LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE SENATE

SENATE BILL NO. 1337

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO CAMPAIGN FINANCE; AMENDING SECTION 67-6601, IDAHO CODE, TO REVISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6604, IDAHO CODE, TO PROVIDE FOR THE INSPECTION OF CERTAIN POLITICAL ACCOUNTS BY A COUNTY CLERK, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 67-6606, IDAHO CODE, RELATING TO EXPENDITURES BY A NONBUSINESS ENTITY; AMENDING SECTION 67-6607, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTS OF CONTRIBUTIONS AND EXPENDITURES; AMENDING SECTION 67-6608, IDAHO CODE, TO REVISE PROVISIONS REGARDING DISPOSITION OF UNEXPENDED BALANCES; AMENDING SECTION 67-6610, IDAHO CODE, TO PROHIBIT A POLITICAL COMMITTEE FROM ACCEPTING CERTAIN CONTRIBUTIONS UNDER CERTAIN CONDITIONS; AMENDING SECTION 67-6610A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTRIBUTION LIMITS AND TO PROVIDE FOR APPLICABILITY TO SPECIAL ELECTIONS; AMENDING SECTION 67-6610B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-6611, IDAHO CODE, TO REVISE LANGUAGE; AMENDING SECTION 67-6615, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE INSPECTION OF STATEMENTS PURSUANT TO THIS CHAPTER, TO PROVIDE LEGISLATIVE INTENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6616, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE EXAMINATION OF STATEMENTS FILED PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS; AMENDING SECTION 67-6625, IDAHO CODE, TO REVISE THE CIVIL FINE FOR A VIOLATION; AMENDING SECTION 67-6625A, IDAHO CODE, TO CLARIFY THE LIABILITY FOR THE LATE FILING OF A STATEMENT OR REPORT; AMENDING SECTION 67-6626, IDAHO CODE, TO PROVIDE FOR THE ROLE OF A COUNTY CLERK IN AN INJUNCTION TO ENFORCE THE ACT; AMENDING SECTION 67-6628, IDAHO CODE, TO REQUIRE AN AUTHORITY LINE IN ELECTEONERG COMMUNICATIONS; REPEALING SECTION 1-2220A, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR MAGISTRATE RETENTION ELECTIONS; REPEALING SECTION 31-2012, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR CERTAIN COUNTY ELECTIONS; AMENDING SECTION 33-503, IDAHO CODE, TO REMOVE A PROVISION REGARDING CAMPAIGN FINANCE REPORTING FOR CERTAIN SCHOOL TRUSTEE ELECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO REMOVE LANGUAGE REGARDING CAMPAIGN FINANCE REPORTING FOR COMMUNITY COLLEGE TRUSTEE ELECTIONS; REPEALING SECTION 40-1417, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR COUNTY-WIDE HIGHWAY DISTRICT ELECTIONS; REPEALING SECTION 50-420, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR CERTAIN CITY ELECTIONS; REPEALING SECTION 67-4931, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR AUDITORIUM DISTRICT ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

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

67-6601. PURPOSE OF ACT. The purpose of this act is:
(a) To promote public confidence in government; and
(b) To promote openness in government and avoiding secrecy by those giving financial support to state election campaigns and those promoting or opposing legislation or attempting to influence executive or administrative actions for compensation at the state level.

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

67-6602. DEFINITIONS. As used in this chapter, the following terms have the following meanings:
(a) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:
(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or
(2) Announces publicly or files for office and seeks nomination, election or reelection to public office and who has:
   (1) Announced his or her candidacy publicly;
   (2) Filed for public office;
   (3) Received a contribution for the purpose of promoting his or her candidacy for office; or
   (4) Made an expenditure, contracted for services or reserved space with the intent of promoting his or her candidacy for office.
(b) For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired, until he or she has failed to file a declaration of candidacy by the statutory deadline.
(c) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.
(d) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agree-
ment, promise or other obligation, whether or not legally enforceable, to
make a contribution, in support of or in opposition to any candidate, polit-
cical committee or measure. Such term also includes personal funds or other
property of a candidate or members of his household expended or transferred
to cover expenditures incurred in support of such candidate but does not
include personal funds used to pay the candidate filing fee. Such term also
includes the rendering of personal and professional services for less than
full consideration, but does not include ordinary home hospitality or the
rendering of "part-time" personal services of the sort commonly performed
by volunteer campaign workers or advisors or incidental expenses not in ex-
cess of twenty-five dollars ($25.00) personally paid for by any volunteer
campaign worker. "Part-time" services, for the purposes of this definition,
means services in addition to regular full-time employment, or, in the case
of an unemployed person or persons engaged in part-time employment, services
rendered without compensation or reimbursement of expenses from any source
other than the candidate or political committee for whom such services are
rendered. For the purposes of this act, contributions, other than money or
its equivalent shall be deemed to have a money value equivalent to the fair
market value of the contribution.

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

(e) "Election campaign" means any campaign in support of or in oppo-
tion to a candidate for election to public office and any campaign in support
of, or in opposition to, a measure.

(f) (1) "Electioneering communication" means any paid communication
broadcast by television or radio, printed in a newspaper or on a bill-
board, directly mailed or delivered by hand to personal residences, or
telephone calls made to personal residences, or advertised on the in-
ternet or through social media, or otherwise distributed that:

(i) Unambiguously refers to any candidate; and

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

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

to members of the public that includes voters or potential voters for
public office or a ballot measure and that unambiguously refers to a
specific candidate or measure to be on the ballot.

(2) "Electioneering communication" does not include:

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

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

(iii) Any communication by persons made in the regular course and
scope of their business or any communication made by a membership
organization solely to members of such organization and their families;

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

(v) A communication which constitutes an expenditure or an independent expenditure under this chapter.

(g) "Executive official" means:

(1) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of one (1) of those individuals who, within the course and scope of his or her employment, is directly involved in major policy influencing decisions for the office;

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

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

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

(5) The membership and the executive or chief administrative officer of the Idaho public utilities commission, the Idaho industrial commission, and the Idaho state tax commission; and

(6) The members of the governing board of the state insurance fund, and the members of the governing board and the executive or chief administrative officer of the Idaho housing and finance association, the Idaho energy resources authority, and the Idaho state building authority.

(h) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purpose of making any reports required under this chapter, an expenditure is made at the time any portion of goods is delivered or any portion of services is provided. In the case of an electioneering communication, an expenditure is made when any portion of the communication reaches members of the public who are voters or potential voters.

(i) "Independent expenditure" means any expenditure by a person for a communication or other activity expressly advocating the election, passage or defeat of a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the consent of, or in consultation with, or at the request of a suggestion of, a candidate or any agent or authorized committee of the candidate collaboration or coordination of a candidate or his agent, employee or volunteer, or a political committee supporting or opposing a measure. As used
in this subsection, "expressly advocating" means any communication contain-
ing a message advocating election, passage or defeat including, but not lim-
ited to, the name of the candidate or measure, or expression such as "vote
for," "elect," "support," "cast your ballot for," "vote against," "defeat"
or "reject."

(j) "Lobby" and "lobbying" each means attempting through contacts
with, or causing others to make contact with, members of the legislature or
legislative committees or an executive official, to influence the approval,
modification or rejection of any legislation by the legislature of the state
of Idaho or any committee thereof or by the governor or to develop or main-
tain relationships with, promote goodwill with, or entertain members of the
legislature or executive officials. "Lobby" and "lobbying" shall also mean
communicating with an executive official for the purpose of influencing the
consideration, amendment, adoption or rejection of any rule or rulemaking as
defined in section 67-5201, Idaho Code, or any ratemaking decision, procure-
ment, contract, bid or bid process, financial services agreement, or bond
issue. Neither "Lobby" nor "lobbying" includes an association's or other
organization's act of communicating with the members of that association
or organization; and provided that neither "lobby" nor "lobbying" includes
communicating with an executive official for the purpose of carrying out
ongoing negotiations following the award of a bid or a contract, communica-
tions involving ongoing legal work and negotiations conducted by and with
attorneys for executive agencies, interactions between parties in litiga-
tion or other contested matters, or communications among and between members
of the legislature and executive officials and their employees, or by state
employees while acting in their official capacity or within the course and
scope of their employment.

(k) "Lobbyist" includes any person who lobbies.

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

(m) "Local government office" means any publicly elected office for any
political subdivision of the state or special district that is not a legisla-
tive, statewide or federal office.

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

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

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

(2) Received during the preceding or current calendar year contribu-
tions, gifts or membership fees, which in the aggregate exceeded ten
percent (10%) of its total receipts for such year.
(o) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(p) "Political committee" means:

(1) Any person specifically designated to support or oppose any candidate or measure; or

(2) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars ($500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

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

(q) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

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

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

67-6604. ACCOUNTS OF POLITICAL TREASURER. (a) The political treasurer for each candidate or political committee shall keep detailed accounts, current within not more than seven (7) days after the date of receiving the contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under this act.

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

(c) Accounts kept by a political treasurer shall be preserved by him for at least one (1) year after the date of the election to which the accounts refer or at least one (1) year after the date the last supplemental statement is filed under section 67-6604, Idaho Code, whichever is later.

SECTION 4. That Section 67-6606, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 67-6607, Idaho Code, be, and the same is hereby amended to read as follows:

67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (a) The political treasurer for each candidate and the political treasurer of each political committee shall file with the secretary of state...
(1) Not more than fourteen (14) days and not less than seven (7) days before the date of a primary election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee prior to the fifteenth day before the primary election;

(2) Not more than thirty (30) days after the date of a primary election in which a candidate or a political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the primary election to and including the tenth day after the primary election;

(3) For all political committees supporting or opposing measures, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the measure or any candidate or made by or against the measure or any candidate shall be filed on the same dates provided in paragraphs (1), (2), (4), (5) and (6) of this subsection;

(4) Not later than October 10 immediately preceding a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including the eleventh day after the date of the primary election and to and including September 30;

an itemized statement of all contributions received and all expenditures and encumbrances made by or on behalf of the candidate or political committee since the last contributions, expenditures or encumbrances were reported. A report shall be filed:

(1) Monthly for the four (4) months preceding the month for which a candidate or measure will stand for election and once for the month of the election. Each report shall be filed by the tenth day of the month following the month that is being reported.

(2) Not more than fourteen (14) days and not less than seven (7) days before the date of a general November election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including October 1 and to and including the sixteenth day before the general November election, together with a cumulative statement showing all such contributions and expenditures or encumbrances to and including the sixteenth day before the general November election; and

(3) Monthly for any person supporting or opposing an initiative or referendum petition following the issuance of a ballot title. Each report shall be filed by the tenth day of the month following the month that is being reported.

(6) Not more than thirty (30) days after the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the general election to and including the tenth day after the general election.
(b) For the first report under this section, the reporting period shall cover the period beginning with the first contribution, expenditure, or encumbrance.

(c) Notwithstanding any other reports required under this section, the political treasurer for each candidate and any political committee shall notify the secretary of state, in writing, of any contribution of one thousand dollars ($1,000) or more, received by the political treasurer after the sixteenth forty-fifth day before, but more than forty-eight (48) hours before, any primary or general election. This notification shall be made within forty-eight (48) hours after the receipt of such contribution and shall include the name of the candidate, political committee or measure, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be in addition to the reporting of these contributions in the postelection report.

(d) For all reports required pursuant to this section, the secretary of state shall accept the date of a postmark as the date of receipt except for the seven (7) day preelection reports which must be received by no later than 5:00 p.m. on the seventh day preceding the primary or general election online filing by midnight on the date the filing is due.

(e) Any reports required to be filed under the provisions of this section may also be filed by means of an electronic facsimile transmission machine and may be filed by other electronic means as approved by the secretary of state. The political treasurer for a candidate or political committee at the local level is exempt from filing reports under this section unless and until such time as the candidate or political committee receives contributions or expends funds in the amount of five hundred dollars ($500) or more. Within seven (7) calendar days of the five hundred dollar ($500) threshold being met, the political treasurer for the candidate or political committee shall file a cumulative report covering the period from the first contribution or expenditure to the current time and shall file all subsequent reports according to this section, regardless of amounts received or expended.

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

67-6608. DISPOSITION OF UNEXPENDED BALANCES. (a) If a statement filed under paragraph (3) of subsection (a) of section 67-6607, Idaho Code, pertaining to post-general election reports or under paragraph (6) of subsection (a) of section 67-6607, Idaho Code, shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate for statewide office or political committee or measure shall continue to file annual reports on January 31, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. If a statement filed under paragraph (6) of subsection (a) of section 67-6607, Idaho Code, shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate for statewide office shall continue to file semiannual reports on January 31 and July 31, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. Such reports shall be filed
until the account shows no unexpended balance of contributions or expenditure deficit.

(b) If a candidate wins nomination, supplemental statements under subsection (a) of this section need not be filed with respect to the nomination campaign by the political treasurer of a political committee supporting the candidate or by the political treasurer for such candidate, if such political committee continues to function in support of such candidate in the campaign for the general or special election.

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

(d) The political treasurer for a candidate who was defeated in the primary election and whose post-primary or political committee whose last filed report shows an unexpended balance of contributions or a campaign debt shall continue to file semi-annual reports until there is no unexpended balance of contributions or no campaign expenditure deficit. Each report shall be filed by the twentieth day of the month following the period that is being reported.

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

67-6610. CONTRIBUTION IN EXCESS OF FIFTY DOLLARS. (a) Any person who contributes more than fifty dollars ($50.00) (including one or more smaller contributions which aggregate more than fifty dollars ($50.00) in any one calendar year) to a candidate or political committee shall accompany the contribution with a statement of his full name and complete address.

(b) If a political treasurer is offered or receives a payment or contribution of more than fifty dollars ($50.00), or which together with prior contributions from the same person during that calendar year exceeds fifty dollars ($50.00), and there is no statement of the full name and complete address of the person making the contribution, the contribution shall be returned to the contributor if his identity can be ascertained. If the contributor's identity cannot be ascertained, the contribution shall be transmitted immediately by the political treasurer who received it to the state controller for deposit in the public school fund.

(c) No political committee may accept a contribution of more than one thousand dollars ($1,000), whether in a lump sum or in aggregate payments, from another political committee, whether out-of-state or in-state, that has not registered as a political committee with the Idaho secretary of state. If registration of the contributor cannot be confirmed, the political treasurer shall return the contribution to the contributor if the identity can be ascertained. If the contributor's identity cannot be ascertained, the political treasurer shall transmit the contribution to the state controller for deposit in the public school fund.

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

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

(a) Aggregate contributions by a corporation, political committee, other recognized legal entity or individual, other than the candidate, to a candidate or candidate committee for the state legislature, judicial office or local government office shall be limited to an amount not to exceed one thousand dollars ($1,000) for the primary election and an amount not to exceed one thousand dollars ($1,000) for the general election.

(b) Aggregate contributions for a primary election or a general election by a corporation, political committee, other recognized legal entity or individual, other than the candidate, to a candidate for statewide office and political committees organized on the candidate's behalf shall be limited to an amount not to exceed five thousand dollars ($5,000) for the primary election and an amount not to exceed five thousand dollars ($5,000) for the general election.

(2) Aggregate contributions for a primary election or for a general election made by a county central committee or by the state central committee of the political parties qualified under section 34-501, Idaho Code, to a candidate for the state legislature, and political committees organized on the candidate's behalf shall be limited to an amount not to exceed two thousand dollars ($2,000) for the primary election and an amount not to exceed two thousand dollars ($2,000) for the general election. Aggregate contributions for the primary election or the general election by the state central committee of the political parties qualified under section 34-501, Idaho Code, to a candidate for statewide office and political committees organized on the candidate's behalf shall be limited to an amount not to exceed ten thousand dollars ($10,000) for the primary election and an amount not to exceed ten thousand dollars ($10,000) for the general election.

(3) For purposes of this section "statewide office" shall mean an office in state government which shall appear on the primary or general election ballot throughout the state.

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

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

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

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

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

(b) All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained or controlled by a trade association, labor union or collective bargaining organization shall be considered a contribution from such trade association, labor union or collective bargaining organization.

(c) Two (2) or more entities are treated as a single entity if the entities:

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

(47) The provisions of this section are hereby declared to be severable and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

SECTION 9. That Section 67-6610B, Idaho Code, be, and the same is hereby amended to read as follows:

67-6610B. RETIRING DEBT. If a political committee organized on behalf of a candidate has unpaid debt at the end of the reporting periods specified in section 67-6607(a)(2) or 67-6607(a)(6), Idaho Code, then the committee may accept additional contributions to retire such unpaid debt, provided the contributions do not exceed the applicable contribution limits prescribed. For the purposes of this section "unpaid debt" means any unpaid monetary obligation incurred by the political committee as listed on the reports filed through the postelection report period minus any cash balance reported on the postelection report. Outstanding loans are considered a type of "unpaid debt."

SECTION 10. That Section 67-6611, Idaho Code, be, and the same is hereby amended to read as follows:

67-6611. INDEPENDENT EXPENDITURES. (1) Each person who makes independent expenditures in an aggregate amount exceeding one hundred dollars ($100) in support of or in opposition to any one (1) candidate, political committee or measure, shall file a statement of the expenditure with the secretary of state.

(2) Statements shall be filed with the secretary of state, not less than seven (7) days prior to the primary and general election and thirty (30) days after the primary and general election.

(3) The statement shall contain the following information: (a) the name and address of any person to whom an expenditure in excess of fifty dollars ($50.00) has been made by any such person in support of or in opposition to any such candidate or issue measure during the reporting period, together with the amount, date and purpose of each such expenditure; and (b) the total
sum of all expenditures made in support of or in opposition to any such can-
date or measure.

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

SECTION 11. That Section 67-6615, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) The Secretary of State shall inspect each statement filed by his of-

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

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

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

SECTION 12. That Section 67-6616, Idaho Code, be, and the same is hereby amended to read as follows:

67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the date of each election, the Secretary of State shall examine such statement filed with his office under this act pursuant to this chapter for statewide, legislative and judicial district offices or measures, and the county clerk shall inspect each statement filed for all local government offices or mea-

sures for which the county is the home county, as defined in section 34-1401, Idaho Code; and referring to the election, to determine whether the state-
ment conforms to law. Such examinations shall include a comparison of re-
ports and statements received by the Secretary of State pursuant to sections 67-6607--67-6609, 67-6611, and 67-6614, Idaho Code. The Secretary of State or county clerk may require any person to answer in writing and under oath or affirmation any question within the knowledge of that person concerning the source of any contribution.

SECTION 13. That Section 67-6623, Idaho Code, be, and the same is hereby amended to read as follows:
67-6623. DUTIES OF SECRETARY OF STATE AND COUNTY CLERKS. (1) The secretary of state and each county clerk is charged with enforcement of the provisions of this act, and:
(2) In addition to duties otherwise prescribed herein, it shall be his duty of the secretary of state:
(a) To prescribe forms for statements and other information required to be filed by this act, and to furnish such forms and instruction manual to persons required to file such statements and information;
(b) To make statements and other information filed with him available for public inspection and copying during regular office hours, and to make copying facilities available at a charge not to exceed actual cost;
(c) To preserve such statements and other information for a period of four (4) years from date of receipt;
(d) With respect to statewide, legislative and judicial district offices and measures, to make investigations with respect to statements filed under the provisions of this act, and with respect to alleged failures to file any statement required under the provisions of this act, and upon complaint by any person with respect to alleged violations of any part of this act;
(e) To report suspected violations of law to the appropriate law enforcement authorities;
(f) To prescribe and publish rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and to take such other actions as may be appropriate to carry out the provisions of this act;
(g) To require and prescribe methods for the filing of reports in an electronic format to ensure the prompt filing of reports with county clerks, city clerks and clerks of special districts. The receiving authority may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state.
(h) To require and prescribe methods for the online filing of reports with the secretary of state to ensure prompt publication of reports on the secretary of state's website establish an online database for the filing and publication of all reports required pursuant to this chapter. The online database shall accommodate the filings of all state and local government candidates, political committees, measures and lobbyists. The online database shall be accessible on the secretary of state's website and be searchable by the public by address, candidate, committee, contribution, contributor, date, expense, office, party, purpose and any other content deemed appropriate by the secretary of state. The secretary of state may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state, which will be entered into the online database by the secretary of state within three (3) days of filing.
(3) It shall be the duty of the county clerk with respect to all local government offices or measures for which the county is the home county, as defined in section 34-1401, Idaho Code, to make investigations of statements required to be filed under this chapter, of alleged failures to file any required statement, and of any complaint filed by any person of an alleged vi-
olation of any part of this chapter with respect to local government offices
or measures in his county. The county clerk shall report any suspected vio-
lations of this chapter pertaining to a local government office or measure to
the county prosecutor.

SECTION 14. That Section 67-6625, Idaho Code, be, and the same is hereby
amended to read as follows:

67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSECU-
TION -- LIMITATION -- VENUE. (1) Any person who violates the provisions of
sections 67-6603, 67-6604, 67-6604(7) through 67-6614A, 67-6617, 67-6619,
67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, Idaho Code, shall be li-
able for a civil fine not to exceed two hundred fifty dollars ($250) if an
individual, and not more than two thousand five hundred dollars ($2,500) if
a person other than an individual one thousand dollars ($1,000). The burden
of proof for such civil liability shall be met by showing a preponderance of
the evidence.

(2) Any person who violates section 67-6605 or 67-6621(2), Idaho
Code, and any person who knowingly and willfully violates sections 67-6603
or 67-6628, Idaho Code, is guilty of a misdemeanor and, upon conviction, in
addition to the fines set forth in subsection (1) of this section, may be
imprisoned for not more than six (6) months or be both fined and imprisoned.

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

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

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

SECTION 15. That Section 67-6625A, Idaho Code, be, and the same is
hereby amended to read as follows:

67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. If any person
fails to file a report or statement on or before a specified date, he shall
be liable in an amount of fifty dollars ($50.00) per day after the deadline
until the statement or report is filed, to the secretary of state, if the
statement is connected to a legislative, statewide or judicial district
office or measure, or to the county clerk, in the case of a local government
office or measure. Liability need not be enforced by the secretary of state
or county clerk if on an impartial basis he determines that the late filing
was not willful and that enforcement of the liability will not further the
purposes of the act, except that no liability shall be waived if a statement
or report is not filed within five (5) days after receiving written notice of
the filing requirement from the secretary of state or county clerk.

The remedy provided in this section is cumulative and does not exclude
any other remedy or penalty prescribed in section 67-6625, Idaho Code.

SECTION 16. That Section 67-6626, Idaho Code, be, and the same is hereby
amended to read as follows:
67-6626. INJUNCTIONS. The district courts of this state shall have original jurisdiction to issue injunctions to enforce the provisions of this act upon application by any citizen of this state or by the Secretary of State or by the county clerk. The court may in its discretion require the citizen plaintiff to file a written complaint with the Secretary of State or county clerk prior to seeking injunctive relief. A successful plaintiff is entitled to be reimbursed for reasonable costs of litigation, including reasonable attorney's fees by the person or persons named defendant in said injunctive action. A successful defendant is entitled to be reimbursed for reasonable costs of litigation, including reasonable attorney's fees if the court determines that plaintiff's action was without substantial merit.

SECTION 17. That Section 67-6628, Idaho Code, be, and the same is hereby amended to read as follows:

67-6628. ELECTIONEERING COMMUNICATIONS -- STATEMENTS. (1) Any person who conducts or transmits any electioneering communication shall be required to file a statement on a form provided by the secretary of state. Contents of the statement shall include the amount spent on such communications, the name and address of the person, and the names and addresses of any persons who contribute fifty dollars ($50.00) or more to any person described in this section.

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

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

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

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

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

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

33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of school district trustees including those in charter districts shall be on the third Tuesday in May in odd-numbered years. Notice and conduct of the election, and the canvassing of the returns shall be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the board of trustees as the trustee elected from that zone.
(2) If any two (2) or more persons have an equal number of votes in any trustee zone and a greater number than any other nominee in that zone, the board of trustees shall determine the winner by a toss of a coin.

(3) The provisions of sections 67-6601 through 67-6616, Idaho Code, and sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections of school district trustees, except for elections of trustees in a school district that has fewer than five hundred (500) students. Provided however, the county clerk shall stand in place of the secretary of state and the county prosecutor shall stand in place of the attorney general. Any report or filing required to be filed by or for a candidate by such Idaho Code sections shall be filed with the county clerk of the county wherein the district lies or, in the case of a joint district, with the county clerk of the home county as designated pursuant to section 33-204, Idaho Code.

SECTION 21. That Section 33-2106, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(c) Excluding any first election of trustees after the creation of a district, at any other election of trustees held in 2008, and in each trustee election thereafter, trustees shall be elected to terms of four (4) years. If more than two (2) trustee positions are eligible for election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2) trustees shall be elected to a term of six (6) years. Thereafter the successors of persons so elected in 2008 shall be elected for terms of four (4) years.

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

(2) Elections of trustees of community college districts shall be biennally, in even-numbered years, and shall be held on a date authorized in section 34-106, Idaho Code. Vacancies on the board of trustees shall be filled by appointment by the remaining members, but if by reason of vacancies there remain on the board less than a majority of the required number of members, appointment to fill such vacancies shall be made by the state board of
education. Any person so appointed must reside in the trustee zone where the
vacancy occurs and shall serve until the next trustee election, at which time
his successor shall be elected for the unexpired term. The trustees shall
take and subscribe the oath of office required in the case of state officers
and said oath shall be filed with the secretary of state.
(3) Notice of the election, the conduct thereof, the qualification of
electors and the canvass of returns shall be as prescribed in chapter 14, ti-
tle 34, Idaho Code.
(4) All eligible electors within a community college district may vote
for candidates in each and every zone. An individual who is a candidate for
a specific zone of the community college district must reside in that same
specific zone, and the candidate in each zone receiving the largest number
of votes from the district shall be declared elected. An individual shall
be a candidate for a specific position of the board and each candidate must
declare which position he seeks on the board of trustees. If it be necessary
to resolve a tie between two (2) or more persons, the board of trustees shall
determine by lot which thereof shall be declared elected. The clerk of the
board shall promptly notify any person by mail of his election, enclosing a
form of oath to be subscribed by him as herein provided.
(5) When elections held pursuant to this section coincide with other
elections held by the state of Idaho or any subdivision thereof, or any mu-
nicipality or school district, the board of trustees may make agreement with
the body holding such election for joint boards of election and the payment
of fees and expenses of such boards of election on such proportionate basis
as may be agreed upon.
(6) At its first meeting following the appointment of the first board of
trustees, and at the first regular meeting following any community college
trustee election, the board shall organize, and shall elect one (1) of its
members chairman, one (1) a vice-chairman; and shall elect a secretary and
a treasurer, who may be members of the board; or one (1) person to serve as
secretary and treasurer, who may be a member of the board.
(7) The provisions of sections 67-6601 through 67-6616, Idaho Code, and
sections 67-6622 through 67-6630, Idaho Code, are hereby made applicable to
all community college trustee elections. Provided however, that the county
clerk shall stand in place of the secretary of state and the county prosecu-
tor shall stand in place of the attorney general. Any report or filing re-
quired to be filed by or for a candidate by such sections of Idaho Code shall
be filed with the county clerk of the county where such candidate resides.
(8) The board shall set a given day of a given week in each month as its
regular meeting time. Three (3) members of the board shall constitute a quo-
rum for the transaction of official business.
(9) The authority of trustees of community college districts shall be
limited in the manner prescribed in section 33-507, Idaho Code.
(10) Any decision of the state board of education issued pursuant to
chapter 21, title 33, Idaho Code, may be appealed to the district court of
any county in which the district or proposed district lies or shall lie. The
pleadings and other papers shall be filed not more than sixty (60) days after
notice of the order appealed and service of two (2) copies thereof shall be
made upon the state board of education.
SECTION 22. That Section 40-1417, Idaho Code, be, and the same is hereby repealed.

SECTION 23. That Section 50-420, Idaho Code, be, and the same is hereby repealed.

SECTION 24. That Section 67-4931, Idaho Code, be, and the same is hereby repealed.

SECTION 25. This act shall be in full force and effect on and after July 1, 2019.