

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 9  
SECRETARY OF STATE

67-901. CUSTODY OF RECORDS. The secretary of state is charged with the custody:

1. Of all acts and resolutions passed by the legislature.
2. Of the journals of the legislature.
3. Of the great seal.
4. Of all books, records, deeds, parchments, maps and papers, kept or deposited in his office pursuant to law.
5. Of all executive orders issued by the governor pursuant to the provisions of section [67-802](#), Idaho Code.

[67-901, added R.S., sec. 190; reen. R.C. & C.L., sec. 94; C.S., sec. 132; I.C.A., sec. 65-801; am. 1974, ch. 5, sec. 3, p. 23.]

67-902. CUSTODIAN OF PRINTED BILLS AND AMENDMENTS INTRODUCED IN BOTH HOUSES. At the close of each session, general or special, of the legislature of the state of Idaho the secretary of the senate and the chief clerk of the house of representatives shall compile and certify true and correct printed copies of all printed bills and all amendments thereto introduced in their respective houses and file such printed copies with the secretary of state of the state of Idaho. The secretary of state shall retain the custody of such printed bills and amendments thereto and the same shall constitute official records of the state of Idaho.

[67-902, added 1947, ch. 14, sec. 1, p. 14.]

67-903. DUTIES OF SECRETARY OF STATE. 1. To keep a register of and file and attest the official acts of the governor, including all executive orders issued by him pursuant to the provisions of section [67-802](#), Idaho Code.

2. To affix the great seal, with his attestation, to commissions, pardons, and other public instruments to which the official signature of the governor is required.

3. To record in proper books all conveyances made to the state, and all articles of incorporation of domestic corporations filed in his office.

4. To receive and record in proper books the official bonds of all the officers whose bonds are required to be filed with him.

5. To take and file in his office receipts for all books distributed by him.

6. To furnish on demand to any person paying the fees therefor a certified copy of all, or any part, of any law, record, or other instrument filed, deposited, or recorded in his office.

7. To present to the legislature, at the commencement of each session thereof, a full account of all purchases made and expenses incurred by him on account of the state.

8. To designate each act of the legislature which has become a law by its appropriate chapter number.

9. To promulgate in accordance with [chapter 52, title 67](#), Idaho Code, such rules and regulations as he deems necessary or proper in the performance of his duties.

[(67-903) First seven subds. R.S., sec. 191; compiled and reen. R.C., sec. 95; reen. 1909, p. 364; am. 1913, ch. 141, sec. 1, p. 502; reen. C.L., sec. 95. Third subd. compiled and reen. C.L., sec. 95. Eighth subd. 1911, ch. 59, sec. 1, p. 159; reen. C.L., sec. 95. Ninth subd. based upon 1909, p. 358; 1913, ch. 10, sec. 1, p. 49; 1913, ch. 141, sec. 1, subds. 8, 9, p. 502; compiled and reen. C.L., sec. 95; C.S., sec. 133. Ninth subd. repealed by 1931, ch. 162, sec. 3, p. 274; I.C.A., sec. 65-802; am. 1974, ch. 5, sec. 4, p. 23; am. 1977, ch. 252, sec. 16, p. 747.]

67-906. ELECTRONIC FILING SYSTEM -- REQUIREMENTS -- RULES. (1) The secretary of state may develop and implement a statewide electronic filing system to accommodate the electronic filing of records and documents that are required to be filed in the office of the secretary of state. If the secretary of state develops and implements a statewide electronic filing system under this section:

(a) The secretary of state shall establish a central database for all records and documents filed electronically with the secretary of state;

(b) The secretary of state may require users of the system to provide personal information, such as a user email address, physical address, or phone number, in order for the user to create an account from which the user can access the statewide electronic filing system. Such personal information gathered by the secretary of state for user account purposes shall be exempt from public disclosure as outlined in section [74-106](#) (34), Idaho Code;

(c) The secretary of state may adopt rules that:

(i) Provide procedures for entering data;

(ii) Provide security and protection of information in the system and monitor the database and other components of the system to ensure that unauthorized entry is prevented;

(iii) Require standardized information for entry into the system;

(iv) Prescribe an identification procedure for a person filing records or other documents or otherwise accessing the system; and

(v) Require each individual who is required to sign a document that is filed electronically to be specifically identified as acknowledging the document and giving assent to the electronic filing through an identification procedure unique to that individual.

(d) All records filed and recorded in the statewide electronic filing system are subject to the same requirements as if those records had been filed in paper form, subject to the provisions of the uniform electronic transactions act, [chapter 50, title 28](#), Idaho Code.

(2) All persons filing records in any type of electronic filing system established by the secretary of state are subject to the same civil and criminal penalties applicable to a person who would otherwise file the same record in a nonelectronic format.

[67-906, added 2017, ch. 146, sec. 1, p. 352.]

67-909. DISTRIBUTION OF STATUTES TO MEMBERS OF LEGISLATURE. The secretary of state is hereby empowered and directed to distribute the bound volumes and current pocket parts of the compiled statutes of Idaho to members of any legislature, when called for by proper action taken by either house, or by joint action of both; such copies shall be free from any mark or marks indicating that they are the property of the state and shall become the prop-

erty of the member to whom delivered. Not more than one (1) set of bound volumes of the compiled statutes shall ever be distributed at state expense to any member of the legislature. All costs incurred in providing bound volumes of the compiled statutes to members of the legislature shall be a proper charge against the legislative fund, unless an appropriation for such purpose has been made. Sets of pocket parts shall be provided to currently serving members of the legislature, and such sets shall be provided from the sets made available by the provisions of section [73-212](#), Idaho Code.

[67-909, added 1921, ch. 1, sec. 1, p. 3; I.C.A., sec. 65-808; am. 1977, ch. 232, sec. 5, p. 689; am. 2015, ch. 329, sec. 4, p. 1255.]

67-910. FEES OF SECRETARY OF STATE. (1) The secretary of state, for services performed in his office, shall charge and collect the following fees:

(a) For a copy of any law, resolution, record or other document or paper on file in his office, twenty-five cents (25¢) per page.

(b) For affixing certificate and seal of the state, ten dollars (\$10.00).

(c) For filing and indexing any map or other paper where the fee for the same is not already fixed by law, four dollars (\$4.00).

(d) For searching legislative journals for records of enacted and reenacted laws, and certifying to the same, ten dollars (\$10.00).

(e) For certifying and attaching certificate to any state law, published in pamphlet form, which shall include comparing the same with the enrolled act, ten dollars (\$10.00).

(f) For any other certificate required of the secretary of state, the fee for which is not hereinbefore prescribed, ten dollars (\$10.00).

(g) For provision of electronic access to databases and provision of other automated data services, such fees as the secretary of state may require by duly promulgated administrative rule.

(2) The secretary of state may enter into agreements with private companies to provide access to services for which a fee is collected in accordance with subsection (1)(g) of this section. Such agreements may provide for the private company to collect the prescribed fee and remit such fee to the state treasurer on behalf of the secretary of state. The private company may also charge and collect a reasonable additional fee for its services.

(3) For all services not hereinbefore provided for, the secretary of state shall charge and collect such fees therefor as may now be provided by law, or as may be prescribed by the state board of examiners.

(4) No member of the legislature or state officer may be charged for any search relative to matters connected to the duties of their offices; nor may they be charged any fee for a certified copy of any law or resolution passed by the legislature relating to their official duties.

(5) In his discretion, the secretary of state may grant to persons, without charge, access to files in his office for the purpose of making copies if a benefit to his office will thereby be obtained.

(6) In the secretary of state's discretion, a business entity filing may be deleted from the secretary of state's files if the payment for the filing is not completed in a timely manner.

[(67-910) R.S., sec. 196; am. 1901, p. 141, sec. 1; am. 1907, p. 215, sec. 1, reen. R.C., & C.L., sec. 99; C.S., sec. 138; I.C.A., sec. 65-809; am. 1955, ch. 153, sec. 1, p. 299; am. 1973, ch. 319, sec. 1, p. 683; am. 1977, ch. 252, sec. 17, p. 747; am. 1979, ch. 105, sec. 5, p. 337; am. 1988,

ch. 236, sec. 1, p. 464; am. 1992, ch. 158, sec. 1, p. 513; am. 1993, ch. 338, sec. 4, p. 1270; am. 2002, ch. 124, sec. 1, p. 348.]

67-912. OFFICIAL BOND. The secretary of state must be bonded to the state of Idaho in the time, form and manner prescribed by [chapter 8, title 59](#), Idaho Code.

[(67-912) R.S., sec. 197; am. R.C., sec. 101; reen. C.L., sec. 101; C.S., sec. 140; I.C.A., sec. 65-811; am. 1971, ch. 136, sec. 39, p. 522.]

67-913. PROPOSED CONSTITUTIONAL AMENDMENT. Whenever the legislature shall have directed the submission of a proposal to amend the constitution of the state of Idaho to the electors, the secretary of state shall provide for the publication of the statement of meaning and purpose, and the presentation of major arguments submitted by the legislative council, as well as the text of the proposed amendment. The information shall be published three (3) times, the first time to be not more than six (6) weeks preceding the election and the last time to be not more than seven (7) days preceding the election, in each newspaper qualified to print legal notices as defined in section [60-106](#), Idaho Code.

[67-913, added 1976, ch. 235, sec. 2, p. 828.]

67-914. RECORDS INFREQUENTLY USED HAVING OFFICIAL VALUE -- REMOVAL. Records filed with the secretary of state having an official value, but which are used infrequently, may, on order of the state board of examiners, be removed from the office of the secretary of state to any suitable place of storage.

[67-914, added 1977, ch. 209, sec. 1, p. 575.]

67-915. IDAHO BLUE BOOK. (1) The secretary of state shall compile and issue biennially an official directory of all state officers, state institutions, boards, commissions, and county officers of the state, to be known as the Idaho Blue Book, and include therein the information regarding their functions that the secretary of state considers most valuable to the people of the state, together with such other data and information as usually is included in similar publications.

(2) The secretary of state may distribute the Idaho Blue Book free of charge, under such regulations as the secretary of state may establish, to schools and to federal, state, county, and city officials of the state of Idaho. The copies distributed under this subsection shall not be sold.

The secretary of state shall determine a reasonable price, and charge such price, for each copy of the Idaho Blue Book distributed to the general public. The secretary of state may also establish a discount price for dealers in order to maintain a uniform price.

[67-915, added 1984, ch. 15, sec. 1, p. 17.]

67-916. DEMOCRACY FUND. (1) There is hereby created in the state treasury in the office of the secretary of state the "Democracy Fund." The purpose of the democracy fund is to provide funding for carrying out the activities for which payments are made to the state under the federal help America vote act of 2002 (P.L. 107-252) including, but not limited to:

- (a) Establishing and maintaining accurate lists of eligible voters;
- (b) Encouraging eligible voters to vote;
- (c) Improving verification and identification of voters at the polling place;
- (d) Improving equipment and methods for casting and counting votes;
- (e) Recruiting and training election officials and poll workers;
- (f) Improving the quantity and quality of available polling places;
- (g) Educating voters about their rights and responsibilities;
- (h) Assuring access for voters with physical disabilities;
- (i) Carrying out other activities to improve the administration of elections in the state.

(2) The democracy fund shall consist of all moneys appropriated by the legislature, federal moneys that may be available for the purpose of improving Idaho's election system, county matching funds and funds from any other source.

(3) All interest earned on the investment of idle moneys in the fund by the state treasurer shall be returned to the fund.

(4) Moneys deposited in, or remitted to, the democracy fund are continuously appropriated to the secretary of state for the purpose of paying the expenses of carrying out the activities for which payments are made to this state under the federal help America vote act of 2002 (P.L. 107-252).

[67-916, added 2002, ch. 237, sec. 1, p. 709; am. 2003, ch. 48, sec. 15, p. 188.]