

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 121

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PUBLIC INTEGRITY IN ELECTIONS ACT; AMENDING SECTION 74-603, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 74-604, IDAHO CODE, TO PROHIBIT CERTAIN ACTIONS BY PUBLIC OFFICIALS AND EMPLOYEES OF STATE INSTITUTIONS OF HIGHER LEARNING.

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

SECTION 1. That Section 74-603, Idaho Code, be, and the same is hereby amended to read as follows:

74-603. DEFINITIONS. As used in this chapter:

(1) (a) "Advocate" means to campaign for or against a candidate or the outcome of a ballot measure.

(b) "Advocate" does not mean providing factual information about a ballot measure and the public entity's reason for the ballot measure stated in a factually neutral manner. Factual information includes, but is not limited to, the cost of indebtedness, intended purpose, condition of property to be addressed, date and location of election, qualifications of candidates or other applicable information necessary to provide transparency to electors.

(2) "Ballot measure" means constitutional amendments, bond measures or levy measures.

(3) "Candidate" means and includes every person for whom it is contemplated or desired that votes be cast at any political convention, primary, general, local or special election and who either tacitly or expressly consents to be so considered.

(4) "Expenditure" means:

(a) A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value; or

(b) A legally enforceable contract, promise or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value.

(5) "Property or resources" means goods, services, equipment, computer software and hardware, college course credit or extra credit, other items of intangible property, or facilities provided to or for the benefit of a candidate, a candidate's personal campaign committee, a political issues committee for political purposes, or advocacy for or against a ballot measure or candidate. Public property or resources that are available to the general public are exempt from this exclusion.

(6) "Public entity" means the state, each state agency, county, municipality, school district, state institution of higher learning, or other taxing district or public corporation empowered to submit ballot measures to its electors.

1 (7) "Public funds" means any money received by a public entity from ap-  
2 propriations, taxes, fees, interest or other returns on investment.

3 (8) "Public official" means an elected or appointed member of a public  
4 entity who has:

5 (a) Authority to make or determine public policy;

6 (b) Supervisory authority over the personnel and affairs of a public  
7 entity; or

8 (c) Authority to approve the expenditure of funds for the public en-  
9 tity.

10 (9) "State agency" means each department, commission, board, council,  
11 agency, institution, officer, corporation, fund, division, office, commit-  
12 tee, authority or other administrative unit of the state.

13 SECTION 2. That Section 74-604, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 74-604. PUBLIC FUNDS PROHIBITED. ~~(1)~~ Unless specifically required by  
16 law, and except as provided in this chapter,:

17 (1) Neither a public entity nor its employees shall make, nor shall a  
18 public official make or authorize, an expenditure from public funds to advo-  
19 cate for or against a candidate or a ballot measure.

20 (2) Neither a public entity nor any of its employees shall use, nor  
21 shall a public official authorize or use, public property or resources to  
22 advocate for or against a candidate or a ballot measure.

23 (3) Neither a public entity nor any of its employees shall provide or  
24 offer to provide, nor shall a public official provide or offer to provide,  
25 college course credit or extra credit to a student of a state institution of  
26 higher learning either to encourage a student to vote or not vote or to influ-  
27 ence a student's vote for or against a candidate or ballot measure.