

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 359

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; PROVIDING LEGISLATIVE FINDINGS AND INTENT; AMENDING
2 SECTION 67-6614A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE
3 DISCLOSURE OF PARTY AFFILIATION AND TO PROVIDE CERTAIN EXCEPTIONS; AND
4 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
5

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

7 SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The Legislature finds that
8 the State of Idaho has a substantial interest in preserving the integrity of
9 the electoral process by combating voter confusion. Preventing voter con-
10 fusion is crucial in facilitating secure elections because it directly im-
11 pacts voter confidence, voter participation, and the overall integrity of
12 the electoral process.

13 The Legislature further finds that the disclosure of party affiliation
14 in campaign materials furthers the public policy interest of providing addi-
15 tional information to the voting public. Such party affiliation information
16 is already required to be indicated on the declaration of candidacy forms for
17 candidates running in partisan elections. The disclosure of party affilia-
18 tion in campaign materials is a continuation of disclosure and transparency
19 requirements already implemented in other areas of the electoral process and
20 serves the public interest.

21 The Legislature further finds that clear and accurate communication
22 concerning persons or entities publishing or distributing political state-
23 ments in partisan campaigns reduces the burden on election officials by
24 decreasing the number of voter inquiries and the need for corrective mea-
25 sures. This efficiency allows officials to focus on maintaining security
26 protocols and managing the election process effectively.

27 It is therefore the intent of the Legislature, in order to facilitate
28 the interests described in this section, that any candidate who makes an
29 election communication in a partisan campaign discloses the political af-
30 filiation of such candidate, and if an independent expenditure is made in
31 support or opposition of a candidate in a partisan race, the political party
32 for that candidate is disclosed in the election communication.

33 SECTION 2. That Section 67-6614A, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 67-6614A. PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS -- DIS-
36 CLOSURE OF PARTY AFFILIATION -- EXCEPTIONS. (1) Whenever any person makes an
37 expenditure for the purpose of financing communications expressly advocat-
38 ing the election, approval or defeat of a candidate, measure or person stand-
39 ing for election to the position of precinct committeeman through any broad-
40 casting station, newspaper, magazine, outdoor advertising facility, direct
41 mailing or any other type of general public political advertising, the per-

1 son responsible for such communication shall be clearly indicated on such
2 communication.

3 (2) (a) Every candidate shall include the political party affiliation
4 of such candidate in all election communications made by such candidate
5 in any partisan election.

6 (b) All election communications that support or oppose a candidate in a
7 partisan election and that are funded in full or in part by any indepen-
8 dent expenditures shall prominently state the political affiliation of
9 the candidate being supported or opposed.

10 (c) The disclosure of party affiliation in election communications
11 pursuant to this subsection shall be stated prominently as follows:
12 "[name of candidate], [party affiliation]". If the candidate for par-
13 tisan office is running as a candidate with no party affiliation, the
14 election communication of the candidate shall state that the candidate
15 has no party affiliation or state prominently as follows: "independ-
16 ent".

17 (3) The provisions of subsection (2) of this section shall not apply to:

18 (a) Editorial endorsement by any newspaper, radio, television station,
19 or other recognized news medium; or

20 (b) Any election communication:

21 (i) Designed to be worn by a person;

22 (ii) Placed as a paid internet link on an internet website, as long
23 as the message or advertisement is no more than two hundred (200)
24 characters in length and the internet link directs the user to an-
25 other internet website that complies with subsection (2) of this
26 section;

27 (iii) Placed as a graphic or picture internet link where com-
28 pliance with the requirements of this section is not reasonably
29 practical due to the size of the graphic or picture internet link
30 and the internet link directs the user to another internet website
31 that complies with subsection (2) of this section;

32 (iv) Placed at no cost on an internet website for which there is no
33 cost to post content for public users;

34 (v) Placed or distributed on an unpaid profile or account that
35 is available to the public without charge or on a social network-
36 ing internet website, as long as the source of the message or ad-
37 vertisement is patently clear from the content or format of the
38 message or advertisement. A candidate may prominently display a
39 statement indicating that the profile or account is an official
40 profile or account of the candidate and is approved by the candi-
41 date. A profile or account may not be marked as official without
42 prior approval by the candidate;

43 (vi) Connected with or included in any software application or
44 accompanying function, provided that the user signs up, opts in,
45 downloads, or otherwise accesses the application from or through a
46 website that complies with subsection (2) of this section;

47 (vii) Sent by a third-party user from or through a candidate's cam-
48 paign website or political committee's website, provided the web-
49 site complies with subsection (2) of this section; or

1 (viii) Contained in or distributed through any other technology-
2 related item, service, or device for which compliance with sub-
3 section (2) of this section is not reasonably practical due to the
4 size or nature of such item, service, or device as available, or
5 the means of displaying the message or advertisement makes compli-
6 ance with subsection (2) of this section impracticable.

7 SECTION 3. An emergency existing therefor, which emergency is hereby
8 declared to exist, this act shall be in full force and effect on and after
9 July 1, 2025.