IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 566

BY STATE AFFAIRS COMMITTEE

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

AN ACT

RELATING TO THE PUBLIC INTEGRITY IN ELECTIONS ACT; AMENDING SECTION 74-603,
IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS;
AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 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, at such times and in such manner as they are available to the general public, are exempt from this exclusion and may be used by a political party as defined in section 34-109, Idaho Code, provided that all political parties are given equal and fair access.
6. "Public entity" means the state, each state agency, county, municipality, school district, state institution of higher learning, or other tax-
ing district or public corporation empowered to submit ballot measures to its electors.

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

(8) "Public official" means an elected or appointed member of a public entity who has:
(a) Authority to make or determine public policy;
(b) Supervisory authority over the personnel and affairs of a public entity; or
(c) Authority to approve the expenditure of funds for the public entity.

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.