, and 67-6614, Idaho Code. The Secretary of State~~
27 ~~or county clerk may require any person to answer in writing and under oath or~~
28 ~~affirmation any question within the knowledge of that person concerning the~~
29 ~~source of any contribution.~~

30 SECTION 4. That Section 67-6623, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 67-6623. DUTIES OF SECRETARY OF STATE AND COUNTY CLERKS. (1) The sec-
33 retary of state and each county clerk is charged with enforcement of the pro-
34 visions of this act, ~~and.~~

35 (2) ~~In~~ addition to duties otherwise prescribed herein, it shall be ~~his~~
36 the duty of the secretary of state:

37 (1a) To prescribe forms for statements and other information required
38 to be filed by this act, and to furnish such forms and instruction manual
39 to persons required to file such statements and information;

40 (2b) To make statements and other information filed with him available
41 for public inspection and copying during regular office hours, and to
42 make copying facilities available at a charge not to exceed actual cost;

43 (3c) To preserve such statements and other information for a period of
44 four (4) years from date of receipt;

45 (4d) With respect to statewide, legislative and judicial district of-
46 fices and measures, to make investigations ~~with respect to~~ of state-

1 ments filed under the provisions of this act, and with respect to al-
2 leged failures to file any statement required under the provisions of
3 this act, and upon complaint by any person with respect to alleged vio-
4 lations of any part of this act;

5 (5e) To report suspected violations of law to the appropriate law en-
6 forcement authorities;

7 (6f) To prescribe and publish rules in accordance with the provisions
8 of chapter 52, title 67, Idaho Code, and to take such other actions as
9 may be appropriate to carry out the provisions of this act;

10 (7g) To require and prescribe methods for the filing of reports in an
11 electronic format to ensure the prompt filing of reports with county
12 clerks, city clerks and clerks of special districts. The receiving au-
13 thority may, on an individual basis, grant a hardship waiver and accept
14 a report required by this chapter in another format specified by the
15 secretary of state.

16 ~~(8) To require and prescribe methods for the online filing of reports
17 with the secretary of state to ensure prompt publication of reports on
18 the secretary of state's website online database established by the
19 secretary of state's office for the filing and publication of all re-
20 ports required pursuant to this chapter. The online database shall
21 accommodate the filings of all state and local government candidates,
22 political committees, measures and lobbyists. The online database
23 shall be accessible on the secretary of state's website and be search-
24 able by the public by address, candidate, committee, contribution,
25 contributor, date, expense, office, party, purpose and any other con-
26 tent deemed appropriate by the secretary of state. The secretary of
27 state may, on an individual basis, grant a hardship waiver and accept a
28 report required by this chapter in another format specified by the sec-
29 retary of state, which will be entered into the online database by the
30 secretary of state within three (3) days of filing.~~

31 (3) It shall be the duty of the county clerk with respect to all local
32 government offices or measures for which the county is the home county, as
33 defined in section 34-1401, Idaho Code, to make investigations of statements
34 required to be filed under this chapter, of alleged failures to file any re-
35 quired statement, and of any complaint filed by any person of an alleged vi-
36 olation of any part of this chapter with respect to local government offices
37 or measures in his county. The county clerk shall report any suspected vio-
38 lations of this chapter pertaining to a local government office or measure to
39 the county prosecutor.

40 SECTION 5. That Section 67-6625A, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. (1) If any person
43 fails to file a report or statement on or before a specified date, he shall be
44 liable in an amount of fifty dollars (\$50.00) per day after the deadline un-
45 til the statement or report is filed, to the secretary of state, if the state-
46 ment is connected to a legislative, statewide or judicial district office or
47 measure, or to the county clerk, in the case of a local government office or
48 measure. Liability need not be enforced by the secretary of state or county

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1 clerk if on an impartial basis he determines that the late filing was not
2 willful and that enforcement of the liability will not further the purposes
3 of the act, except that no liability shall be waived if a statement or report
4 is not filed within five (5) days after receiving written notice of the fil-
5 ing requirement from the secretary of state or county clerk.

6 (2) The remedy provided in this section is cumulative and does not ex-
7 clude any other remedy or penalty prescribed in section 67-6625, Idaho Code.

8 SECTION 6. That Section 67-6626, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-6626. INJUNCTIONS. The district courts of this state shall have
11 original jurisdiction to issue injunctions to enforce the provisions of this
12 act upon application by any citizen of this state ~~or~~, by the Secretary of
13 State or by the county clerk. The court may in its discretion require the
14 citizen plaintiff to file a written complaint with the Secretary of State
15 or county clerk prior to seeking injunctive relief. A successful plaintiff
16 is entitled to be reimbursed for reasonable costs of litigation, including
17 reasonable attorney's fees by the person or persons named defendant in said
18 injunctive action. A successful defendant is entitled to be reimbursed for
19 reasonable costs of litigation, including reasonable attorney's fees if the
20 court determines that plaintiff's action was without substantial merit.