

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 573

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CAMPAIGN FINANCE REPORTING TRANSPARENCY; AMENDING SECTION
2 67-6601, IDAHO CODE, TO EXTEND THE PURPOSE OF THE ACT BEYOND THE STATE
3 LEVEL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6602,
4 IDAHO CODE, TO REVISE DEFINITIONS AND TO APPLY CAMPAIGN FINANCE RE-
5 PORTING REQUIREMENTS TO CERTAIN LOCAL ELECTIONS; REPEALING SECTION
6 67-6603, IDAHO CODE, RELATING TO THE APPOINTMENT OF A POLITICAL TREA-
7 SURER; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF
8 A NEW SECTION 67-6603, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A
9 POLITICAL TREASURER BY A CANDIDATE; REPEALING SECTION 67-6604, IDAHO
10 CODE, RELATING TO THE ACCOUNTS OF A POLITICAL TREASURER; AMENDING CHAP-
11 TER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6604,
12 IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A POLITICAL TREASURER BY A
13 POLITICAL COMMITTEE AND TO RESTRICT CERTAIN CONTRIBUTIONS OBTAINED FOR
14 A POLITICAL COMMITTEE; REPEALING SECTION 67-6605, IDAHO CODE, RELATING
15 TO CONTRIBUTIONS OBTAINED BY A POLITICAL COMMITTEE; AMENDING CHAPTER
16 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6605, IDAHO
17 CODE, TO PROVIDE REQUIREMENTS FOR THE ACCOUNTS OF A POLITICAL TREA-
18 SURER; REPEALING SECTION 67-6606, IDAHO CODE, RELATING TO EXPENDITURES
19 BY A NONBUSINESS ENTITY; AMENDING AND REDESIGNATING SECTION 67-6610C,
20 IDAHO CODE, TO PROVIDE FOR THE USE OF CONTRIBUTED AMOUNTS BY CANDI-
21 DATES FOR CERTAIN PURPOSES AND TO MAKE TECHNICAL CORRECTIONS; REPEALING
22 SECTION 67-6607, IDAHO CODE, RELATING TO REPORTS OF CONTRIBUTIONS AND
23 EXPENDITURES; AMENDING AND REDESIGNATING SECTION 67-6610A, IDAHO CODE,
24 TO PROVIDE FOR LIMITATIONS ON CONTRIBUTIONS, TO PROVIDE FOR THE TREAT-
25 MENT OF SPECIAL ELECTIONS AND TO MAKE A TECHNICAL CORRECTION; REPEALING
26 SECTION 67-6608, IDAHO CODE, RELATING TO THE DISPOSITION OF UNEXPENDED
27 CAMPAIGN BALANCES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE
28 ADDITION OF A NEW SECTION 67-6608, IDAHO CODE, TO REQUIRE CONTRIBUTOR
29 TRANSPARENCY UNDER CERTAIN CIRCUMSTANCES; REPEALING SECTION 67-6609,
30 IDAHO CODE, RELATING TO A STATEMENT AS TO NO CONTRIBUTION OR EXPENDI-
31 TURE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A
32 NEW SECTION 67-6609, IDAHO CODE, TO REQUIRE REPORTS OF CONTRIBUTIONS
33 AND EXPENDITURES; REPEALING SECTION 67-6610, IDAHO CODE, RELATING TO
34 CONTRIBUTIONS IN EXCESS OF FIFTY DOLLARS; AMENDING CHAPTER 66, TITLE
35 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6610, IDAHO CODE,
36 TO PROVIDE FOR THE FILING OF POSTELECTION REPORTS; AMENDING AND REDES-
37 IGNATING SECTION 67-6610B, IDAHO CODE, TO PROVIDE FOR THE RETIRING OF
38 DEBT BY A CANDIDATE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SEC-
39 TION 67-6612, IDAHO CODE, RELATING TO THE CONTENTS OF REPORTS; AMENDING
40 AND REDESIGNATING SECTION 67-6611, IDAHO CODE, TO REQUIRE THE DIS-
41 CLOSURE OF CERTAIN FINANCIAL CONTRIBUTORS TO A PERSON MAKING CERTAIN
42 INDEPENDENT EXPENDITURES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
43 AND REDESIGNATING SECTION 67-6628, IDAHO CODE, TO REQUIRE CERTAIN DIS-
44 CLOSURES REGARDING ELECTIONEERING COMMUNICATIONS, TO PROVIDE FOR THE
45

1 ISSUANCE OF DIRECTIVES BY THE SECRETARY OF STATE AND TO MAKE A TECH-
2 NICAL CORRECTION; REPEALING SECTION 67-6614, IDAHO CODE, RELATING TO
3 THE IDENTIFICATION OF THE SOURCE OF CONTRIBUTIONS AND EXPENDITURES;
4 AMENDING AND REDESIGNATING SECTION 67-6613, IDAHO CODE, REGARDING
5 COMMERCIAL REPORTING OF CERTAIN RECEIPTS BY CANDIDATES, COMMITTEES OR
6 POLITICAL TREASURERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING AND
7 REDESIGNATING SECTION 67-6614A, IDAHO CODE, REGARDING THE PUBLICATION
8 OR DISTRIBUTION OF POLITICAL STATEMENTS; REPEALING SECTION 67-6616,
9 IDAHO CODE, RELATING TO THE EXAMINATION OF STATEMENTS BY THE SECRETARY
10 OF STATE; AMENDING AND REDESIGNATING SECTION 67-6627, IDAHO CODE, TO
11 PROVIDE FOR DISCLOSURES BY PERSUASIVE POLLS CONCERNING CANDIDATES AND
12 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6617, IDAHO CODE,
13 REGARDING THE REGISTRATION OF LOBBYISTS AND TO MAKE TECHNICAL CORREC-
14 TIONS; AMENDING SECTION 67-6618, IDAHO CODE, REGARDING EXEMPTIONS FROM
15 REGISTRATION AS LOBBYISTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
16 SECTION 67-6619, IDAHO CODE, TO REMOVE THE BIENNIAL ADJUSTMENT OF THE
17 ITEMIZATION THRESHOLD FOR EXPENDITURES BENEFITING CERTAIN PERSONS, TO
18 REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
19 AND REDESIGNATING SECTION 67-6619A, IDAHO CODE, REGARDING REPORTS BY
20 STATE ENTITIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING AND REDES-
21 IGNATING SECTION 67-6620, IDAHO CODE, REGARDING THE RESTRICTION OF
22 EMPLOYMENT OF UNREGISTERED PERSONS AS LOBBYISTS; AMENDING AND REDESIG-
23 NATING SECTION 67-6621, IDAHO CODE, REGARDING THE DUTIES OF LOBBYISTS
24 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING AND REDESIGNATING SECTION
25 67-6622, IDAHO CODE, REGARDING THE DUTIES OF THE SECRETARY OF STATE TO
26 PREPARE AND REPORT CERTAIN INFORMATION AND TO MAKE TECHNICAL CORREC-
27 TIONS; AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE FOR THE DUTIES
28 OF THE SECRETARY OF STATE AND COUNTY CLERKS WITH RESPECT TO CAMPAIGN
29 REPORTS AND THE REPORTING OF SUSPECTED VIOLATIONS AND TO MAKE TECHNICAL
30 CORRECTIONS; AMENDING AND REDESIGNATING SECTION 67-6624, IDAHO CODE,
31 REGARDING THE CERTIFICATION OF STATEMENTS; AMENDING AND REDESIGNATING
32 SECTION 67-6615, IDAHO CODE, TO PROVIDE FOR THE INSPECTION AND EXAMI-
33 NATION OF STATEMENTS, TO PROVIDE FOR THE CONSOLIDATION OF FILINGS FOR
34 ALL RACES AND MEASURES IN A CENTRAL DATABASE TO BE ESTABLISHED BY THE
35 SECRETARY OF STATE, TO PROVIDE FOR THE DIVISION OF INSPECTION DUTIES
36 BETWEEN THE SECRETARY OF STATE AND THE COUNTY CLERKS AND TO MAKE TECH-
37 NICAL CORRECTIONS; AMENDING AND REDESIGNATING SECTION 67-6625A, IDAHO
38 CODE, TO PROVIDE FOR LATE FEE LIABILITY TO THE SECRETARY OF STATE OR
39 COUNTY CLERK; AMENDING AND REDESIGNATING SECTION 67-6625, IDAHO CODE,
40 TO PROVIDE FOR CIVIL FINES FOR CERTAIN VIOLATIONS, TO PROVIDE FOR A
41 MISDEMEANOR PENALTY FOR CERTAIN VIOLATIONS AND TO MAKE TECHNICAL COR-
42 RECTIONS; AMENDING AND REDESIGNATING SECTION 67-6626, IDAHO CODE, TO
43 PROVIDE FOR CERTAIN WRITTEN COMPLAINTS TO BE FILED WITH THE COUNTY CLERK
44 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING AND REDESIGNATING SECTION
45 67-6629, IDAHO CODE, REGARDING SEVERABILITY; AMENDING AND REDESIGNAT-
46 ING SECTION 67-6630, IDAHO CODE, REGARDING CONSTRUCTION; REPEALING
47 SECTION 1-2220A, IDAHO CODE, RELATING TO THE REPORTING OF CAMPAIGN
48 CONTRIBUTIONS AND EXPENDITURES FOR MAGISTRATE RETENTION ELECTIONS;
49 REPEALING SECTION 31-2012, IDAHO CODE, RELATING TO THE REPORTING OF
50 CAMPAIGN CONTRIBUTIONS AND EXPENDITURES FOR CERTAIN COUNTY ELECTIONS;

1 AMENDING SECTION 33-503, IDAHO CODE, TO REMOVE LANGUAGE PERTAINING TO
 2 THE REPORTING OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES FOR CERTAIN
 3 SCHOOL TRUSTEE ELECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO
 4 REMOVE LANGUAGE PERTAINING TO THE REPORTING OF CAMPAIGN CONTRIBUTIONS
 5 AND EXPENDITURES FOR COMMUNITY COLLEGE TRUSTEE ELECTIONS AND TO MAKE
 6 TECHNICAL CORRECTIONS; REPEALING SECTION 40-1417, IDAHO CODE, RELAT-
 7 ING TO THE REPORTING OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES FOR
 8 COUNTYWIDE HIGHWAY DISTRICT ELECTIONS; REPEALING SECTION 50-420, IDAHO
 9 CODE, RELATING TO THE REPORTING OF CAMPAIGN CONTRIBUTIONS AND EXPENDI-
 10 TURES FOR CERTAIN CITY ELECTIONS; AMENDING SECTION 50-2006, IDAHO CODE,
 11 TO PROVIDE A CORRECT CODE REFERENCE AND TO REMOVE OBSOLETE LANGUAGE;
 12 REPEALING SECTION 67-4931, IDAHO CODE, RELATING TO THE REPORTING OF
 13 CAMPAIGN CONTRIBUTIONS AND EXPENDITURES FOR AUDITORIUM DISTRICT ELEC-
 14 TIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

18 67-6601. PURPOSE OF ACT. The purpose of this ~~act~~ chapter is:
 19 (a~~1~~) To promote public confidence in government; and
 20 (b~~2~~) To promote openness in government and ~~avoiding~~ avoid secrecy by
 21 those giving financial support to ~~state~~ election campaigns and those promot-
 22 ing or opposing legislation or attempting to influence executive or adminis-
 23 trative actions for compensation ~~at the state level~~.

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

26 67-6602. DEFINITIONS. As used in this chapter, the following terms
 27 have the following meanings:

28 ~~(a) "Candidate" means an individual who has taken affirmative action to~~
 29 ~~seek nomination or election to public office. An individual shall be deemed~~
 30 ~~to have taken affirmative action to seek such nomination or election to pub-~~
 31 ~~lic office when he first:~~

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

34 ~~(2) Announces publicly or files for office.~~

35 ~~(3) For purposes of this chapter, an incumbent shall be presumed to be~~
 36 ~~a candidate in the subsequent election for his or her office. Contri-~~
 37 ~~butions received by an incumbent candidate shall not be in excess of the~~
 38 ~~prescribed contribution limits for the subsequent election by which the~~
 39 ~~incumbent candidate's name would first appear on the ballot. An incum-~~
 40 ~~bent shall no longer be a candidate for his or her office after the dead-~~
 41 ~~line for the filing of a declaration of candidacy to first appear on the~~
 42 ~~ballot for that office has expired.~~

43 (1) "Candidate" or "candidate committee" means an individual who seeks
 44 nomination, election or reelection to public office and who has:

45 (a) Announced his candidacy publicly or has filed for office;

1 (b) Received a contribution for the purpose of promoting his candidacy
 2 for office; or

3 (c) Made an expenditure or reserved space or facilities with the intent
 4 of promoting his candidacy for office.

5 For purposes of this chapter, an incumbent shall be presumed to be a candi-
 6 date in the subsequent election for his office until he has failed to file
 7 a declaration of his candidacy by the statutory deadline, or unless he has
 8 filed a final termination statement and is no longer required to report.

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

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

39 (d4) "Election" means any general, special, recall or primary elec-
 40 tion, whether at the statewide or local level of government.

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

44 ~~(f) (1) "Electioneering communication" means any communication broad-~~
 45 ~~cast by television or radio, printed in a newspaper or on a billboard,~~
 46 ~~directly mailed or delivered by hand to personal residences, or tele-~~
 47 ~~phone calls made to personal residences, or otherwise distributed that:~~

48 ~~(i) Unambiguously refers to any candidate; and~~

1 ~~(ii) Is broadcasted, printed, mailed, delivered, made or dis-~~
 2 ~~tributed within thirty (30) days before a primary election or~~
 3 ~~sixty (60) days before a general election; and~~

4 ~~(iii) Is broadcasted to, printed in a newspaper, distributed to,~~
 5 ~~mailed to or delivered by hand to, telephone calls made to, or~~
 6 ~~otherwise distributed to an audience that includes members of the~~
 7 ~~electorate for such public office.~~

8 (6) (a) "Electioneering communication" means any communication within
 9 thirty (30) days before a primary election or sixty (60) days before a
 10 general, special or recall election that is broadcast by television or
 11 radio, printed in a newspaper or on a billboard, advertised on an in-
 12 ternet website or through social media, directly mailed or delivered by
 13 hand to personal residences, made through telephone calls, delivered by
 14 electronic mail, or otherwise distributed to members of the public that
 15 include voters or potential voters for public office or ballot measure,
 16 and that unambiguously refers to a specific candidate or measure to be
 17 on the ballot.

18 (2b) "Electioneering communication" does not include:

19 (i) Any news articles, editorial endorsements, opinion or com-
 20 mentary, writings, or letter to the editor printed in a newspaper,
 21 magazine, or other periodical not owned or controlled by a candi-
 22 date or political party;

23 (ii) Any editorial endorsements or opinions aired by a broad-
 24 cast facility not owned or controlled by a candidate or political
 25 party;

26 (iii) Any communication by persons made in the regular course and
 27 scope of their business or any communication made by a membership
 28 organization solely to members of such organization and their fam-
 29 ilies;

30 (iv) Any communication ~~which~~ that refers to any candidate only as
 31 part of the popular name of a bill or statute;

32 (v) A communication ~~which~~ that constitutes an expenditure or an
 33 independent expenditure under this chapter.

34 (g7) "Executive official" means:

35 (1a) The governor, lieutenant governor, secretary of state, state con-
 36 troller, state treasurer, attorney general, superintendent of public
 37 instruction and any deputy or staff member of ~~one (1)~~ any of those indi-
 38 viduals who, within the course and scope of his or her employment, is di-
 39 rectly involved in major policy-influencing decisions for the office;

40 (2b) A state department or agency director, deputy director, division
 41 administrator or bureau chief as established and enumerated in sections
 42 67-2402 and 67-2406, Idaho Code;

43 (3c) The membership and the executive or chief administrative officer
 44 of any board or commission that is authorized to make rules or conduct
 45 rulemaking activities pursuant to section 67-5201, Idaho Code;

46 (4d) The membership and the executive or chief administrative officer
 47 of any board or commission that governs any of the state departments
 48 enumerated in section 67-2402, Idaho Code, not including public school
 49 districts;

1 (5e) The membership and the executive or chief administrative officer
 2 of the Idaho public utilities commission, the Idaho industrial commis-
 3 sion, and the Idaho state tax commission; and

4 (6f) The members of the governing board of the state insurance fund, and
 5 the members of the governing board and the executive or chief adminis-
 6 trative officer of the Idaho housing and finance association, the Idaho
 7 energy resources authority, and the Idaho state building authority.

8 (h8) "Expenditure" includes any payment, contribution, subscription,
 9 distribution, loan, advance, deposit, or gift of money or anything of value,
 10 and includes a contract, promise, or agreement, whether or not legally en-
 11 forceable, to make an expenditure. The term "expenditure" also includes a
 12 promise to pay, a payment or a transfer of anything of value in exchange for
 13 goods, services, property, facilities or anything of value for the purpose
 14 of assisting, benefiting or honoring any public official or candidate, or
 15 assisting in furthering or opposing any election campaign. For the purpose
 16 of making any reports required under this chapter, an expenditure is made at
 17 the time the funds have been obligated or committed, whether by oral or writ-
 18 ten agreement.

19 (i9) "Independent expenditure" means any expenditure by a person for
 20 a communication or other activity expressly advocating the election, pas-
 21 sage or defeat of a clearly identified candidate or measure that is not made
 22 with the cooperation or with the prior consent of, or in consultation with,
 23 or at the consent of, or in consultation with, or at the request of a sugges-
 24 tion of, a candidate or any agent or authorized committee of the candidate
 25 collaboration or coordination of a candidate or his agent, employee or vol-
 26 unteer or political committee supporting or opposing a measure. As used in
 27 this subsection, "expressly advocating" means any communication containing
 28 a message advocating election, passage or defeat including, but not limited
 29 to, the name of the candidate or measure, or expression such as "vote for,"
 30 "elect," "support," "cast your ballot for," "vote against," "defeat" or "re-
 31 ject."

32 (j10) "Lobby" and "lobbying" each means attempting through contacts
 33 with, or causing others to make contact with, members of the legislature or
 34 legislative committees or an executive official, to influence the approval,
 35 modification or rejection of any legislation by the legislature of the state
 36 of Idaho or any committee thereof or by the governor or to develop or main-
 37 tain relationships with, promote goodwill with, or entertain members of the
 38 legislature or executive officials. "Lobby" and "lobbying" shall also mean
 39 communicating with an executive official for the purpose of influencing the
 40 consideration, amendment, adoption or rejection of any rule or rulemaking as
 41 defined in section 67-5201, Idaho Code, or any ratemaking decision, procure-
 42 ment, contract, bid or bid process, financial services agreement, or bond
 43 issue. Neither "lobby" nor "lobbying" includes an association's or other
 44 organization's act of communicating with the members of that association
 45 or organization; and provided that neither "lobby" nor "lobbying" includes
 46 communicating with an executive official for the purpose of carrying out
 47 ongoing negotiations following the award of a bid or a contract, communica-
 48 tions involving ongoing legal work and negotiations conducted by and with
 49 attorneys for executive agencies, interactions between parties in litiga-
 50 tion or other contested matters, or communications among and between members

1 of the legislature and executive officials and their employees, or by state
 2 employees while acting in their official capacity or within the course and
 3 scope of their employment.

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

5 (~~¶~~12) "Lobbyist's employer" means the person or persons by whom a lobby-
 6 ist is employed, directly or indirectly, and all persons by whom he is com-
 7 pensated for acting as a lobbyist.

8 (¶13) "Local government office" means a publicly elected office that is
 9 not a legislative, statewide or federal office. It includes, but is not lim-
 10 ited to, a position on a city council, county board of commissioners, school
 11 district board of trustees, community college board of trustees, board of
 12 highway district commissioners and magistrate judges.

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

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

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

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

29 (~~¶~~15) "Person" means an individual, corporation, association, firm,
 30 partnership, committee, political party, club or other organization or
 31 group of persons, regardless of tax status or organizational purpose.

32 (~~¶~~16) "Political committee" means:

33 (~~1a~~) Any person specifically designated to support or oppose any candi-
 34 date or measure; or

35 (~~2b~~) Any person who receives contributions and makes expenditures in
 36 an amount exceeding five hundred dollars (\$500) in any calendar year for
 37 the purpose of supporting or opposing one (1) or more candidates or mea-
 38 sures.

39 Any entity registered with the federal election commission shall not be con-
 40 sidered a political committee for purposes of this chapter. ~~(3)~~ A county,
 41 district or regional committee of a recognized political party shall not
 42 be considered a political committee for the purposes of this chapter un-
 43 less such party committee has expenditures exceeding five thousand dollars
 44 (\$5,000) in a calendar year.

45 (~~¶~~17) "Political treasurer" means an individual appointed by a candi-
 46 date or political committee as provided in section 67-6603 or 67-6604, Idaho
 47 Code.

48 (~~¶~~18) "Public office" means any local, legislative, judicial or state
 49 office or position, ~~state senator, state representative, and judge of the~~

1 ~~district court~~ that is filled by election, but does not include the office of
2 precinct committeeman.

3 (19) "Social media" means websites and applications that enable users
4 to create and share content or to participate in social networking.

5 SECTION 3. That Section 67-6603, Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 4. That Chapter 66, Title 67, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 67-6603, Idaho Code, and to read as follows:

10 67-6603. APPOINTMENT OF POLITICAL TREASURER -- CANDIDATE -- CONTRIBU-
11 TIONS. (1) A candidate may not receive any contributions nor make any ex-
12 penditures until he has appointed his political treasurer. Contributions
13 and expenditures may be made only through or by a candidate's political trea-
14 surer.

15 (2) A candidate shall appoint a political treasurer by certifying the
16 full name and complete address of the political treasurer to the secretary of
17 state. A political treasurer must be a registered elector of this state. An
18 individual may serve as political treasurer for more than one (1) candidate
19 and political committee at a time. A candidate may appoint himself to be his
20 own political treasurer. A candidate may remove his political treasurer. If
21 a political treasurer dies, resigns or is removed before compliance with all
22 obligations of a political treasurer under this chapter, the candidate com-
23 mittee shall appoint a successor and certify the name and address of the suc-
24 cessor in the manner provided in the case of an original appointment.

25 (3) A candidate may not have a separate political committee in addition
26 to his candidate committee.

27 (4) A candidate for statewide or legislative office shall not maintain
28 more than one (1) account nor use more than one (1) political treasurer at a
29 time; provided, however, that a candidate may have a temporary separate ac-
30 count for the purposes of exploring the merits of running for another office
31 up until the deadline for filing for that office has expired. If a candidate
32 wishes to change the office sought, its political treasurer shall close the
33 account and transfer the funds and any campaign expenditure debt to a new ac-
34 count opened for that purpose.

35 SECTION 5. That Section 67-6604, Idaho Code, be, and the same is hereby
36 repealed.

37 SECTION 6. That Chapter 66, Title 67, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 67-6604, Idaho Code, and to read as follows:

40 67-6604. APPOINTMENT OF POLITICAL TREASURER -- POLITICAL COMMITTEE --
41 CONTRIBUTIONS. (1) A political committee may not receive any contributions
42 nor make any expenditures until it has appointed its political treasurer.
43 Contributions and expenditures may be made only through or by a political
44 committee's political treasurer.

1 (2) Before receiving any contributions or making any expenditures, a
2 political committee must register with the secretary of state. The politi-
3 cal committee shall appoint a political treasurer and certify the full name
4 and complete address of the political treasurer, as well as identify the com-
5 mittee's board of directors or, if none, the persons with spending author-
6 ity or decision-making power on behalf of the committee. The political trea-
7 surer must be a registered elector of this state. An individual may serve as
8 political treasurer for more than one (1) candidate and political committee
9 at a time. A political committee may remove its political treasurer. If a
10 political treasurer dies, resigns or is removed before compliance with all
11 obligations of a political treasurer under this chapter, the political com-
12 mittee shall appoint a successor and certify the name and address of the suc-
13 cessor in the manner provided in the case of an original appointment.

14 (3) Contributions shall not be obtained for a political committee by
15 use of coercion or physical force, by making a contribution a condition of
16 employment or membership, or by using or threatening to use job discrimi-
17 nation or financial reprisals. A political committee may solicit or obtain
18 contributions from individuals as provided in chapter 26, title 44, Idaho
19 Code, or as provided in section 44-2004, Idaho Code.

20 SECTION 7. That Section [67-6605](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 8. That Chapter 66, Title 67, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 67-6605, Idaho Code, and to read as follows:

25 67-6605. ACCOUNTS OF POLITICAL TREASURER. The political treasurer for
26 a candidate or political committee shall keep detailed accounts of all con-
27 tributions received and all expenditures made by or on behalf of the candi-
28 date or political committee. Accounts shall be updated within seven (7) days
29 of receiving a contribution or making an expenditure. The political trea-
30 surer shall file reports with the secretary of state's office as required by
31 this chapter. The political treasurer shall preserve the records of the ac-
32 count for at least one (1) year following the relevant election or one (1)
33 year following the date of the last postelection statement filed pursuant to
34 section 67-6610, Idaho Code. The secretary of state, his agent or employee,
35 or, in the case of a local government race or measure, the county clerk, may
36 inspect a political treasurer's accounts for an investigation under section
37 67-6626, Idaho Code.

38 SECTION 9. That Section [67-6606](#), Idaho Code, be, and the same is hereby
39 repealed.

40 SECTION 10. That Section 67-6610C, Idaho Code, be, and the same is
41 hereby amended to read as follows:

42 ~~67-6610C06~~. USE OF CONTRIBUTED AMOUNTS BY CANDIDATES FOR CERTAIN PUR-
43 POSES. (1) Permitted uses. A contribution accepted by a candidate may be
44 used by the candidate:

1 (a) For expenditures in connection with the campaign for public office
2 of the candidate;

3 (b) For ordinary and necessary expenses incurred in connection with du-
4 ties of the individual as a holder of public office;

5 (c) For contributions to an organization described in section 170(c) of
6 the Internal Revenue Code of 1986;

7 (d) For transfers, without limitation, to a national, state or local
8 committee of a political party;

9 (e) For donations to state and local candidates subject to the provi-
10 sions of state law; or

11 (f) For any other lawful purpose unless prohibited by subsection (2) of
12 this section.

13 (2) Prohibited use.

14 (a) In general. A contribution shall not be converted by any person to
15 personal use.

16 (b) Conversion. For the purposes of ~~subsection (2)~~ paragraph (a) of
17 this subsection, a contribution shall be considered to be converted
18 to personal use if the contribution is used to fulfill any commitment,
19 obligation or expense of a person that would exist irrespective of the
20 candidate's election campaign or individual's duties as a holder of
21 public office, including:

22 (i) A home mortgage, rent or utility payment;

23 (ii) A clothing purchase except for items of de minimis value such
24 as campaign shirts or hats;

25 (iii) A non-campaign or non-officeholder-related automobile ex-
26 pense;

27 (iv) A country club membership;

28 (v) A vacation or other non-campaign-related trip;

29 (vi) A tuition payment;

30 (vii) Admission to a sporting event, concert, theater or other
31 form of entertainment not associated with an election campaign;

32 (viii) Dues, fees and other payments to a health club or recre-
33 ational facility; and

34 (ix) Meals, groceries or other food expense, except for tick-
35 ets to meals that the candidate attends solely for the purpose of
36 enhancing the candidacy of another person or meal expenses ~~which~~
37 that are incurred as part of a campaign activity or as part of a
38 function that is related to the candidate's or officeholder's re-
39 sponsibilities.

40 SECTION 11. That Section 67-6607, Idaho Code, be, and the same is hereby
41 repealed.

42 SECTION 12. That Section 67-6610A, Idaho Code, be, and the same is
43 hereby amended to read as follows:

44 67-6610A07. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in
45 subsection (2) of this section, aggregate contributions for a primary elec-
46 tion or a general election made by a corporation, political committee, other
47 recognized legal entity or an individual, ~~other than the candidate, to a can-~~

1 ~~didate for the state legislature, and political committees organized on the~~
2 ~~candidate's behalf shall be subject to the following limitations:~~

3 (a) Aggregate contributions to a candidate committee for the state
4 legislature, judicial district office, city office, county office or
5 any other local government office shall be limited to an amount not to
6 exceed one thousand dollars (\$1,000) for the primary election and an
7 amount not to exceed one thousand dollars (\$1,000) for the general elec-
8 tion; and

9 (b) Aggregate contributions to a candidate committee for statewide
10 office for a primary election or a general election by a corporation,
11 political committee, other recognized legal entity or an individual,
12 other than the candidate, to a candidate for statewide office and polit-
13 ical committees organized on the candidate's behalf shall be limited to
14 an amount not to exceed five thousand dollars (\$5,000) for the primary
15 election and an amount not to exceed five thousand dollars (\$5,000) for
16 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 committee for the state legislature, ~~and political committees or-~~
21 ~~ganized on the candidate's behalf~~ shall be limited to an amount not to exceed
22 two 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 committee for statewide office and ~~political~~
27 ~~committees organized on the candidate's behalf~~ shall be limited to an amount
28 not to exceed ten thousand dollars (\$10,000) for the primary election and an
29 amount not to exceed ten thousand dollars (\$10,000) for the general elec-
30 tion.

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

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

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

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

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

48 (a) A contribution by a political committee with funds that have all
49 been contributed by one (1) person who exercises exclusive control over

1 the distribution of the funds of the political committee is a contribu-
2 tion by the controlling person-;

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

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

10 (i) Share the majority of members on their board of directors;

11 (ii) Share two (2) or more officers;

12 (iii) Are owned or controlled by the same majority shareholder or
13 shareholders or persons;

14 (iv) Are in a parent-subsidary relationship; or

15 (v) Have bylaws so stating.

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

20 SECTION 13. That Section [67-6608](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 14. That Chapter 66, Title 67, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 67-6608, Idaho Code, and to read as follows:

25 67-6608. CONTRIBUTOR TRANSPARENCY REQUIREMENTS. (1) Any person who
26 contributes more than fifty dollars (\$50.00), including one (1) or more
27 smaller contributions which aggregate more than fifty dollars (\$50.00) in
28 any one (1) calendar year, to a candidate shall accompany the contribution
29 with a statement of his full name and complete address.

30 (2) If a political treasurer is offered or receives a payment or con-
31 tribution of more than fifty dollars (\$50.00), or which together with prior
32 contributions from the same person during that calendar year exceeds fifty
33 dollars (\$50.00), and there is no statement of the full name and complete ad-
34 dress of the person making the contribution, the contribution shall be re-
35 turned to the contributor if his identity can be ascertained. If the con-
36 tributor's identity cannot be ascertained, the contribution shall be trans-
37 mitted immediately by the political treasurer who received it to the state
38 controller for deposit in the public education stabilization fund.

39 (3) No political committee may accept a contribution of more than one
40 thousand dollars (\$1,000), whether in a lump sum or in aggregate payments,
41 from another political committee, whether out of state or in state, that has
42 not registered as a political committee with the Idaho secretary of state.
43 If registration of the contributor cannot be confirmed, the political trea-
44 surer shall return the contribution to the contributor if his identity can be
45 ascertained. If the contributor's identity cannot be ascertained, the po-
46 litical treasurer shall transmit the contribution to the state controller
47 for deposit in the public education stabilization fund.

1 (4) No contribution shall be made and no expenditure shall be incurred,
2 directly or indirectly, in a fictitious name, anonymously, or by one (1) per-
3 son through an agent, relative or other person in such a manner as to conceal
4 the identity of the source of the contribution.

5 SECTION 15. That Section [67-6609](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 16. That Chapter 66, Title 67, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 67-6609, Idaho Code, and to read as follows:

10 67-6609. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (1) The polit-
11 ical treasurer for each candidate and each political committee shall file
12 with the secretary of state a statement of all contributions received and all
13 expenditures and encumbrances made by or on behalf of the candidate or the
14 political committee during each calendar month. The statement shall itemize
15 each contribution received and each expenditure or encumbrance made during
16 the reported month and include the following:

17 (a) Under contributions, the statement shall include a list of all the
18 contributions received, including any funds or property of the candi-
19 date used to cover expenditures. The statement shall list the full name
20 and complete address of each person who contributed an aggregate amount
21 of more than fifty dollars (\$50.00) and the amount contributed by that
22 person. The statement may list as a single item the total amount of con-
23 tributions of fifty dollars (\$50.00) or less each obtained in similar
24 fashion; and

25 (b) Under expenditures, the statement shall include the name and ad-
26 dress of each person to whom an expenditure or encumbrance was made in
27 the amount of twenty-five dollars (\$25.00) or more and the amount, date,
28 and purpose of each expenditure. Each expenditure or encumbrance in the
29 amount of twenty-five dollars (\$25.00) or more shall be vouched for by
30 a receipt or canceled check or an accurate copy thereof. The statement
31 may list as a single item the total amount of expenditures and encum-
32 brances of less than twenty-five dollars (\$25.00) without showing the
33 exact amount of or vouching for each such expenditure or encumbrance.
34 Anything of value, other than money, paid for or contributed by any per-
35 son shall be listed both as an expenditure and as a contribution.

36 (2) The first statement shall be due on the fifteenth day of the month
37 following the month in which the candidate or political committee received
38 the first contribution or made the first expenditure, whichever occurs
39 first. A monthly report shall be due on the fifteenth day of each following
40 month. If no contributions were received and no expenditures or encum-
41 brances were made during that monthly reporting period, then a statement of
42 no contributions and expenditures shall be filed.

43 (3) In addition to the monthly reports required under subsection (2) of
44 this section, the political treasurer for each candidate or political com-
45 mittee shall file a special notice of any contribution received in the amount
46 of one thousand dollars (\$1,000) or more during the fifteen (15) calendar
47 day period prior to the date of a primary, general or special election. The
48 one thousand dollar (\$1,000) threshold may be in a lump sum or the result of

1 aggregate smaller payments from the same contributor. The special notice
2 shall be reported by the political treasurer within forty-eight (48) hours
3 of its occurrence and shall identify the receiving candidate or political
4 committee, the contributor, the date of receipt and the amount of the contri-
5 bution.

6 (4) The political treasurer for a candidate or political committee at
7 the local level is exempt from filing reports under this section unless and
8 until such time as the candidate or political committee receives contribu-
9 tions or expends funds in the amount of five hundred dollars (\$500) or more.
10 Within seven (7) calendar days of the five hundred dollar (\$500) threshold
11 being met, the political treasurer for the candidate or political committee
12 shall file a cumulative report covering the period from the first contribu-
13 tion or expenditure to the current time and shall file all subsequent reports
14 according to this section regardless of amounts received or expended. Re-
15 ports under this subsection must be filed in the office of the secretary of
16 state by 5:00 p.m. of the seventh calendar day after the threshold was met.

17 (5) Any report required to be filed under the provisions of this sec-
18 tion shall be filed by electronic means as provided in section 67-6624, Idaho
19 Code.

20 SECTION 17. That Section [67-6610](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 18. That Chapter 66, Title 67, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 67-6610, Idaho Code, and to read as follows:

25 67-6610. POSTELECTION REPORTS. The political treasurer for a candi-
26 date or political committee required to file reports under section 67-6609,
27 Idaho Code, shall continue to file monthly reports after the election until
28 the account shows neither an unexpended balance of contributions nor a cam-
29 paign expenditure deficit, and the candidate or political committee files a
30 final termination statement.

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

33 ~~67-6610B1. RETIRING DEBT. (1) If a political committee organized on~~
34 ~~behalf of a candidate committee has unpaid debt at the end of the a reporting~~
35 ~~periods specified in section 67-6607(a)(2) or 67-6607(a)(6), Idaho Code~~
36 ~~period, then the committee may accept additional contributions to retire~~
37 ~~such unpaid debt, provided the contributions do not exceed the applicable~~
38 ~~contribution limits prescribed.~~

39 (2) For the purposes of this section, "unpaid debt" means any unpaid
40 monetary obligation incurred by the ~~political~~ committee as listed on the
41 reports filed through the postelection report period minus any cash balance
42 reported on the postelection report. Outstanding loans are considered a
43 type of "unpaid debt."

44 SECTION 20. That Section [67-6612](#), Idaho Code, be, and the same is hereby
45 repealed.

1 SECTION 21. That Section 67-6611, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-66112. INDEPENDENT EXPENDITURES. (1) Each person who makes inde-
4 pendent expenditures in an aggregate amount exceeding one hundred dollars
5 (\$100) in support of or in opposition to any one (1) candidate, political
6 committee or measure, shall file a statement of the expenditure with the sec-
7 retary of state.

8 (2) Statements shall be filed with the secretary of state, ~~not~~ no less
9 than seven (7) days prior to the primary and general elections and thirty
10 (30) days after the primary and general elections.

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

12 (a) ~~¶~~The name and address of any person to whom an expenditure in excess
13 of fifty dollars (\$50.00) has been made by any such person in support of
14 or in opposition to any such candidate or ~~issue~~ measure during the re-
15 porting period, together with the amount, date and purpose of each ~~such~~
16 expenditure; and

17 (b) ~~¶~~The total sum of all expenditures made in support of or in opposi-
18 tion to any such candidate or measure.

19 (4) In addition to the requirements set forth in subsections (1) and (2)
20 of this section, each person who makes independent expenditures in an aggre-
21 gate amount of one thousand dollars (\$1,000) or more after the sixteenth day
22 before, but more than forty-eight (48) hours before, any primary or general
23 election, shall file a written statement of the expenditures with the secre-
24 tary of state not more than forty-eight (48) hours from the time of such the
25 expenditure. The statement shall include the information required in sub-
26 section (3) of this section. The statement shall also identify the ten (10)
27 financial contributors who have contributed the largest sums of money in the
28 aggregate to the person making the independent expenditure during the previ-
29 ous twelve (12) months. In the event of a tie between contributors who have
30 contributed the largest sums, all contributors who are tied shall be dis-
31 closed.

32 SECTION 22. That Section 67-6628, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 67-662813. ELECTIONEERING COMMUNICATIONS -- STATEMENTS. (1) Any per-
35 son who conducts, pays for or transmits any electioneering communication as
36 defined in section 67-6602, Idaho Code, shall be required to file a state-
37 ment on a form provided by the secretary of state within seven (7) days or, if
38 the expenditure or communication takes place during the ten (10) day period
39 prior to the relevant election, within forty-eight (48) hours of the commu-
40 nication. Contents of the statement shall include the amount spent on such
41 communications, the name and address of the person, and the names and ad-
42 resses of any persons who ~~contribute~~ contributed fifty dollars (\$50.00) or
43 more during the previous twelve (12) months to any person described in this
44 section the person conducting, transmitting or paying for the electioneer-
45 ing communication. The statement shall also identify the contributors who
46 have contributed the five (5) largest sums of money in the aggregate to the
47 person during the previous twelve (12) months and the aggregate amount con-
48 tributed by each of the top five (5) contributors. In the event of a tie be-

1 tween contributors who have contributed the largest sums, all contributors
2 who are tied shall be disclosed.

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

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

12 (3) Every electioneering communication shall contain an authority line
13 that states the name of the candidate, political committee or other person
14 responsible for the communication.

15 (4) An electioneering communication that is published or distributed
16 in support of or in opposition to a candidate, but is not authorized by the
17 candidate, shall include the following statement: "This message has been
18 authorized and paid for by (name of payor or payor's organization), (name and
19 title of treasurer or president). This message has not been authorized or
20 approved by any candidate."

21 (5) The secretary of state may issue directives as needed to ensure com-
22 pliance with this section for the various forms or mediums of electioneering
23 communications.

24 SECTION 23. That Section [67-6614](#), Idaho Code, be, and the same is hereby
25 repealed.

26 SECTION 24. That Section 67-6613, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 ~~67-6613~~4. COMMERCIAL REPORTING. Each newspaper, periodical, broad-
29 casting station, direct mailing company, printer and advertising agency
30 ~~which~~ that accepts expenditures from a political treasurer shall keep a
31 current record, ~~(available to the public),~~ listing the amounts paid and the
32 obligations incurred by each candidate, political committee or political
33 treasurer to such newspaper, periodical, broadcasting station, direct mail-
34 ing company, printer or advertising agency.

35 SECTION 25. That Section 67-6614A, Idaho Code, be, and the same is
36 hereby amended to read as follows:

37 ~~67-6614A~~5. PUBLICATION OR DISTRIBUTION OF POLITICAL STATE-
38 MENTS. Whenever any person makes an expenditure for the purpose of financing
39 communications expressly advocating the election, approval or defeat
40 of a candidate, measure or person standing for election to the position
41 of precinct committeeman through any broadcasting station, newspaper,
42 magazine, outdoor advertising facility, direct mailing or any other type
43 of general public political advertising, the person responsible for such
44 communication shall be clearly indicated on such communication.

1 SECTION 26. That Section 67-6616, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 27. That Section 67-6627, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 67-662716. PERSUASIVE POLL CONCERNING CANDIDATE MUST IDENTIFY PERSON
6 OR ENTITY PAYING FOR POLL. (1) If a person, candidate, political party or po-
7 litical committee requests or compensates a person to:

8 (a) Conduct or cause to be conducted a persuasive poll by telephone con-
9 cerning a candidate; or

10 (b) Produce automated or computerized messages by telephone to conduct
11 a persuasive poll concerning a candidate;
12

13 ~~¶~~the person conducting the poll shall, at the end of the poll, disclose the
14 name and telephone number of the person, candidate, political party or po-
15 litical committee that requested or compensated the person for the poll.

16 (2) As used in this section, "persuasive poll" means the canvassing of
17 persons, by means other than an established method of scientific sampling,
18 by asking questions or other information concerning a candidate ~~which is~~ de-
19 signed to provide information that is designed to advocate the election, ap-
20 proval or defeat of a candidate or measure. The term does not include a poll
21 that is conducted only to measure the public's opinion about or reaction to
22 an issue, fact or theme.

23 ~~(3) A violation of the provisions of this section shall be punishable as
provided in section 67-6625, Idaho Code.~~

24 SECTION 28. That Section 67-6617, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 67-6617. REGISTRATION OF LOBBYISTS. (a1) Before doing any lobbying,
27 or within thirty (30) days after being employed as a lobbyist, whichever oc-
28 curs first, a lobbyist shall register by filing with the secretary of state
29 a lobbyist registration statement, in such detail as the secretary of state
30 shall prescribe, accompanied by payment of a registration fee of ten dollars
31 (\$10.00), ~~(which shall be deposited by the secretary of state in the state~~
32 ~~treasury)~~, showing:

33 (1a) His name, permanent business address, and any temporary resi-
34 dential and business address in Ada County during the legislative
35 session;

36 (2b) The name, address and general nature of the occupation or business
37 of the lobbyist's employer, ~~and~~ the duration of his employment;

38 (3c) Whether the person from whom he receives compensation employs him
39 solely as a lobbyist or whether he is a regular employee performing ser-
40 vices for his employer ~~which~~ that include but are not limited to lobby-
41 ing of legislation;

42 (4d) The general subject or subjects of the lobbyist's legislative in-
43 terest; and

44 (5e) The name and address of the person who will have custody of the ac-
45 counts, bills, receipts, books, papers, and documents required to be
46 kept under this ~~act~~ chapter.

1 (b~~2~~) Any lobbyist who receives or is to receive compensation from more
2 than one (1) person for his services as a lobbyist shall file a separate no-
3 tice of representation, accompanied by the fee of ten dollars (\$10.00) for
4 each separate notice of representation, with respect to each such person;
5 except that where a lobbyist whose fee for acting as such in respect to the
6 same legislation or type of legislation is, or is to be, paid or contributed
7 by more than one (1) person, ~~then~~ such lobbyist may file a single statement,
8 in which he shall detail the name, business address and general occupation of
9 each person so paying or contributing.

10 (e~~3~~) Whenever a change, modification, or termination of the lobbyist's
11 employment occurs, the lobbyist shall, within one (1) week of such change,
12 modification or termination, furnish full information regarding the same by
13 filing with the secretary of state an amended registration statement.

14 (d~~4~~) Each lobbyist who has registered shall file a new registration
15 statement, revised as appropriate, on or before each January 10, and failure
16 to do so shall terminate his registration.

17 SECTION 29. That Section 67-6618, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-6618. EXEMPTION FROM REGISTRATION. The following persons and ac-
20 tivities shall be exempt from registration and reporting under sections
21 67-6617 and 67-6619, Idaho Code:

22 (a~~1~~) Persons who limit their lobbying activities to appearances before
23 public sessions of committees of the legislature or to appearances or par-
24 ticipation in public meetings, public hearings or public proceedings held or
25 initiated by executive officials or their employees;~~i~~

26 (b~~2~~) Persons who are employees of an entity engaged in the business of
27 publishing, broadcasting or televising, while engaged in the gathering and
28 dissemination of news and comment thereon to the general public in the ordi-
29 nary course of business;~~i~~

30 (e~~3~~) Persons who do not receive any compensation for lobbying and per-
31 sons whose compensation for lobbying does not exceed two hundred fifty dol-
32 lars (\$250) in the aggregate during any calendar quarter, including persons
33 who lobby on behalf of their employer or employers, and the lobbying activity
34 represents less than the equivalent of two hundred fifty dollars (\$250) of
35 the employee's time per calendar year quarter, based on an hourly proration
36 of said employee's compensation;~~i~~

37 (d~~4~~) Elected state officers and state executive officers appointed by
38 the governor subject to confirmation by the senate; elected officials of po-
39 litical subdivisions of the state of Idaho, acting in their official capac-
40 ity;~~i~~

41 (e~~5~~) A person who represents a bona fide church, ~~(of which he is a mem-~~
42 ~~ber)~~, solely for the purpose of protecting the constitutional right to the
43 free exercise of religion;~~i~~ and

44 (f~~6~~) (1~~a~~) Employees of a corporation, if such corporation:

45 (i) Has registered as a lobbyist pursuant to ~~chapter 66, title 67,~~
46 ~~Idaho Code, and this chapter;~~ and

47 (ii) Has designated one (1) or more of its employees as its offi-
48 cial lobbyist, and ~~(iii) The person so designated by the corpora-~~
49 ~~tion~~ employee has also registered as a lobbyist.

1 (2b) The corporation and the lobbyist designated pursuant to this
 2 subsection shall fully and accurately report all expenditures made by
 3 employees who are exempt hereunder, in the manner and at the times re-
 4 quired by section 67-6618~~9~~, Idaho Code, and, in addition thereto, shall
 5 report the names of all employees who make or authorize expenditures in
 6 the aggregate sum of fifty dollars (\$50.00) or more during any calendar
 7 year on behalf of the corporate lobbying activities.

8 SECTION 30. That Section 67-6619, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 67-6619. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under
 11 section 67-6617, Idaho Code, shall file with the secretary of state an an-
 12 nual report of his lobbying activities signed by both the lobbyist and the
 13 lobbyist's employer or employers. The reports shall be made in the form and
 14 manner prescribed by the secretary of state and shall be filed on January
 15 31 of each year. In addition to the annual report, while the legislature is
 16 in session, every registered lobbyist shall file interim monthly periodic
 17 reports for each month or portion thereof that the legislature is in session,
 18 which reports need to be signed only by the lobbyist and which shall be filed
 19 within fifteen (15) days of the first day of the month for the activities
 20 of the prior month just past; provided however, that any lobbyist covered
 21 under this chapter whose lobbying activities are confined only to executive
 22 officials shall be required to file interim periodic reports semiannually on
 23 January 31 and July 31, which reports need to be signed by the lobbyist and
 24 the lobbyist's employer or employers.

25 (2) Each annual, semiannual and monthly periodic report shall contain:

26 (a) The total of all expenditures made or incurred on behalf of such
 27 lobbyist by the lobbyist's employer or employers, not including pay-
 28 ments made directly to the lobbyist, during the period covered by the
 29 report. The totals shall be segregated according to financial category
 30 including, but not limited to: entertainment, food and refreshment,
 31 honoraria, travel, lodging, advertising and other like expenditures.
 32 Reimbursed personal living and travel expenses of a lobbyist made or in-
 33 curred directly or indirectly for any lobbying purpose need not be re-
 34 ported;

35 (b) The name of any legislator or executive official to whom or for
 36 whose benefit on any one (1) occasion, an expenditure in excess of: ~~(i)~~
 37 ~~seventy-five dollars (\$75.00) per person from 2008 through December 31,~~
 38 ~~2010, and (ii) in excess of one hundred dollars (\$100) per person on and~~
 39 ~~after January 1, 2011,~~ for the purpose of lobbying, is made or incurred
 40 and the date, name of payee, purpose and amount of such expenditure.
 41 Expenditures for the benefit of the members of the household of a legis-
 42 lator or executive official shall also be itemized if such expenditure
 43 exceeds the amount listed in this subsection;

44 (c) In the case of a lobbyist employed by more than one (1) employer,
 45 the proportionate amount of such expenditures in each category made or
 46 incurred on behalf of each of his employers; and

47 (d) The subject matter of proposed legislation and the number of each
 48 senate or house bill, resolution, memorial or other legislative activ-
 49 ity or any rule, ratemaking decision, procurement, contract, bid or bid

1 process, financial services agreement or bond in which the lobbyist has
2 been engaged in supporting or opposing during the reporting period;
3 provided that in the case of appropriations bills, the lobbyist shall
4 enumerate the specific section or sections which he supported or op-
5 posed.

6 ~~(e) The itemization threshold in subsection (2) (b) of this section~~
7 ~~shall be adjusted biennially by directive of the secretary of state, us-~~
8 ~~ing consumer price index data compiled by the United States department~~
9 ~~of labor.~~

10 (3) Reports provided by this section to be filed under the provisions of
11 this section may be filed by means of an electronic facsimile transmission
12 machine and may be filed by other electronic means as approved by the secre-
13 tary of state.

14 SECTION 31. That Section 67-6619A, Idaho Code, be, and the same is
15 hereby amended to read as follows:

16 ~~67-6619A~~20. REPORTS BY STATE ENTITIES. Any office or agency of state
17 government or a state-funded educational institution that offers gifts of
18 any kind through interaction with the legislative or executive department
19 of state government shall file the same reports lobbyists are required to
20 file pursuant to section 67-6619, Idaho Code, with the exception of report-
21 ing under section 67-6619(2) (d), Idaho Code, unless the office, agency or
22 state-funded educational institution is otherwise represented by a lobbyist
23 who files all necessary reports and documentation as provided by law.

24 SECTION 32. That Section 67-6620, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 ~~67-6620~~1. EMPLOYMENT OF UNREGISTERED PERSONS. It shall be a violation
27 of this ~~act~~ chapter for any person to employ for pay or any consideration, or
28 pay or agree to pay any compensation to, a person to lobby who is not regis-
29 tered or exempt from registration under this ~~act~~ chapter unless such person
30 registers as a lobbyist as provided by this ~~act~~ chapter as soon as practica-
31 ble after such employment or payment, or agreement to pay, compensation.

32 SECTION 33. That Section 67-6621, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 ~~67-6621~~2. DUTIES OF LOBBYISTS. (1) A person required to register as a
35 lobbyist under this ~~act~~ chapter shall also have the following obligations,
36 the violation of which shall constitute cause for revocation of his regis-
37 tration, and may subject such person, and such person's employer, if such
38 employer aids, abets, ratifies or confirms any such act, to other civil li-
39 abilities, as provided by this ~~act~~ in this chapter: ~~(1) Such persons shall~~
40 obtain and preserve all accounts, bills, receipts, books, papers, and doc-
41 uments necessary to substantiate the financial reports required to be made
42 under this ~~act~~ chapter for a period of at least three (3) years from the date
43 of the filing of the statement containing such items, which accounts, bills,
44 receipts, books, papers and documents shall be made available for inspection
45 by the secretary of state at any reasonable time during such three (3) year

1 period; provided, however, that if a lobbyist is required under the terms of
 2 his employment contract to turn any records over to his employer, responsi-
 3 bility for the preservation of such records under this subsection shall rest
 4 with such employer.

5 (2) In addition, a person required to register as a lobbyist shall not:

6 (a) Engage in any activity as a lobbyist before registering as such;

7 (b) Knowingly deceive or attempt to deceive any legislator to any fact
 8 pertaining to any pending or proposed legislation;

9 (c) Cause or influence the introduction of any bill or amendment
 10 thereto for the purpose of thereafter being employed to secure its de-
 11 feat;

12 (d) Knowingly represent an interest adverse to any of his employers
 13 without first obtaining such employers' consent thereto after full dis-
 14 closure to such employers of such adverse interest;

15 (e) Exercise any economic reprisal, extortion, or unlawful retalia-
 16 tion upon any legislator by reason of such legislator's position with
 17 respect to, or his vote upon, any pending or proposed legislation; or

18 (f) Accept any employment as a lobbyist for a compensation dependent
 19 in any manner upon the passage or defeat of any proposed or pending leg-
 20 islation or upon any other contingency connected with the action of the
 21 legislature or of either branch thereof or of any committee thereof.
 22 This contingent fee prohibition shall also apply to lobbying activities
 23 that pertain to communications with executive officials as described in
 24 section 67-6602 (7), Idaho Code.

25 SECTION 34. That Section 67-6622, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 67-66223. DOCKET -- CONTENTS -- REPORTS TO LEGISLATURE -- SUBJECTS OF
 28 LEGISLATION -- WRITTEN AUTHORIZATION. The ~~S~~secretary of ~~S~~tate shall pre-
 29 pare and keep a docket in which shall be entered the name and business ad-
 30 dress of each lobbyist and the name and business address of his employer or
 31 employers, and the subject or subjects of legislation (by bill number, if
 32 available) to which the employment relates, which information shall also be
 33 indexed by names of employers of lobbyists. Such docket shall be a public
 34 record and open to the inspection of any citizen upon demand at any time dur-
 35 ing the regular business hours of the office of the ~~S~~secretary of ~~S~~tate. Be-
 36 ginning with the first week following the beginning of any regular or spe-
 37 cial session of the legislature and on every Wednesday thereafter for the du-
 38 ration of such session, the ~~S~~secretary of ~~S~~tate shall from his records re-
 39 port to each house of the legislature the names of lobbyists registered under
 40 this ~~act~~ chapter not previously reported, the names of the persons whom they
 41 represent as such lobbyist, and subject of legislation (by bill number, if
 42 available) in which they are interested.

43 SECTION 35. That Section 67-6623, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 67-66234. DUTIES OF SECRETARY OF STATE AND COUNTY CLERKS. (1) The sec-
 46 retary of state is charged with enforcement of the provisions of this ~~act~~,

1 chapter and in addition to duties otherwise prescribed ~~herein~~ in this chap-
 2 ter, it shall be ~~his~~ the duty of the secretary of state:

3 (1a) To prescribe forms for statements and other information re-
 4 quired to be filed by this ~~act~~, chapter and to furnish such forms and
 5 instruction manual to persons required to file such statements and in-
 6 formation;

7 (2b) To make statements and other information filed with ~~him~~ the secre-
 8 tary of state's office available for public inspection and copying dur-
 9 ing regular office hours, and to make copying facilities available at a
 10 charge not to exceed actual cost;

11 (3c) To preserve such statements and other information for a period of
 12 four (4) years from date of receipt;

13 (4d) With respect to statewide and legislative offices and measures,
 14 to ~~To~~ make investigations with respect to ~~of~~ statements filed under the
 15 provisions of this act chapter, and with respect to alleged failures to
 16 file any statement required under the provisions of this ~~act~~ chapter,
 17 and upon complaint by any person with respect to alleged violations of
 18 any part of this ~~act~~ chapter;

19 (5e) To report suspected violations of law pertaining to a statewide
 20 or legislative office or measure to the ~~appropriate law enforcement au-~~
 21 ~~thorities~~ attorney general;

22 (6f) To prescribe and publish rules in accordance with the provisions
 23 of chapter 52, title 67, Idaho Code, and to take such other actions as
 24 may be appropriate to carry out the provisions of this ~~act~~ chapter; and

25 (7g) ~~To require and prescribe methods for the filing of reports in an~~
 26 ~~electronic format to ensure the prompt filing of reports with county~~
 27 ~~clerks, city clerks and clerks of special districts. The receiving au-~~
 28 ~~thority may, on an individual basis, grant a hardship waiver and accept~~
 29 ~~a report required by this chapter in another format specified by the~~
 30 ~~secretary of state.~~

31 ~~(8) To require and prescribe methods~~ To establish a database, search-
 32 able by the public, for the online filing and publication of all reports
 33 with the secretary of state to ensure prompt publication of reports
 34 required under this chapter on the secretary of state's website. The
 35 online database shall accommodate the filings of local government
 36 candidates, political committees, measures and lobbyists, as well as
 37 legislative and statewide candidates, political committees, measures
 38 and lobbyists. The secretary of state may, on an individual basis,
 39 grant a hardship waiver and accept a report required by this chapter in
 40 another format specified by the secretary of state.

41 (2) It shall be the duty of the county clerk, with respect to any local
 42 government office or measure in his county, to make investigations of state-
 43 ments required to be filed under this chapter of alleged failures to file any
 44 required statement and of any complaint filed by any person of an alleged vi-
 45 olation of any part of this chapter with respect to local government races or
 46 measures in his county. The county clerk shall report any suspected viola-
 47 tions of this chapter pertaining to a local government office or measure to
 48 the county prosecutor.

49 SECTION 36. That Section 67-6624, Idaho Code, be, and the same is hereby
 50 amended to read as follows:

1 67-66245. STATEMENTS TO BE CERTIFIED. All statements required to be
 2 filed with the secretary of state under this ~~act~~ chapter shall be signed and
 3 certified as true and correct by the person required to file the same. Elec-
 4 tronic signatures and certifications shall be governed by the uniform elec-
 5 tronic transactions act, chapter 50, title 28, Idaho Code.

6 SECTION 37. That Section 67-6615, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 67-661526. ~~INSPECTION BY SECRETARY OF STATE AND EXAMINATION OF STATE-~~
 9 ~~MENTS.~~ (1) It is the intent of the legislature to consolidate filings for all
 10 rac~~es~~ and measures in the central database established by the secretary of
 11 state. However, the responsibility for post-filing duties shall be divided
 12 between the secretary of state, for legislative and statewide offices and
 13 measures, and the local county clerk, for local government offices and mea-
 14 asures.

15 (2) The S~~ecretary of S~~tate shall inspect each statement filed in his
 16 office under this act pursuant to this chapter with respect to legislative
 17 and statewide offices or measures for timeliness and completion within two
 18 (2) days after the date it is filed. He shall notify a person required to file
 19 a statement under this act chapter immediately if:

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

23 (b) ~~a~~A written complaint is filed with the S~~ecretary of S~~tate by any
 24 registered voter alleging that a statement filed with the S~~ecretary of S~~tate does not conform to law or to the truth or that a person has failed
 25 to file a statement required by law.

26 (3) The county clerk shall inspect each statement filed in the secre-
 27 tary of state's office under this chapter with respect to local government
 28 offices or measures for timeliness and completion within two (2) days after
 29 the date it is filed with the secretary of state's office. He shall notify
 30 the filer immediately if:

31 (a) It appears that the person has failed to file a statement as re-
 32 quired by law or that a statement filed by the person does not conform to
 33 law; or

34 (b) A written complaint is filed with the county clerk by any registered
 35 voter alleging that a statement filed with the secretary of state does
 36 not conform to law or to the truth or that a person has failed to file a
 37 statement required by law.

38 (4) Within three (3) months after the date of each election, the sec-
 39 retary of state, for legislative and statewide offices and measures, or the
 40 county clerk, for local government offices and measures, shall examine a
 41 comparison of reports and statements filed in the central database of the
 42 secretary of state pursuant to this chapter. The secretary of state or the
 43 county clerk may require any person to answer in writing and under oath or
 44 affirmation any question within the knowledge of that person concerning the
 45 source of any contributions.

46 SECTION 38. That Section 67-6625A, Idaho Code, be, and the same is
 47 hereby amended to read as follows:
 48

1 67-6625A7. LATE FILING OF STATEMENT OR REPORT -- FEES. (1) If any per-
2 son fails to file a report or statement on or before a specified date, he
3 shall be liable in an amount of fifty dollars (\$50.00) per day after the dead-
4 line until the statement or report is filed:

5 (a) ~~To the secretary of state, if the statement is connected to a leg-~~
6 islative or statewide office or measure; or

7 (b) To the county clerk, if the statement is connected to a local gov-
8 ernment office or measure.

9 (2) Liability need not be enforced by the secretary of state or county
10 clerk if on an impartial basis he determines that the late filing was not
11 willful and that enforcement of the liability will not further the purposes
12 of the act, except that no liability shall be waived if a statement or report
13 is not filed within five (5) days after receiving written notice of the fil-
14 ing requirement from the secretary of state or county clerk. The remedy pro-
15 vided in this section is cumulative and does not exclude any other remedy or
16 penalty prescribed in section 67-66258, Idaho Code.

17 SECTION 39. That Section 67-6625, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-66258. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSE-
20 CUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions
21 of sections 67-6603, 67-6604(1) or (2), ~~67-6606 67-6605 through 67-6614A,~~
22 ~~67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628 or~~
23 ~~67-6625,~~ Idaho Code, shall be liable for a civil fine not to exceed ~~two hun-~~
24 ~~dred fifty dollars (\$250) if an individual, and not more than two thousand~~
25 ~~five hundred dollars (\$2,500) if a person other than an individual.~~ The bur-
26 den of proof for such civil liability shall be met by showing a preponderance
27 of the evidence.

28 (2) Any person who violates section ~~67-6605 67-6604(3) or 67-6621~~
29 ~~67-6622(2),~~ Idaho Code, and any person who knowingly and willfully violates
30 sections 67-6603, 67-6604(1) or (2), 67-6605 through ~~67-6614A,~~ 67-6617,
31 ~~67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628 or 67-6625,~~
32 Idaho Code, is guilty of a misdemeanor and, upon conviction, in addition to
33 the fines set forth in subsection (1) of this section, may be imprisoned for
34 not more than six (6) months or be both fined and imprisoned.

35 (3) The attorney general or the appropriate prosecuting attorney may
36 prosecute any violations of this ~~act~~ chapter.

37 (4) Prosecution for violation of this ~~act~~ chapter must be commenced
38 within two (2) years after the date on which the violation occurred.

39 (5) Venue for prosecution under the provisions of this chapter shall be
40 in the county of residence of the defendant if the defendant is a resident of
41 the state of Idaho, otherwise venue shall be in Ada county.

42 SECTION 40. That Section 67-6626, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 67-66269. INJUNCTIONS. The district courts of this state shall have
45 original jurisdiction to issue injunctions to enforce the provisions of
46 this ~~act~~ chapter upon application by any citizen of this state or by the
47 Secretary of State or county clerk. The court may, in its discretion, re-

1 quire the citizen plaintiff to file a written complaint with the ~~S~~secretary
2 of ~~S~~state or with the county clerk prior to seeking injunctive relief. A
3 successful plaintiff is entitled to be reimbursed for reasonable costs of
4 litigation, including reasonable attorney's fees, by the person or per-
5 sons named defendant in said injunctive action. A successful defendant is
6 entitled to be reimbursed for reasonable costs of litigation, including rea-
7 sonable attorney's fees, if the court determines that plaintiff's action was
8 without substantial merit.

9 SECTION 41. That Section 67-6629, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-662930. SEVERABILITY. If any provisions of this act or its applica-
12 tion to any person or circumstance is held invalid, the remainder of the act,
13 or the application of the provision to other persons or circumstances is not
14 affected.

15 SECTION 42. That Section 67-6630, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 67-66301. CONSTRUCTION. The provisions of this act are to be liberally
18 construed to effectuate the policies and purposes of this act. In the event
19 of conflict between the provisions of this act and any other act, the provi-
20 sions of this act shall govern.

21 SECTION 43. That Section 1-2220A, Idaho Code, be, and the same is hereby
22 repealed.

23 SECTION 44. That Section 31-2012, Idaho Code, be, and the same is hereby
24 repealed.

25 SECTION 45. That Section 33-503, Idaho Code, be, and the same is hereby
26 amended to read as follows:

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

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

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

1 ~~shall be filed with the county clerk of the county wherein the district lies~~
2 ~~or, in the case of a joint district, with the county clerk of the home county~~
3 ~~as designated pursuant to section 33-304, Idaho Code.~~

4 SECTION 46. 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.

48 (4) All eligible electors within a community college district may vote
49 for candidates in each and every zone. An individual who is a candidate for

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

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

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

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

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

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

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

40 SECTION 47. That Section [40-1417](#), Idaho Code, be, and the same is hereby
 41 repealed.

42 SECTION 48. That Section [50-420](#), Idaho Code, be, and the same is hereby
 43 repealed.

44 SECTION 49. That Section 50-2006, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each mu-
 47 nicipality an independent public body corporate and politic to be known as

1 the "urban renewal agency" that was created by resolution as provided in sec-
2 tion 50-2005, Idaho Code, before July 1, 2011, for the municipality; pro-
3 vided, that such agency shall not transact any business or exercise its pow-
4 ers hereunder until or unless: (1) the local governing body has made the
5 findings prescribed in section 50-2005, Idaho Code; and provided further,
6 that such agency created after July 1, 2011, shall not transact any busi-
7 ness or exercise its powers provided for in this chapter until (2) a major-
8 ity of qualified electors, voting in a citywide or countywide election de-
9 pending on the municipality in which such agency is created, vote to autho-
10 rize such agency to transact business and exercise its powers provided for in
11 this chapter. If prior to July 1, 2011, the local governing body has made the
12 findings prescribed in subsection (a) (1) of this section then such agency
13 shall transact business and shall exercise its powers hereunder and is not
14 subject to the requirements of subsection (a) (2) of this section.

15 (b) Upon satisfaction of the requirements under subsection (a) of this
16 section, the urban renewal agency is authorized to transact the business and
17 exercise the powers hereunder by a board of commissioners to be established
18 as follows:

19 (1) Unless provided otherwise in this section, the mayor, by and with
20 the advice and consent of the local governing body, shall appoint a
21 board of commissioners of the urban renewal agency, which shall consist
22 of not less than three (3) commissioners nor more than nine (9) commis-
23 sioners. In the order of appointment, the mayor shall designate the
24 number of commissioners to be appointed, and the term of each, provided
25 that the original term of office of no more than two (2) commissioners
26 shall expire in the same year. The commissioners shall serve for terms
27 not to exceed five (5) years, from the date of appointment, except that
28 all vacancies shall be filled for the unexpired term.

29 (2) For inefficiency or neglect of duty or misconduct in office, a com-
30 missioner may be removed by a majority vote of the local governing body
31 only after a hearing and after he shall have been given a copy of the
32 charges at least ten (10) days prior to such hearing and have had an op-
33 portunity to be heard in person or by counsel. Any commission position
34 that becomes vacant at a time other than the expiration of a term shall
35 be filled by the mayor or chair of the board of county commissioners, if
36 that is the local governing body, by and with the advice and consent of
37 the local governing body, including the mayor, if applicable, and shall
38 be filled for the unexpired term.

39 (3) By enactment of an ordinance, the local governing body may appoint
40 and designate from among its members to be members of the board of com-
41 missioners of the urban renewal agency, provided that such representa-
42 tion shall be less than a majority of the board of commissioners of the
43 urban renewal agency of the members of the local governing body on and
44 after July 1, 2017, in which case all the rights, powers, duties, priv-
45 ileges and immunities vested by the urban renewal law of 1965, and as
46 amended, in an appointed board of commissioners, shall be vested in the
47 local governing body, who shall, in all respects when acting as an urban
48 renewal agency, be acting as an arm of state government, entirely sepa-
49 rate and distinct from the municipality, to achieve, perform and accom-

1 plish the public purposes prescribed and provided by said urban renewal
2 law of 1965, and as amended.

3 (4) By enactment of an ordinance, the local governing body may termi-
4 nate the appointed board of commissioners and thereby appoint and des-
5 ignate itself as the board of commissioners of the urban renewal agency
6 for not more than one (1) calendar year.

7 (5) By enactment of an ordinance, the local governing body may provide
8 that the board of commissioners of the urban renewal agency shall be
9 elected at an election held for such purpose on one (1) of the November
10 dates provided in section 34-106, Idaho Code, and the ordinance may pro-
11 vide term limits for the commissioners. In this case, all the rights,
12 powers, duties, privileges and immunities vested by the urban renewal
13 law of 1965, and as amended, in an appointed board of commissioners,
14 shall be vested in the elected board of commissioners of the urban re-
15 newal agency, who shall, in all respects when acting as an urban renewal
16 agency, be acting as an arm of state government, entirely separate and
17 distinct from the municipality, to achieve, perform and accomplish
18 the public purposes prescribed and provided by said urban renewal law
19 of 1965, and as amended. The provisions of ~~section 50-420~~ chapter 66,
20 title 67, Idaho Code, shall apply to elected commissioners ~~if the spon-~~
21 ~~soring entity is a city or the provisions of county election law if the~~
22 ~~sponsoring entity is a county and.~~ ‡The county election law shall apply
23 to the person running for commissioner as if ~~they were~~ he was running
24 for county commissioner. In the event of a vacancy in an elected com-
25 missioner position, the replacement shall be appointed by the mayor or
26 chair of the board of county commissioners, if that is the local govern-
27 ing body by and with the advice and consent of the local governing body,
28 and shall be filled for the unexpired term.

29 (6) In all instances, a member of the board of commissioners of the ur-
30 ban renewal agency must be a resident of the county where the urban re-
31 newal agency is located or is doing business.

32 (c) A commissioner shall receive no compensation for his services but
33 shall be entitled to the necessary expenses, including traveling expenses,
34 incurred in the discharge of his duties. Each commissioner shall hold office
35 until his successor has been appointed and has qualified. A certificate of
36 the appointment or reappointment of any commissioner shall be filed with the
37 clerk of the municipality and such certificate shall be conclusive evidence
38 of the due and proper appointment of such commissioner.

39 The powers of an urban renewal agency shall be exercised by the commis-
40 sioners thereof. A majority of the commissioners shall constitute a quo-
41 rum for the purpose of conducting business and exercising the powers of the
42 agency and for all other purposes. Action may be taken by the agency upon a
43 vote of a majority of the commissioners present, unless in any case the by-
44 laws shall require a larger number.

45 The commissioners shall elect the chairman, cochairman or vice chair-
46 man for a term of one (1) year from among their members. An agency may employ
47 an executive director, technical experts and such other agents and employ-
48 ees, permanent and temporary, as it may require, and determine their qual-
49 ifications, duties and compensation. For such legal service as it may re-
50 quire, an agency may employ or retain its own counsel and legal staff. An

1 agency authorized to transact business and exercise powers under this chap-
2 ter shall file, with the local governing body, on or before March 31 of each
3 year a report of its activities for the preceding calendar year, which report
4 shall include a complete financial statement setting forth its assets, lia-
5 bilities, income and operating expense as of the end of such calendar year.
6 The agency shall be required to hold a public meeting to report these find-
7 ings and take comments from the public. At the time of filing the report, the
8 agency shall publish in a newspaper of general circulation in the community
9 a notice to the effect that such report has been filed with the municipality
10 and that the report is available for inspection during business hours in the
11 office of the city clerk or county recorder and in the office of the agency.

12 (d) An urban renewal agency shall have the same fiscal year as a municipi-
13 tality and shall be subject to the same audit requirements as a municipality.
14 An urban renewal agency shall be required to prepare and file with its lo-
15 cal governing body an annual financial report and shall prepare, approve and
16 adopt an annual budget for filing with the local governing body, for informa-
17 tional purposes. A budget means an annual estimate of revenues and expenses
18 for the following fiscal year of the agency.

19 (e) An urban renewal agency shall comply with the public records law
20 pursuant to chapter 1, title 74, Idaho Code, open meetings law pursuant to
21 chapter 2, title 74, Idaho Code, the ethics in government law pursuant to
22 chapter 4, title 74, Idaho Code, and the competitive bidding provisions of
23 chapter 28, title 67, Idaho Code.

24 SECTION 50. That Section [67-4931](#), Idaho Code, be, and the same is hereby
25 repealed.

26 SECTION 51. This act shall be in full force and effect on and after July
27 1, 2019.