

IN THE SENATE

SENATE BILL NO. 1113

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CAMPAIGN FINANCE REPORTS; AMENDING SECTION 67-6601, IDAHO CODE,
2 TO REVISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6602, IDAHO CODE,
3 TO REVISE DEFINITIONS AND TO DEFINE A TERM; AMENDING SECTION 67-6604,
4 IDAHO CODE, TO PROVIDE FOR THE INSPECTION OF CERTAIN POLITICAL AC-
5 COUNTS BY A COUNTY CLERK, TO PROVIDE A CORRECT CODE REFERENCE, AND TO
6 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6606, IDAHO CODE, TO
7 PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION;
8 AMENDING SECTION 67-6607, IDAHO CODE, TO REVISE PROVISIONS REGARDING
9 REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL
10 COMMITTEES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION
11 OF A NEW SECTION 67-6607A, IDAHO CODE, TO PROVIDE FOR LIMITED APPLICA-
12 TION OF CAMPAIGN FINANCE REPORTING LAWS TO CERTAIN ELECTIONS; AMENDING
13 SECTION 67-6608, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTS OF
14 UNEXPENDED BALANCES OR CAMPAIGN DEBT; AMENDING SECTION 67-6610A, IDAHO
15 CODE, TO REVISE PROVISIONS REGARDING CONTRIBUTION LIMITS AND TO PROVIDE
16 FOR APPLICABILITY TO SPECIAL ELECTIONS; AMENDING SECTION 67-6610B,
17 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL
18 CORRECTIONS; AMENDING SECTION 67-6615, IDAHO CODE, TO PROVIDE FOR THE
19 RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARD-
20 ING THE INSPECTION OF STATEMENTS PURSUANT TO THIS CHAPTER, TO PROVIDE
21 LEGISLATIVE INTENT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
22 TION 67-6616, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE
23 SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE EXAMINATION OF
24 STATEMENTS FILED PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORREC-
25 TIONS; AMENDING SECTION 67-6621, IDAHO CODE, TO PROVIDE A CORRECT CODE
26 REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6623,
27 IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF
28 STATE AND OF COUNTY CLERKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
29 SECTION 67-6625A, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE OR
30 COUNTY CLERK SHALL PROVIDE NOTIFICATION TO PERSONS WHO HAVE FAILED TO
31 FILE A REQUIRED STATEMENT OR REPORT; AMENDING SECTION 67-6626, IDAHO
32 CODE, TO PROVIDE FOR THE ROLE OF A COUNTY CLERK IN AN INJUNCTION TO EN-
33 FORCE THE CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION
34 1-2220A, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR MAG-
35 ISTRATE RETENTION ELECTIONS; REPEALING SECTION 31-2012, IDAHO CODE,
36 RELATING TO THE APPLICATION OF CAMPAIGN REPORTING LAW TO CERTAIN COUNTY
37 ELECTIONS; AMENDING SECTION 33-503, IDAHO CODE, TO REMOVE A PROVISION
38 REGARDING CAMPAIGN FINANCE REPORTING FOR CERTAIN SCHOOL TRUSTEE ELEC-
39 TIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-2106,
40 IDAHO CODE, TO REMOVE A PROVISION REGARDING CAMPAIGN FINANCE REPORTING
41 FOR COMMUNITY COLLEGE TRUSTEE ELECTIONS AND TO MAKE TECHNICAL CORREC-
42 TIONS; REPEALING SECTION 40-1417, IDAHO CODE, RELATING TO CAMPAIGN
43 FINANCE REPORTING FOR COUNTY-WIDE HIGHWAY DISTRICT ELECTIONS; REPEAL-
44 ING SECTION 50-420, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING
45

1 IN CERTAIN CITY ELECTIONS; AMENDING SECTION 50-2006, IDAHO CODE, TO
 2 PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTION 67-4931, IDAHO
 3 CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR AUDITORIUM DISTRICT
 4 ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

8 67-6601. PURPOSE OF ~~ACT~~ CHAPTER. The purpose of this ~~act~~ chapter is:

- 9 (a) To promote public confidence in government; and
 10 (b) To promote openness in government ~~and avoiding secrecy and to~~
 11 promote transparency by those giving financial support to ~~state~~ election
 12 campaigns and those promoting or opposing legislation or attempting to in-
 13 fluence executive or administrative actions for compensation ~~at the state~~
 14 ~~level~~.

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

17 67-6602. DEFINITIONS. As used in this chapter, the following terms
 18 have the following meanings:

19 (a) "Candidate" means an individual who ~~has taken affirmative action~~
 20 ~~to seek nomination or election to public office. An individual shall be~~
 21 ~~deemed to have taken affirmative action to seek such nomination or election~~
 22 ~~to public office when he first:~~

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

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

28 (a) Announced the individual's candidacy publicly;

29 (b) Filed for public office;

30 (c) Received a contribution for the purpose of promoting the individ-
 31 ual's candidacy for office; or

32 (d) Made an expenditure, contracted for services, or reserved space
 33 with the intent of promoting the individual's candidacy for office.

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

43 (b) "Compensation" includes any advance, conveyance, forgiveness of
 44 indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-
 45 fer of money or anything of value, and any contract, agreement, promise or
 46 other obligation, whether or not legally enforceable, to do any of the fore-

1 going, for services rendered or to be rendered, but does not include reim-
 2 bursement of expenses if such reimbursement does not exceed the amount ac-
 3 tually expended for such expenses and is substantiated by an itemization of
 4 such expenses.

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

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

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

32 (f6) (1a) "Electioneering communication" means any communication
 33 broadcast by television or radio, printed in a newspaper or on a bill-
 34 board, directly mailed or delivered by hand to personal residences, or
 35 telephone calls made to personal residences, or otherwise distributed
 36 that:

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

45 (2b) "Electioneering communication" does not include:

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

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

4 (iii) Any communication by persons made in the regular course and
5 scope of their business or any communication made by a membership
6 organization solely to members of such organization and their fam-
7 ilies;

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

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

12 (~~§~~7) "Executive official" means:

13 (~~1~~a) The governor, lieutenant governor, secretary of state, state con-
14 troller, state treasurer, attorney general, superintendent of public
15 instruction and any deputy or staff member of ~~one~~ (1) any of those indi-
16 viduals who, within the course and scope of his or her employment, is di-
17 rectly involved in major policy-influencing decisions for the office;

18 (~~2~~b) A state department or agency director, deputy director, division
19 administrator or bureau chief as established and enumerated in sections
20 67-2402 and 67-2406, Idaho Code;

21 (~~3~~c) The membership and the executive or chief administrative officer
22 of any board or commission that is authorized to make rules or conduct
23 rulemaking activities pursuant to section 67-5201, Idaho Code;

24 (~~4~~d) The membership and the executive or chief administrative officer
25 of any board or commission that governs any of the state departments
26 enumerated in section 67-2402, Idaho Code, not including public school
27 districts;

28 (~~5~~e) The membership and the executive or chief administrative officer
29 of the Idaho public utilities commission, the Idaho industrial commis-
30 sion, and the Idaho state tax commission; and

31 (~~6~~f) The members of the governing board of the state insurance fund, and
32 the members of the governing board and the executive or chief adminis-
33 trative officer of the Idaho housing and finance association, the Idaho
34 energy resources authority, and the Idaho state building authority.

35 (~~h~~8) "Expenditure" includes any payment, contribution, subscription,
36 distribution, loan, advance, deposit, or gift of money or anything of value,
37 and includes a contract, promise, or agreement, whether or not legally en-
38 forceable, to make an expenditure. The term "expenditure" also includes a
39 promise to pay, a payment or a transfer of anything of value in exchange for
40 goods, services, property, facilities or anything of value for the purpose
41 of assisting, benefiting or honoring any public official or candidate, or
42 assisting in furthering or opposing any election campaign.

43 (~~i~~9) "Independent expenditure" means any expenditure by a person for
44 a communication expressly advocating the election, passage or defeat of a
45 clearly identified candidate or measure that is not made with the coopera-
46 tion or with the prior consent of, or in consultation with, or at the consent
47 of, or in consultation with, or at the request of a suggestion of, a candidate
48 or any agent or authorized committee of the candidate or political committee
49 supporting or opposing a measure. As used in this subsection, "expressly ad-
50 vocating" means any communication containing a message advocating election,

1 passage or defeat including, but not limited to, the name of the candidate
 2 or measure, or expression such as "vote for," "elect," "support," "cast your
 3 ballot for," "vote against," "defeat" or "reject."

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

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

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

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

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

41 (~~§~~15) "Nonbusiness entity" means any group of two (2) or more individ-
 42 uals, a corporation, association, firm, partnership, committee, club or
 43 other organization ~~which that~~:

44 (~~§~~1a) Does not have as its principal purpose the conduct of business ac-
 45 tivities for profit; and

46 (~~§~~2b) Received during the preceding or current calendar year contribu-
 47 tions, gifts or membership fees, which in the aggregate exceeded ten
 48 percent (10%) of its total receipts for such year.

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

4 (¶17) "Political committee" means:

5 (1a) Any person specifically designated to support or oppose any candi-
6 date or measure; or

7 (2b) Any person who receives contributions and makes expenditures in
8 an amount exceeding five hundred dollars (\$500) in any calendar year
9 for the purpose of supporting or opposing one (1) or more candidates or
10 measures. Any entity registered with the federal election commission
11 shall not be considered a political committee for purposes of this chap-
12 ter.

13 (3c) A county, district or regional committee of a recognized politi-
14 cal party shall not be considered a political committee for the purposes
15 of this chapter unless such party committee has expenditures exceeding
16 five thousand dollars (\$5,000) in a calendar year.

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

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

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

25 67-6604. ACCOUNTS OF POLITICAL TREASURER. (a1) The political trea-
26 surer for each candidate or political committee shall keep detailed
27 accounts, current within not more than seven (7) days after the date of
28 receiving the contribution or making an expenditure, of all contributions
29 received and all expenditures made by or on behalf of the candidate or polit-
30 ical committee that are required to be set forth in a statement filed under
31 this ~~act~~ chapter.

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

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

41 SECTION 4. That Section 67-6606, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 67-6606. EXPENDITURES BY NONBUSINESS ENTITY. (1) Any nonbusiness
44 entity, ~~which that~~ is not a political committee as defined in section
45 67-6602~~(p)~~, Idaho Code, making expenditures in or directed to voters in the
46 state of Idaho in an amount exceeding one thousand dollars (\$1,000) in any
47 calendar year for the purpose of supporting or opposing one (1) or more can-

1 didates or measures shall file a statement with the secretary of state. The
2 statement shall include:

3 (a) The name and address of the nonbusiness entity and the name and ad-
4 dress of its principal officer or directors.

5 (b) The name and address of each person whose fees, dues, payments
6 or other consideration paid to such nonbusiness entity during either
7 of the prior two (2) calendar years has exceeded five hundred dollars
8 (\$500) or who has paid or has agreed to pay fees, dues, payments or other
9 consideration exceeding five hundred dollars (\$500) to such entity dur-
10 ing the current year.

11 (2) This statement shall be filed within thirty (30) days of when the
12 one thousand dollar (\$1,000) threshold mentioned in subsection (1) of this
13 section is exceeded.

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

16 67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND
17 POLITICAL COMMITTEES. (a) The political treasurer for each candidate and
18 the political treasurer of each political committee shall file with the sec-
19 retary of state:

20 ~~(1) Not more than fourteen (14) days and not less than seven (7) days~~
21 ~~before the date of a primary election in which the candidate or polit-~~
22 ~~ical committee is involved,~~ a statement of all contributions received
23 and all expenditures ~~or~~ and encumbrances made by or on behalf of the can-
24 didate or political committee ~~prior to the fifteenth day before the pri-~~
25 ~~mary election;~~ for four (4) months preceding each election and for the
26 month of the election itself. The statement shall itemize each contri-
27 bution received and each expenditure or encumbrance made during the re-
28 ported month and shall include the following:

29 (a) Under contributions, the statement shall include a list of all the
30 contributions received, including any funds or property of the candi-
31 date used to cover expenditures. The statement shall list the full name
32 and complete address of each person who contributed an aggregate amount
33 of more than fifty dollars (\$50.00) and the amount contributed by that
34 person. The statement may list as a single item the total amount of con-
35 tributions of fifty dollars (\$50.00) or less; and

36 (b) Under expenditures, the statement shall include the name and ad-
37 dress of each person to whom an expenditure or encumbrance was made in
38 the amount of twenty-five dollars (\$25.00) or more, and the amount,
39 date, and purpose of each expenditure. Each expenditure or encumbrance
40 in the amount of twenty-five dollars (\$25.00) or more shall be evi-
41 denced by an invoice, receipt, or canceled check or an accurate copy
42 thereof. Such evidence shall not be filed with the statement but shall
43 be retained by the committee or candidate for a period of one (1) year
44 after the statement has been filed. The statement may list as a single
45 item the total amount of expenditures and encumbrances of less than
46 twenty-five dollars (\$25.00) without showing the exact amount of or re-
47 quiring evidence of each such expenditure or encumbrance. Anything of
48 value, other than money, paid for or contributed by any person shall be
49 listed both as an expenditure and as a contribution.

~~(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;~~

~~(5) Not more than fourteen (14) days and not less than seven (7) days before 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 since and including October 1 and to and including the sixteenth day before the general election, together with a cumulative statement showing all such contributions and expenditures or encumbrances to and including the sixteenth day before the general election; and~~

~~(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.~~

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

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

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

~~(b) By January 31 and shall cover all contributions and expenditures made since the last report was filed covering the month of the November election.~~

~~(e₄) 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 aggregate contribution of one thousand dollars (\$1,000) or more, received by the political treasurer~~

1 after the sixteenth day before, but more than forty-eight (48) hours before,
 2 any primary or general election. This notification shall be made within
 3 forty-eight (48) hours after the receipt of such contribution and shall
 4 include the name of the candidate, political committee or measure, the iden-
 5 tification of the contributor, and the date or dates of receipt and amount of
 6 the contribution. The notification shall be in addition to the reporting of
 7 these contributions in the ~~postelection report~~ regular reports.

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

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

18 SECTION 6. That Chapter 66, Title 67, Idaho Code, be, and the same is
 19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 20 ignated as Section 67-6607A, Idaho Code, and to read as follows:

21 67-6607A. SPECIAL PROVISION FOR LOCAL ELECTIONS AND MEASURES. The po-
 22 litical treasurer for a candidate or political committee for a local gov-
 23 ernment office or local ballot measure is exempt from filing reports under
 24 sections 67-6607 and 67-6608, Idaho Code, unless and until such time as the
 25 candidate or political committee receives contributions or expends funds in
 26 the amount of five hundred dollars (\$500) or more. Within seven (7) calen-
 27 dar days of the five hundred dollar (\$500) threshold being met, the politi-
 28 cal treasurer for the candidate or political committee shall file a cumula-
 29 tive report covering the period from the first contribution or expenditure
 30 to the current date and shall file all subsequent reports according to sec-
 31 tions 67-6607 and 67-6608, Idaho Code, regardless of amounts received or ex-
 32 pended.

33 SECTION 7. That Section 67-6608, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 67-6608. DISPOSITION POSTELECTION REPORTS OF UNEXPENDED BALANCES OR
 36 CAMPAIGN DEBT. (a1) If a statement filed under ~~paragraph (3) of subsection~~
 37 ~~(a) of section 67-6607, Idaho Code, pertaining to post-general election~~
 38 ~~reports or under paragraph (6) of subsection (a) of section 67-6607, Idaho~~
 39 ~~Code,~~ shows an unexpended balance of contributions or an expenditure
 40 deficit, the political treasurer for the a candidate for nonstatewide office
 41 or political committee or measure that has prevailed in an election shall
 42 continue to file annual reports on January 31, to cover the period since the
 43 end of the last report period, to and including the last day of the month
 44 preceding the month in which the report is filed. If a statement filed under
 45 paragraph (6) of subsection (a) of pursuant to section 67-6607, Idaho Code,
 46 shows an unexpended balance of contributions or an expenditure deficit, the
 47 political treasurer for the candidate for statewide office shall continue

1 ~~to file semiannual reports on January 31 and July 31, to cover the period~~
2 ~~since the end of the last report period, to and including the last day of the~~
3 ~~month preceding the month in which the report is filed. Such reports shall~~
4 ~~be filed until the account shows no unexpended balance of contributions or~~
5 ~~expenditure deficit.~~

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

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

14 (d2) The political treasurer for a candidate or political committee
15 or measure who was defeated in the primary election and whose post-primary
16 last filed report shows an unexpended balance of contributions or a campaign
17 debt, shall continue to file semiannual reports until there is no unexpended
18 balance of contributions or no campaign expenditure deficit. A report shall
19 be filed by July 10 for the first six (6) months of the year, and by January 10
20 for the last six (6) months of the year.

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

23 67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in
24 subsection (2) of this section, aggregate contributions for a primary elec-
25 tion or a general election made by a corporation, political committee, other
26 recognized legal entity or an individual, ~~other than the candidate, to a can-~~
27 ~~didate for the state legislature, and political committees organized on the~~
28 ~~candidate's behalf shall be subject to the limitations of this subsection;~~
29 provided, however, this subsection shall not apply to a candidate contribut-
30 ing or loaning money to his own campaign account.

31 (a) Aggregate contributions by a corporation, political committee,
32 other recognized legal entity, or an individual to a candidate for the
33 state legislature, judicial office, or local government office, and
34 political committees organized on the candidate's behalf, shall be
35 limited to an amount not to exceed one thousand dollars (\$1,000) for
36 the primary election and an amount not to exceed one thousand dollars
37 (\$1,000) for the general election.

38 (b) Aggregate contributions for a primary election or a general elec-
39 tion by a corporation, political committee, other recognized legal
40 entity or an individual, other than the candidate, to a candidate for
41 statewide office and political committees organized on the candidate's
42 behalf shall be limited to an amount not to exceed five thousand dollars
43 (\$5,000) for the primary election and an amount not to exceed five thou-
44 sand dollars (\$5,000) for the general election.

45 (2) Aggregate contributions for a primary election or for a general
46 election made by a county central committee or by the state central committee
47 of the political parties qualified under section 34-501, Idaho Code, to a
48 candidate for the state legislature, and political committees organized
49 on the candidate's behalf shall be limited to an amount not to exceed two

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

9 (3) For purposes of this section, "statewide office" shall mean an of-
10 fice in state government ~~which that~~ shall appear on the primary or general
11 election ballot throughout the state.

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

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

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

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

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

30 (b) All contributions made by a person or political committee whose
31 contribution or expenditure activity is financed, maintained or con-
32 trolled by a trade association, labor union or collective bargaining
33 organization shall be considered a contribution from such trade associ-
34 ation, labor union or collective bargaining organization.

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

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

43 (~~8~~7) The provisions of this section are hereby declared to be severable
44 and if any provision of this section or the application of such provision to
45 any person or circumstance is declared invalid for any reason, such declara-
46 tion shall not affect the validity of the remaining portions of this section.

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

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

7 (2) For the purposes of this section, "unpaid debt" means any unpaid
 8 monetary obligation incurred by the political committee as listed on the
 9 reports filed through the postelection report period minus any cash balance
 10 reported on the postelection report. Outstanding loans are considered a
 11 type of "unpaid debt."

12 SECTION 10. That Section 67-6615, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 67-6615. INSPECTION BY SECRETARY OF STATE AND COUNTY CLERKS. (1) It
 15 is the intent of the legislature to consolidate filings for all offices and
 16 measures in a central online database established by the secretary of state.

17 (2) The Secretary of State shall inspect each statement filed in his
 18 office under this act pursuant to this chapter for statewide, legislative,
 19 and judicial district offices or measures, and the county clerk shall in-
 20 spect each statement filed for all local government offices or measures for
 21 which the county is the home county, as defined in section 34-1401, Idaho
 22 Code, within two (2) days after the date it is filed. He shall notify a person
 23 required to file a statement under this act chapter immediately if:

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

27 (b) ~~a~~ written complaint is filed with the ~~Secretary of State~~ or
 28 county clerk by any registered voter alleging that a statement filed
 29 with the ~~Secretary of State~~ does not conform to law or to the truth or
 30 that a person has failed to file a statement required by law.

31 SECTION 11. That Section 67-6616, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the
 34 date of each election, the ~~Secretary of State~~ shall examine such statement
 35 filed ~~with his office under this act pursuant to this chapter for statewide,~~
 36 legislative, and judicial district offices or measures, and the county
 37 clerk shall inspect each statement filed for all local government offices
 38 or measures for which the county is the home county, as defined in section
 39 34-1401, Idaho Code; and referring to the election, to determine whether the
 40 statement conforms to law. Such examinations shall include a comparison
 41 of reports and statements received by the Secretary of State pursuant to
 42 sections 67-6607-- through 67-6609, 67-6611, and 67-6614, Idaho Code. The
 43 Secretary of State or county clerk may require any person to answer in
 44 writing and under oath or affirmation any question within the knowledge of
 45 that person concerning the source of any contribution.

1 SECTION 12. That Section 67-6621, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-6621. DUTIES OF LOBBYISTS. A person required to register as a lob-
4 byist under this ~~act~~ chapter shall also have the following obligations, the
5 violation of which shall constitute cause for revocation of his registra-
6 tion, and may subject such person, and such person's employer, if such em-
7 ployer aids, abets, ratifies or confirms any such act, to other civil liabil-
8 ities, as provided by this ~~act~~ chapter:

9 (1) Such persons shall obtain and preserve all accounts, bills,
10 receipts, books, papers, and documents necessary to substantiate the finan-
11 cial reports required to be made under this ~~act~~ chapter for a period of at
12 least three (3) years from the date of the filing of the statement containing
13 such items, which accounts, bills, receipts, books, papers and documents
14 shall be made available for inspection by the secretary of state at any rea-
15 sonable time during such three (3) year period; provided, however, that if a
16 lobbyist is required under the terms of his employment contract to turn any
17 records over to his employer, responsibility for the preservation of such
18 records under this subsection shall rest with such employer.

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

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

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

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

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

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

32 (f) Accept any employment as a lobbyist for a compensation dependent
33 in any manner upon the passage or defeat of any proposed or pending leg-
34 islation or upon any other contingency connected with the action of the
35 legislature or of either branch thereof or of any committee thereof.
36 This contingent fee prohibition shall also apply to lobbying activities
37 that pertain to communications with executive officials as described in
38 section 67-6602 (~~§~~7), Idaho Code.

39 SECTION 13. That Section 67-6623, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 67-6623. DUTIES OF SECRETARY OF STATE AND COUNTY CLERKS. (1) The sec-
42 retary of state and each county clerk is charged with enforcement of the pro-
43 visions of this ~~act, and~~ chapter.

44 (2) ~~I~~n addition to duties otherwise prescribed ~~herein~~ in this section,
45 it shall be ~~his~~ the duty of the secretary of state:

46 (1a) To prescribe forms for statements and other information required
47 to be filed by this act, and to furnish such forms and instruction manual
48 to persons required to file such statements and information;

1 (2b) To make statements and other information filed with him available
2 for public inspection and copying during regular office hours, and to
3 make copying facilities available at a charge not to exceed actual cost;

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

6 (4d) With respect to statewide, legislative, and judicial district of-
7 ices and measures, tTo make investigations with respect to of state-
8 ments filed under the provisions of this act chapter, and with respect
9 to alleged failures to file any statement required under the provisions
10 of this act chapter, and upon complaint by any person with respect to al-
11 leged violations of any part of this act chapter;

12 (5e) To report suspected violations of law to the appropriate law en-
13 forcement authorities;

14 (6f) To prescribe and publish rules in accordance with the provisions
15 of chapter 52, title 67, Idaho Code, and to take such other actions as
16 may be appropriate to carry out the provisions of this act chapter;

17 (7g) ~~To prescribe methods of the filing of reports by electronic means.~~

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

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

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

44 67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. (1) If any person
45 fails to file a report or statement required under this chapter on or before
46 a specified date, he shall be liable to the secretary of state for deposit in
47 the general fund in an the amount of fifty dollars (\$50.00) per day beginning
48 immediately after the deadline until the statement or report is filed, to the
49 secretary of state. Liability need not be enforced by the secretary of state

1 ~~if on an impartial basis he determines that the late filing was not will-~~
 2 ~~ful and that enforcement of the liability will not further the purposes of~~
 3 ~~the act, except that no liability shall be waived if a statement or report~~
 4 ~~is not filed within five (5) days after receiving written notice of the fil-~~
 5 ~~ing requirement from the secretary of state. The secretary of state or the~~
 6 ~~county clerk shall notify the person and his treasurer, if any, that a fine~~
 7 ~~has been assessed and will continue to accrue until the report or statement~~
 8 ~~has been filed. The notification shall be made by telephone or electronic~~
 9 ~~means within twenty-four (24) hours of the missed filing deadline.~~

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

12 SECTION 15. That Section 67-6626, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

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

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

28 SECTION 17. That Section 31-2012, Idaho Code, be, and the same is hereby
 29 repealed.

30 SECTION 18. That Section 33-503, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of
 33 school district trustees including those in charter districts shall be on
 34 the Tuesday following the first Monday in November in odd-numbered years.
 35 Notice and conduct of the election, and the canvassing of the returns, shall
 36 be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the
 37 person receiving the greatest number of votes cast within his zone shall be
 38 declared by the board of trustees as the trustee elected from that person's
 39 zone.

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

44 (3) ~~The provisions of sections 67-6601 through 67-6616, Idaho Code, and~~
 45 ~~sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections~~

1 ~~of school district trustees, except for elections of trustees in a school~~
2 ~~district that has fewer than five hundred (500) students. Provided however,~~
3 ~~the county clerk shall stand in place of the secretary of state and the county~~
4 ~~prosecutor shall stand in place of the attorney general. Any report or fil-~~
5 ~~ing required to be filed by or for a candidate by such Idaho Code sections~~
6 ~~shall be filed with the county clerk of the county wherein the district lies~~
7 ~~or, in the case of a joint district, with the county clerk of the home county~~
8 ~~as designated pursuant to section 33-304, Idaho Code.~~

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

12 SECTION 19. That Section 33-2106, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of
15 trustees of each community college district shall consist of five (5) elec-
16 tors who shall reside in a different trustee zone from each other and who
17 shall be appointed or elected as provided in this section.

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

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

32 (c) Excluding any first election of trustees after the creation of a
33 district, at any other election of trustees held in 2008, and in each
34 trustee election thereafter, trustees shall be elected to terms of four
35 (4) years. If more than two (2) trustee positions are eligible for elec-
36 tion in 2008, one (1) trustee shall be elected to a term of four (4) years
37 and two (2) trustees shall be elected to a term of six (6) years. There-
38 after, the successors of persons so elected in 2008 shall be elected for
39 terms of four (4) years.

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

42 (2) Elections of trustees of community college districts shall be bi-
43 ennially, in even-numbered years, and shall be held on a date authorized
44 in section 34-106, Idaho Code. Vacancies on the board of trustees shall be
45 filled by appointment by the remaining members, but if by reason of vacancies
46 there remain on the board less than a majority of the required number of mem-
47 bers, appointment to fill such vacancies shall be made by the state board of
48 education. Any person so appointed must reside in the trustee zone where the
49 vacancy occurs and shall serve until the next trustee election, at which time

1 his successor shall be elected for the unexpired term. The trustees shall
2 take and subscribe the oath of office required in the case of state officers
3 and said oath shall be filed with the secretary of state.

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

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

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

24 (6) At its first meeting following the appointment of the first board of
25 trustees, and at the first regular meeting following any community college
26 trustee election, the board shall organize, and shall elect one (1) of its
27 members chairman, one (1) a vice-chairman; and shall elect a secretary and
28 a treasurer, who may be members of the board; or one (1) person to serve as
29 secretary and treasurer, who may be a member of the board.

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

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

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

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

48 SECTION 20. That Section [40-1417](#), Idaho Code, be, and the same is hereby
49 repealed.

1 SECTION 21. That Section [50-420](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 22. That Section 50-2006, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each mu-
6 nicipality an independent public body corporate and politic to be known as
7 the "urban renewal agency" that was created by resolution as provided in sec-
8 tion 50-2005, Idaho Code, before July 1, 2011, for the municipality; pro-
9 vided, that such agency shall not transact any business or exercise its pow-
10 ers hereunder until or unless: (1) the local governing body has made the
11 findings prescribed in section 50-2005, Idaho Code; and provided further,
12 that such agency created after July 1, 2011, shall not transact any busi-
13 ness or exercise its powers provided for in this chapter until (2) a major-
14 ity of qualified electors, voting in a citywide or countywide election de-
15 pending on the municipality in which such agency is created, vote to autho-
16 rize such agency to transact business and exercise its powers provided for in
17 this chapter. If prior to July 1, 2011, the local governing body has made the
18 findings prescribed in subsection (a) (1) of this section then such agency
19 shall transact business and shall exercise its powers hereunder and is not
20 subject to the requirements of subsection (a) (2) of this section.

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

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

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

45 (3) By enactment of an ordinance, the local governing body may appoint
46 and designate from among its members to be members of the board of com-
47 missioners of the urban renewal agency, provided that such representa-
48 tion shall be less than a majority of the board of commissioners of the
49 urban renewal agency of the members of the local governing body on and

1 after July 1, 2017, in which case all the rights, powers, duties, priv-
2 ileges and immunities vested by the urban renewal law of 1965, and as
3 amended, in an appointed board of commissioners, shall be vested in the
4 local governing body, who shall, in all respects when acting as an urban
5 renewal agency, be acting as an arm of state government, entirely sepa-
6 rate and distinct from the municipality, to achieve, perform and accom-
7 plish the public purposes prescribed and provided by said urban renewal
8 law of 1965, and as amended.

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

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

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

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

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

1 The commissioners shall elect the chairman, cochairman or vice chair-
2 man for a term of one (1) year from among their members. An agency may employ
3 an executive director, technical experts and such other agents and employ-
4 ees, permanent and temporary, as it may require, and determine their qual-
5 ifications, duties and compensation. For such legal service as it may re-
6 quire, an agency may employ or retain its own counsel and legal staff. An
7 agency authorized to transact business and exercise powers under this chap-
8 ter shall file, with the local governing body, on or before March 31 of each
9 year a report of its activities for the preceding calendar year, which report
10 shall include a complete financial statement setting forth its assets, lia-
11 bilities, income and operating expense as of the end of such calendar year.
12 The agency shall be required to hold a public meeting to report these find-
13 ings and take comments from the public. At the time of filing the report, the
14 agency shall publish in a newspaper of general circulation in the community
15 a notice to the effect that such report has been filed with the municipality
16 and that the report is available for inspection during business hours in the
17 office of the city clerk or county recorder and in the office of the agency.

18 (d) An urban renewal agency shall have the same fiscal year as a munici-
19 pality and shall be subject to the same audit requirements as a municipality.
20 An urban renewal agency shall be required to prepare and file with its lo-
21 cal governing body an annual financial report and shall prepare, approve and
22 adopt an annual budget for filing with the local governing body, for informa-
23 tional purposes. A budget means an annual estimate of revenues and expenses
24 for the following fiscal year of the agency.

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

30 SECTION 23. That Section [67-4931](#), Idaho Code, be, and the same is hereby
31 repealed.

32 SECTION 24. This act shall be in full force and effect on and after Jan-
33 uary 1, 2020.