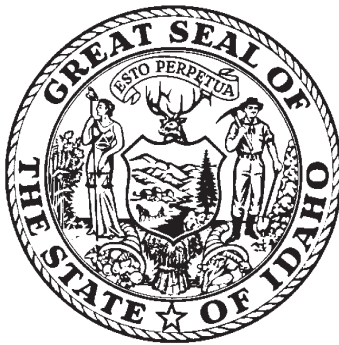


THE SUNSHINE LAW
FOR POLITICAL FUNDS
AND LOBBYIST ACTIVITY
DISCLOSURE



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State of Idaho

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CHAPTER 66
ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES —
LOBBYISTS

67-6601. PURPOSE OF ACT. The purpose of this act is:

- (a) To promote public confidence in government; and
- (b) To promote openness in government and avoiding secrecy by those giving financial support to state election campaigns and those promoting or opposing legislation or attempting to influence executive or administrative actions for compensation at the state level. [Init. Measure 1974, No. 1, § 1; S.L. 2006, Ch. 106]

67-6602. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(a) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:

- (1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or
- (2) Announces publicly or files for office.
- (3) For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired.

(b) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(c) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not

include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars (\$25.00) personally paid for by any volunteer campaign worker. "Part-time" services, for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution.

(d) "Election" means any general, special or primary election.

(e) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(f) (1) "Electioneering communication" means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or telephone calls made to personal residences, or otherwise distributed that:

(i) Unambiguously refers to any candidate; and

(ii) Is broadcasted, printed, mailed, delivered, made or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and

(iii) Is broadcasted to, printed in a newspaper, distributed to, mailed to or delivered by hand to, telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(2) "Electioneering communication" does not include:

(i) Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate or political party;

(ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(iii) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(iv) Any communication which refers to any candidate only as part of the popular name of a bill or statute;

(v) A communication which constitutes an expenditure or an independent expenditure under this chapter.

(g) "Executive official" means:

- (1) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of one (1) of those individuals who, within the course and scope of his or her employment, is directly involved in major policy influencing decisions for the office;
- (2) A state department or agency director, deputy director, division administrator or bureau chief as established and enumerated in sections 67-2402 and 67-2406, Idaho Code;
- (3) The membership and the executive or chief administrative officer of any board or commission that is authorized to make rules or conduct rulemaking activities pursuant to section 67-5201, Idaho Code;
- (4) The membership and the executive or chief administrative officer of any board or commission that governs any of the state departments enumerated in section 67-2402, Idaho Code, not including public school districts;
- (5) The membership and the executive or chief administrative officer of the Idaho public utilities commission, the Idaho industrial commission, and the Idaho state tax commission; and
- (6) The members of the governing board of the state insurance fund, and the members of the governing board and the executive or chief administrative officer of the Idaho housing and finance association, the Idaho energy resources authority, and the Idaho state building authority.

(h) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(i) "Independent expenditure" means any expenditure by a person for a communication expressly advocating the election, passage or defeat of a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the consent of, or in consultation with, or at the request of a suggestion of, a candidate or any agent or authorized committee of the candidate or political committee supporting or opposing a measure. As used in this subsection, "expressly advocating" means any communication containing a message advocating election, passage or defeat including, but not limited to, the name of the candidate or measure, or expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."

(j) "Lobby" and "lobbying" each means attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees or an executive official, to influence the approval, modification or rejection of any legislation by the legislature of the state of

Idaho or any committee thereof or by the governor or to develop or maintain relationships with, promote goodwill with, or entertain members of the legislature or executive officials. "Lobby" and "lobbying" shall also mean communicating with an executive official for the purpose of influencing the consideration, amendment, adoption or rejection of any rule or rulemaking as defined in section 67-5201, Idaho Code, or any ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization; and provided that neither "lobby" nor "lobbying" includes communicating with an executive official for the purpose of carrying out ongoing negotiations following the award of a bid or contract, communications involving ongoing legal work and negotiations conducted by and with attorneys for executive agencies, interactions between parties in litigation or other contested matters, or communications among and between members of the legislature and executive officials and their employees, or by state employees while acting in their official capacity or within the course and scope of their employment.

(k) "Lobbyist" includes any person who lobbies.

(l) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(m) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election for statewide or legislative district offices, or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general reviews it and gives it a ballot title. A recall shall be deemed a measure upon approval of the recall petition as to form pursuant to section 34-1704, Idaho Code.

(n) "Nonbusiness entity" means any group of two (2) or more individuals, corporation, association, firm, partnership, committee, club or other organization which:

(1) Does not have as its principal purpose the conduct of business activities for profit; and

(2) Received during the preceding or current calendar year contributions, gifts or membership fees, which in the aggregate exceeded ten percent (10%) of its total receipts for such year.

(o) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(p) "Political committee" means:

(1) Any person specifically designated to support or oppose any candidate or measure; or

(2) Any person who receives contributions and makes expenditures in

an amount exceeding five hundred dollars (\$500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

(3) A county, district or regional committee of a recognized political party shall not be considered a political committee for the purposes of this chapter unless such party committee has expenditures exceeding five thousand dollars (\$5,000) in a calendar year.

(q) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(r) "Public office" means any state office or position, state senator, state representative, and judge of the district court that is filled by election. [Init. Measure 1974, No. 1, § 2; S.L. 1977, Ch. 180; S.L. 1978, Ch. 58; S.L. 1986, Ch. 218; S.L. 1992, Ch. 196; S.L. 1993, Ch. 189; S.L. 1994, Ch. 5; S.L. 1994, Ch. 379; S.L. 1997, Ch. 393; S.L. 1999, Ch. 176; S.L. 2001, Ch. 291; S.L. 2004, Ch. 277; S.L. 2005, Ch. 254; S.L. 2006, Ch. 106; S.L. 2007, Ch. 306; S.L. 2012, Ch. 162; S.L. 2015, Ch. 284]

67-6603. APPOINTMENT OF POLITICAL TREASURER. (a) Each candidate and political committee shall appoint a political treasurer and certify the full name and complete address of the political treasurer to the secretary of state. A political treasurer so appointed shall be a registered elector of this state. An individual may be appointed and serve as political treasurer for a candidate and a political committee or two (2) or more candidates or political committees. A candidate may appoint himself his own political treasurer.

(b) A candidate or political committee may remove his or its political treasurer. In case of the death, resignation or removal of his or its political treasurer before compliance with all obligations of a political treasurer under this act, such candidate or political committee shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment.

(c) No contribution shall be received or expenditure made by or on behalf of a candidate or political committee:

(1) Until the candidate or political committee appoints a political treasurer and certifies the name and address of the political treasurer to the secretary of state or, in the event of a vacancy in the office of political treasurer, has certified the name and address of the successor as provided therein; and

(2) Unless the contribution is received or expenditure made by or through the political treasurer for the candidate or political committee. [Init. Measure 1974, No. 1, § 3; S.L. 2015, Ch. 244]

67-6604. ACCOUNTS OF POLITICAL TREASURER. (a) The political treasurer for each candidate or political committee shall keep detailed accounts, current within not more than seven (7) days after the date of receiving the contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under this act.

(b) Accounts kept by the political treasurer for a candidate or political committee may be inspected, before the election to which the accounts refer, by the Secretary of State, or his agent or employee, who is making an investigation pursuant to section 67-6615, [Idaho Code].

(c) Accounts kept by a political treasurer shall be preserved by him for at least one (1) year after the date of the election to which the accounts refer or at least one (1) year after the date the last supplemental statement is filed under section 67-6609, [Idaho Code,] whichever is later. [Init. Measure 1974, No. 1, § 4]

67-6605. CONTRIBUTIONS OBTAINED BY A POLITICAL COMMITTEE. Contributions shall not be obtained for a political committee by use of coercion or physical force, by making a contribution a condition of employment or membership, or by using or threatening to use job discrimination or financial reprisals. A political committee may solicit or obtain contributions from individuals as provided in chapter 26, title 44, Idaho Code, or as provided in section 44-2004, Idaho Code. A violation of the provisions of this section shall be punished as provided in subsection (b) of section 67-6625, Idaho Code. [S.L. 1997, Ch. 393, S.L. 2003, Ch. 97]

67-6606. EXPENDITURES BY NONBUSINESS ENTITY. (1) Any nonbusiness entity, which is not a political committee as defined in section 67-6602(p), Idaho Code, making expenditures in or directed to voters in the state of Idaho in an amount exceeding one thousand dollars (\$1,000) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures shall file a statement with the secretary of state. The statement shall include:

(a) The name and address of the nonbusiness entity and the name and address of its principal officer or directors.

(b) The name and address of each person whose fees, dues, payments or other consideration paid to such nonbusiness entity during either of the prior two (2) calendar years has exceeded five hundred dollars (\$500) or who has paid or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars (\$500) to such entity during the current year.

(2) This statement shall be filed within thirty (30) days of when the one thousand dollar (\$1,000) threshold mentioned in subsection (1) of this section is exceeded. [S.L. 1994, Ch. 379; S.L. 2015, Ch. 284]

67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES.

(a) The political treasurer for each candidate and the political treasurer of each political committee shall file with the secretary of state:

(1) Not more than fourteen (14) days and not less than seven (7) days before the date of a primary election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee prior to the fifteenth day before the primary election;

(2) Not more than thirty (30) days after the date of a primary election in which a candidate or a political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the primary election to and including the tenth day after the primary election;

(3) For all political committees supporting or opposing measures, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the measure or any candidate or made by or against the measure or any candidate shall be filed on the same dates provided in paragraphs (1), (2), (4), (5) and (6) of this subsection;

(4) Not later than October 10 immediately preceding a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including the eleventh day after the date of the primary election and to and including September 30;

(5) Not more than fourteen (14) days and not less than seven (7) days before the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including October 1 and to and including the sixteenth day before the general election, together with a cumulative statement showing all such contributions and expenditures or encumbrances to and including the sixteenth day before the general election; and

(6) Not more than thirty (30) days after the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the general election to and including the

tenth day after the general election.

(b) For the first report under this section the reporting period shall cover the period beginning with the first contribution, expenditure, or encumbrance.

(c) Notwithstanding any other reports required under this section, the political treasurer for each candidate and any political committee shall notify the secretary of state, in writing, of any contribution of one thousand dollars (\$1,000) or more, received by the political treasurer after the sixteenth day before, but more than forty-eight (48) hours before, any primary or general election. This notification shall be made within forty-eight (48) hours after the receipt of such contribution and shall include the name of the candidate, political committee or measure, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be in addition to the reporting of these contributions in the postelection report.

(d) For all reports required pursuant to this section the secretary of state shall accept the date of a postmark as the date of receipt except for the seven (7) day preelection reports which must be received by no later than 5:00 p.m. on the seventh day preceding the primary or general election.

(e) Any reports required to be filed under the provisions of this section may also be filed by means of an electronic facsimile transmission machine and may be filed by other electronic means as approved by the secretary of state. [Init. Measure 1974, No. 1, § 7; S.L. 1977, Ch. 225; S.L. 1986, Ch. 218; S.L. 1987, Ch. 344; S.L. 1990, Ch. 62; S.L. 1992, Ch. 196; S.L. 1993, Ch. 203; S.L. 1994, Ch. 379, S.L. 2002, Ch. 240; S.L. 2010, Ch. 22; S.L. 2015, Ch. 231]

67-6608. DISPOSITION OF UNEXPENDED BALANCES. (a) If a statement filed under paragraph (3) of subsection (a) of section 67-6607, Idaho Code, pertaining to post-general election reports or under paragraph (6) of subsection (a) of section 67-6607, Idaho Code, shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate for nonstatewide office or political committee or measure shall continue to file annual reports on January 31, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. If a statement filed under paragraph (6) of subsection (a) of section 67-6607, Idaho Code, shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate for statewide office shall continue to file semiannual reports on January 31 and July 31, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. Such reports shall be filed until the account shows no unexpended balance of contributions or expenditure deficit.

(b) If a candidate wins nomination, supplemental statements under subsection (a) of this section need not be filed with respect to the nomination

campaign by the political treasurer of a political committee supporting the candidate or by the political treasurer for such candidate, if such political committee continues to function in support of such candidate in the campaign for the general or special election.

(c) A political committee which is organized after an election shall file reports required by subsection (a) of this section.

(d) The political treasurer for a candidate who was defeated in the primary election and whose post-primary report shows an unexpended balance of contributions or a campaign debt, shall continue to file annual reports until there is no unexpended balance of contributions or no campaign expenditure deficit. [Init. Measure 1974, No. 1, § 8; S.L. 1977, Ch. 225; S.L. 1983, Ch. 151; S.L. 1992, Ch. 196; S.L. 1993, Ch. 203; S.L. 2004, Ch. 284; S.L. 2006, Ch. 22]

67-6609. STATEMENTS AS TO NO CONTRIBUTION OR EXPENDITURE.

If no contribution is received or expenditure made by or on behalf of a candidate or political committee during a period described in sections 67-6607 or 67-6608, [Idaho Code] the political treasurer for the candidate or political committee shall file with the Secretary of State, at the time required by such section of this act for the period, a statement to that effect. [Init. Measure 1974, No. 1, § 9]

67-6610. CONTRIBUTION IN EXCESS OF FIFTY DOLLARS. (a)

Any person who contributes more than fifty dollars (\$50.00) (including one or more smaller contributions which aggregate more than fifty 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.

(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. [Init. Measure 1974, No. 1, § 10; S.L. 1994, Ch. 180]

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.

(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.

(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-subsiary relationship; or
- (v) Have bylaws so stating.

(8) 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. [S.L. 1997, Ch. 393; S.L. 2004, Ch. 19; S.L. 2006, Ch. 23; S.L. 2012, Ch. 162]

67-6610B. RETIRING DEBT. If a political committee organized on behalf of a candidate has unpaid debt at the end of the reporting periods specified in section 67-6607(a)(2) or 67-6607(a)(6), Idaho Code, then the committee may accept additional contributions to retire such unpaid debt, provided the contributions do not exceed the applicable contribution limits prescribed.

For the purposes of this section "unpaid debt" means any unpaid monetary obligation incurred by the political committee as listed on the reports filed through the postelection period minus any cash balance reported on the postelection report. Outstanding loans are considered a type of "unpaid debt." [S.L. 2004, Ch. 277]

67-6610C. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES. (1) Permitted uses. A contribution accepted by a candidate may be used by the candidate:

- (a) For expenditures in connection with the campaign for public office of the candidate;
- (b) For ordinary and necessary expenses incurred in connection with duties of the individual as a holder of public office;
- (c) For contributions to an organization described in section 170 (c) of the Internal Revenue Code of 1986;
- (d) For transfers, without limitation, to a national, state or local committee of a political party;
- (e) For donations to state and local candidates subject to the provisions of state law; or
- (f) For any other lawful purpose unless prohibited by subsection (2) of this section.

(2) Prohibited use.

(a) In general. A contribution shall not be converted by any person to

personal use.

(b) Conversion. For the purposes of subsection (2) (a) of this section, a contribution shall be considered to be converted to personal use if the contribution is used to fulfill any commitment, obligation or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of public office, including:

- (i) A home mortgage, rent or utility payment;
- (ii) A clothing purchase except for items of de minimus value such as campaign shirts or hats;
- (iii) A noncampaign or nonofficeholder related automobile expense;
- (iv) A country club membership;
- (v) A vacation or other noncampaign-related trip;
- (vi) A tuition payment;
- (vii) Admission to a sporting event, concert, theater or other form of entertainment not associated with an election campaign;
- (viii) Dues, fees and other payments to a health club or recreational facility; and
- (ix) Meals, groceries or other food expense, except for tickets to meals that the candidate attends solely for the purpose of enhancing the candidacy of another person or meal expenses which are incurred as part of a campaign activity or as part of a function that is related to the candidate's or officeholder's responsibilities.

[S.L. 2006, Ch. 36]

67-6611. INDEPENDENT EXPENDITURES. (1) Each person who makes independent expenditures in an aggregate amount exceeding one hundred dollars (\$100) in support of or in opposition to any one (1) candidate, political committee or measure, shall file a statement of the expenditure with the secretary of state.

(2) Statements shall be filed with the secretary of state, not less than seven (7) days prior to the primary and general election and thirty (30) days after the primary and general election.

(3) The statement shall contain the following information: (a) the name and address of any person to whom an expenditure in excess of fifty dollars (\$50.00) has been made by any such person in support of or in opposition to any such candidate or issue during the reporting period, together with the amount, date and purpose of each such expenditure; and (b) the total sum of all expenditures made in support of or in opposition to any such candidate or measure.

(4) In addition to the requirements set forth in subsections (1) and (2) of this section, each person who makes independent expenditures in an aggregate amount of one thousand dollars (\$1,000) or more after the sixteenth day before, but not more than forty-eight (48) hours before, any primary or general election, shall file a written statement of the expenditure

with the secretary of state not more than forty-eight (48) hours from the time of such expenditure. The statement shall include the information required in subsection (3) of this section. [S.L. 1997; Ch. 393; S.L. 1999, Ch. 29; S.L. 2003, Ch. 20; S.L. 2004, Ch. 148]

67-6612. CONTENTS OF REPORTS. (a) A statement filed under sections 67-6607, 67-6608 or 67-6610, Idaho Code, shall set forth:

(1) Under contributions, a list of all the contributions received, including funds or property of the candidate used to cover expenditures. The statement shall list the full name and complete address of each person who contributed an aggregate amount of more than fifty dollars (\$50.00), and the amount contributed by that person. The statement may list as a single item the total amount of contributions of fifty dollars (\$50.00) or less each obtained in similar fashion.

(2) Under expenditures the name and address of each person to whom an expenditure was made in the amount of twenty-five dollars (\$25.00) or more, and the amount, date, and purpose of each such expenditure. Each expenditure in the amount of twenty-five dollars (\$25.00) or more shall be vouched for by a receipt or cancelled check or an accurate copy thereof. The statement may list as a single item the total amount of expenditures less than twenty-five dollars (\$25.00) without showing the exact amount of or vouching for each such expenditure. Anything of value paid for or contributed by any person shall be listed both as an expenditure and as a contribution. [S.L. 1977, Ch. 180]

67-6613. COMMERCIAL REPORTING. Each newspaper, periodical, broadcasting station, direct mailing company, printer and advertising agency which accepts expenditures from a political treasurer shall keep a current record (available to the public) listing the amounts paid and the obligations incurred by each candidate, political committee or political treasurer to such newspaper, periodical, broadcasting station, direct mailing company, printer or advertising agency. [Init. Measure 1974, No. 1, § 13]

67-6614. IDENTIFICATION OF SOURCE OF CONTRIBUTIONS AND EXPENDITURES. No contribution shall be made and no expenditure shall be incurred, directly or indirectly, 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. [Init. Measure 1974, No. 1, § 14]

67-6614A. PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS. Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election, approval or defeat of a candidate, measure or person standing for election

to the position of precinct committeeman through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising, the person responsible for such communication shall be clearly indicated on such communication. [S.L. 1977, Ch. 180; S.L. 1992, Ch. 196; S.L. 2016, Ch. 304]

67-6615. INSPECTION BY SECRETARY OF STATE. The Secretary of State shall inspect each statement filed in his office under this act within two (2) days after the date it is filed. He shall notify a person required to file a statement under this act immediately if:

(a) it appears that the person has failed to file a statement as required by law or that a statement filed by the person does not conform to law; or

(b) a written complaint is filed with the Secretary of State by any registered voter alleging that a statement filed with the Secretary of State does not conform to law or to the truth or that a person has failed to file a statement required by law. [Init. Measure 1974, No. 1, § 15]

67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the date of each election, the Secretary of State shall examine such statement filed with his office under this act; and referring to the election, to determine whether the statement conforms to law. Such examinations shall include a comparison of reports and statements received by the Secretary of State pursuant to sections 67-6607—67-6609, 67-6611, 67-6614[, Idaho Code]. The Secretary of State may require any person to answer in writing and under oath or affirmation any question within the knowledge of that person concerning the source of any contribution. [Init. Measure 1974, No. 1, § 16]

67-6617. REGISTRATION OF LOBBYISTS. (a) Before doing any lobbying, or within thirty (30) days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the secretary of state a lobbyist registration statement, in such detail as the secretary of state shall prescribe, accompanied by payment of a registration fee of ten dollars (\$10.00) (which shall be deposited by the secretary of state in the state treasury), showing:

(1) His name, permanent business address, and any temporary residential and business address in Ada County during the legislative session;

(2) The name, address and general nature of the occupation or business of the lobbyist's employer, and the duration of his employment;

(3) Whether the person from whom he receives compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to lobbying of legislation;

(4) The general subject or subjects of the lobbyist's legislative

interest;

(5) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this act.

(b) Any lobbyist who receives or is to receive compensation from more than one (1) person for his services as a lobbyist shall file a separate notice of representation, accompanied by the fee of ten dollars (\$10.00) for each separate notice of representation, with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed by more than one (1) person then such lobbyist may file a single statement, in which he shall detail the name, business address and general occupation of each person so paying or contributing.

(c) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one (1) week of such change, modification or termination, furnish full information regarding the same by filing with the secretary of state an amended registration statement.

(d) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on or before each January 10, and failure to do so shall terminate his registration. [Init. Measure 1974, No. 1, § 17; S.L. 1976, Ch. 229; S.L. 1999, Ch. 176]

67-6618. EXEMPTION FROM REGISTRATION. The following persons and activities shall be exempt from registration and reporting under sections 67-6617 and 67-6619, Idaho Code:

(a) Persons who limit their lobbying activities to appearances before public sessions of committees of the legislature or to appearances or participation in public meetings, public hearings or public proceedings held or initiated by executive officials or their employees.

(b) Persons who are employees of an entity engaged in the business of publishing, broadcasting or televising, while engaged in the gathering and dissemination of news and comment thereon to the general public in the ordinary course of business.

(c) Persons who do not receive any compensation for lobbying and persons whose compensation for lobbying does not exceed two hundred fifty dollars (\$250) in the aggregate during any calendar quarter, including persons who lobby on behalf of their employer or employers, and the lobbying activity represents less than the equivalent of two hundred fifty dollars (\$250) of the employee's time per calendar year quarter, based on an hourly proration of said employee's compensation.

(d) Elected state officers and state executive officers appointed by the governor subject to confirmation by the senate; elected officials of political subdivisions of the state of Idaho, acting in their official capacity.

(e) A person who represents a bona fide church (of which he is a member) solely for the purpose of protecting the constitutional right to the

free exercise of religion.

(f) (1) Employees of a corporation, if such corporation:

(i) Has registered as a lobbyist pursuant to chapter 66, title 67, Idaho Code, and

(ii) Has designated one (1) or more of its employees as its official lobbyist, and

(iii) The person so designated by the corporation has also registered as a lobbyist.

(2) The corporation and the lobbyist designated pursuant to this subsection shall fully and accurately report all expenditures made by employees who are exempt hereunder, in the manner and at the times required by section 67-6618, Idaho Code, and, in addition thereto, shall report the names of all employees who make or authorize expenditures in the aggregate sum of fifty dollars (\$50.00) or more during any calendar year on behalf of the corporate lobbying activities. [Init. Measure 1974, No. 1, § 18; S.L. 1976, Ch. 362; S.L. 1998, Ch. 242; S.L. 2006, Ch. 106]

67-6619. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under section 67-6617, Idaho Code, shall file with the secretary of state an annual report of his lobbying activities signed by both the lobbyist and the lobbyist's employer or employers. The reports shall be made in the form and manner prescribed by the secretary of state and shall be filed on January 31 of each year. In addition to the annual report, while the legislature is in session, every registered lobbyist shall file interim monthly periodic reports for each month or portion thereof that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed within fifteen (15) days of the first day of the month for the activities of the month just past, provided however, that any lobbyist covered under this chapter whose lobbying activities are confined only to executive officials shall be required to file interim periodic reports semiannually on January 31 and July 31, which reports need be signed by the lobbyist and the lobbyist's employer or employers.

(2) Each annual, semiannual and monthly periodic report shall contain:

(a) The total of all expenditures made or incurred on behalf of such lobbyist by the lobbyist's employer or employers, not including payments made directly to the lobbyist, during the period covered by the report. The totals shall be segregated according to financial category including, but not limited to: entertainment, food and refreshment, honoraria, travel, lodging, advertising and other like expenditures. Reimbursed personal living and travel expenses of a lobbyist made or incurred directly or indirectly for any lobbying purpose need not be reported.

(b) The name of any legislator or executive official to whom or for whose benefit on any one (1) occasion, an expenditure in excess of:

(i) seventy-five dollars (\$75.00) per person from 2008 through December 31, 2010, and (ii) in excess of one hundred dollars (\$100) per person on and after January 1, 2011, for the purpose of lobbying, is made or incurred and the date, name of payee, purpose and amount of such expenditure. Expenditures for the benefit of the members of the household of a legislator or executive official shall also be itemized if such expenditure exceeds the amount listed in this subsection.

(c) In the case of a lobbyist employed by more than one (1) employer, the proportionate amount of such expenditures in each category made or incurred on behalf of each of his employers.

(d) The subject matter of proposed legislation and the number of each senate or house bill, resolution, memorial or other legislative activity or any rule, ratemaking decision, procurement, contract, bid or bid process, financial services agreement or bond in which the lobbyist has been engaged in supporting or opposing during the reporting period; provided that in the case of appropriations bills, the lobbyist shall enumerate the specific section or sections which he supported or opposed.

(e) The itemization threshold in subsection (2)(b) of this section shall be adjusted biennially by directive of the secretary of state, using consumer price index data compiled by the United States department of labor.

(3) Reports provided by this section to be filed under the provisions of this section may be filed by means of an electronic facsimile transmission machine and may be filed by other electronic means as approved by the secretary of state. [Init. Measure 1974, No. 1, § 19; S.L. 1976, Ch. 363, S.L. 1978, Ch. 146; S.L. 1983, Ch. 105; S.L. 1983, Ch. 208; S.L. 1999, Ch. 176; S.L. 2006, Ch. 106; S.L. 2007, Ch. 306; S.L. 2010, Ch. 22]

67-6619A. REPORTS BY STATE ENTITIES. Any office or agency of state government or a state funded educational institution that offers gifts of any kind through interaction with the legislative or executive department of state government shall file the same reports lobbyists are required to file pursuant to section 67-6619, Idaho Code, with the exception of reporting under section 67-6619(2)(d), Idaho Code, unless the office, agency or state funded educational institution is otherwise represented by a lobbyist who files all necessary reports and documentation as provided by law. [S.L. 2016, Ch. 345]

67-6620. EMPLOYMENT OF UNREGISTERED PERSONS. It shall be a violation of this act for any person to employ for pay or any consideration, or pay or agree to pay any compensation to, a person to lobby who is not registered or exempt from registration under this act unless such person registers as a lobbyist as provided by this act as soon as practicable after such employment or payment, or agreement to pay, compensation. [Init. Measure 1974, No. 1, § 20]

67-6621. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this act shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this act for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the secretary of state at any reasonable time during such three (3) year period; provided, however, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employers' consent thereto after full disclosure to such employers of such adverse interest;

(e) Exercise any economic reprisal, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;

(f) Accept any employment as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

This contingent fee prohibition shall also apply to lobbying activities that pertain to communications with executive officials as described in section 67-6602 (7), Idaho Code. [Init. Measure 1974, No. 1, § 21; S.L. 2015, Ch. 244; S.L. 2015, Ch. 284; S.L. 2017, Ch. 142]

67-6622. DOCKET — CONTENTS — REPORTS TO LEGISLATURE — SUBJECTS OF LEGISLATION — WRITTEN AUTHORIZATION. The Secretary of State shall prepare and keep a docket in which shall be entered the name and business address of each lobbyist and the name and business address of his employer or employers, and the subject or subjects of legislation (by bill number, if available) to which the employment relates, which information shall also be indexed by names of employers of lobbyists. Such docket shall be a public record and open to the inspection

of any citizen upon demand at any time during the regular business hours of the office of the Secretary of State. Beginning with the first week following the beginning of any regular or special session of the legislature and on every Wednesday thereafter for the duration of such session, the Secretary of State shall from his records report to each house of the legislature the names of lobbyists registered under this act not previously reported, the names of the persons whom they represent as such lobbyist, and subject of legislation (by bill number, if available) in which they are interested. [Init. Measure 1974, No. 1, § 22]

67-6623. DUTIES OF SECRETARY OF STATE. The secretary of state is charged with enforcement of the provisions of this act, and in addition to duties otherwise prescribed herein, it shall be his duty:

(1) To prescribe forms for statements and other information required to be filed by this act, and to furnish such forms and instruction manual to persons required to file such statements and information;

(2) To make statements and other information filed with him available for public inspection and copying during regular office hours, and to make copying facilities available at a charge not to exceed actual cost;

(3) To preserve such statements and other information for a period of four (4) years from date of receipt;

(4) To make investigations with respect to statements filed under the provisions of this act, and with respect to alleged failures to file any statement required under the provisions of this act, and upon complaint by any person with respect to alleged violations of any part of this act;

(5) To report suspected violations of law to the appropriate law enforcement authorities;

(6) To prescribe and publish rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and to take such other actions as may be appropriate to carry out the provisions of this act;

(7) To require and prescribe methods for the filing of reports in an electronic format to ensure the prompt filing of reports with county clerks, city clerks and clerks of special districts. The receiving authority may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state.

(8) To require and prescribe methods for the online filing of reports with the secretary of state to ensure prompt publication of reports on the secretary of state's website. The secretary of state may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state. [Init. Measure 1974, No. 1, § 23; S.L. 1977, Ch. 180; S.L. 2010, Ch. 22; S.L. 2017, Ch. 142]

67-6624. STATEMENTS TO BE CERTIFIED. All statements required to be filed with the secretary of state under this act shall be signed and certified as true and correct by the person required to file the same. Electronic

signatures and certifications shall be governed by the uniform electronic transactions act, chapter 50, title 28, Idaho Code.

[Init. Measure 1974, No. 1, § 24; S.L. 2017, Ch. 142]

67-6625. VIOLATIONS — CIVIL FINE — MISDEMEANOR PENALTY — PROSECUTION — LIMITATION — VENUE.

(1) Any person who violates the provisions of sections 67-6603, 67-6604, 67-6606 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, Idaho Code, shall be liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an individual, and not more than two thousand five hundred dollars (\$2,500) if a person other than an individual. The burden of proof for such civil liability shall be met by showing a preponderance of the evidence.

(2) Any person who violates section 67-6605 or 67-6621(2), Idaho Code, and any person who knowingly and willfully violates sections 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, Idaho Code, is guilty of a misdemeanor and, upon conviction, in addition to the fines set forth in subsection (1) of this section, may be imprisoned for not more than six (6) months or be both fined and imprisoned.

(3) The attorney general or the appropriate prosecuting attorney may prosecute any violations of this act.

(4) Prosecution for violation of this act must be commenced within two (2) years after the date on which the violation occurred.

(5) Venue for prosecution under the provisions of this chapter shall be in the county of residence of the defendant if the defendant is a resident of the state of Idaho, otherwise venue shall be in Ada county. [Init. Measure 1974, No. 1, § 25; S.L. 1976, Ch. 227; S.L. 1977, Ch. 169; S.L. 1978, Ch. 43; S.L. 1997, Ch. 393; S.L. 2001, Ch. 106; S.L. 2005, Ch. 254; S.L. 2017, Ch. 142]

67-6625A. LATE FILING OF STATEMENT OR REPORT — FEES. If any person fails to file a report or statement on or before a specified date, he shall be liable in an amount of fifty dollars (\$50.00) per day after the deadline until the statement or report is filed, to the secretary of state. Liability need not be enforced by the secretary of state if on an impartial basis he determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within five (5) days after receiving written notice of the filing requirement from the secretary of state.

The remedy provided in this section is cumulative and does not exclude any other remedy or penalty prescribed in section 67-6625, Idaho Code. [S.L. 1977, Ch. 169; S.L. 1993, Ch. 203]

67-6626. INJUNCTIONS. The district courts of this state shall have original jurisdiction to issue injunctions to enforce the provisions of this act upon application by any citizen of this state or by the Secretary of State. The court may in its discretion require the citizen plaintiff to file a written complaint with the Secretary of State prior to seeking injunctive relief. A successful plaintiff is entitled to be reimbursed for reasonable costs of litigation, including reasonable attorney's fees by the person or persons named defendant in said injunctive action. A successful defendant is entitled to be reimbursed for reasonable costs of litigation, including reasonable attorney's fees if the court determines that plaintiff's action was without substantial merit. [Init. Measure 1974, No. 1, § 26]

67-6627. PERSUASIVE POLL CONCERNING CANDIDATE MUST IDENTIFY PERSON OR ENTITY PAYING FOR POLL. (1) If a person, candidate, political party or political committee requests or compensates a person to:

- (a) Conduct or cause to be conducted a persuasive poll by telephone concerning a candidate; or
- (b) Produce automated or computerized messages by telephone to conduct a persuasive poll concerning a candidate.

The person conducting the poll shall, at the end of the poll, disclose the name and telephone number of the person, candidate, political party or political committee that requested or compensated the person for the poll.

(2) As used in this section, "persuasive poll" means the canvassing of persons, by means other than an established method of scientific sampling, by asking questions or other information concerning a candidate which is designed to provide information that is designed to advocate the election, approval or defeat of a candidate or measure. The term does not include a poll that is conducted only to measure the public's opinion about or reaction to an issue, fact or theme.

(3) A violation of the provisions of this section shall be punishable as provided in section 67-6625, Idaho Code. [S.L. 2000, Ch. 153; S.L. 2001, Ch. 106; S.L. 2017, Ch. 142]

67-6628. ELECTIONEERING COMMUNICATIONS — STATEMENTS. (1) Any person who conducts or transmits any electioneering communication shall be required to file a statement on a form provided by the secretary of state. Contents of the statement shall include the amount spent on such communications, the name and address of the person, and the names and addresses of any persons who contribute fifty dollars (\$50.00) or more to any person described in this section.

(2) Any person that incurs costs in excess of one hundred dollars (\$100) when making an electioneering communication shall file a statement in accordance with the time limits established by section 67-6611(2), Idaho Code.

(3) In addition to the requirements of subsection (2) of this section, any person that incurs costs of one thousand dollars (\$1,000) or more when making an electioneering communication shall file a statement as provided in subsection (1) of this section within forty-eight (48) hours of incurring the costs for such communication. [S.L. 2005, Ch. 254; S.L. 2017, Ch. 142]

67-6629. SEVERABILITY. If any provisions of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [Init. Measure 1974, No. 1, § 27; S.L. 2017, Ch. 142]

67-6630. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern. [Init. Measure 1974, No. 1, § 28; S.L. 2017, Ch. 142]