

FINAL REPORT  
CAMPAIGN FINANCE REFORM  
LEGISLATIVE INTERIM COMMITTEE  
(2018)

Members of the Committee

Senator Patti Anne Lodge, Co-Chair  
Senator Mary Souza  
Senator Mark Harris  
Senator Jeff Agenbroad  
Senator Michelle Stennett

Representative Fred Wood, Co-Chair  
Representative John Vander Woude  
Representative Thomas Loertscher  
Representative Sage Dixon  
Representative Mathew Erpelding  
Representative Megan Blanksma – Ad Hoc

Staff

Kristin Ford, Senior Legislative Analyst  
Maggie Smith, Budget and Policy Analyst  
Ana Lara, Committee Secretary

## *Committee Charge*

The Campaign Finance Reform Legislative Committee was authorized by 2018 Senate Concurrent Resolution 143. The charge of the Committee was to study the campaign finance and disclosure laws, and to report its findings, recommendations and proposed legislation to the First Regular Session of the Sixty-fifth Idaho Legislature.

## *Meetings*

The Committee met five times in the State Capitol in Boise:

March 27, 2018  
July 17, 2018  
August 20, 2018  
October 16, 2018  
October 24, 2018

The Committee held its initial meeting on March 27, 2018. Since this is the Committee's second year, the first action of the committee was to discuss the legislation recommended by the Committee during the 2018 legislative session (2018 HB 573), which had not moved beyond committee, and how the legislation could be improved. Mr. Phil McGrane presented a scaled-back alternative draft, Senate Bill 1337, and went through it section by section with the committee, explaining why it might fare better than HB 573. The Secretary of State's office also provided the Committee with an update of their election system technology project, which includes campaign reporting.

During the course of the next four meetings, the Committee proceeded to discuss:

- 1) Extending campaign finance reporting requirements to all local elections if the candidate receives or spends more than \$500;
- 2) Consolidating campaign finance reporting at the state level with the Secretary of State's office, using a new database currently under development;
- 3) Enhancing the enforcement of penalties to reduce the occurrence of late or unfiled reports;
- 4) Increasing the frequency of report filings; and
- 5) The scope and disclosure requirements for electioneering communications and independent expenditures.

The Committee received input from the Secretary of State's Office, the Ada County Clerk's office, the Attorney General's office, and stakeholders such as lobbyists, the Idaho Freedom Foundation, the Institute for Free Speech and the Campaign Legal Center. In all, the Committee reviewed about thirty pieces of draft legislation and agreed on two final drafts to be introduced to the 2019 Legislature: DRKMF049 and 050.

The Committee also received regular updates from the Secretary of State's Office regarding the progress of their new reporting software that is being developed.

***Recommendations***

It is the recommendation of the members of the Campaign Finance Reform Legislative Interim Committee that:

1. The Legislature consider and pass the Committee's proposed legislation attached to this report as DRKMF049; and
2. The Legislature consider and pass the Committee's proposed legislation attached to this report as DRKMF050.

**DRAFT**

DRKMF049

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

1 AN ACT  
 2 RELATING TO CAMPAIGN FINANCE REPORTS; AMENDING SECTION 67-6601, IDAHO CODE,  
 3 TO REVISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6602, IDAHO CODE,  
 4 TO REVISE DEFINITIONS; AMENDING SECTION 67-6604, IDAHO CODE, TO PROVIDE  
 5 FOR THE INSPECTION OF CERTAIN POLITICAL ACCOUNTS BY A COUNTY CLERK, TO  
 6 PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;  
 7 AMENDING SECTION 67-6607, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
 8 REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL  
 9 COMMITTEES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION  
 10 OF A NEW SECTION 67-6607A, IDAHO CODE, TO PROVIDE FOR LIMITED APPLICA-  
 11 TION OF CAMPAIGN FINANCE REPORTING LAWS TO CERTAIN ELECTIONS; AMENDING  
 12 SECTION 67-6608, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTS OF  
 13 UNEXPENDED BALANCES OR CAMPAIGN DEBT; AMENDING SECTION 67-6610A, IDAHO  
 14 CODE, TO REVISE PROVISIONS REGARDING CONTRIBUTION LIMITS AND TO PROVIDE  
 15 FOR APPLICABILITY TO SPECIAL ELECTIONS; AMENDING SECTION 67-6610B,  
 16 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL  
 17 CORRECTIONS; AMENDING SECTION 67-6615, IDAHO CODE, TO PROVIDE FOR THE  
 18 RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARD-  
 19 ING THE INSPECTION OF STATEMENTS PURSUANT TO THIS CHAPTER, TO PROVIDE  
 20 LEGISLATIVE INTENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
 21 67-6616, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRE-  
 22 TARY OF STATE AND OF COUNTY CLERKS REGARDING THE EXAMINATION OF STATE-  
 23 MENTS FILED PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS;  
 24 AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE  
 25 DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS; AMENDING SECTION  
 26 67-6625A, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE OR COUNTY  
 27 CLERK SHALL PROVIDE NOTIFICATION TO PERSONS WHO HAVE FAILED TO FILE A  
 28 REQUIRED STATEMENT OR REPORT; AMENDING SECTION 67-6626, IDAHO CODE, TO  
 29 PROVIDE FOR THE ROLE OF A COUNTY CLERK IN AN INJUNCTION TO ENFORCE THE  
 30 ACT; REPEALING SECTION 1-2220A, IDAHO CODE, RELATING TO CAMPAIGN FI-  
 31 NANCE REPORTING FOR MAGISTRATE RETENTION ELECTIONS; REPEALING SECTION  
 32 31-2012, IDAHO CODE, AMENDING SECTION 33-503, IDAHO CODE, TO REMOVE  
 33 A PROVISION REGARDING CAMPAIGN FINANCE REPORTING FOR CERTAIN SCHOOL  
 34 TRUSTEE ELECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO REMOVE  
 35 LANGUAGE REGARDING CAMPAIGN FINANCE REPORTING FOR COMMUNITY COLLEGE  
 36 TRUSTEE ELECTIONS; REPEALING SECTION 40-1417, IDAHO CODE, RELATING TO  
 37 CAMPAIGN FINANCE REPORTING FOR COUNTY-WIDE HIGHWAY DISTRICT ELECTIONS;  
 38 REPEALING SECTION 50-420, IDAHO CODE, RELATING TO CAMPAIGN FINANCE RE-  
 39 PORTING IN CERTAIN CITY ELECTIONS; AND REPEALING SECTION 67-4931, IDAHO  
 40 CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR AUDITORIUM DISTRICT  
 41 ELECTIONS.

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

DRAFT

DRKMF049

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

3 67-6601. PURPOSE OF ACT. The purpose of this act is:  
4 (a~~1~~) To promote public confidence in government; and  
5 (b~~2~~) To promote openness in government ~~and avoiding secrecy and to~~  
6 promote transparency by those giving financial support to state election  
7 campaigns and those promoting or opposing legislation or attempting to in-  
8 fluence executive or administrative actions for compensation ~~at the state~~  
9 ~~level.~~

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

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

14 (a~~1~~) "Candidate" means an individual who ~~has taken affirmative action~~  
15 ~~to seek nomination or election to public office. An individual shall be~~  
16 ~~deemed to have taken affirmative action to seek such nomination or election~~  
17 ~~to public office when he first:~~

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

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

23 (a) Announced his or her candidacy publicly;

24 (b) Filed for public office;

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

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

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

38 (b~~2~~) "Compensation" includes any advance, conveyance, forgiveness of  
39 indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-  
40 fer of money or anything of value, and any contract, agreement, promise or  
41 other obligation, whether or not legally enforceable, to do any of the fore-  
42 going, for services rendered or to be rendered, but does not include reim-  
43 bursement of expenses if such reimbursement does not exceed the amount ac-  
44 tually expended for such expenses and is substantiated by an itemization of  
45 such expenses.

46 (e~~3~~) "Contribution" includes any advance, conveyance, forgiveness of  
47 indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-

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

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

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

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

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

39 (2b) "Electioneering communication" does not include:

- 40 (i) Any news articles, editorial endorsements, opinion or com-  
41 mentary, writings, or letter to the editor printed in a newspaper,  
42 magazine, or other periodical not owned or controlled by a candi-  
43 date, political committee, or political party;
- 44 (ii) Any editorial endorsements or opinions aired by a broadcast  
45 facility not owned or controlled by a candidate, political commit-  
46 tee, or political 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;

1 (iv) Any communication which refers to any candidate only as part  
2 of the popular name of a bill or statute;  
3 (v) A communication which constitutes an expenditure or an inde-  
4 pendent expenditure under this chapter.

5 (~~g~~7) "Executive official" means:  
6 (~~1~~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 (~~2~~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 (~~3~~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 (~~4~~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 (~~5~~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 (~~6~~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 (~~h~~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.

36 (~~i~~9) "Independent expenditure" means any expenditure by a person for  
37 a communication expressly advocating the election, passage or defeat of a  
38 clearly identified candidate or measure that is not made with the coopera-  
39 tion or with the prior consent of, or in consultation with, or at the consent  
40 of, or in consultation with, or at the request of a suggestion of, a candidate  
41 or any agent or authorized committee of the candidate or political committee  
42 supporting or opposing a measure. As used in this subsection, "expressly ad-  
43 vocating" means any communication containing a message advocating election,  
44 passage or defeat including, but not limited to, the name of the candidate  
45 or measure, or expression such as "vote for," "elect," "support," "cast your  
46 ballot for," "vote against," "defeat" or "reject."

47 (~~j~~10) "Lobby" and "lobbying" each means attempting through contacts  
48 with, or causing others to make contact with, members of the legislature or  
49 legislative committees or an executive official, to influence the approval,  
50 modification or rejection of any legislation by the legislature of the state

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

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

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

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

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

34 (¶15) "Nonbusiness entity" means any group of two (2) or more individu-  
35 als, corporation, association, firm, partnership, committee, club or other  
36 organization which:

37 (1a) Does not have as its principal purpose the conduct of business ac-  
38 tivities for profit; and

39 (2b) Received during the preceding or current calendar year contribu-  
40 tions, gifts or membership fees, which in the aggregate exceeded ten  
41 percent (10%) of its total receipts for such year.

42 (¶16) "Person" means an individual, corporation, association, firm,  
43 partnership, committee, political party, club or other organization or  
44 group of persons.

45 (¶17) "Political committee" means:

46 (1a) Any person specifically designated to support or oppose any candi-  
47 date or measure; or

48 (2b) Any person who receives contributions and makes expenditures in  
49 an amount exceeding five hundred dollars (\$500) in any calendar year  
50 for the purpose of supporting or opposing one (1) or more candidates or



1 measures. Any entity registered with the federal election commission  
2 shall not be considered a political committee for purposes of this chap-  
3 ter.

4 (3c) A county, district or regional committee of a recognized politi-  
5 cal party shall not be considered a political committee for the purposes  
6 of this chapter unless such party committee has expenditures exceeding  
7 five thousand dollars (\$5,000) in a calendar year.

8 (a18) "Political treasurer" means an individual appointed by a candi-  
9 date or political committee as provided in section 67-6603, Idaho Code.

10 (a19) "Public office" means any local, legislative, judicial or state  
11 office or position, state senator, state representative, and judge of the  
12 district court that is filled by election but does not include the office of  
13 precinct committeeman.

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

16 67-6604. ACCOUNTS OF POLITICAL TREASURER. (a1) The political trea-  
17 surer for each candidate or political committee shall keep detailed ac-  
18 counts, current within not more than seven (7) days after the date of receiv-  
19 ing the contribution or making an expenditure, of all contributions received  
20 and all expenditures made by or on behalf of the candidate or political com-  
21 mittee that are required to be set forth in a statement filed under this act.

22 (b2) Accounts kept by the political treasurer for a candidate or polit-  
23 ical committee may be inspected, before the election to which the accounts  
24 refer, by the Secretary of State, or county clerk for local government of-  
25 fices or measures, or his agent or employee, who is making an investigation  
26 pursuant to section 67-6615, Idaho Code.

27 (e3) Accounts kept by a political treasurer shall be preserved by him  
28 for at least one (1) year after the date of the election to which the accounts  
29 refer or at least one (1) year after the date the last supplemental statement  
30 is filed under section 67-6609, 8, Idaho Code, whichever is later.

31 SECTION 4. That Section 67-6607, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND  
34 POLITICAL COMMITTEES. (a1) The political treasurer for each candidate and  
35 the political treasurer of each political committee shall file with the sec-  
36 retary of state:

37 ~~(1) Not more than fourteen (14) days and not less than seven (7) days~~  
38 ~~before the date of a primary election in which the candidate or polit-~~  
39 ~~ical committee is involved,~~ a statement of all contributions received  
40 and all expenditures ~~or~~ and encumbrances made by or on behalf of the  
41 candidate or political committee ~~prior to the fifteenth day before the~~  
42 primary for four months preceding each election and for the month of  
43 the election itself. The statement shall itemize each contribution  
44 received and each expenditure or encumbrance made during the reported  
45 month and shall include the following:

1        (a) Under contributions, the statement shall include a list of all the  
2        contributions received, including any funds or property of the candi-  
3        date used to cover expenditures. The statement shall list the full name  
4        and complete address of each person who contributed an aggregate amount  
5        of more than fifty dollars (\$50.00) and the amount contributed by that  
6        person. The statement may list as a single item the total amount of con-  
7        tributions of fifty dollars (\$50.00) or less; and  
8        (b) Under expenditures, the statement shall include the name and ad-  
9        dress of each person to whom an expenditure or encumbrance was made in  
10       the amount of twenty-five dollars (\$25.00) or more, and the amount,  
11       date, and purpose of each expenditure. Each expenditure or encumbrance  
12       in the amount of twenty-five dollars (\$25.00) or more shall be vouched  
13       for by a receipt or canceled check or an accurate copy thereof. The  
14       statement may list as a single item the total amount of expenditures and  
15       encumbrances of less than twenty-five dollars (\$25.00) without showing  
16       the exact amount of or vouching for each such expenditure or encum-  
17       brance. Anything of value, other than money, paid for or contributed by  
18       any person shall be listed both as an expenditure and as a contribution.  
19       ~~(2) Not more than thirty (30) days after the date of a primary election~~  
20       ~~in which a candidate or a political committee is involved, a statement~~  
21       ~~of all contributions received and all expenditures or encumbrances made~~  
22       ~~by or on behalf of the candidate or political committee to cover the pe-~~  
23       ~~riod since the fifteenth day before the primary election to and includ-~~  
24       ~~ing the tenth day after the primary election;~~  
25       ~~(3) For all political committees supporting or opposing measures, a~~  
26       ~~statement of all contributions received and all expenditures or encum-~~  
27       ~~brances made by or on behalf of the measure or any candidate or made by~~  
28       ~~or against the measure or any candidate shall be filed on the same dates~~  
29       ~~provided in paragraphs (1), (2), (4), (5) and (6) of this subsection;~~  
30       ~~(4) Not later than October 10 immediately preceding a general election~~  
31       ~~in which the candidate or political committee is involved, a statement~~  
32       ~~of all contributions received and all expenditures or encumbrances made~~  
33       ~~by or on behalf of the candidate or political committee since and in-~~  
34       ~~cluding the eleventh day after the date of the primary election and to~~  
35       ~~and including September 30;~~  
36       ~~(5) Not more than fourteen (14) days and not less than seven (7) days~~  
37       ~~before the date of a general election in which the candidate or polit-~~  
38       ~~ical committee is involved, a statement of all contributions received~~  
39       ~~and all expenditures or encumbrances made by or on behalf of the candi-~~  
40       ~~date or political committee since and including October 1 and to and~~  
41       ~~including the sixteenth day before the general election, together with~~  
42       ~~a cumulative statement showing all such contributions and expenditures~~  
43       ~~or encumbrances to and including the sixteenth day before the general~~  
44       ~~election; and~~  
45       ~~(6) Not more than thirty (30) days after the date of a general election~~  
46       ~~in which the candidate or political committee is involved, a statement~~  
47       ~~of all contributions received and all expenditures or encumbrances made~~  
48       ~~by or on behalf of the candidate or political committee to cover the pe-~~  
49       ~~riod since the fifteenth day before the general election to and includ-~~  
50       ~~ing the tenth day after the general election.~~

1           ~~(b2) For t~~The first report under this section the reporting period  
2 shall cover the period beginning with the first contribution, expenditure,  
3 or encumbrance through the end of the fourth month prior to the election. A  
4 monthly report shall subsequently be filed for each of the three months prior  
5 to the election and for the month of the election. Each monthly report shall  
6 be due on the tenth day of the month following the month being reported.

7           ~~(3) In addition to the regular monthly reports set forth in subsection~~  
8 (2) of this section, a report shall be filed:

9           ~~(a) By the seventh day before the November election and shall cover all~~  
10 contributions and expenditures made since the last report was filed and  
11 up through the fourteenth day before the November election; and

12           ~~(b) By the thirty-first day of January and shall cover all contribu-~~  
13 tions and expenditures made since the last report was filed covering the  
14 month of the November election.

15           ~~(e(4)) Notwithstanding any other reports required under this section,~~  
16 the political treasurer for each candidate and any political committee shall  
17 notify the secretary of state, in writing, of any aggregate contribution of  
18 one thousand dollars (\$1,000) or more, received by the political treasurer  
19 after the sixteenth day before, but more than forty-eight (48) hours before,  
20 any primary or general election. This notification shall be made within  
21 forty-eight (48) hours after the receipt of such contribution and shall  
22 include the name of the candidate, political committee or measure, the iden-  
23 tification of the contributor, and the date or dates of receipt and amount of  
24 the contribution. The notification shall be in addition to the reporting of  
25 these contributions in the ~~postelection report~~ regular reports.

26           ~~(d5) For a~~All reports required pursuant to this section shall be filed  
27 online with the secretary of state shall accept the date of a postmark as the  
28 date of receipt except for the seven (7) day preelection reports which must  
29 be received by no later than 5:00 p.m. on the seventh day preceding the pri-  
30 mary or general election, except as provided in section 67-6623, Idaho Code,  
31 by no later than midnight on the date the filing is due.

32           ~~(e) Any reports required to be filed under the provisions of this sec-~~  
33 tion may also be filed by means of an electronic facsimile transmission ma-  
34 chine and may be filed by other electronic means as approved by the secretary  
35 of state.

36           SECTION 5. That Chapter 66, Title 67, Idaho Code, be, and the same is  
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
38 ignated as Section 67-6607A, Idaho Code, and to read as follows:

39           67-6607A. SPECIAL PROVISION FOR LOCAL ELECTIONS AND MEASURES. The po-  
40 litical treasurer for a candidate or political committee for a local gov-  
41 ernment office or local ballot measure is exempt from filing reports under  
42 sections 67-6607 and 67-6608, Idaho Code, unless and until such time as the  
43 candidate or political committee receives contributions or expends funds in  
44 the amount of five hundred dollars (\$500) or more. Within seven (7) calen-  
45 dar days of the five hundred dollar (\$500) threshold being met, the politi-  
46 cal treasurer for the candidate or political committee shall file a cumula-  
47 tive report covering the period from the first contribution or expenditure  
48 to the current date and shall file all subsequent reports according to sec-

1 tions 67-6607 and 67-6608, Idaho Code, regardless of amounts received or ex-  
2 pended.

3 SECTION 6. That Section 67-6608, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 67-6608. ~~DISPOSITION POST-ELECTION REPORTS OF UNEXPENDED BALANCES OR~~  
6 ~~CAMPAIGN DEBT.~~ (a~~1~~) If a statement filed under ~~paragraph (3) of subsection~~  
7 ~~(a) of section 67-6607, Idaho Code, pertaining to post-general election~~  
8 ~~reports or under paragraph (6) of subsection (a) of section 67-6607, Idaho~~  
9 ~~Code,~~ shows an unexpended balance of contributions or an expenditure  
10 deficit, the political treasurer for ~~the a candidate for nonstatewide office~~  
11 ~~or political committee or measure that has prevailed in an election shall~~  
12 ~~continue to file annual reports on January 31, to cover the period since the~~  
13 ~~end of the last report period, to and including the last day of the month~~  
14 ~~preceding the month in which the report is filed. If a statement filed under~~  
15 ~~paragraph (6) of subsection (a) of pursuant to section 67-6607, Idaho Code,~~  
16 ~~shows an unexpended balance of contributions or an expenditure deficit, the~~  
17 ~~political treasurer for the candidate for statewide office shall continue~~  
18 ~~to file semiannual reports on January 31 and July 31, to cover the period~~  
19 ~~since the end of the last report period, to and including the last day of the~~  
20 ~~month preceding the month in which the report is filed. Such reports shall~~  
21 ~~be filed until the account shows no unexpended balance of contributions or~~  
22 ~~expenditure deficit.~~

23 (b) ~~If a candidate wins nomination, supplemental statements under sub-~~  
24 ~~section (a) of this section need not be filed with respect to the nomination~~  
25 ~~campaign by the political treasurer of a political committee supporting the~~  
26 ~~candidate or by the political treasurer for such candidate, if such politi-~~  
27 ~~cal committee continues to function in support of such candidate in the cam-~~  
28 ~~paign for the general or special election.~~

29 (c) ~~A political committee which is organized after an election shall~~  
30 ~~file reports required by subsection (a) of this section.~~

31 (d~~2~~) ~~The political treasurer for a candidate or political committee~~  
32 ~~or measure who was defeated in the primary election and whose post-primary~~  
33 ~~last filed report shows an unexpended balance of contributions or a cam-~~  
34 ~~paign debt, shall continue to file semi- annual reports until there is no~~  
35 ~~unexpended balance of contributions or no campaign expenditure deficit. A~~  
36 ~~report shall be filed by the tenth day of July for the first six (6) months of~~  
37 ~~the year, and by the tenth day of January for the last six (6) months of the~~  
38 ~~year.~~

39 SECTION 7. That Section 67-6610A, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in  
42 subsection (2) of this section, aggregate contributions for a primary elec-  
43 tion or a general election made by a corporation, political committee, other  
44 recognized legal entity or an individual, ~~other than the candidate, to a~~  
45 ~~candidate for the state legislature, and political committees organized~~  
46 ~~on the candidate's behalf shall be subject to the limitations of this sub-~~

1 section; provided, however, this subsection shall not apply to a candidate  
2 contributing or loaning money to his own campaign account.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 SECTION 8. That Section 67-6610B, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 67-6610B. RETIRING DEBT. (1) If a political committee organized on  
21 behalf of a candidate has unpaid debt at the end of the reporting periods  
22 specified in section 67-6607(a)(2) ~~or 67-6607(a)(6)~~, Idaho Code, then the  
23 committee may accept additional contributions to retire such unpaid debt,  
24 provided the contributions do not exceed the applicable contribution limits  
25 prescribed.

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

31 SECTION 9. That Section 67-6615, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 67-6615. INSPECTION BY SECRETARY OF STATE AND COUNTY CLERKS. (1) It  
34 is the intent of the legislature to consolidate filings for all offices and  
35 measures in a central online database established by the secretary of state.

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

- 43 (a) ~~±~~It appears that the person has failed to file a statement as re-  
44 quired by law or that a statement filed by the person does not conform to  
45 law; or

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

5 SECTION 10. That Section 67-6616, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the  
8 date of each election, the Secretary of State shall examine such statement  
9 filed ~~with his office under this act~~ pursuant to this chapter for statewide,  
10 legislative and judicial district offices or measures, and the county clerk  
11 shall inspect each statement filed for all local government offices or mea-  
12 sures for which the county is the home county, as defined in section 34-1401,  
13 Idaho Code; and referring to the election, ~~to~~ determine whether the state-  
14 ment conforms to law. Such examinations shall include a comparison of re-  
15 ports and statements received by the Secretary of State pursuant to sections  
16 67-6607--67-6609, 67-6611, and 67-6614, Idaho Code. The Secretary of State  
17 or county clerk may require any person to answer in writing and under oath or  
18 affirmation any question within the knowledge of that person concerning the  
19 source of any contribution.

20 SECTION 11. That Section 67-6623, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 67-6623. DUTIES OF SECRETARY OF STATE AND COUNTY CLERKS. (1) The sec-  
23 retary of state and each county clerk is charged with enforcement of the pro-  
24 visions of this act, ~~and~~.

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

27 (1a) To prescribe forms for statements and other information required  
28 to be filed by this act, and to furnish such forms and instruction manual  
29 to persons required to file such statements and information;

30 (2b) To make statements and other information filed with him available  
31 for public inspection and copying during regular office hours, and to  
32 make copying facilities available at a charge not to exceed actual cost;

33 (3c) To preserve such statements and other information for a period of  
34 four (4) years from date of receipt;

35 (4d) With respect to statewide, legislative and judicial district of-  
36 fices and measures, t~~To~~ make investigations ~~with respect to~~ of state-  
37 ments filed under the provisions of this act, and with respect to al-  
38 leged failures to file any statement required under the provisions of  
39 this act, and upon complaint by any person with respect to alleged vio-  
40 lations of any part of this act;

41 (5e) To report suspected violations of law to the appropriate law en-  
42 forcement authorities;

43 (6f) To prescribe and publish rules in accordance with the provisions  
44 of chapter 52, title 67, Idaho Code, and to take such other actions as  
45 may be appropriate to carry out the provisions of this act;

1 (7g) To require and prescribe methods for the filing of reports in an  
2 electronic format to ensure the prompt filing of reports with county  
3 clerks, city clerks and clerks of special districts. The receiving au-  
4 thority may, on an individual basis, grant a hardship waiver and accept  
5 a report required by this chapter in another format specified by the  
6 secretary of state.

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

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

31 SECTION 12. That Section 67-6625A, Idaho Code, be, and the same is  
32 hereby amended to read as follows:

33 67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. (1) If any person  
34 fails to file a report or statement required under this chapter on or before  
35 a specified date, he shall be liable to the secretary of state for deposit in  
36 the general fund in an the amount of fifty dollars (\$50.00) per day beginning  
37 immediately after the deadline until the statement or report is filed, to  
38 the secretary of state. Liability need not be enforced by t The secretary  
39 of state if on an impartial basis he determines that the late filing was not  
40 willful and that enforcement of the liability will not further the purposes  
41 of the act, except that no liability shall be waived if a statement or report  
42 is not filed within five (5) days after receiving written notice of the fil-  
43 ing requirement from the secretary of state or the county clerk shall notify  
44 the person and his treasurer, if any, that a fine has been assessed and will  
45 continue to accrue until the report or statement has been filed. The noti-  
46 fication shall be made by telephone or electronic means within twenty-four  
47 (24) hours of the missed filing deadline.



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

3       SECTION 13. That Section 67-6626, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5       67-6626. INJUNCTIONS. The district courts of this state shall have  
6 original jurisdiction to issue injunctions to enforce the provisions of this  
7 act upon application by any citizen of this state ~~or~~, by the Secretary of  
8 State or by the county clerk. The court may in its discretion require the  
9 citizen plaintiff to file a written complaint with the Secretary of State  
10 or county clerk prior to seeking injunctive relief. A successful plaintiff  
11 is entitled to be reimbursed for reasonable costs of litigation, including  
12 reasonable attorney's fees by the person or persons named defendant in said  
13 injunctive action. A successful defendant is entitled to be reimbursed for  
14 reasonable costs of litigation, including reasonable attorney's fees if the  
15 court determines that plaintiff's action was without substantial merit.

16       SECTION 14. That Section 1-2220A, Idaho Code, be, and the same is hereby  
17 repealed.

18       SECTION 15. That Section 31-2012, Idaho Code, be, and the same is hereby  
19 repealed.

20       SECTION 16. That Section 33-503, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22       33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of  
23 school district trustees including those in charter districts shall be on  
24 the Tuesday following the first Monday in November in odd-numbered years.  
25 Notice and conduct of the election, and the canvassing of the returns shall  
26 be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the  
27 person receiving the greatest number of votes cast within his zone shall be  
28 declared by the board of trustees as the trustee elected from that person's  
29 zone.

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

34       (3) ~~The provisions of sections 67-6601 through 67-6616, Idaho Code, and~~  
35 ~~sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections~~  
36 ~~of school district trustees, except for elections of trustees in a school~~  
37 ~~district that has fewer than five hundred (500) students. Provided however,~~  
38 ~~the county clerk shall stand in place of the secretary of state and the county~~  
39 ~~prosecutor shall stand in place of the attorney general. Any report or fil-~~  
40 ~~ing required to be filed by or for a candidate by such Idaho Code sections~~  
41 ~~shall be filed with the county clerk of the county wherein the district lies~~  
42 ~~or, in the case of a joint district, with the county clerk of the home county~~  
43 ~~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 17. 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 18. That Section 40-1417, Idaho Code, be, and the same is hereby  
43 repealed.

44 SECTION 19. That Section 50-420, Idaho Code, be, and the same is hereby  
45 repealed.

46 SECTION 20. That Section 67-4931, Idaho Code, be, and the same is hereby  
47 repealed.

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

1 AN ACT  
2 RELATING TO CAMPAIGN FINANCE; AMENDING SECTION 67-6602, IDAHO CODE, TO RE-  
3 VISE AND PROVIDE DEFINITIONS; AMENDING SECTION 67-6611, IDAHO CODE, TO  
4 REVISE THE FILING DEADLINES FOR REPORTING INDEPENDENT EXPENDITURES AND  
5 TO REQUIRE CERTAIN DISCLOSURES; AND AMENDING SECTION 67-6628, IDAHO  
6 CODE, TO REVISE THE FILING DEADLINES FOR REPORTING ELECTIONEERING COM-  
7 MUNICATIONS, TO REQUIRE CERTAIN DISCLOSURES, AND TO REQUIRE A LEGIBLE  
8 AUTHORITY LINE IN ELECTIONEERING COMMUNICATIONS.

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

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

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

14 (a~~1~~) "Candidate" means an individual who ~~has taken affirmative action~~  
15 ~~to seek nomination or election to public office. An individual shall be~~  
16 ~~deemed to have taken affirmative action to seek such nomination or election~~  
17 ~~to public office when he first:~~

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

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

23 (a) Announced his or her candidacy publicly;

24 (b) Filed for public office;

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

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

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

38 (b~~2~~) "Compensation" includes any advance, conveyance, forgiveness of  
39 indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-  
40 fer of money or anything of value, and any contract, agreement, promise or  
41 other obligation, whether or not legally enforceable, to do any of the fore-  
42 going, for services rendered or to be rendered, but does not include reim-

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2

1 reimbursement of expenses if such reimbursement does not exceed the amount ac-  
2 tually expended for such expenses and is substantiated by an itemization of  
3 such expenses.

4 (e3) "Contribution" includes any advance, conveyance, forgiveness of  
5 indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-  
6 scription or transfer of money or anything of value, and any contract, agree-  
7 ment, promise or other obligation, whether or not legally enforceable, to  
8 make a contribution, in support of or in opposition to any candidate, polit-  
9 ical committee or measure. Such term also includes personal funds or other  
10 property of a candidate or members of his household expended or transferred  
11 to cover expenditures incurred in support of such candidate but does not  
12 include personal funds used to pay the candidate filing fee. Such term also  
13 includes the rendering of personal and professional services for less than  
14 full consideration, but does not include ordinary home hospitality or the  
15 rendering of "part-time" personal services of the sort commonly performed  
16 by volunteer campaign workers or advisors or incidental expenses not in ex-  
17 cess of twenty-five dollars (\$25.00) personally paid for by any volunteer  
18 campaign worker. "Part-time" services, for the purposes of this definition,  
19 means services in addition to regular full-time employment, or, in the case  
20 of an unemployed person or persons engaged in part-time employment, services  
21 rendered without compensation or reimbursement of expenses from any source  
22 other than the candidate or political committee for whom such services are  
23 rendered. For the purposes of this act, contributions, other than money or  
24 its equivalent shall be deemed to have a money value equivalent to the fair  
25 market value of the contribution.

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

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

31 (f6) (1a) "Electioneering communication" means any paid communication  
32 to members of the public that include voters or potential voters for  
33 public office or a ballot measure, that takes place between 5:00 p.m. on  
34 the candidate filing deadline set forth in section 34-704, Idaho Code,  
35 and midnight on the date of the general election, and that unambiguously  
36 refers to a specific candidate or measure to be on the ballot. An elec-  
37 tioneering communication expenditure is made when any portion of the  
38 communication reaches members of the public who are voters or potential  
39 voters. An electioneering communication includes, but is not limited  
40 to, a message broadcast by television or radio, printed in a newspaper  
41 or on a billboard, directly mailed or delivered by hand to personal res-  
42 idences, or telephone calls made by telephone to personal residences or  
43 cellular numbers, sent by electronic mail or messaging, or otherwise  
44 distributed that: advertised on the internet or through social media

- 45 (i) ~~Unambiguously refers to any candidate; and~~
- 46 (ii) ~~Is broadcasted, printed, mailed, delivered, made or dis-~~  
47 ~~tributed within thirty (30) days before a primary election or~~  
48 ~~sixty (60) days before a general election; and~~
- 49 (iii) ~~Is broadcasted to, printed in a newspaper, distributed to,~~  
50 ~~mailed to or delivered by hand to, telephone calls made to, or~~

1 ~~otherwise distributed to an audience that includes members of the~~  
2 ~~electorate for such public office~~

3 .  
4 (2b) "Electioneering communication" does not include:

5 (i) Any news articles, editorial endorsements, opinion or com-  
6 mentary, writings, or letter to the editor printed in a newspaper,  
7 magazine, or other periodical not owned or controlled by a candi-  
8 date, political committee, or political party;

9 (ii) Any editorial endorsements or opinions aired by a broadcast  
10 facility not owned or controlled by a candidate, political commit-  
11 tee, or political party;

12 (iii) Any communication by persons made in the regular course and  
13 scope of their business or any communication made by a membership  
14 organization solely to members of such organization and their fam-  
15 ilies;

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

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

20 (g7) "Executive official" means:

21 (1a) The governor, lieutenant governor, secretary of state, state con-  
22 troller, state treasurer, attorney general, superintendent of public  
23 instruction and any deputy or staff member of one (1) of those individ-  
24 uals who, within the course and scope of his or her employment, is di-  
25 rectly involved in major policy influencing decisions for the office;

26 (2b) A state department or agency director, deputy director, division  
27 administrator or bureau chief as established and enumerated in sections  
28 67-2402 and 67-2406, Idaho Code;

29 (3c) The membership and the executive or chief administrative officer  
30 of any board or commission that is authorized to make rules or conduct  
31 rulemaking activities pursuant to section 67-5201, Idaho Code;

32 (4d) The membership and the executive or chief administrative officer  
33 of any board or commission that governs any of the state departments  
34 enumerated in section 67-2402, Idaho Code, not including public school  
35 districts;

36 (5e) The membership and the executive or chief administrative officer  
37 of the Idaho public utilities commission, the Idaho industrial commis-  
38 sion, and the Idaho state tax commission; and

39 (6f) The members of the governing board of the state insurance fund, and  
40 the members of the governing board and the executive or chief adminis-  
41 trative officer of the Idaho housing and finance association, the Idaho  
42 energy resources authority, and the Idaho state building authority.

43 (h8) "Expenditure" includes any payment, contribution, subscription,  
44 distribution, loan, advance, deposit, or gift of money or anything of value,  
45 and includes a contract, promise, or agreement, whether or not legally en-  
46 forceable, to make an expenditure. The term "expenditure" also includes a  
47 promise to pay, a payment or a transfer of anything of value in exchange for  
48 goods, services, property, facilities or anything of value for the purpose  
49 of assisting, benefiting or honoring any public official or candidate, or  
50 assisting in furthering or opposing any election campaign.

1           (±9) "Independent expenditure" means any expenditure by a person  
2 for a communication expressly advocating the election, passage or defeat  
3 of a clearly identified candidate or measure that is not made with the  
4 coordination of a candidate or any agent, paid or unpaid, of the candidate,  
5 or with the political committee supporting or opposing a measure. The term  
6 coordination means with the cooperation or with the prior consent of, or in  
7 consultation with, ~~or at the consent of, or in consultation with,~~ or at the  
8 request of ~~or a~~ suggestion of, ~~or in concert with~~ a candidate or any agent  
9 or authorized committee of the candidate or political committee supporting  
10 or opposing a measure. As used in this subsection, "expressly advocating"  
11 means any communication containing a message advocating election, pas-  
12 sage or defeat including, but not limited to, the name of the candidate or  
13 measure, or expression such as "vote for," "elect," "support," "cast your  
14 ballot for," "vote against," "defeat" or "reject." An expenditure shall  
15 constitute an expenditure in coordination with a candidate or political com-  
16 mittee and shall not constitute an independent expenditure where:

17           (a) There is any arrangement, coordination or direction with respect to  
18 the expenditure between the candidate or candidate's agent, or the po-  
19 litical committee's agents, and the person, including any officer, di-  
20 rector, employee or agent of the person, making the expenditure;

21           (b) The person making the expenditure or any of its agents has advised  
22 or counseled the candidate or political committee or their agents on  
23 the candidate or political committee's plans, projects, or needs re-  
24 lating to the candidate or political committee's pursuit of nomination  
25 or election, in the same election period, including any advice relating  
26 to the candidate's decision to seek office or the political committee's  
27 decision to support or oppose the ballot measure; or

28           (c) The expenditure is based on information provided to the person  
29 making the expenditure directly or indirectly by the candidate or his  
30 agents, or by the agents of the political committee, about the candidate  
31 or political committee's plans, projects or needs; provided that the  
32 candidate or his agent or the political committee's agent is aware that  
33 the other person has made or is planning to make expenditures advocating  
34 the candidate's election or the ballot measure's passage.

35           (±10) "Lobby" and "lobbying" each means attempting through contacts  
36 with, or causing others to make contact with, members of the legislature or  
37 legislative committees or an executive official, to influence the approval,  
38 modification or rejection of any legislation by the legislature of the state  
39 of Idaho or any committee thereof or by the governor or to develop or main-  
40 tain relationships with, promote goodwill with, or entertain members of the  
41 legislature or executive officials. "Lobby" and "lobbying" shall also mean  
42 communicating with an executive official for the purpose of influencing the  
43 consideration, amendment, adoption or rejection of any rule or rulemaking as  
44 defined in section 67-5201, Idaho Code, or any ratemaking decision, procure-  
45 ment, contract, bid or bid process, financial services agreement, or bond  
46 issue. Neither "lobby" nor "lobbying" includes an association's or other  
47 organization's act of communicating with the members of that association  
48 or organization; and provided that neither "lobby" nor "lobbying" includes  
49 communicating with an executive official for the purpose of carrying out  
50 ongoing negotiations following the award of a bid or a contract, communica-

1 tions involving ongoing legal work and negotiations conducted by and with  
2 attorneys for executive agencies, interactions between parties in litiga-  
3 tion or other contested matters, or communications among and between members  
4 of the legislature and executive officials and their employees, or by state  
5 employees while acting in their official capacity or within the course and  
6 scope of their employment.

7 (~~11~~) "Lobbyist" includes any person who lobbies.

8 (~~12~~) "Lobbyist's employer" means the person or persons by whom a lob-  
9 byist is employed, directly or indirectly, and all persons by whom he is com-  
10 pensated for acting as a lobbyist.

11 (~~13~~) "Local government office" means any publicly elected office for  
12 any political subdivision of the state or special district that is not a leg-  
13 islative, judicial, statewide or federal office.

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

22 (~~15~~) "Nonbusiness entity" means any group of two (2) or more individu-  
23 als, corporation, association, firm, partnership, committee, club or other  
24 organization which:

25 (~~1a~~) Does not have as its principal purpose the conduct of business ac-  
26 tivities for profit; and

27 (~~2b~~) Received during the preceding or current calendar year contribu-  
28 tions, gifts or membership fees, which in the aggregate exceeded ten  
29 percent (10%) of its total receipts for such year.

30 (~~16~~) "Person" means an individual, corporation, association, firm,  
31 partnership, committee, political party, club or other organization or  
32 group of persons.

33 (~~17~~) "Political committee" means:

34 (~~1a~~) Any person specifically designated to support or oppose any candi-  
35 date or measure; or

36 (~~2b~~) Any person who receives contributions and makes expenditures in  
37 an amount exceeding five hundred dollars (\$500) in any calendar year  
38 for the purpose of supporting or opposing one (1) or more candidates or  
39 measures. Any entity registered with the federal election commission  
40 shall not be considered a political committee for purposes of this chap-  
41 ter.

42 (~~3c~~) A county, district or regional committee of a recognized politi-  
43 cal party shall not be considered a political committee for the purposes  
44 of this chapter unless such party committee has expenditures exceeding  
45 five thousand dollars (\$5,000) in a calendar year.

46 (~~18~~) "Political treasurer" means an individual appointed by a candi-  
47 date or political committee as provided in section 67-6603, Idaho Code.

48 (~~19~~) "Public office" means any state office or position, state sena-  
49 tor, state representative, and judge of the district court that is filled by  
50 election.



1        (20) "Social media" means forms of electronic communication, includ-  
2 ing websites, applications or software for social networking or blogging,  
3 through which users create a personal profile and participate in online com-  
4 munities to share information, ideas, and other content.

5        SECTION 2. That Section 67-6611, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7        67-6611. INDEPENDENT EXPENDITURES. (1) Each person who makes indepen-  
8 dent expenditures in an aggregate amount exceeding one ~~hundred thousand dol-~~  
9 ~~lars (\$1001,000)~~ in support of or in opposition to any one (1) candidate, po-  
10 ~~litical committee or measure, shall file a statement of the expenditure with~~  
11 ~~the secretary of state.~~

12        (2) Statements shall be filed with the secretary of state, ~~not less than~~  
13 ~~seven (7) days prior to the primary and general election and thirty (30) days~~  
14 ~~after the primary and general election by the tenth day of the month follow-~~  
15 ~~ing the month during which an expenditure was made.~~

16        (3) The statement shall contain the following information:

17        (a) the name and address of any person to whom an expenditure in excess  
18 of fifty dollars (\$50.00) has been made by any such person in support of  
19 or in opposition to any such candidate or issue during the reporting pe-  
20 riod, together with the amount, date and purpose of each such expendi-  
21 ture; ~~and~~

22        (b) the total sum of all expenditures made in support of or in opposition  
23 to any such candidate or measure; ~~and~~

24        (c) the identification of each person who made an aggregate donation of  
25 two hundred fifty dollars (\$250) or more to the person making the inde-  
26 pendent expenditure during the calendar year in which the expenditure  
27 was made to date, together with the date and amount of each donation.

28        (4) In addition to the requirements ~~set forth in subsections (1) and (2)-~~  
29 ~~of this section, each person who makes independent expenditures in an aggre-~~  
30 ~~gate amount of one thousand dollars (\$1,000) or more after the sixteenth day~~  
31 ~~before, but more than forty-eight (48) hours before, any primary or general~~  
32 ~~election, shall file a written statement of the expenditure with the secre-~~  
33 ~~tary of state not more than forty-eight (48) hours from the time of such ex-~~  
34 ~~penditure. The statement shall include the information required in subsec-~~  
35 ~~tion (3) of this section.~~

36        SECTION 3. That Section 67-6628, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38        67-6628. ELECTIONEERING COMMUNICATIONS -- STATEMENTS. (1) Any per-  
39 son who ~~conducts or transmits any~~ incurs costs in an aggregate amount exceed-  
40 ing one thousand dollars (\$1,000) when making an electioneering communica-  
41 tion shall be required to file a statement on a form provided by with the sec-  
42 retary of state. Contents of the statement shall include the amount spent on  
43 such communications, the name and address of the person, and the names and  
44 addresses of any persons who contribute donate an aggregate amount of two  
45 hundred fifty dollars (\$250.00) or more to any person described in reporting  
46 under this section during the calendar year in which the communication is

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1 made to date, together with the date and amount of each donation. The state-  
2 ment shall be filed by the tenth day of the month following the month during  
3 which the expenditure was made.

4 ~~(2) Any person that incurs costs in excess of one hundred dollars (\$100)~~  
5 ~~when making an electioneering communication shall file a statement in accor-~~  
6 ~~dance with the time limits established by section 67-6611(2), Idaho Code.~~

7 ~~(3)~~ In addition to the requirements of subsection (2~~1~~) of this section,  
8 any person that incurs costs in an aggregate amount of one thousand dollars  
9 (\$1,000) or more when making an electioneering communication shall file a  
10 statement as provided in subsection (1) of this section within forty-eight  
11 (48) hours of incurring the costs for such communication.

12 (3) Every electioneering communication shall contain an authority line  
13 that states the name of the person responsible for the communication.

14 (4) All information required by this section to be on an electioneering  
15 communication shall appear in a font size and type that is plainly legible.