

Dear Senators Guthrie, Bernt, Ruchti, and
Representatives Crane, Scott, Church:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Secretary of State:

IDAPA 34.03.01 - Rules Implementing the Sunshine Law-Proposed Rule (Docket No.
34-0301-2601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/19/2026. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/16/2026.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Legislative Drafting Attorney - Monica Harrington
DATE: October 01, 2026
SUBJECT: Secretary of State

IDAPA 34.03.01 - Rules Implementing the Sunshine Law-Proposed Rule (Docket No. 34-0301-2601)

Summary and Stated Reasons for the Rule

The Secretary of State submits notice of proposed rulemaking at IDAPA 34.03.01 - Rules Implementing the Sunshine Law (Docket No. 34-0301-2601). The Secretary states that the proposed rule updates outdated language and Idaho Code references as well as eliminates outdated sections that are no longer used by the agency.

Negotiated Rulemaking / Fiscal Impact

The Secretary states that negotiated rulemaking was conducted and that notice was published in the June 3, 2026, Idaho Administrative Bulletin, Volume 26-6, page 26. There is no fiscal impact anticipated with this rulemaking.

Statutory Authority

The proposed rulemaking appears to be within the statutory authority granted to the Secretary of State pursuant to Chapter 66, Title 67, and Chapter 7, Title 74, Idaho Code.

cc: Secretary of State
Rob McQuade

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 34 – IDAHO SECRETARY OF STATE
34.03.01 – RULES IMPLEMENTING THE SUNSHINE LAW
DOCKET NO. 34-0301-2601
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Title 67, Chapter 66](#), and [Title 74, Chapter 7](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These changes update outdated language and code references, as well as eliminate outdated sections that are no longer used by the agency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026 Idaho Administrative Bulletin, [Vol. 26-6, page 26](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Not applicable. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this July 8, 2026.

Matthew Reiber, Deputy Secretary of State
Idaho Secretary of State
700 W. Jefferson St., EW205, Boise, ID, 83702
208-334-2300
mreiber@sos.idaho.gov
sos.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 34-0301-2601
(Only Those Sections With Amendments Are Shown.)

34.03.01 – RULES IMPLEMENTING THE SUNSHINE LAW

000. LEGAL AUTHORITY.

~~This chapter is promulgated pursuant to~~ Chapter 7, Title 74, and Chapter 66, Title 67, Idaho Code, specifically Sections 67-6603, 67-6607, 67-6608, 67-6610, 67-6611, 67-6612, 67-6614A, 67-6623, Idaho Code. (7-1-26)()

(BREAK IN CONTINUITY OF SECTIONS)

011. FORMS.

01. **Form for the Appointment and Certification of Political Treasurer.** The official form for the appointment and certification of a political treasurer ~~as required by Section 67-6603, Idaho Code~~ is hereby adopted for use in reporting to the Secretary of State. This form shall be numbered “C-1” and designated as “Appointment and Certification of Political Treasurer for Candidates and Committees” and ~~shall be~~ is available online. (3-31-22)()

02. **Forms for the Disclosure of Campaign Finances by Candidates and Political Committees.** The official forms ~~for the statement required by Sections 67-6607, 67-6608, and 67-6612, Idaho Code~~ are hereby adopted for use in reporting to the Secretary of State. The form disclosure of campaign finances by candidates and committees is numbered “C-2” ~~shall be~~ and designated “Campaign Financial Disclosure Report,” ~~and shall be available online.~~ The form numbers “C-2A” ~~shall be~~ is designated “Contributions Pledged But Not Yet Received,” ~~and shall be available online.~~ The form numbered “C-2B” ~~shall be~~ is designated “Expenditures Incurred (Debts and Obligations) and Payments Made on Debt,” and ~~shall be~~ is available online. (3-31-22)()

03. **Form for Report of Alleged Violation of Sunshine Law.** ~~Pursuant to the authority of Section 67-6623(f), Idaho Code of the Sunshine Law~~ The official form to be used in filing a Sunshine Law complaint that a person has violated the Sunshine Law is hereby adopted for use in reporting to the Secretary of State. This form or violation shall be designated as “L-5” and ~~shall be~~ is available online. ~~Any person may file a complaint against anyone covered by the Sunshine Law. Such complainant must submit form “L-5” to properly file his complaint. No other method of filing a complaint will be recognized.~~ (3-31-22)()

012. ~~– 013.~~ **DATE OF RECEIPT (RESERVED)**

~~When any application, report, statement, notice or any other document required to be filed by the provisions of Title 67, Chapter 66, Idaho Code has been deposited post paid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing.~~ (3-31-22)

013. **EXPENDITURES OTHER THAN CONTRIBUTIONS.**

01. **Reporting Periods.** Reporting periods for disclosing expenditures other than contributions. The reporting periods for the statements required by Section 67-6611, Idaho Code shall be as follows: (3-31-22)

a. The period covered by the Thirty (30) Day Post Primary report shall be from the date of the first independent expenditure thru the twentieth (20th) day after the primary election. (3-31-22)

b. The period covered by the Thirty (30) Day Post General report shall begin on the twenty first day following the primary election and continue thru the twentieth (20th) day following the general election. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

015. ADVERTISING REGULATION EXEMPTION.

~~Items exempt from advertising regulation.~~ Campaign buttons, bumper strips, pins, pens, and similar small items upon which a disclaimer cannot be conveniently printed are not deemed to be regulated by the provisions of Section 67-6614A, Idaho Code. (3-31-22)()

016. COMMUNITY PROPERTY CONTRIBUTIONS.

01. Contributions of Community Property ~~How Treated~~. A contribution of community property shall be deemed to be given one-half (1/2) by each spouse. To be treated as community property the contribution must be specifically identified as such. Moneys contributed from a joint account of husband and wife shall be deemed to be received one-half (1/2) from each spouse only if both spouses have signed the check. The following are examples of contributions: (3-31-22)()

a. Husband contributes sixty dollars (\$60) by personal check to political treasurer X out of community funds. There is no specific designation that such sixty dollars (\$60) contribution is community property. X must treat the entire sixty dollars (\$60) contribution as coming from husband. (3-31-22)

b. Husband contributes by personal check sixty dollars (\$60) to a political treasurer X out of community funds. Accompanying such contribution is a statement certifying that such contribution is from the community funds of husband and wife. X must report husband and wife as each contributing thirty dollars (\$30). (3-31-22)

c. Wife contributes sixty dollars (\$60) to political treasurer X by personal check drawn on the joint account of husband and wife. Wife is the only spouse to sign the check. X must report the entire sixty dollars (\$60) as being contributed by wife. (3-31-22)

d. Husband and wife contribute sixty dollars (\$60) to political treasurer X by a check drawn on their joint account both husband and wife have signed the check. X should report husband and wife as each contributing thirty dollars (\$30). (3-31-22)

e. Assuming that after contributing as in the example in Subsection 016.01.d., husband contributes separately another twenty-five dollars (\$25) X should report husband aggregate total as fifty-five dollars (\$55) and pursuant to Section 67-6610, Idaho Code, must list husband's name and address on the campaign financial disclosure report. (3-31-22)