

## WARNING

It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified voter.

## INITIATIVE PETITION

To the Honorable Lawrence Denney, Secretary of State of the State of Idaho:

“We the undersigned citizens and qualified electors of the State of Idaho, respectfully demand that the following proposed law be effective January 1, 2017 to, wit:

**Initiative relating to  
Permitting Candidates to Accept Campaign  
Contributions Solely from Individual Constituents.**

AN INITIATIVE THAT CHANGES REPRESENTATION THAT ELECTIONS CREATE TO BE REPRESENTATION LIMITED TO CONSTITUENTS WHICH IS THE REPRESENTATION PROPERLY DICTATED BY THE ELECTORIAL PROCESS. THIS INITIATIVE WILL AMMEND CURRENT IDAHO CODE, SECTIONS TITLE 67-6610; 67-6610A; 67-6614

Be it enacted bt the People of the State of Idaho.

Section 1. That section 67-6610, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-6610. CONTRIBUTION IN EXCESS OF FIFTY DOLLARS. \_\_\_\_\_~~  
CONTRIBUTION VERIFICATION.

~~(a) Any person who contributes more than fi fty dollars (\$50.00) (including \_\_\_\_\_ one or more smaller contributions which aggregate more than fi fty dollars \_\_\_\_\_ (\$50.00) in any one calendar year) to a candidate or political committee \_\_\_\_\_ shall accompany the contribution with a statement of his full name and \_\_\_\_\_ complete address. \_\_\_\_\_~~

Any person who contributes to a candidate or a political committee earmarked for a candidate must be a constituent of the office being sought. To be accepted, all contributions made to or for a candidate shall be accompanied with a full statement of the contributor’s full name and complete address which provides verification of constituency.

(b) If a political treasurer is offered or receives a payment or contribution ~~of more than fifty dollars (\$50.00), or which together with prior contributions from the same person during that calendar year exceeds fifty dollars (\$50.00),~~ and there is no statement of the full name and complete address of the person making the contribution, the contribution shall be returned to the contributor if his identity can be ascertained. If the contributor's identity cannot be ascertained, the contribution shall be transmitted immediately by the political treasurer who received it to the state controller for deposit in the public school fund.

~~67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in subsection (2) of this section, aggregate contributions for a primary election or a general election made by a corporation, political committee, other recognized legal entity or an individual, other than the candidate, to a candidate for the state legislature, and political committees organized on the candidate's behalf shall be limited to an amount not to exceed one thousand dollars (\$1,000) for the primary election and an amount not to exceed one thousand dollars (\$1,000) for the general election. Aggregate contributions for a primary election or a general election by a corporation, political committee, other recognized legal entity or an individual, other than the candidate, to a candidate for statewide office and political committees organized on the candidate's behalf shall be limited to an amount not to exceed five thousand dollars (\$5,000) for the primary election and an amount not to exceed five thousand dollars (\$5,000) for the general election.~~

Aggregate contributions made by a candidate to the candidate's own election is without limit. Aggregate contributions made by a constituent to a candidate or an authorized candidate committee is without limit and must be accompanied by a statement of the contributor's full name and complete address. Aggregate contributions made by a constituent to a PAC or State Party Committee is without limit. Aggregate contributions made by a non-constituent is permissible only to a PAC or a State Party Committee and is without limit but cannot be earmarked for the candidate. Aggregate contributions made by a corporation or other recognized Legal Entity is permissible only to a PAC or a State Party Committee and is without limit but cannot be earmarked for the candidate. Contributions to an authorized candidate committee from a PAC (Political Action Committee) or any other political organization is limited to contributions from a constituent earmarked for the candidate accompanied by a statement of the contributor's full name and complete address.

~~(2) Aggregate contributions for a primary election or for a general election made by a county central committee or by the state central committee of the political parties qualified under section 34-501, Idaho Code, to a candidate for the state legislature, and political committees organized on the candidate's behalf shall be limited to an amount not to exceed two thousand dollars (\$2,000) for the primary election and an amount not to exceed two thousand dollars (\$2,000) for the general election. Aggregate contributions for the primary election or the general election by the state central committee of the political parties qualified under section 34-501, Idaho Code, to a candidate for statewide office and political committees organized on the candidate's behalf shall be limited to an amount not to exceed ten thousand dollars (\$10,000) for the primary election and an amount not to exceed ten thousand dollars (\$10,000) for the general election.~~

Aggregate contributions for a primary election or for a general election to a candidate is limited to contributions from constituents without limits and can be collected and forwarded by a county central committee or by the state central committee of the political parties qualified under section 34-501, Idaho Code.

(3) For purposes of this section "statewide office" shall mean an office in state government which shall appear on the primary or general election ballot throughout the state.

(4) Recall elections, for purposes of this section, shall be treated the same as general elections for contribution limits.

(5) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. A contribution of this kind shall be reported as an in-kind contribution at its fair market value and counts toward any applicable contribution limit of the contributor. Contributions shall not include the personal services of volunteers.

(6) The contribution limits for the state legislature shall apply to judicial district offices, city offices and county offices regulated by this chapter.

~~(7) For the purposes of contribution limits, the following apply:~~

~~(a) A contribution by a political committee with funds that have all been~~

~~contributed by one (1) person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.~~

~~(b) All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained or controlled by a trade association, labor union or collective bargaining organization shall be considered a contribution from such trade association, labor union or collective bargaining organization.~~

~~(c) Two (2) or more entities are treated as a single entity if the entities:~~

- ~~(i) Share the majority of members on their board of directors;~~
- ~~(ii) Share two (2) or more officers;~~
- ~~(iii) Are owned or controlled by the same majority shareholder or shareholders or persons;~~
- ~~(iv) Are in a parent subsidiary relationship; or~~
- ~~(v) Have bylaws so stating.~~

~~(8)7~~ The provisions of this section are hereby declared to be severable and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

#### 67-6614. IDENTIFICATION OF SOURCE OF CONTRIBUTIONS AND EXPENDITURES.

No contribution shall be made and no expenditure shall be incurred, directly or indirectly by a constituent, in a fictitious name, anonymously, or by one (1) person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution.

No contribution shall be made and no expenditure shall be incurred, directly or indirectly by a non-constituent.

## Initiative Constitutional Argument

This argument is in support of an initiative which, if enacted into law would permit candidates to accept campaign contributions solely from individual constituents. This argument is a synopsis of collected points to be made.

In creating the Constitution of the United States of America, the framers established a representative form of government which specified that representatives come from designated states and that those that could vote for a representative must reside within the geographical district of the representation.

This representative principle is the 'keystone' (central principle) of our 'Democratic Republic'.

This representative form of government exists on all levels of state and local government as well.

Of prime concern of the framers was the quality of the 'representative relationship' between the representative and respective constituents indicating the relationship must be 'reasonable'.

To be 'reasonable' it must be argued that the relationship is unique and singular and must remain unabridged (whole, complete, absolute, unchangeable).

To be unreasonable the relationship would have to be abridged (changed, diminished) and any action by other than individual constituents which creates an additional 'representative relationship'.

No legislation, litigation, or interpretation of the Bill of Rights can be permitted to abridge our form of government as envisioned.

A campaign contribution by an individual constituent does not create an additional relationship, but adds to the 'reasonable relationship' thus is constitutional.

A campaign contribution by any other source creates a new and 'unreasonable relationship' which produces an 'outside influence' which has led our government at all levels 'open to' and 'resulting in' government unduly influenced by special interests of all kinds, thus is unconstitutional.

Contributions by a candidate to his own campaign and contributions by individual constituents to a candidate does eliminate the question of the source of the contribution thus eliminating the undesirable 'outside influence' and is constitutional.

The free speech argument on campaign contributions to a candidate needs to be corrected to assure the 'keystone' (central principle) of the 'reasonable relationship' between a representative and the respective individual constituents remains 'unabridged' and constitutional.

The 'free speech' argument to be made is not about the ability to give a contribution to any candidate but about the ability of an individual constituent to give 'without limit' contributions to a representative candidate and is constitutional.

Our representative form of government, as intended by the framers of the Constitution by declaring the importance of the all important 'reasonable relationship', has been unquestionably compromised by tortured legislation, suspect litigation and as well as other decisions that have produced corruption through the influence of campaign contributions made by an other source that individual constituents.

The corruption issue is very clear and a perfect example of the 'outside influence' created by contributions made by a non-constituent to candidates/representatives was made by Donald Trump in the first 2016 GOP debate held on August 6<sup>th</sup> in Cleveland Ohio. The quote by Donald Trump: *"You better believe it... I will tell you that our system is broken. I gave to many people. Before this, before two months ago, I was a businessman. I give to everybody. When they call, I give. And you know what? When I need something from them, two years later, three years later, I call them. They are there for me. And that's a broken system."*

In this case, Donald Trump should have been able to contribute to two (2) Senators and one (1) House of Representative member in the state in which he resides. This example, being an example on the federal level, is not dissimilar to the issue that exists at all levels of government.