

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 188

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CAMPAIGN FINANCE DISCLOSURES; AMENDING SECTION 67-6621, IDAHO  
2 CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6623, IDAHO  
3 CODE, TO PROVIDE FOR THE ELECTRONIC OR ONLINE FILING OF CAMPAIGN FINANCE  
4 REPORTS, TO PROVIDE FOR EXCEPTIONS AND TO MAKE TECHNICAL CORRECTIONS;  
5 AMENDING SECTION 67-6624, IDAHO CODE, TO PROVIDE FOR THE APPLICATION  
6 OF THE UNIFORM ELECTRONIC TRANSACTIONS ACT AND TO MAKE TECHNICAL COR-  
7 RECTIONS; AMENDING SECTION 67-6625, IDAHO CODE, TO MAKE TECHNICAL COR-  
8 RECTIONS; AMENDING SECTION 67-6627, IDAHO CODE, TO REDESIGNATE THE SEC-  
9 TION; AMENDING SECTION 67-6628, IDAHO CODE, TO REDESIGNATE THE SECTION;  
10 AMENDING SECTION 67-6629, IDAHO CODE, TO REDESIGNATE THE SECTION; AND  
11 AMENDING SECTION 67-6630, IDAHO CODE, TO REDESIGNATE THE SECTION.  
12

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

14 SECTION 1. That Section 67-6621, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 67-6621. DUTIES OF LOBBYISTS. A person required to register as a lob-  
17 byist under this act shall also have the following obligations, the viola-  
18 tion of which shall constitute cause for revocation of his registration, and  
19 may subject such person, and such person's employer, if such employer aids,  
20 abets, ratifies or confirms any such act, to other civil liabilities, as pro-  
21 vided by this act:

22 (a1) Such persons shall obtain and preserve all accounts, bills, re-  
23 ceipts, books, papers, and documents necessary to substantiate the finan-  
24 cial reports required to be made under this act for a period of at least three  
25 (3) years from the date of the filing of the statement containing such items,  
26 which accounts, bills, receipts, books, papers and documents shall be made  
27 available for inspection by the secretary of state at any reasonable time  
28 during such three (3) year period; provided, however, that if a lobbyist is  
29 required under the terms of his employment contract to turn any records over  
30 to his employer, responsibility for the preservation of such records under  
31 this subsection shall rest with such employer.

32 (b2) In addition, a person required to register as a lobbyist shall not:

33 (1a) Engage in any activity as a lobbyist before registering as such;

34 (2b) Knowingly deceive or attempt to deceive any legislator to any fact  
35 pertaining to any pending or proposed legislation;

36 (3c) Cause or influence the introduction of any bill or amendment  
37 thereto for the purpose of thereafter being employed to secure its de-  
38 feat;

39 (4d) Knowingly represent an interest adverse to any of his employers  
40 without first obtaining such employers' consent thereto after full dis-  
41 closure to such employers of such adverse interest;

1           (5e) Exercise any economic reprisal, extortion, or unlawful retaliation  
2           upon any legislator by reason of such legislator's position with  
3           respect to, or his vote upon, any pending or proposed legislation;

4           (6f) Accept any employment as a lobbyist for a compensation dependent  
5           in any manner upon the passage or defeat of any proposed or pending leg-  
6           islation or upon any other contingency connected with the action of the  
7           legislature or of either branch thereof or of any committee thereof.  
8           This contingent fee prohibition shall also apply to lobbying activities  
9           that pertain to communications with executive officials as described in  
10          section 67-6602 (~~g~~7), Idaho Code.

11          SECTION 2. That Section 67-6623, Idaho Code, be, and the same is hereby  
12          amended to read as follows:

13          67-6623. DUTIES OF SECRETARY OF STATE. The secretary of state is  
14          charged with enforcement of the provisions of this act, and in addition to  
15          duties otherwise prescribed herein, it shall be his duty:

16          (a1) To prescribe forms for statements and other information required  
17          to be filed by this act, and to furnish such forms and instruction manual to  
18          persons required to file such statements and information;

19          (b2) To make statements and other information filed with him available  
20          for public inspection and copying during regular office hours, and to make  
21          copying facilities available at a charge not to exceed actual cost;

22          (c3) To preserve such statements and other information for a period of  
23          four (4) years from date of receipt;

24          (d4) To make investigations with respect to statements filed under the  
25          provisions of this act, and with respect to alleged failures to file any  
26          statement required under the provisions of this act, and upon complaint by  
27          any person with respect to alleged violations of any part of this act;

28          (e5) To report suspected violations of law to the appropriate law en-  
29          forcement authorities;

30          (f6) To prescribe and publish rules in accordance with the provisions  
31          of chapter 52, title 67, Idaho Code, and to take such other actions as may be  
32          appropriate to carry out the provisions of this act;

33          (g7) To require and prescribe methods ~~of~~ for the filing of reports by  
34          in an electronic means format to ensure the prompt filing of reports with  
35          county clerks, city clerks and clerks of special districts. The receiving  
36          authority may, on an individual basis, grant a hardship waiver and accept a  
37          report required by this chapter in another format specified by the secretary  
38          of state.

39          (8) To require and prescribe methods for the online filing of reports  
40          with the secretary of state to ensure prompt publication of reports on the  
41          secretary of state's website. The secretary of state may, on an individual  
42          basis, grant a hardship waiver and accept a report required by this chapter  
43          in another format specified by the secretary of state.

44          SECTION 3. That Section 67-6624, Idaho Code, be, and the same is hereby  
45          amended to read as follows:

46          67-6624. STATEMENTS TO BE CERTIFIED. All statements required to be  
47          filed with the ~~S~~secretary of ~~S~~state under this act shall be signed and certi-

1 filed as true and correct by the person required to file the same. Electronic  
 2 signatures and certifications shall be governed by the uniform electronic  
 3 transactions act, chapter 50, title 28, Idaho Code.

4 SECTION 4. That Section 67-6625, Idaho Code, be, and the same is hereby  
 5 amended to read as follows:

6 67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSE-  
 7 CUTION -- LIMITATION -- VENUE. (a~~1~~) Any person who violates the provisions  
 8 of sections 67-6603, 67-6604, 67-6606 through 67-6614A, 67-6617, 67-6619,  
 9 67-6620, 67-6621(a~~1~~), 67-6624, ~~67-6629~~ 67-6627 or ~~67-6630~~ 67-6628, Idaho  
 10 Code, shall be liable for a civil fine not to exceed two hundred fifty dollars  
 11 (\$250) if an individual, and not more than two thousand five hundred dollars  
 12 (\$2,500) if a person other than an individual. The burden of proof for such  
 13 civil liability shall be met by showing a preponderance of the evidence.

14 (b~~2~~) Any person who violates section 67-6605 or 67-6621(b~~2~~), Idaho  
 15 Code, and any person who knowingly and willfully violates sections 67-6603  
 16 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a~~1~~), 67-6624, ~~67-6629~~  
 17 ~~67-6627~~ or ~~67-6630~~ 67-6628, Idaho Code, is guilty of a misdemeanor and, upon  
 18 conviction, in addition to the fines set forth in subsection (a~~1~~) of this  
 19 section, may be imprisoned for not more than six (6) months or be both fined  
 20 and imprisoned.

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

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

25 (e~~5~~) Venue for prosecution under the provisions of this chapter shall  
 26 be in the county of residence of the defendant if the defendant is a resident  
 27 of the state of Idaho, otherwise venue shall be in Ada county.

28 SECTION 5. That Section 67-6627, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 67-6627~~9~~. SEVERABILITY. If any provisions of this act or its applica-  
 31 tion to any person or circumstance is held invalid, the remainder of the act,  
 32 or the application of the provision to other persons or circumstances is not  
 33 affected.

34 SECTION 6. That Section 67-6628, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 67-6628~~30~~. CONSTRUCTION. The provisions of this act are to be liber-  
 37 ally construed to effectuate the policies and purposes of this act. In the  
 38 event of conflict between the provisions of this act and any other act, the  
 39 provisions of this act shall govern.

40 SECTION 7. That Section 67-6629, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

1           67-66297. PERSUASIVE POLL CONCERNING CANDIDATE MUST IDENTIFY PERSON  
2 OR ENTITY PAYING FOR POLL. (1) If a person, candidate, political party or po-  
3 litical committee requests or compensates a person to:

4           (a) Conduct or cause to be conducted a persuasive poll by telephone con-  
5 cerning a candidate; or

6           (b) Produce automated or computerized messages by telephone to conduct  
7 a persuasive poll concerning a candidate.

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

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

18           (3) A violation of the provisions of this section shall be punishable as  
19 provided in section 67-6625, Idaho Code.

20           SECTION 8. That Section 67-6630, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22           67-663028. ELECTIONEERING COMMUNICATIONS -- STATEMENTS. (1) Any  
23 person who conducts or transmits any electioneering communication shall be  
24 required to file a statement on a form provided by the secretary of state.  
25 Contents of the statement shall include the amount spent on such communi-  
26 cations, the name and address of the person, and the names and addresses of  
27 any persons who contribute fifty dollars (\$50.00) or more to any person de-  
28 scribed in this section.

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

32           (3) In addition to the requirements of subsection (2) of this section,  
33 any person that incurs costs of one thousand dollars (\$1,000) or more when  
34 making an electioneering communication shall file a statement as provided  
35 in subsection (1) of this section within forty-eight (48) hours of incurring  
36 the costs for such communication.