

**DRAFT**

DRKMF048

-----  
LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fifth Legislature First Regular Session - 2019  
-----

This bill draft contains confidential and privileged information exempt from disclosure under Section 74-109(1), Idaho Code. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning the Legislative Services Office at (208) 334-2475.

AN ACT

1 RELATING TO CAMPAIGN FINANCE; AMENDING SECTION 67-6601, IDAHO CODE, TO RE-  
2 VISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6602, IDAHO CODE, TO  
3 REVISE DEFINITIONS; AMENDING SECTION 67-6604, IDAHO CODE, TO PROVIDE  
4 FOR THE INSPECTION OF CERTAIN POLITICAL ACCOUNTS BY A COUNTY CLERK, TO  
5 PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;  
6 AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW  
7 SECTION 67-6607A, IDAHO CODE, TO PROVIDE FOR LIMITED APPLICATION OF  
8 CAMPAIGN FINANCE REPORTING LAWS TO CERTAIN ELECTIONS; AMENDING SEC-  
9 TION 67-6610A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTRIBUTION  
10 LIMITS AND TO PROVIDE FOR APPLICABILITY TO SPECIAL ELECTIONS; AMENDING  
11 SECTION 67-6610B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND  
12 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6615, IDAHO CODE,  
13 TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF  
14 COUNTY CLERKS REGARDING THE INSPECTION OF STATEMENTS PURSUANT TO THIS  
15 CHAPTER, TO PROVIDE LEGISLATIVE INTENT AND TO MAKE TECHNICAL CORREC-  
16 TIONS; AMENDING SECTION 67-6616, IDAHO CODE, TO PROVIDE FOR THE RESPEC-  
17 TIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE  
18 EXAMINATION OF STATEMENTS FILED PURSUANT TO THIS CHAPTER AND TO MAKE  
19 TECHNICAL CORRECTIONS; AMENDING SECTION 67-6623, IDAHO CODE, TO PRO-  
20 VIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY  
21 CLERKS; AMENDING SECTION 67-6625A, IDAHO CODE, TO PROVIDE THAT THE SEC-  
22 RETARY OF STATE OR COUNTY CLERK SHALL PROVIDE NOTIFICATION TO PERSONS  
23 WHO HAVE FAILED TO FILE A REQUIRED STATEMENT OR REPORT; AMENDING SECTION  
24 67-6626, IDAHO CODE, TO PROVIDE FOR THE ROLE OF A COUNTY CLERK IN AN  
25 INJUNCTION TO ENFORCE THE ACT; REPEALING SECTION 1-2220A, IDAHO CODE,  
26 RELATING TO CAMPAIGN FINANCE REPORTING FOR MAGISTRATE RETENTION ELEC-  
27 TIONS; REPEALING SECTION 31-2012, IDAHO CODE, AMENDING SECTION 33-503,  
28 IDAHO CODE, TO REMOVE A PROVISION REGARDING CAMPAIGN FINANCE REPORT-  
29 ING FOR CERTAIN SCHOOL TRUSTEE ELECTIONS; AMENDING SECTION 33-2106,  
30 IDAHO CODE, TO REMOVE LANGUAGE REGARDING CAMPAIGN FINANCE REPORTING FOR  
31 COMMUNITY COLLEGE TRUSTEE ELECTIONS; REPEALING SECTION 40-1417, IDAHO  
32 CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR COUNTY-WIDE HIGHWAY  
33 DISTRICT ELECTIONS; REPEALING SECTION 50-420, IDAHO CODE, RELATING TO  
34 CAMPAIGN FINANCE REPORTING IN CERTAIN CITY ELECTIONS; AND REPEALING  
35 SECTION 67-4931, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR  
36 AUDITORIUM DISTRICT ELECTIONS.  
37

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

39 SECTION 1. That Section 67-6601, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 67-6601. PURPOSE OF ACT. The purpose of this act is:  
42 (a~~1~~) To promote public confidence in government; and

1           (b2) To promote openness in government ~~and avoiding secrecy~~ and to  
2 promote transparency by those giving financial support to state election  
3 campaigns and those promoting or opposing legislation or attempting to in-  
4 fluence executive or administrative actions for compensation ~~at the state~~  
5 ~~level.~~

6           SECTION 2. That Section 67-6602, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8           67-6602. DEFINITIONS. As used in this chapter, the following terms  
9 have the following meanings:

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

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

16           ~~(2) Announces publicly or files for office~~  
17 seeks nomination, election or reelection to public office and who has taken  
18 any of the following actions:

19           (a) Announced his or her candidacy publicly;

20           (b) Filed for public office;

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

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

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

34           (b2) "Compensation" includes any advance, conveyance, forgiveness of  
35 indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-  
36 fer of money or anything of value, and any contract, agreement, promise or  
37 other obligation, whether or not legally enforceable, to do any of the fore-  
38 going, for services rendered or to be rendered, but does not include reim-  
39 bursement of expenses if such reimbursement does not exceed the amount ac-  
40 tually expended for such expenses and is substantiated by an itemization of  
41 such expenses.

42           (e3) "Contribution" includes any advance, conveyance, forgiveness of  
43 indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-  
44 scription or transfer of money or anything of value, and any contract, agree-  
45 ment, promise or other obligation, whether or not legally enforceable, to  
46 make a contribution, in support of or in opposition to any candidate, polit-  
47 ical committee or measure. Such term also includes personal funds or other  
48 property of a candidate or members of his household expended or transferred

1 to cover expenditures incurred in support of such candidate but does not  
2 include personal funds used to pay the candidate filing fee. Such term also  
3 includes the rendering of personal and professional services for less than  
4 full consideration, but does not include ordinary home hospitality or the  
5 rendering of "part-time" personal services of the sort commonly performed  
6 by volunteer campaign workers or advisors or incidental expenses not in ex-  
7 cess of twenty-five dollars (\$25.00) personally paid for by any volunteer  
8 campaign worker. "Part-time" services, for the purposes of this definition,  
9 means services in addition to regular full-time employment, or, in the case  
10 of an unemployed person or persons engaged in part-time employment, services  
11 rendered without compensation or reimbursement of expenses from any source  
12 other than the candidate or political committee for whom such services are  
13 rendered. For the purposes of this act, contributions, other than money or  
14 its equivalent shall be deemed to have a money value equivalent to the fair  
15 market value of the contribution.

16 (d4) "Election" means any state or local general, special, recall or  
17 primary election.

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

21 (f6) (1a) "Electioneering communication" means any communication  
22 broadcast by television or radio, printed in a newspaper or on a bill-  
23 board, directly mailed or delivered by hand to personal residences, or  
24 telephone calls made to personal residences, or otherwise distributed  
25 that:

- 26 (i) Unambiguously refers to any candidate; and
- 27 (ii) Is broadcasted, printed, mailed, delivered, made or dis-  
28 tributed within thirty (30) days before a primary election or  
29 sixty (60) days before a general election; and
- 30 (iii) Is broadcasted to, printed in a newspaper, distributed to,  
31 mailed to or delivered by hand to, telephone calls made to, or  
32 otherwise distributed to an audience that includes members of the  
33 electorate for such public office.

34 (2b) "Electioneering communication" does not include:

- 35 (i) Any news articles, editorial endorsements, opinion or com-  
36 mentary, writings, or letter to the editor printed in a newspaper,  
37 magazine, or other periodical not owned or controlled by a candi-  
38 date, political committee, or political party;
- 39 (ii) Any editorial endorsements or opinions aired by a broadcast  
40 facility not owned or controlled by a candidate, political commit-  
41 tee, or political party;
- 42 (iii) Any communication by persons made in the regular course and  
43 scope of their business or any communication made by a membership  
44 organization solely to members of such organization and their fam-  
45 ilies;
- 46 (iv) Any communication which refers to any candidate only as part  
47 of the popular name of a bill or statute;
- 48 (v) A communication which constitutes an expenditure or an inde-  
49 pendent expenditure under this chapter.

50 (g7) "Executive official" means:

**DRAFT**

DRKMF048

4

- 1           (1a) The governor, lieutenant governor, secretary of state, state con-  
2           troller, state treasurer, attorney general, superintendent of public  
3           instruction and any deputy or staff member of one (1) of those individ-  
4           uals who, within the course and scope of his or her employment, is di-  
5           rectly involved in major policy influencing decisions for the office;  
6           (2b) A state department or agency director, deputy director, division  
7           administrator or bureau chief as established and enumerated in sections  
8           67-2402 and 67-2406, Idaho Code;  
9           (3c) The membership and the executive or chief administrative officer  
10          of any board or commission that is authorized to make rules or conduct  
11          rulemaking activities pursuant to section 67-5201, Idaho Code;  
12          (4d) The membership and the executive or chief administrative officer  
13          of any board or commission that governs any of the state departments  
14          enumerated in section 67-2402, Idaho Code, not including public school  
15          districts;  
16          (5e) The membership and the executive or chief administrative officer  
17          of the Idaho public utilities commission, the Idaho industrial commis-  
18          sion, and the Idaho state tax commission; and  
19          (6f) The members of the governing board of the state insurance fund, and  
20          the members of the governing board and the executive or chief adminis-  
21          trative officer of the Idaho housing and finance association, the Idaho  
22          energy resources authority, and the Idaho state building authority.  
23          (8) "Expenditure" includes any payment, contribution, subscription,  
24          distribution, loan, advance, deposit, or gift of money or anything of value,  
25          and includes a contract, promise, or agreement, whether or not legally en-  
26          forceable, to make an expenditure. The term "expenditure" also includes a  
27          promise to pay, a payment or a transfer of anything of value in exchange for  
28          goods, services, property, facilities or anything of value for the purpose  
29          of assisting, benefiting or honoring any public official or candidate, or  
30          assisting in furthering or opposing any election campaign.  
31          (9) "Independent expenditure" means any expenditure by a person for  
32          a communication expressly advocating the election, passage or defeat of a  
33          clearly identified candidate or measure that is not made with the coopera-  
34          tion or with the prior consent of, or in consultation with, or at the consent  
35          of, or in consultation with, or at the request of a suggestion of, a candidate  
36          or any agent or authorized committee of the candidate or political committee  
37          supporting or opposing a measure. As used in this subsection, "expressly ad-  
38          vocating" means any communication containing a message advocating election,  
39          passage or defeat including, but not limited to, the name of the candidate  
40          or measure, or expression such as "vote for," "elect," "support," "cast your  
41          ballot for," "vote against," "defeat" or "reject."  
42          (10) "Lobby" and "lobbying" each means attempting through contacts  
43          with, or causing others to make contact with, members of the legislature or  
44          legislative committees or an executive official, to influence the approval,  
45          modification or rejection of any legislation by the legislature of the state  
46          of Idaho or any committee thereof or by the governor or to develop or main-  
47          tain relationships with, promote goodwill with, or entertain members of the  
48          legislature or executive officials. "Lobby" and "lobbying" shall also mean  
49          communicating with an executive official for the purpose of influencing the  
50          consideration, amendment, adoption or rejection of any rule or rulemaking as

1 defined in section 67-5201, Idaho Code, or any ratemaking decision, procure-  
2 ment, contract, bid or bid process, financial services agreement, or bond  
3 issue. Neither "lobby" nor "lobbying" includes an association's or other  
4 organization's act of communicating with the members of that association  
5 or organization; and provided that neither "lobby" nor "lobbying" includes  
6 communicating with an executive official for the purpose of carrying out  
7 ongoing negotiations following the award of a bid or a contract, communica-  
8 tions involving ongoing legal work and negotiations conducted by and with  
9 attorneys for executive agencies, interactions between parties in litiga-  
10 tion or other contested matters, or communications among and between members  
11 of the legislature and executive officials and their employees, or by state  
12 employees while acting in their official capacity or within the course and  
13 scope of their employment.

14 (~~11~~) "Lobbyist" includes any person who lobbies.

15 (~~12~~) "Lobbyist's employer" means the person or persons by whom a lob-  
16 byist is employed, directly or indirectly, and all persons by whom he is com-  
17 pensated for acting as a lobbyist.

18 (~~13~~) "Local government office" means any publicly elected office for  
19 any political subdivision of the state or special district that is not a leg-  
20 islative, judicial, statewide or federal office.

21 (~~14~~) "Measure" means any proposal, ~~to be voted statewide,~~ submitted to  
22 the people for their approval or rejection at an election, including any ini-  
23 tiative, referendum, recall election ~~for statewide or legislative district~~  
24 ~~offices,~~ or revision of or amendment to the state constitution. An ini-  
25 tiative or referendum proposal shall be deemed a measure when the attorney  
26 general, county prosecutor or city attorney, as appropriate, reviews it and  
27 gives it a ballot title. A recall shall be deemed a measure upon approval of  
28 the recall petition as to form pursuant to section 34-1704, Idaho Code.

29 (~~15~~) "Nonbusiness entity" means any group of two (2) or more individu-  
30 als, corporation, association, firm, partnership, committee, club or other  
31 organization which:

32 (~~1a~~) Does not have as its principal purpose the conduct of business ac-  
33 tivities for profit; and

34 (~~2b~~) Received during the preceding or current calendar year contribu-  
35 tions, gifts or membership fees, which in the aggregate exceeded ten  
36 percent (10%) of its total receipts for such year.

37 (~~16~~) "Person" means an individual, corporation, association, firm,  
38 partnership, committee, political party, club or other organization or  
39 group of persons.

40 (~~17~~) "Political committee" means:

41 (~~1a~~) Any person specifically designated to support or oppose any candi-  
42 date or measure; or

43 (~~2b~~) Any person who receives contributions and makes expenditures in  
44 an amount exceeding five hundred dollars (\$500) in any calendar year  
45 for the purpose of supporting or opposing one (1) or more candidates or  
46 measures. Any entity registered with the federal election commission  
47 shall not be considered a political committee for purposes of this chap-  
48 ter.

49 (~~3c~~) A county, district or regional committee of a recognized politi-  
50 cal party shall not be considered a political committee for the purposes

1 of this chapter unless such party committee has expenditures exceeding  
2 five thousand dollars (\$5,000) in a calendar year.

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

5 (~~a~~19) "Public office" means any local, legislative, judicial or state  
6 office or position, state senator, state representative, and judge of the  
7 district court that is filled by election but does not include the office of  
8 precinct committeeman.

9 SECTION 3. That Section 67-6604, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 67-6604. ACCOUNTS OF POLITICAL TREASURER. (~~a~~1) The political trea-  
12 surer for each candidate or political committee shall keep detailed ac-  
13 counts, current within not more than seven (7) days after the date of receiv-  
14 ing the contribution or making an expenditure, of all contributions received  
15 and all expenditures made by or on behalf of the candidate or political com-  
16 mittee that are required to be set forth in a statement filed under this act.

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

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

26 SECTION 4. That Chapter 66, Title 67, Idaho Code, be, and the same is  
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
28 ignated as Section 67-6607A, Idaho Code, and to read as follows:

29 67-6607A. SPECIAL PROVISION FOR LOCAL ELECTIONS AND MEASURES. The po-  
30 litical treasurer for a candidate or political committee for a local gov-  
31 ernment office or local ballot measure is exempt from filing reports under  
32 sections 67-6607 and 67-6608, Idaho Code, unless and until such time as the  
33 candidate or political committee receives contributions or expends funds in  
34 the amount of five hundred dollars (\$500) or more. Within seven (7) calen-  
35 dar days of the five hundred dollar (\$500) threshold being met, the politi-  
36 cal treasurer for the candidate or political committee shall file a cumula-  
37 tive report covering the period from the first contribution or expenditure  
38 to the current date and shall file all subsequent reports according to sec-  
39 tions 67-6607 and 67-6608, Idaho Code, regardless of amounts received or ex-  
40 pended.

41 SECTION 5. That Section 67-6610A, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in  
44 subsection (2) of this section, aggregate contributions for a primary elec-

1 tion or a general election made by a corporation, political committee, other  
2 recognized legal entity or an individual, ~~other than the candidate, to a~~  
3 ~~candidate for the state legislature, and political committees organized~~  
4 ~~on the candidate's behalf shall be subject to the limitations of this sub-~~  
5 ~~section; provided, however, this subsection shall not apply to a candidate~~  
6 ~~contributing or loaning money to his own campaign account.~~

7 (a) Aggregate contributions by a corporation, political committee,  
8 other recognized legal entity, or individual to a candidate for the  
9 state legislature, judicial office, or local government office, and  
10 political committees organized on the candidate's behalf, shall be  
11 limited to an amount not to exceed one thousand dollars (\$1,000) for  
12 the primary election and an amount not to exceed one thousand dollars  
13 (\$1,000) for the general election.

14 (b) Aggregate contributions for a primary election or a general elec-  
15 tion by a corporation, political committee, other recognized legal  
16 entity or an individual, other than the candidate, to a candidate for  
17 statewide office and political committees organized on the candidate's  
18 behalf shall be limited to an amount not to exceed five thousand dollars  
19 (\$5,000) for the primary election and an amount not to exceed five thou-  
20 sand dollars (\$5,000) for the general election.

21 (2) Aggregate contributions for a primary election or for a general  
22 election made by a county central committee or by the state central committee  
23 of the political parties qualified under section 34-501, Idaho Code, to a  
24 candidate for the state legislature, ~~and political committees organized~~  
25 ~~on the candidate's behalf shall be limited to an amount not to exceed two~~  
26 ~~thousand dollars (\$2,000) for the primary election and an amount not to~~  
27 ~~exceed two thousand dollars (\$2,000) for the general election. Aggregate~~  
28 ~~contributions for the primary election or the general election by the state~~  
29 ~~central committee of the political parties qualified under section 34-501,~~  
30 ~~Idaho Code, to a candidate for statewide office and political committees or-~~  
31 ~~ganized on the candidate's behalf shall be limited to an amount not to exceed~~  
32 ~~ten thousand dollars (\$10,000) for the primary election and an amount not to~~  
33 ~~exceed ten thousand dollars (\$10,000) for the general election.~~

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

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

39 (5) Contributions other than money or its equivalent are deemed to have  
40 a monetary value equivalent to the fair market value of the contribution.  
41 Services or property or rights furnished at less than their fair market value  
42 for the purpose of assisting any candidate or political committee are deemed  
43 a contribution. A contribution of this kind shall be reported as an in-kind  
44 contribution at its fair market value and counts toward any applicable con-  
45 tribution limit of the contributor. Contributions shall not include the  
46 personal services of volunteers.

47 (6) ~~The contribution limits for the state legislature shall apply to~~  
48 ~~judicial district offices, city offices and county offices regulated by this~~  
49 ~~chapter.~~

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

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

5 (b) All contributions made by a person or political committee whose  
6 contribution or expenditure activity is financed, maintained or con-  
7 trolled by a trade association, labor union or collective bargaining  
8 organization shall be considered a contribution from such trade associ-  
9 ation, labor union or collective bargaining organization.

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

- 12 (i) Share the majority of members on their board of directors;
- 13 (ii) Share two (2) or more officers;
- 14 (iii) Are owned or controlled by the same majority shareholder or  
15 shareholders or persons;
- 16 (iv) Are in a parent-subsidiary relationship; or
- 17 (v) Have bylaws so stating.

18 (§7) The provisions of this section are hereby declared to be severable  
19 and if any provision of this section or the application of such provision to  
20 any person or circumstance is declared invalid for any reason, such declara-  
21 tion shall not affect the validity of the remaining portions of this section.

22 SECTION 6. That Section 67-6610B, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 67-6610B. RETIRING DEBT. (1) If a political committee organized on  
25 behalf of a candidate has unpaid debt at the end of the reporting periods  
26 specified in section 67-6607(a)(2) ~~or 67-6607(a)(6)~~, Idaho Code, then the  
27 committee may accept additional contributions to retire such unpaid debt,  
28 provided the contributions do not exceed the applicable contribution limits  
29 prescribed.

30 (2) For the purposes of this section "unpaid debt" means any unpaid  
31 monetary obligation incurred by the political committee as listed on the  
32 reports filed through the postelection report period minus any cash balance  
33 reported on the postelection report. Outstanding loans are considered a  
34 type of "unpaid debt."

35 SECTION 7. 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.

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

- 1 (a) ~~It~~ appears that the person has failed to file a statement as re-
- 2 quired by law or that a statement filed by the person does not conform to
- 3 law; or
- 4 (b) ~~a~~ written complaint is filed with the Secretary of State or county
- 5 clerk by any registered voter alleging that a statement filed with the
- 6 Secretary of State does not conform to law or to the truth or that a per-
- 7 son has failed to file a statement required by law.

8 SECTION 8. That Section 67-6616, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the  
 11 date of each election, the Secretary of State shall examine such statement  
 12 filed ~~with his office under this act~~ pursuant to this chapter for statewide,  
 13 legislative and judicial district offices or measures, and the county clerk  
 14 shall inspect each statement filed for all local government offices or mea-  
 15 sures for which the county is the home county, as defined in section 34-1401,  
 16 Idaho Code; and referring to the election, ~~to~~ determine whether the state-  
 17 ment conforms to law. Such examinations shall include a comparison of re-  
 18 ports and statements received by the Secretary of State pursuant to sections  
 19 67-6607--67-6609, 67-6611, and 67-6614, Idaho Code. The Secretary of State  
 20 or county clerk may require any person to answer in writing and under oath or  
 21 affirmation any question within the knowledge of that person concerning the  
 22 source of any contribution.

23 SECTION 9. That Section 67-6623, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25 67-6623. DUTIES OF SECRETARY OF STATE AND COUNTY CLERKS. (1) The sec-  
 26 retary of state and each county clerk is charged with enforcement of the pro-  
 27 visions of this act, ~~and.~~

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

- 30 (1a) To prescribe forms for statements and other information required
- 31 to be filed by this act, and to furnish such forms and instruction manual
- 32 to persons required to file such statements and information;
- 33 (2b) To make statements and other information filed with him available
- 34 for public inspection and copying during regular office hours, and to
- 35 make copying facilities available at a charge not to exceed actual cost;
- 36 (3c) To preserve such statements and other information for a period of
- 37 four (4) years from date of receipt;
- 38 (4d) With respect to statewide, legislative and judicial district of-
- 39 fices and measures, to make investigations ~~with respect to~~ of state-
- 40 ments filed under the provisions of this act, and with respect to al-
- 41 leged failures to file any statement required under the provisions of
- 42 this act, and upon complaint by any person with respect to alleged vio-
- 43 lations of any part of this act;
- 44 (5e) To report suspected violations of law to the appropriate law en-
- 45 forcement authorities;

1           (6f) To prescribe and publish rules in accordance with the provisions  
2 of chapter 52, title 67, Idaho Code, and to take such other actions as  
3 may be appropriate to carry out the provisions of this act;

4           (7g) To require and prescribe methods for the filing of reports in an  
5 electronic format to ensure the prompt filing of reports with county  
6 clerks, city clerks and clerks of special districts. The receiving au-  
7 thority may, on an individual basis, grant a hardship waiver and accept  
8 a report required by this chapter in another format specified by the  
9 secretary of state.

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

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

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

36          67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. (1) If any person  
37 fails to file a report or statement required under this chapter on or before  
38 a specified date, he shall be liable to the secretary of state for deposit in  
39 the general fund in an the amount of fifty dollars (\$50.00) per day beginning  
40 immediately after the deadline until the statement or report is filed, to  
41 the secretary of state. Liability need not be enforced by t 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 or the county clerk shall notify  
47 the person and his treasurer, if any, that a fine has been assessed and will  
48 continue to accrue until the report or statement has been filed. The noti-

1 fication shall be made by telephone or electronic means within twenty-four  
2 (24) hours of the missed filing deadline.

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

5 SECTION 11. That Section 67-6626, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 67-6626. INJUNCTIONS. The district courts of this state shall have  
8 original jurisdiction to issue injunctions to enforce the provisions of this  
9 act upon application by any citizen of this state ~~or,~~ by the Secretary of  
10 State or by the county clerk. The court may in its discretion require the  
11 citizen plaintiff to file a written complaint with the Secretary of State  
12 or county clerk prior to seeking injunctive relief. A successful plaintiff  
13 is entitled to be reimbursed for reasonable costs of litigation, including  
14 reasonable attorney's fees by the person or persons named defendant in said  
15 injunctive action. A successful defendant is entitled to be reimbursed for  
16 reasonable costs of litigation, including reasonable attorney's fees if the  
17 court determines that plaintiff's action was without substantial merit.

18 SECTION 12. That Section 1-2220A, Idaho Code, be, and the same is hereby  
19 repealed.

20 SECTION 13. That Section 31-2012, Idaho Code, be, and the same is hereby  
21 repealed.

22 SECTION 14. That Section 33-503, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of  
25 school district trustees including those in charter districts shall be on  
26 the Tuesday following the first Monday in November in odd-numbered years.  
27 Notice and conduct of the election, and the canvassing of the returns shall  
28 be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the  
29 person receiving the greatest number of votes cast within his zone shall be  
30 declared by the board of trustees as the trustee elected from that person's  
31 zone.

32 (2) If any two (2) or more persons residing in the same trustee zone have  
33 an equal number of votes and a greater number than any other nominee residing  
34 in that zone, then the board of trustees shall determine the winner by a toss  
35 of a coin.

36 (3) ~~The provisions of sections 67-6601 through 67-6616, Idaho Code, and~~  
37 ~~sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections~~  
38 ~~of school district trustees, except for elections of trustees in a school~~  
39 ~~district that has fewer than five hundred (500) students. Provided however,~~  
40 ~~the county clerk shall stand in place of the secretary of state and the county~~  
41 ~~prosecutor shall stand in place of the attorney general. Any report or fil-~~  
42 ~~ing required to be filed by or for a candidate by such Idaho Code sections~~  
43 ~~shall be filed with the county clerk of the county wherein the district lies~~  
44 ~~or, in the case of a joint district, with the county clerk of the home county~~  
45 ~~as designated pursuant to section 33-304, Idaho Code.~~

1       ~~(4)~~ Incumbent trustees as of the effective date of this act shall have  
2 their terms expire on January 1 following the November election of their suc-  
3 cessors.

4       SECTION 15. That Section 33-2106, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6       33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of  
7 trustees of each community college district shall consist of five (5) elec-  
8 tors who shall reside in a different trustee zone from each other and who  
9 shall be appointed or elected as provided in this section.

10       (a) Immediately following the establishment of a new community college  
11 district, the state board of education shall divide the district into  
12 five (5) trustee zones, which shall be as nearly equal in population as  
13 practicable. If a community college district is situated within two (2)  
14 or more counties, and any one (1) of the counties has sufficient popula-  
15 tion to warrant at least one (1) zone, then the boundaries of a trustee  
16 zone shall be located wholly within the boundaries of such county. The  
17 state board shall also appoint the members of the first board who shall  
18 serve until the election and qualification of their successors.

19       (b) At the first election of trustees after the creation of a district,  
20 five (5) trustees shall be elected: two (2) for terms of two (2) years  
21 each, and three (3) for terms of four (4) years each. Thereafter the  
22 successors of persons so elected shall be elected for terms of four (4)  
23 years.

24       (c) Excluding any first election of trustees after the creation of a  
25 district, at any other election of trustees held in 2008, and in each  
26 trustee election thereafter, trustees shall be elected to terms of four  
27 (4) years. If more than two (2) trustee positions are eligible for elec-  
28 tion in 2008, one (1) trustee shall be elected to a term of four (4) years  
29 and two (2) trustees shall be elected to a term of six (6) years. There-  
30 after the successors of persons so elected in 2008 shall be elected for  
31 terms of four (4) years.

32       (d) The expiration of any term shall be at the regular meeting of the  
33 trustees next following the election for the successor terms.

34       (2) Elections of trustees of community college districts shall be bi-  
35 ennially, in even-numbered years, and shall be held on a date authorized  
36 in section 34-106, Idaho Code. Vacancies on the board of trustees shall be  
37 filled by appointment by the remaining members, but if by reason of vacancies  
38 there remain on the board less than a majority of the required number of mem-  
39 bers, appointment to fill such vacancies shall be made by the state board of  
40 education. Any person so appointed must reside in the trustee zone where the  
41 vacancy occurs and shall serve until the next trustee election, at which time  
42 his successor shall be elected for the unexpired term. The trustees shall  
43 take and subscribe the oath of office required in the case of state officers  
44 and said oath shall be filed with the secretary of state.

45       (3) Notice of the election, the conduct thereof, the qualification of  
46 electors and the canvass of returns shall be as prescribed in chapter 14, ti-  
47 tle 34, Idaho Code.

1 (4) All eligible electors within a community college district may vote  
2 for candidates in each and every zone. An individual who is a candidate for  
3 a specific zone of the community college district must reside in that same  
4 specific zone, and the candidate in each zone receiving the largest number  
5 of votes from the district shall be declared elected. An individual shall  
6 be a candidate for a specific position of the board and each candidate must  
7 declare which position he seeks on the board of trustees. If it be necessary  
8 to resolve a tie between two (2) or more persons, the board of trustees shall  
9 determine by lot which thereof shall be declared elected. The clerk of the  
10 board shall promptly notify any person by mail of his election, enclosing a  
11 form of oath to be subscribed by him as herein provided.

12 (5) When elections held pursuant to this section coincide with other  
13 elections held by the state of Idaho or any subdivision thereof, or any mu-  
14 nicipality or school district, the board of trustees may make agreement with  
15 the body holding such election for joint boards of election and the payment  
16 of fees and expenses of such boards of election on such proportionate basis  
17 as may be agreed upon.

18 (6) At its first meeting following the appointment of the first board of  
19 trustees, and at the first regular meeting following any community college  
20 trustee election, the board shall organize, and shall elect one (1) of its  
21 members chairman, one (1) a vice-chairman; and shall elect a secretary and  
22 a treasurer, who may be members of the board; or one (1) person to serve as  
23 secretary and treasurer, who may be a member of the board.

24 ~~(7) The provisions of sections 67-6601 through 67-6616, Idaho Code, and~~  
25 ~~sections 67-6623 through 67-6630, Idaho Code, are hereby made applicable to~~  
26 ~~all community college trustee elections. Provided however, that the county~~  
27 ~~clerk shall stand in place of the secretary of state and the county prosecu-~~  
28 ~~tor shall stand in place of the attorney general. Any report or filing re-~~  
29 ~~quired to be filed by or for a candidate by such sections of Idaho Code shall~~  
30 ~~be filed with the county clerk of the county where such candidate resides.~~

31 ~~(8)~~ The board shall set a given day of a given week in each month as its  
32 regular meeting time. Three (3) members of the board shall constitute a quo-  
33 rum for the transaction of official business.

34 ~~(98)~~ The authority of trustees of community college districts shall be  
35 limited in the manner prescribed in section 33-507, Idaho Code.

36 ~~(109)~~ Any decision of the state board of education issued pursuant to  
37 chapter 21, title 33, Idaho Code, may be appealed to the district court of  
38 any county in which the district or proposed district lies or shall lie. The  
39 pleadings and other papers shall be filed not more than sixty (60) days after  
40 notice of the order appealed and service of two (2) copies thereof shall be  
41 made upon the state board of education.

42 SECTION 16. That Section 40-1417, Idaho Code, be, and the same is hereby  
43 repealed.

44 SECTION 17. That Section 50-420, Idaho Code, be, and the same is hereby  
45 repealed.

46 SECTION 18. That Section 67-4931, Idaho Code, be, and the same is hereby  
47 repealed.