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

IN THE SENATE

SENATE BILL NO. 1113, As Amended in the House

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO CAMPAIGN FINANCE REPORTS; AMENDING SECTION 67-6601, IDAHO CODE,
TO REVISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6602, IDAHO CODE,
TO REVISE DEFINITIONS AND TO DEFINE A TERM; 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 TECH-
NICAL CORRECTIONS; AMENDING SECTION 67-6606, IDAHO CODE, TO PROVIDE
A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING
SECTION 67-6607, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTS OF
CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL COMMITTEES;
REPEALING SECTION 67-6608, IDAHO CODE, RELATING TO THE DISPOSITION OF
UNEXPENDED BALANCES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE
ADDITION OF A NEW SECTION 67-6608, IDAHO CODE, TO PROVIDE FOR LIMITED
APPLICATION OF CAMPAIGN FINANCE REPORTING LAWS TO CERTAIN ELECTIONS;
AMENDING SECTION 67-6609, IDAHO CODE, TO PROVIDE A CORRECT CODE REF-
ERENCE AND TO MAKE TECHNICAL CORRECTIONS; 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 AND TO MAKE
TECHNICAL CORRECTIONS; REPEALING SECTION 67-6612, IDAHO CODE, RELATING
TO THE CONTENT OF CAMPAIGN FINANCE REPORTS; 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 PUR-
SUANT TO THIS CHAPTER, TO PROVIDE LEGISLATIVE INTENT, AND TO MAKE TECH-
NICAL 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 CHAP-
TER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6621, IDAHO
CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRE-
CTIONS; AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE FOR THE RESPEC-
TIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS AND TO MAKE
TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625A, IDAHO CODE, TO RE-
VISE PROVISIONS REGARDING THE ISSUANCE OF A LATE FEE AND TO PROVIDE THAT
THE SECRETARY OF STATE OR COUNTY CLERK SHALL PROVIDE NOTIFICATION TO
PERSONS WHO HAVE FAILED TO FILE A REQUIRED STATEMENT OR REPORT; AMENDING
SECTION 67-6626, IDAHO CODE, TO PROVIDE FOR THE ROLE OF A COUNTY CLERK IN
AN INJUNCTION TO ENFORCE THE CHAPTER AND TO MAKE TECHNICAL CORRECTIONS;
REPEALING SECTION 1-2220A, IDAHO CODE, RELATING TO CAMPAIGN FINANCE RE-
PORTING FOR MAGISTRATE RETENTION ELECTIONS; REPEALING SECTION 31-2012,
IDAHO CODE, RELATING TO THE APPLICATION OF CAMPAIGN REPORTING LAW TO
CERTAIN COUNTY ELECTIONS; AMENDING SECTION 33-503, IDAHO CODE, TO
REMOVE A PROVISION REGARDING CAMPAIGN FINANCE REPORTING FOR CERTAIN
SCHOOL TRUSTEE ELECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING
SECTION 33-2106, IDAHO CODE, TO REMOVE A PROVISION REGARDING CAMPAIGN
FINANCE REPORTING FOR COMMUNITY COLLEGE TRUSTEE ELECTIONS AND TO MAKE
TECHNICAL CORRECTIONS; 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 IN CERTAIN CITY ELECTIONS; AMENDING SECTION 50-2006, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; 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 CHAPTER. The purpose of this act chapter is:
(a) To promote public confidence in government; and
(b) To promote openness in government and avoiding secrecy and to promote transparency 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 seeks nomination, election, or reelection to public office and who has taken any of the following actions:
(a) Announced the individual's candidacy publicly;
(b) Filed for public office;
(c) Received a contribution for the purpose of promoting the individual's candidacy for office; or
(d) Made an expenditure, contracted for services, or reserved space with the intent of promoting the individual's candidacy for office.
(3) 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 the incumbent has failed to file a declaration of candidacy by the statutory deadline.
(2) "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.

(3) "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, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political 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 excess 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.

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

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

(6) "Electioneering communication" means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or telephone calls made to personal residences, or otherwise distributed that:

(i) Unambiguously refers to any candidate; and
(ii) Is broadcasted, printed, mailed, delivered, made or distributed 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.

(2) "Electioneering communication" does not include:
(i) Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate, political committee, or political party;
(ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, 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 that refers to any candidate only as part of the popular name of a bill or statute;
(v) A communication which that constitutes an expenditure or an independent expenditure under this chapter.

(4) "Executive official" means:
(4a) 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 (i) any 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;
(4b) 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;
(4c) 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;
(4d) 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;
(4e) 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
(4f) 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.

(4g) "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.

(4h) "Independent expenditure" means any expenditure by a person for a communication 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 or political committee supporting or opposing a measure. As used in this subsection, "expressly advocating" means any communication containing a message advocating election, passage or defeat including, but not limited 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."

(410) "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 maintain 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, procurement, 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, communications involving ongoing legal work and negotiations conducted by and with attorneys for executive agencies, interactions between parties in litigation 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.

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

(412) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(413) "Local government office" means any publicly elected office for any political subdivision of the state or special district that is not a legislative, judicial, statewide, or federal office.

(414) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election for statewide or legislative district offices, or revision of or amendment to the state constitution. An initiative 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.

(415) "Nonbusiness entity" means any group of two (2) or more individuals, a corporation, association, firm, partnership, committee, club or other organization which that:

(416) Does not have as its principal purpose the conduct of business activities for profit; and
(2b) Received during the preceding or current calendar year contributions, gifts or membership fees, which in the aggregate exceeded ten percent (10%) of its total receipts for such year.

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

(17) "Political committee" means:

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

(b) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars ($500) one thousand dollars ($1,000) 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.

(c) 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.

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

(19) "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 chapter.

(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 67-6602, Idaho Code, whichever is later.

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

67-6606. EXPENDITURES BY NONBUSINESS ENTITY. (1) Any nonbusiness entity, which that is not a political committee as defined in section
67-6602, Idaho Code, making expenditures in or directed to voters in the state of Idaho in an amount exceeding one thousand dollars ($1,000) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures shall file a statement with the secretary of state. The statement shall include:

(a) The name and address of the nonbusiness entity and the name and address of its principal officer or directors.
(b) The name and address of each person whose fees, dues, payments or other consideration paid to such nonbusiness entity during either of the prior two (2) calendar years has exceeded five hundred dollars ($500) or who has paid or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars ($500) to such entity during the current year.
(2) This statement shall be filed within thirty (30) days of when the one thousand dollar ($1,000) threshold mentioned in subsection (1) of this section is exceeded.

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 BY CANDIDATES AND POLITICAL COMMITTEES. (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, according to the schedule provided in this section. The statement shall itemize each contribution received and each expenditure or encumbrance made during the reporting period and shall include the following:
(a) Under contributions, the statement shall include a list of all the contributions received, including any funds or property of the candidate used to cover expenditures. The statement shall list the full name and complete address of each person who contributed an aggregate amount of more than fifty dollars ($50.00) and the amount contributed by that person. The statement may list as a single item the total amount of contributions of fifty dollars ($50.00) or less; and
(b) Under expenditures, the statement shall include the name and address of each person to whom an expenditure or encumbrance was made in the amount of twenty-five dollars ($25.00) or more, and the amount, date, and purpose of each such expenditure. Each expenditure or encumbrance in the amount of twenty-five dollars ($25.00) or more shall be evidenced by an invoice, receipt, or canceled check or an accurate copy thereof. Such evidence shall not be filed with the statement but shall be retained by the committee or candidate for a period of one (1) year after the statement has been filed. The statement may list as a single item the total amount of expenditures and encumbrances of less than twenty-five dollars ($25.00) without showing the exact amount of or re-
quiring evidence of each such expenditure or encumbrance. Anything of
value, other than money, paid for or contributed by any person shall be
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 pe-
period since the fifteenth day before the primary election to and includ-
ing 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 encum-
brances 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 in-
cluding the eleventh day after the date of the primary election to and in-
cluding 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 polit-
ical committee is involved, a statement of all contributions received
and all expenditures or encumbrances made by or on behalf of the can-
didate 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 pe-
period since the fifteenth day before the general election to and includ-
ing the tenth day after the general election.

(b2) For the 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 current reporting period. The trea-
surer for a candidate or political committee or ballot measure shall file the
report described under subsection (1) of this section as follows:

(a) In the year of the election, a monthly report shall be filed for each
month of the year. Each report shall be filed by the tenth day of the
month following the month being reported; and
(b) For the nonelection year, an annual report covering the nonelection
year shall be filed by January 10 of the following year.

(c3) Notwithstanding any other reports required under this section,
the political treasurer for each any candidate and any political commit-
tee shall notify the secretary of state, in writing, of any contribution
of one thousand dollars ($1,000) or more, received by the political treas-
urer after the sixteenth 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 regular reports.

(44) All reports required pursuant to this section shall be filed online with 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, unless a waiver has been provided under section 67-6623, Idaho Code, by no later than midnight on the date the filing is due.

(65) Any report required to be filed under the provisions of this section may also shall 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 until the account no longer shows any unexpended balance of contributions or expenditure deficit.

SECTION 6. That Section 67-6608, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 66, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6608, Idaho Code, and to read as follows:

67-6608. SPECIAL PROVISION FOR LOCAL ELECTIONS AND MEASURES. (1) The political treasurer for a candidate for a local government office, or for a political committee that is specifically designated to support or oppose a candidate or local ballot measure, is exempt from filing reports under section 67-6607, Idaho Code, unless and until such time as the candidate 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 shall file a cumulative report covering the period from the first contribution or expenditure to the current date and shall file all subsequent reports according to section 67-6607, Idaho Code, regardless of amounts received or expended.

(2) The political treasurer for a political committee that is not specifically designated to support or oppose any candidate or measure, but that receives contributions and makes expenditures for the purpose of supporting or opposing a candidate for local government office or local ballot measure, is exempt from filing reports under section 67-6607, Idaho Code, unless and until such time as the political committee receives contributions or expends funds in the amount of one thousand dollars ($1,000) or more. Within seven (7) calendar days of the one thousand dollar ($1,000) threshold being met, the political treasurer for the political committee shall file a cumulative report covering the period from the first contribution or expenditure to the current date and shall file all subsequent reports according to section 67-6607, Idaho Code, regardless of amounts received or expended.
SECTION 8. That Section 67-6609, Idaho Code, be, and the same is hereby amended to read as follows:

67-6609. STATEMENT AS TO NO CONTRIBUTION OR EXPENDITURE. If no contribution is received or expenditure made by or on behalf of a candidate or political committee during a period described in section 67-6607 or 67-6608, Idaho Code, the political treasurer for the candidate or political committee shall file with the secretary of state, at the time required by such section of this act for the period, a statement to that effect.

SECTION 9. 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 limitations of this subsection: provided, however, this subsection shall not apply to a candidate contributing or loaning money to his own campaign account.

(a) Aggregate contributions by a corporation, political committee, other recognized legal entity, or an individual to a candidate for the state legislature, judicial office, or local government office, and political committees organized on the candidate's behalf, 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 an 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.

(8) 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 10. That Section 67-6610B, Idaho Code, be, and the same is hereby amended to read as follows:

67-6610B. RETIRING DEBT. (1) 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.

(2) 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 11. That Section 67-6612, Idaho Code, be, and the same is hereby repealed.

SECTION 12. 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 in 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 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 required to file a statement under this act chapter immediately if:
   a. It appears that the person has failed to file a statement as required 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 person has failed to file a statement required by law.

SECTION 13. 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 measures 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 statement conforms to law. Such examinations shall include a comparison of reports and statements received by the secretary of state pursuant to sections 67-6607 through 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 14. That Section 67-6621, Idaho Code, be, and the same is hereby amended to read as follows:

67-6621. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this act chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act chapter:
(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this act chapter for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the secretary of state at any reasonable time during such three (3) year period; provided, however, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:
(a) Engage in any activity as a lobbyist before registering as such;
(b) Knowingly deceive or attempt to deceive any legislator to any fact pertaining to any pending or proposed legislation;
(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;
(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employers' consent thereto after full disclosure to such employers of such adverse interest;
(e) Exercise any economic reprisal, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;
(f) Accept any employment as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

This contingent fee prohibition shall also apply to lobbying activities that pertain to communications with executive officials as described in section 67-6602 (47), Idaho Code.

SECTION 15. 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 chapter.

(2) In addition to duties otherwise prescribed herein in this section, it shall be his the 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 of statements filed under the provisions of this act chapter, and with respect to alleged failures to file any statement required under the provisions
of this *act* chapter, and upon complaint by any person with respect to al-
leged violations of any part of this *act* chapter;

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

(4f) 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* chapter;

(2g) To prescribe methods of filing of reports by electronic means.

(8) 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 in an online database established by
the secretary of state's office 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 search-
able by the public by address, candidate, committee, contribution,
contributor, date, expense, office, party, purpose, and any other con-
tent 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 sec-
retary 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 re-
quired statement and of any complaint filed by any person of an alleged vio-
lation of any part of this chapter with respect to local government offices
or measures in the county. The county clerk shall report any suspected viola-
tions of this chapter pertaining to a local government office or measure to
the county prosecutor.

SECTION 16. 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. (1) If any person
fails to file a report or statement required under this chapter on or before
a specified date, he shall be liable to the secretary of state for deposit in
the general fund in the amount of fifty dollars ($50.00) per day beginning
forty-eight (48) hours after the deadline until the statement or report is
filed, to the secretary of state. Liability need not be enforced by the sec-
retary of state 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. The secretary of state
or the county clerk shall notify the person and his treasurer, if any, that a
fine has been assessed and will continue to accrue until the report or state-
ment has been filed. The notification shall be made by telephone or elec-
tronic means within twenty-four (24) hours of the missed filing deadline.
(2) 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 17. 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 chapter 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 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 Tuesday following the first Monday in November 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 person's zone.

(2) If any two (2) or more persons residing in the same trustee zone have an equal number of votes and a greater number than any other nominee residing in that zone, then 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 33-304, Idaho Code.
(4) Incumbent trustees as of the effective date of this act shall have their terms expire on January 1 following the November election of their successors.

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 biennially, 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, title 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 municipality 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 67-6623 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 prosecutor shall stand in place of the attorney general. Any report or filing required 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 quorum 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 50-2006, Idaho Code, be, and the same is hereby amended to read as follows:

50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as
the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality; provided, that such agency shall not transact any business or exercise its powers hereunder until or unless: (1) the local governing body has made the findings prescribed in section 50-2005, Idaho Code; and provided further, that such agency created after July 1, 2011, shall not transact any business or exercise its powers provided for in this chapter until (2) a majority of qualified electors, voting in a citywide or countywide election depending on the municipality in which such agency is created, vote to authorize such agency to transact business and exercise its powers provided for in this chapter. If prior to July 1, 2011, the local governing body has made the findings prescribed in subsection (a)(1) of this section then such agency shall transact business and shall exercise its powers hereunder and is not subject to the requirements of subsection (a)(2) of this section.

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

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

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

(3) By enactment of an ordinance, the local governing body may appoint and designate from among its members to be members of the board of commissioners of the urban renewal agency, provided that such representation shall be less than a majority of the board of commissioners of the urban renewal agency of the members of the local governing body on and after July 1, 2017, in which case all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accom-
plish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.

(4) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency for not more than one (1) calendar year.

(5) By enactment of an ordinance, the local governing body may provide that the board of commissioners of the urban renewal agency shall be elected at an election held for such purpose on one (1) of the November dates provided in section 34-106, Idaho Code, and the ordinance may provide term limits for the commissioners. In this case, all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the elected board of commissioners of the urban renewal agency, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended. The provisions of section 50-420 chapter 66, title 67, Idaho Code, shall apply to elected commissioners if the sponsoring entity is a city or the provisions of county election law if the sponsoring entity is a county and the county election law shall apply to the person running for commissioner as if they were running for county commissioner. In the event of a vacancy in an elected commissioner position, the replacement shall be appointed by the mayor or chair of the board of county commissioners, if that is the local governing body by and with the advice and consent of the local governing body, and shall be filled for the unexpired term.

(6) In all instances, a member of the board of commissioners of the urban renewal agency must be a resident of the county where the urban renewal agency is located or is doing business.

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

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

The commissioners shall elect the chairman, cochairman or vice chairman for a term of one (1) year from among their members. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An
agency authorized to transact business and exercise powers under this chap-
ter shall file, with the local governing body, on or before March 31 of each
year a report of its activities for the preceding calendar year, which report
shall include a complete financial statement setting forth its assets, lia-
bilities, income and operating expense as of the end of such calendar year.
The agency shall be required to hold a public meeting to report these find-
ings and take comments from the public. At the time of filing the report, the
agency shall publish in a newspaper of general circulation in the community
a notice to the effect that such report has been filed with the municipality
and that the report is available for inspection during business hours in the
office of the city clerk or county recorder and in the office of the agency.
(d) An urban renewal agency shall have the same fiscal year as a munici-
pality and shall be subject to the same audit requirements as a municipality.
An urban renewal agency shall be required to prepare and file with its lo-
cal governing body an annual financial report and shall prepare, approve and
adopt an annual budget for filing with the local governing body, for informa-
tional purposes. A budget means an annual estimate of revenues and expenses
for the following fiscal year of the agency.
(e) An urban renewal agency shall comply with the public records law
pursuant to chapter 1, title 74, Idaho Code, open meetings law pursuant to
chapter 2, title 74, Idaho Code, the ethics in government law pursuant to
chapter 4, title 74, Idaho Code, and the competitive bidding provisions of
chapter 28, title 67, Idaho Code.

SECTION 25. That Section 67-4931, Idaho Code, be, and the same is hereby
repealed.

SECTION 26. This act shall be in full force and effect on and after Jan-
uary 1, 2020.