

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 399

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CAMPAIGN FINANCE; AMENDING TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE A CHAPTER HEADING; AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW PART 1, CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE FOR THE PURPOSE OF THE CHAPTER, TO DEFINE TERMS, TO PROHIBIT FOREIGN CONTRIBUTIONS, FOREIGN INDEPENDENT EXPENDITURES, AND FOREIGN ELECTIONEERING COMMUNICATIONS, TO PROVIDE FOR COMMERCIAL REPORTING, TO PROVIDE THAT CERTAIN REPORTS BE CERTIFIED BY THE SECRETARY OF STATE, TO PROVIDE FOR THE IDENTIFICATION OF THE SOURCE OF CONTRIBUTIONS AND EXPENDITURES, AND TO PROVIDE THAT POLLS CONCERNING A CANDIDATE OR MEASURE MUST IDENTIFY THE PERSON OR ENTITY PAYING FOR THE POLL; AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW PART 2, CHAPTER 3, TITLE 74, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CANDIDATES AND A CAMPAIGN FINANCE ACCOUNT, TO PROVIDE FOR THE APPOINTMENT OF A POLITICAL TREASURER FOR CANDIDATES, TO PROVIDE FOR THE DUTIES OF A POLITICAL TREASURER FOR CANDIDATES, TO PROVIDE FOR THE IDENTIFICATION OF THE SOURCE OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES, TO PROVIDE LIMITATIONS ON CONTRIBUTIONS TO CANDIDATES, TO PROHIBIT CANDIDATE COORDINATION TO BENEFIT FROM AN INDEPENDENT EXPENDITURE, TO PROVIDE FOR THE RETIRING OF DEBT, TO PROVIDE CAMPAIGN CONTRIBUTION LIMIT EXCEPTIONS, TO PROVIDE FOR THE USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES, AND TO PROVIDE FOR THE USE OF SYNTHETIC MEDIA; AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW PART 3, CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE FOR POLITICAL ACTION COMMITTEE ORGANIZATION, TO PROVIDE FOR THE APPOINTMENT OF A POLITICAL TREASURER FOR POLITICAL ACTION COMMITTEES, TO PROVIDE FOR THE DUTIES OF A POLITICAL TREASURER FOR POLITICAL ACTION COMMITTEES, TO PROVIDE FOR CONTRIBUTIONS OBTAINED BY POLITICAL ACTION COMMITTEES, TO PROVIDE FOR THE USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES, TO PROVIDE FOR REPORTS OF CONTRIBUTIONS TO AND EXPENDITURES BY POLITICAL ACTION COMMITTEES, TO PROHIBIT POLITICAL ACTION COMMITTEE COORDINATION WITH A CANDIDATE, TO PROVIDE FOR ELECTIONEERING COMMUNICATIONS AND CERTAIN REPORTS, AND TO PROVIDE FOR REPORTS OF INDEPENDENT EXPENDITURES BY POLITICAL ACTION COMMITTEES; AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW PART 4, CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE FOR CERTAIN REPORTING REQUIREMENTS, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR CONTRIBUTIONS, REPORTS, AND LIMITS FOR POLITICAL PARTY COMMITTEES AND CAUCUSES, TO PROVIDE FOR ELECTIONEERING COMMUNICATIONS AND REPORTS, AND TO PROVIDE FOR INDEPENDENT EXPENDITURES; AMENDING CHAPTER 3, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW PART 5, CHAPTER 3, TITLE 74, IDAHO CODE, TO PROVIDE FOR THE DUTIES OF THE SECRETARY OF STATE, TO PROVIDE FOR THE DUTIES OF COUNTY CLERKS AND PROSECUTORS, TO PROVIDE FOR VIOLATIONS AND FINES, TO PROVIDE FOR LATE FILINGS AND FEES, TO PROVIDE FOR OTHER VIOLATIONS, TO PROVIDE FOR THE ENFORCEMENT OF CIVIL FINES AND LATE FEES, TO PROVIDE FOR PROSECUTION,

LIMITATIONS, AND VENUE, TO PROVIDE FOR INJUNCTIONS, TO PROVIDE SEVERABILITY, AND TO PROVIDE FOR CONSTRUCTION; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1807A, IDAHO CODE, TO PROVIDE FOR THE DISCLOSURE OF PAYMENTS MADE TO SIGNATURE GATHERERS; AMENDING SECTION 67-6602, IDAHO CODE, TO REMOVE DEFINITIONS; REPEALING SECTIONS 67-6603 THROUGH 67-6616 AND SECTIONS 67-6626 THROUGH 67-6628A, IDAHO CODE, RELATING TO CAMPAIGN FINANCE; AMENDING SECTION 67-6621, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6625, IDAHO CODE, TO REMOVE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-5904, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 19-6004, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 44-2602, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 44-2605, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 50-2006, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-5282, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 72-1503, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; PROVIDING APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 74, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 3, Title 74, Idaho Code, and to read as follows:

CHAPTER 3 CAMPAIGN FINANCE TRANSPARENCY

SECTION 2. That Chapter 3, Title 74, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 3, Title 74, Idaho Code, and to read as follows:

PART 1 PROVISIONS OF GENERAL APPLICATION

74-3-101. PURPOSE OF CHAPTER. The purpose of this chapter is:
 (1) To promote openness and public confidence in government; and
 (2) To promote transparency by those giving financial support to election campaigns and to persons advocating for or against candidates or ballot measures.

74-3-102. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(1) "Candidate" means an individual who seeks nomination, election, or reelection to public office in Idaho and includes individuals seeking statewide, judicial, legislative, or local government office. For the purposes of this chapter, "candidate" does not include individuals seeking nomination, election, or reelection to federal office or precinct committeeman.

(2) "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, and promise or other obligation, whether or not legally enforceable, to make a contribution in support of or in opposition to any candidate, political action 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 action committee for whom such services are rendered. For the purposes of this chapter, contributions other than money or its equivalent shall be deemed to have a money value equivalent to the fair market value of the contribution.

(3) "Election" means any state or local general, special, recall, or primary election.

(4) "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.

(5) (a) "Electioneering communication" means any paid public communication that:

(i) Unambiguously refers to any candidate;

(ii) Is broadcast, printed, mailed, delivered, made, distributed, or disseminated to a recipient by telephone, in a digital format online, or by other electronic means during the thirty (30) day period before a primary election or the sixty (60) day period before a general election; and

(iii) Is directed to an audience that includes members of the electorate for the candidate's public office.

(b) An electioneering communication does not include:

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

(ii) Media appearances by a candidate on television, radio shows, podcasts, or any other type of digital media not owned or controlled by a candidate, political action committee, or political party;

(iii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political action committee, or political party;

(iv) 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;

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

(vi) A communication that constitutes an expenditure by a candidate or political action committee or an independent expenditure that is otherwise reported under this chapter.

(6) "Employee" means an individual who performs a service for wages or other compensation from which the individual's employer withholds federal employment taxes under a contract for hire, written or oral.

(7) "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. For the purpose of determining when an expenditure report should be filed under this chapter, an expenditure is made on the day that the communication paid for with the expenditure is publicly distributed or otherwise viewed by the public or on the date payment is made, whichever is earlier.

(8) (a) "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 in coordination with the candidate or with the political action committee supporting or opposing the measure.

(b) As used in this subsection, "expressly advocating" means any communication containing a message advocating the election, passage, or defeat of a candidate or measure by using the name of the candidate or measure and using phrases including but not limited to "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat," or "reject."

(c) For the purpose of determining whether an expenditure is made in coordination with a candidate or political action committee, the term "coordination" means and includes but is not limited to an expenditure made with the cooperation of, with the prior consent or knowledge of, in consultation with, or at the request or suggestion of, or using nonpublic information obtained from, a candidate or the candidate's agent or paid or unpaid staff or volunteer or by a person acting on behalf of a political action committee supporting or opposing a measure, or by a person acting as a conduit for messages to or from a candidate's campaign or a political action committee.

(9) "Local government office" means any publicly elected office for any political subdivision of the state or special district that is not a legislative, judicial, statewide, or federal office.

(10) "Measure" means any proposal submitted to the people for their approval or rejection at a statewide or local election, including any initia-

1 tive, referendum, recall election, or revision of or amendment to the state
 2 constitution. An initiative or referendum proposal shall be deemed a mea-
 3 sure when the attorney general, county prosecutor, or city attorney, as ap-
 4 propriate, reviews it and gives it a ballot title. A recall shall be deemed
 5 a measure upon approval of the recall petition as to form pursuant to section
 6 34-1704, Idaho Code.

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

10 (12) "Political action committee" means:

11 (a) Any person specifically designated to support or oppose any candi-
 12 date or measure; or

13 (b) Any person who receives contributions and makes expenditures in an
 14 amount exceeding one thousand dollars (\$1,000) in any calendar year for
 15 the purpose of supporting or opposing one (1) or more candidates or mea-
 16 sures.

17 (13) "Political treasurer" means an individual appointed by a candidate
 18 as provided in section 74-3-202, Idaho Code, or by a political action commit-
 19 tee as provided in section 74-3-302, Idaho Code.

20 (14) "Public office" means any local, legislative, judicial, or state
 21 office or position that is filled by election but does not include the office
 22 of precinct committeeman.

23 74-3-103. FOREIGN CONTRIBUTIONS, FOREIGN INDEPENDENT EXPENDITURES,
 24 AND FOREIGN ELECTIONEERING COMMUNICATIONS PROHIBITED. (1) A foreign na-
 25 tional shall not make a contribution, directly or indirectly, to any
 26 candidate, political action committee, or measure or make electioneering
 27 communications or independent expenditures.

28 (2) As used in this section:

29 (a) "Foreign national" means:

30 (i) An individual who is not a citizen of the United States and is
 31 not lawfully admitted for permanent residence;

32 (ii) A government or subdivision of a foreign country;

33 (iii) A foreign political party; or

34 (iv) Any entity, such as a partnership, association, corporation,
 35 organization, union, or other combination of persons, that is or-
 36 ganized under the laws of or has its principal place of business in
 37 a foreign country.

38 (b) "Indirectly" means making a contribution or payment to a person
 39 with a designation, instruction, or encumbrance, whether direct or
 40 indirect, express or implied, oral or written, or involving interme-
 41 diaries or conduits, that results in any part of the contribution or
 42 payment being used for a purpose described in subsection (1) of this
 43 section.

44 (3) A violation of the provisions of this section shall be prosecuted
 45 and punished as provided in part 5 of this chapter. Provided, however, any
 46 person who knowingly and willfully violates the provisions of this section
 47 is guilty of a felony when:

48 (a) The aggregate amount of contributions, independent expenditures,
 49 or cost of electioneering communications made in violation of this sec-

tion exceeds one thousand dollars (\$1,000) in a consecutive twelve (12) month period; or

(b) The person pleads guilty to or is found guilty of a knowing and willful violation of the provisions of this section for a second time within ten (10) years, notwithstanding the form of the judgment or withheld judgment.

(4) If any provision of this section or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected.

74-3-104. COMMERCIAL REPORTING. Each newspaper, periodical, broadcasting station, direct mailing company, printer, and advertising agency shall keep a current record of any and all obligations incurred by a candidate or political action committee and payments made by a candidate or political action committee. Such records shall be made available for inspection upon request by the secretary of state. Failure to make such records available shall result in a civil fine not to exceed one thousand dollars (\$1,000).

74-3-105. REPORTS TO BE CERTIFIED. All reports required to be filed with the secretary of state under this chapter 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.

74-3-106. IDENTIFICATION OF SOURCE OF CONTRIBUTIONS AND EXPENDITURES. (1) 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.

(2) (a) To ensure the proper reporting and identification of the source of expenditures, any public communication made that is reportable as an expenditure under this chapter shall clearly state: "Paid for by [the official name of the candidate, political action committee, or filing entity]" and shall further state the filing entity identification number, if available, as registered or reported with the secretary of state.

(b) The provisions of this subsection shall not apply to campaign materials that are being reused by any candidate who has run for public office prior to 2025, as long as the person responsible for such communications is clearly indicated on such communications.

(c) Failure to comply with the provisions of this section shall result in a civil fine payable to the secretary of state in the amount of fifty dollars (\$50.00) plus five percent (5%) of the monetary value of the expenditure being made, rounded up to the nearest whole number. The secretary of state shall deposit any civil fines collected pursuant to this section to the general fund.

74-3-107. PERSUASIVE POLL CONCERNING CANDIDATE OR MEASURE MUST IDENTIFY PERSON OR ENTITY PAYING FOR POLL. (1) If a person, candidate, politi-

cal party, or political committee requests or compensates a person to conduct or cause to be conducted a persuasive poll by telephone concerning a candidate or to 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 concerning a candidate that are designed to provide information to advocate for 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 part 5 of this chapter.

SECTION 3. That Chapter 3, Title 74, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 2, Chapter 3, Title 74, Idaho Code, and to read as follows:

PART 2 CANDIDATES

74-3-201. CANDIDATES FOR PUBLIC OFFICE -- ESTABLISHMENT OF CAMPAIGN FINANCE ACCOUNT. (1) A candidate shall be subject to the requirements of this chapter once the candidate has taken any of the following actions:

- (a) Announced the individual's candidacy publicly;
- (b) Established a campaign finance account with the secretary of state's office;
- (c) Received a contribution for the purpose of promoting the individual's candidacy for office; or
- (d) Made an expenditure, contracted for services, or reserved space with the intent of promoting the individual's candidacy for office.

(2) For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for the incumbent's office until the incumbent has failed to file for office by the statutory deadline.

(3) Each candidate shall establish a campaign finance account with the secretary of state's office as prescribed by the secretary of state. The candidate shall provide the full name and address of the candidate, the office being sought by the candidate, the name and address of the candidate's political treasurer, and the name of the financial institution or institutions with which the candidate's campaign account will be held. The financial institution must be insured by the federal deposit insurance corporation or the national credit union administration.

74-3-202. APPOINTMENT OF POLITICAL TREASURER FOR CANDIDATE. (1) Each candidate shall appoint a political treasurer who is a registered elector of this state. The candidate shall certify the full name and complete address of the political treasurer to the secretary of state at the time the candidate establishes a campaign finance account with the secretary of state's office or as soon thereafter as practicable.

1 (2) No contribution shall be received or expenditure made by or on be-
 2 half of a candidate until a political treasurer has been appointed pursuant
 3 to the provisions of this section. Contributions must be received and expen-
 4 ditures must be made by or through the candidate's political treasurer.

5 (3) A candidate may appoint himself to serve as his own political trea-
 6 surer.

7 (4) An individual may be appointed and serve as political treasurer for
 8 more than one (1) candidate and political action committee.

9 (5) A candidate may remove his political treasurer. In the case of the
 10 death, resignation, or removal of a political treasurer before all obliga-
 11 tions of a political treasurer under this chapter have been met, the candi-
 12 date shall appoint a successor political treasurer and certify the name and
 13 address of the successor in the manner provided in the case of an original ap-
 14 pointment.

15 74-3-203. DUTIES OF POLITICAL TREASURER FOR CANDIDATE. (1) The polit-
 16 ical treasurer or candidate shall serve as the official point of contact for
 17 the secretary of state for the candidate's campaign.

18 (2) The political treasurer for each candidate shall maintain at least
 19 one (1) checking account with a financial institution identified pursuant
 20 to the provisions of section 74-3-201(3), Idaho Code. All moneys received
 21 by the candidate's campaign shall be deposited in such account. The polit-
 22 ical treasurer for each candidate shall keep detailed accounts of all con-
 23 tributions received and all expenditures made by or on behalf of the candi-
 24 date. The political treasurer shall keep the accounts current within seven
 25 (7) days after the date of receiving a contribution or making an expenditure.
 26 A candidate's campaign funds shall be segregated from, and may not be commin-
 27 gled with, any other account. A candidate who loans his campaign his own per-
 28 sonal funds must transfer those funds to his campaign account.

29 (3) The political treasurer shall be responsible for making and filing
 30 all reports that are required of a candidate under this chapter. Accounts
 31 kept by the political treasurer for a candidate are subject to inspection by
 32 the office of the secretary of state in the case of an investigation pursuant
 33 to section 74-3-501 or 74-3-502, Idaho Code.

34 (4) Accounts kept by a political treasurer shall be preserved by him
 35 for at least one (1) year after the date of the election to which the accounts
 36 refer or at least one (1) year after the date the last report is filed under
 37 section 74-3-205, Idaho Code, whichever is later.

38 74-3-204. IDENTIFICATION OF SOURCE OF CONTRIBUTIONS AND EXPENDITURES
 39 -- CANDIDATES. (1) No contribution shall be made and no expenditure shall be
 40 incurred, directly or indirectly, in a fictitious name, anonymously, or by
 41 any person through an agent, relative, or other person in such a manner as to
 42 conceal the identity of the source of the contribution.

43 (2) (a) Any person who contributes to a candidate shall accompany the
 44 contribution with a report of his full name and complete address.

45 (b) If a political treasurer is offered or receives contributions of
 46 more than fifty dollars (\$50.00) in the aggregate from the same person
 47 during a calendar year, and there is no report of the full name and com-
 48 plete 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 to the secretary of state, who shall transmit it to the state controller for deposit in the general fund.

(3) Contributions shall not be obtained for a candidate's campaign 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 violation of the provisions of this section shall be punishable as provided in part 5 of this chapter.

74-3-205. REPORTS OF CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES. (1) The political treasurer for each candidate shall file with the secretary of state a report of all contributions received and all expenditures and encumbrances made by or on behalf of the candidate during the reporting period, beginning with the month in which the first contribution, expenditure, or encumbrance took place. The report shall itemize each contribution received and each expenditure or encumbrance made during the reporting period and shall include the following:

(a) Under contributions, the report shall include a list of all the contributions received, including any funds or property of the candidate used to cover expenditures. The report shall list the full name and complete address of each person who contributed an aggregate amount of more than one hundred dollars (\$100) and the amount contributed by that person. The report may list as a single item the total amount of contributions of one hundred dollars (\$100) or less; and

(b) Under expenditures, the report shall include the name, city, and state of each person to whom an expenditure or encumbrance was made of at least twenty-five dollars (\$25.00) but no more than one hundred dollars (\$100) and the amount, date, and purpose of each such expenditure. For expenditures of more than one hundred dollars (\$100), the report shall include the name and address of each person to whom an expenditure or encumbrance was made and the amount, date, and purpose of each such expenditure. Each expenditure or encumbrance in the amount of twenty-five dollars (\$25.00) or more shall be evidenced by an invoice, receipt, or canceled check or an accurate copy thereof. Such evidence shall not be filed with the report but shall be retained by the candidate's treasurer for a period of one (1) year after the report has been filed. The report may list as a single item the total amount of expenditures and encumbrances of less than twenty-five dollars (\$25.00) each without showing the exact amount of or requiring evidence of each such expenditure or encumbrance. Anything of value, other than money, paid for or contributed by any person shall be listed both as an expenditure and as a contribution.

(2) Regular reports required by this section shall be filed pursuant to this subsection.

(a) In the year in which the candidate's election is to take place, reports shall be filed on a monthly basis on or before the tenth day of the month following the month being reported.

1 (b) In any nonelection year for the candidate, reports shall be filed
2 on a quarterly basis and shall be due on or before the tenth day of the
3 month immediately following the close of the quarter, on April 10, July
4 10, October 10, and January 10.

5 (3) The political treasurer for a candidate for a judicial office or a
6 local government office is exempt from filing reports under this section un-
7 less and until such time as the candidate receives contributions or expends
8 funds in the amount of five hundred dollars (\$500) or more. Within seven (7)
9 calendar days of the five-hundred-dollar (\$500) threshold being met, the po-
10 litical treasurer for the candidate shall file a cumulative report covering
11 the period from the first contribution or expenditure to the current date and
12 shall file all subsequent reports on a regular basis according to the provi-
13 sions of subsection (2) of this section, regardless of amounts received or
14 expended.

15 (4) In addition to the reports required pursuant to subsections (2) and
16 (3) of this section, the political treasurer for a candidate shall report
17 to the secretary of state any contribution received of one thousand dollars
18 (\$1,000) or more within forty-eight (48) hours after the receipt of such con-
19 tribution. Such a report shall include the name of the candidate, the iden-
20 tification of the contributor, and the date of receipt and amount of the con-
21 tribution.

22 (5) All reports required pursuant to this section shall be filed online
23 with the secretary of state by no later than midnight on the date the filing
24 is due.

25 (6) If no contribution is received or expenditure made by or on behalf
26 of a candidate during a monthly reporting period, the political treasurer
27 for the candidate shall file with the secretary of state a report to that ef-
28 fect by the tenth day of the following month.

29 (7) Reports required to be filed under the provisions of this section
30 shall be filed until the account no longer shows any unexpended balance of
31 contributions or expenditure deficit. Once an account no longer shows a
32 positive balance or debt, the candidate may notify the secretary of state's
33 office that the account may be closed. If the account has shown no positive
34 balance or debt for a period of two (2) years and the candidate has not re-
35 quested account closure, the secretary of state may administratively close
36 the candidate's account record following thirty (30) days' notice to the
37 candidate.

38 (8) Candidates for federal office are not required to file contribution
39 and expenditure reports under this section. A federal candidate's autho-
40 rized committee may make contributions to candidates in Idaho without fil-
41 ing reports under this subsection if the authorized committee is in compli-
42 ance with federal election commission reporting requirements. Any contri-
43 butions received pursuant to this section shall be reported using the of-
44 ficial name of the candidate's authorized committee and the identification
45 number as registered with the federal election commission.

46 74-3-206. LIMITATIONS ON CONTRIBUTIONS TO CANDIDATES.

47 (1) (a) Aggregate contributions by any person to a candidate for the
48 state legislature, judicial office, or local government office shall be
49 limited to no more than two thousand five hundred dollars (\$2,500) for

1 the primary election and no more than two thousand five hundred dollars
2 (\$2,500) for the general election.

3 (b) Aggregate contributions for a primary election or a general elec-
4 tion by any person to a candidate for statewide office shall be limited
5 to no more than seven thousand five hundred dollars (\$7,500) for the
6 primary election and no more than seven thousand five hundred dollars
7 (\$7,500) for the general election. For purposes of this subsection,
8 "statewide office" shall mean an office in state government that ap-
9 pears on the primary or general election ballot throughout the state.

10 (2) The provisions of subsection (1) of this section shall not apply to
11 political party committees, including state, county, legislative district,
12 or regional central committees. Such committees are governed by the provi-
13 sions of section 74-3-402, Idaho Code.

14 (3) A candidate may not accept contributions for running in a general
15 election until the candidate has won his primary election, if any.

16 (4) Candidates may allocate only those contributions received by the
17 time the polls close on election day to that election. Contributions re-
18 ceived after such time must be allocated by the candidate to a future elec-
19 tion.

20 (5) For purposes of contribution limits in this section, recall and
21 special elections shall be treated the same as general elections.

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

30 (7) For the purposes of contribution limits, the following provisions
31 apply:

32 (a) A contribution by a political action committee with funds that have
33 all been contributed by one (1) person who exercises exclusive control
34 over the distribution of the funds of the political action committee is
35 a contribution by the controlling person;

36 (b) All contributions made by a person or political action committee
37 whose contribution or expenditure activity is financed, maintained, or
38 controlled by a trade association, labor union, or collective bargain-
39 ing organization shall be considered a contribution from such trade as-
40 sociation, labor union, or collective bargaining organization; and

41 (c) Two (2) or more entities are treated as a single entity if the enti-
42 ties:

43 (i) Share the majority of members on their board of directors;

44 (ii) Share two (2) or more officers;

45 (iii) Are owned or controlled by the same majority shareholder or
46 shareholders or persons;

47 (iv) Are in a parent-subsidiary relationship; or

48 (v) Have bylaws so stating.

49 (8) The contribution limits provided for in this section shall not ap-
50 ply to a candidate contributing or loaning money to his own campaign account.

1 (9) A candidate for state legislative office may terminate his campaign
2 account and transfer the balance of funds to a new campaign account if such
3 candidate will campaign for a different state legislative office. Any con-
4 tributions received in the candidate's closed account, combined with any
5 contributions received in the candidate's new account, shall count against
6 the contribution limits provided in this section when received from the same
7 contributor for the same election date.

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

12 74-3-207. CANDIDATE COORDINATION PROHIBITED. (1) A candidate may not
13 coordinate with another person to benefit from an independent expenditure,
14 as defined in section 74-3-102, Idaho Code.

15 (2) If an expenditure is made in coordination with a candidate, it shall
16 be considered a contribution in-kind to the candidate and shall be reported
17 by the candidate and be included in the candidate's campaign contribution
18 limits.

19 (3) An expenditure by a person that is not made in coordination with a
20 candidate is not attributed to or reportable by a candidate and must be re-
21 ported by the person making the independent expenditure pursuant to the pro-
22 visions of section 74-3-404, Idaho Code.

23 (4) For the purpose of determining whether an expenditure is made in co-
24 ordination with a candidate, the term "coordination" means and includes but
25 is not limited to an expenditure made with the cooperation of, with the prior
26 consent or knowledge of, in consultation with, at the request or suggestion
27 of, or using nonpublic information obtained from a candidate or the candi-
28 date's agent or paid or unpaid staff or volunteer or any person acting as a
29 conduit for messages to or from the candidate's campaign. Coordination is
30 presumed if a candidate benefiting from an independent expenditure by a po-
31 litical action committee is also the treasurer or any other board member of
32 that political action committee.

33 74-3-208. RETIRING DEBT. (1) If a candidate has unpaid debt at the end
34 of the reporting periods specified in section 74-3-205, Idaho Code, then the
35 candidate may accept additional contributions to retire such unpaid debt,
36 provided the contributions do not exceed the applicable contribution limits
37 prescribed in this chapter.

38 (2) For the purposes of this section, "unpaid debt" means any unpaid
39 monetary obligation incurred by the candidate as listed on the reports filed
40 through the postelection report period minus any cash balance reported on
41 the postelection report. Outstanding loans are considered a type of unpaid
42 debt.

43 74-3-209. CAMPAIGN CONTRIBUTION LIMIT INCREASES. All candidates in
44 any race shall be permitted to accept contributions in excess of the con-
45 tribution limits imposed by 74-3-206, Idaho Code, and are exempt from the
46 prohibition on coordination imposed by section 74-3-207, Idaho Code, if
47 independent expenditures are made in opposition to the candidate in the

1 aggregate amount of fifty thousand dollars (\$50,000) per election for a
 2 candidate for the state legislature, judicial office, or local government
 3 office, two hundred fifty thousand dollars (\$250,000) per election for a
 4 candidate for governor, or one hundred thousand dollars (\$100,000) per elec-
 5 tion for a candidate for any other statewide office. The candidate against
 6 whom the independent expenditures were made shall file notice with the sec-
 7 retary of state. Within twenty-four (24) hours of receiving the candidate's
 8 notice, the secretary of state shall deny, correct, or confirm the indepen-
 9 dent expenditure amount and post notice to the online filing system that the
 10 candidate is permitted to accept further contributions up to twenty-five
 11 thousand dollars (\$25,000), notwithstanding the provisions of section
 12 74-3-206, Idaho Code, in order to respond to the independent expenditures.

13 74-3-210. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES. (1) A con-
 14 tribution accepted by a candidate may be used by the candidate:

- 15 (a) For expenditures in connection with the candidate's campaign for
- 16 public office;
- 17 (b) For ordinary and necessary expenses incurred in connection with du-
- 18 ties of the individual as a public officeholder;
- 19 (c) For contributions to an organization described in section 26 U.S.C.
- 20 170(c);
- 21 (d) For transfers, without limitation, to a national, state, or local
- 22 committee of a political party;
- 23 (e) For donations to state and local candidates subject to the provi-
- 24 sions of state law; or
- 25 (f) For any other lawful purpose unless prohibited by subsection (2) of
- 26 this section.

27 (2) A contribution shall not be converted by any person to personal use.
 28 For the purposes of this subsection, a contribution shall be considered to be
 29 converted to personal use if the contribution is used to fulfill any commit-
 30 ment, obligation, or expense of a person that would exist irrespective of the
 31 candidate's election campaign or individual's duties as a holder of public
 32 office, including:

- 33 (a) Mortgage, rent, or utility payments for a candidate's residence;
- 34 (b) Clothing, except for items of de minimis value used in a campaign;
- 35 (c) A noncampaign- or nonofficeholder-related automobile expense;
- 36 (d) A country club membership;
- 37 (e) A vacation or other noncampaign-related trip;
- 38 (f) A tuition payment;
- 39 (g) Admission to a sporting event, concert, theater, or other form of
- 40 entertainment not associated with the candidate's campaign;
- 41 (h) Dues, fees, and other payments to a health club or recreational fa-
- 42 cility, except for fees associated with a campaign fundraising event on
- 43 the premises;
- 44 (i) Funeral, cremation, or burial expenses, except if the death arises
- 45 out of or in the course of campaign activity;
- 46 (j) Investment expenses;
- 47 (k) Salary payments to a candidate's immediate family member, unless
- 48 the family member is providing bona fide services and paid at a fair mar-
- 49 ket value; and

1 (1) Food purchased for daily consumption inside the home or supplies
2 needed to maintain a household.

3 74-3-211. USE OF SYNTHETIC MEDIA. (1) This section shall be known and
4 may be cited as the "Freedom from AI-Rigged (FAIR) Elections Act."

5 (2) For purposes of this section:

6 (a) "Information content provider" means any person or entity that is
7 responsible, in whole or in part, for the creation or development of in-
8 formation provided through the internet or any other interactive com-
9 puter service.

10 (b) "Interactive computer service" means any information service, sys-
11 tem, or access software provider that provides or enables computer ac-
12 cess by multiple users to a computer server, including specifically a
13 service or system that provides access to the internet and such systems
14 operated or services offered by libraries or educational institutions.

15 (c) "Synthetic media" means an audio recording or a video recording of
16 an individual's speech or conduct that has been created through the use
17 of generative adversarial network techniques or other digital technol-
18 ogy in a manner to create a realistic but false audio or video that:

19 (i) Appears to a reasonable individual to be of a real event, ac-
20 tion, or speech that did not actually occur in reality; and

21 (ii) Provides a fundamentally different understanding or impres-
22 sion of the event, action, or speech than a reasonable person would
23 have from the unaltered, original version of the audio recording
24 or video recording.

25 (3) A candidate whose action or speech is deceptively represented
26 through the use of synthetic media in an electioneering communication, ex-
27 penditure by a candidate, or independent expenditure may seek injunctive or
28 other equitable relief prohibiting the publication of such synthetic media.

29 (4) A candidate whose action or speech is deceptively represented
30 through the use of synthetic media in an electioneering communication, ex-
31 penditure by a candidate, or independent expenditure may bring an action for
32 general damages, special damages, or both against the information content
33 provider. The court may also award a prevailing party reasonable attorney's
34 fees and costs. The provisions of this subsection do not limit or preclude a
35 plaintiff from securing or recovering any other available remedy.

36 (5) It shall be an affirmative defense for any action brought pursuant
37 to this section that the electioneering communication, expenditure by a
38 candidate, or independent expenditure containing synthetic media includes
39 a disclosure stating, "This (video/audio) has been manipulated" in the fol-
40 lowing manner:

41 (a) If the media is a video, the text of the disclosure must be promi-
42 nently displayed and appear in a size easily readable by the average
43 viewer, and the disclosure must appear for the duration of the video; or

44 (b) If the media consists of audio only, the disclosure must be read in
45 a clearly spoken manner and in a pitch that can be easily heard by the
46 average listener at the beginning of the audio, at the end of the au-
47 dio, and, if the audio is greater than two (2) minutes in length, in-
48 terspersed within the audio at intervals of no more than two (2) minutes
49 each.

1 (6) In any action commenced pursuant to this section, the plaintiff
 2 bears the burden of establishing the use of synthetic media by clear and
 3 convincing evidence.

4 (7) Courts are encouraged to determine matters pursuant to this section
 5 expediently.

6 (8) For an action brought pursuant to this section, the information
 7 content provider of the electioneering communication, expenditure by a
 8 candidate, or independent expenditure may be held liable and not the medium
 9 disseminating the electioneering communication, expenditure by a candi-
 10 date, or independent expenditure except as provided in subsection (9) of
 11 this section.

12 (9) Except when a licensee, programmer, or operator of a federally li-
 13 censed broadcasting station transmits an electioneering communication, ex-
 14 penditure by a candidate, or independent expenditure that is subject to 47
 15 U.S.C. 315, a medium may be held liable in a cause of action brought pursuant
 16 to this section if:

17 (a) The medium removes any disclosure described in subsection (5) of
 18 this section from the electioneering communication, expenditure by a
 19 candidate, or independent expenditure it disseminates; or

20 (b) Subject to affirmative defenses described in this section, the
 21 medium changes the content of an electioneering communication, ex-
 22 penditure by a candidate, or independent expenditure such that it
 23 qualifies as synthetic media.

24 (10) No provider or user of an interactive computer service shall be
 25 treated as the publisher or speaker of any information provided by another
 26 information content provider. However, an interactive computer service may
 27 be held liable in accordance with subsection (9) of this section.

28 SECTION 4. That Chapter 3, Title 74, Idaho Code, be, and the same is
 29 hereby amended by the addition thereto of a NEW PART, to be known and desig-
 30 nated as Part 3, Chapter 3, Title 74, Idaho Code, and to read as follows:

31 PART 3

32 POLITICAL ACTION COMMITTEES

33 74-3-301. POLITICAL ACTION COMMITTEE -- ORGANIZATION.

34 (1)(a) An individual, corporation, association, firm, partnership,
 35 committee, political party, club, or other organization or group of
 36 persons is a political action committee required to report under this
 37 chapter if it:

38 (i) Is specifically designated to support or oppose any candidate
 39 or measure; or

40 (ii) Receives contributions and makes expenditures in an amount
 41 exceeding one thousand dollars (\$1,000) in any calendar year for
 42 the purpose of supporting or opposing one (1) or more candidates or
 43 measures.

44 (b) A county, legislative district, or regional committee of a recog-
 45 nized political party shall not be required to report under this chapter
 46 as a political action committee unless it has expenditures exceeding
 47 five thousand dollars (\$5,000) in a calendar year. Political party com-
 48 mittees are subject to the requirements for political action committees

1 set forth in this part except as otherwise provided in section 74-3-402,
2 Idaho Code.

3 (2) Each political action committee shall appoint a political trea-
4 surer. No contribution shall be received and no expenditure may be made by
5 or on behalf of a political action committee until a political treasurer has
6 been appointed pursuant to the provisions of section 74-3-302, Idaho Code.

7 (3) Each political action committee shall establish a campaign finance
8 account with the secretary of state no later than ten (10) days after be-
9 coming a political action committee required to report pursuant to the pro-
10 visions of subsection (1) of this section. The political action committee
11 shall certify:

12 (a) The name and address of the committee;

13 (b) The name and address of the political treasurer of the committee;
14 and

15 (c) The name of the financial institution or institutions with which
16 the political action committee's campaign account will be held. The
17 financial institution must be insured by the federal deposit insurance
18 corporation or the national credit union administration.

19 (4) Any change in organization information previously submitted to the
20 secretary of state shall be reported no later than ten (10) days after the
21 date of the change.

22 74-3-302. POLITICAL ACTION COMMITTEE -- APPOINTMENT OF POLITICAL
23 TREASURER. (1) Each political action committee shall appoint a political
24 treasurer who is a registered elector of this state.

25 (2) An individual may be appointed and serve as political treasurer for
26 more than one (1) political action committee and candidate.

27 (3) A political action committee may remove its political treasurer.
28 In the case of the death, resignation, or removal of its political treasurer
29 before all obligations of a political treasurer under this chapter have been
30 met, the political action committee shall appoint a successor political
31 treasurer and certify the name and address of the successor to the secretary
32 of state.

33 74-3-303. DUTIES OF POLITICAL TREASURER FOR POLITICAL ACTION COMMIT-
34 TEE. (1) The political treasurer shall serve as the official point of contact
35 for the secretary of state for the political action committee.

36 (2) The political treasurer for each political action committee shall
37 maintain at least one (1) checking account with a financial institution. All
38 moneys received by the political action committee shall be deposited in such
39 account. The political treasurer shall keep detailed accounts of all con-
40 tributions received and all expenditures made by or on behalf of the politi-
41 cal action committee. The political treasurer shall keep the accounts cur-
42 rent within seven (7) days after the date of receiving a contribution or mak-
43 ing an expenditure. The political action committee's funds shall be segre-
44 gated from and may not be commingled with any other account.

45 (3) The political treasurer shall be responsible for making and fil-
46 ing all reports that are required of a political action committee under this
47 chapter. Accounts kept by the political treasurer for a political action
48 committee are subject to inspection by the office of the secretary of state

1 in the case of an investigation pursuant to section 74-3-501 or 74-3-502,
2 Idaho Code.

3 (4) Accounts kept by a political treasurer shall be preserved by him for
4 at least one (1) year after the date of the election to which the accounts re-
5 fer or at least one (1) year after the date the last report is filed under sec-
6 tion 74-3-306, Idaho Code, whichever is later.

7 74-3-304. CONTRIBUTIONS OBTAINED BY A POLITICAL ACTION COMMITTEE. (1)
8 A political action committee may solicit or obtain contributions from indi-
9 viduals as provided in chapter 26, title 44, Idaho Code, or as provided in
10 section 44-2004, Idaho Code.

11 (2) (a) Any person who contributes to a political action committee shall
12 accompany the contribution with a report of his full name and complete
13 address.

14 (b) If a political treasurer is offered or receives contributions of
15 more than one hundred dollars (\$100) in the aggregate from the same per-
16 son during a calendar year, and there is no report of the full name and
17 complete address of the person making the contribution, the contribu-
18 tion shall be returned to the contributor if his identity can be ascer-
19 tained. If the contributor's identity cannot be ascertained, the con-
20 tribution shall be transmitted immediately by the political treasurer
21 to the secretary of state, who shall transmit it to the state controller
22 for deposit in the general fund.

23 (3) Contributions shall not be obtained for a political action commit-
24 tee by use of coercion or physical force, by making a contribution a condi-
25 tion of employment or membership, or by using or threatening to use job dis-
26 crimination or financial reprisals. A violation of the provisions of this
27 section shall be punishable as provided in part 5 of this chapter.

28 74-3-305. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES. (1) A con-
29 tribution accepted by a political action committee may be used:

30 (a) For expenditures in connection with the political action commit-
31 tee's purpose of campaigning for the election or defeat of a candidate
32 or measure;

33 (b) For the ordinary and necessary expenses of a political action com-
34 mittee;

35 (c) For contributions to an organization described in section 26 U.S.C.
36 170(c);

37 (d) For transfers, without limitation, to a national, state, or local
38 committee of a political party;

39 (e) For donations to state and local candidates subject to the provi-
40 sions of state law; or

41 (f) For any other lawful purpose unless prohibited by subsection (2) of
42 this section.

43 (2) A contribution shall not be converted by any person for personal
44 use. For the purposes of this subsection, a contribution shall be considered
45 to be converted to personal use if the contribution is used to fulfill any
46 commitment, obligation, or expense of a person that would exist irrespective
47 of the political action committee's campaign activities.

1 74-3-306. REPORTS OF CONTRIBUTIONS TO AND EXPENDITURES BY POLITICAL
2 ACTION COMMITTEES. (1) The political treasurer for each political action
3 committee shall file with the secretary of state a report each month of all
4 contributions received and all expenditures and encumbrances made by or on
5 behalf of the political action committee during the preceding month by no
6 later than the tenth day of the following month. The report shall itemize
7 each contribution received and each expenditure or encumbrance made during
8 the monthly reporting period and shall include the following:

9 (a) Under contributions, the report shall include a list of all the con-
10 tributions received, including any funds or property of the political
11 action committee used to cover expenditures. The report shall list the
12 full name and complete address of each person who contributed an aggre-
13 gate amount of more than one hundred dollars (\$100) and the amount con-
14 tributed by that person. The report may list as a single item the total
15 amount of contributions of one hundred dollars (\$100) or less; and

16 (b) Under expenditures, the report shall include the name, city, and
17 state of each person to whom an expenditure or encumbrance was made of at
18 least twenty-five dollars (\$25.00) but no more than one hundred dollars
19 (\$100) and the amount, date, and purpose of each such expenditure. For
20 expenditures of more than one hundred dollars (\$100), the report shall
21 include the name and address of each person to whom an expenditure or en-
22 cumbrance was made and the amount, date, and purpose of each such expen-
23 diture. All expenditures or encumbrances in the amount of twenty-five
24 dollars (\$25.00) or more shall be evidenced by an invoice, receipt, or
25 canceled check or an accurate copy thereof. Such evidence shall not be
26 filed with the report but shall be retained by the political treasurer
27 for a period of one (1) year after the report has been filed. The re-
28 port may list as a single item the total amount of expenditures and en-
29 cumbrances of less than twenty-five dollars (\$25.00) each without show-
30 ing the exact amount of or requiring evidence of each such expenditure
31 or encumbrance. Anything of value, other than money, paid for or con-
32 tributed by any person shall be listed both as an expenditure and as a
33 contribution.

34 (2) In addition to any other reports required under this section, the
35 political treasurer for each political action committee shall report to the
36 secretary of state any contribution of one thousand dollars (\$1,000) or more
37 within forty-eight (48) hours after the receipt of such contribution. Such
38 a report shall include the name of the political action committee, the iden-
39 tification of the contributor, and the date of receipt and amount of the con-
40 tribution. The report shall be in addition to the reporting of these contri-
41 butions in the regular monthly reports.

42 (3) All reports required pursuant to this section shall be filed online
43 with the secretary of state by no later than midnight on the date the filing
44 is due.

45 (4) If no contribution is received or expenditure made by or on behalf
46 of a political action committee during a monthly reporting period, the po-
47 litical treasurer for the political action committee shall file with the
48 secretary of state a report to that effect by the tenth day of the following
49 month.

(5) Reports required to be filed under the provisions of this section shall be filed until the account no longer shows any unexpended balance of contributions or expenditure deficit. Once an account no longer shows a positive balance or debt, the political treasurer may notify the secretary of state's office that the account may be closed. If the account has shown no positive balance or debt for a period of two (2) years and the political treasurer has not requested account closure, the secretary of state may administratively close the political action committee's account following thirty (30) days' notice to the political action committee.

(6) Except as provided in subsection (7) of this section, a political action committee that is registered with the federal election commission must file reports in accordance with the provisions of this section if the political action committee:

- (a) Makes contributions to Idaho candidates;
- (b) Makes an electioneering communication in Idaho; or
- (c) Makes an independent expenditure in Idaho.

(7) A federal candidate's leadership political action committee may make contributions and expenditures in Idaho without filing reports under this section if the leadership political action committee is in compliance with federal election commission reporting requirements and follows applicable laws. The recipient of any contributions made pursuant to this subsection shall be reported using the official name of the candidate's leadership political action committee and the identification number as registered with the federal election commission.

74-3-307. POLITICAL ACTION COMMITTEE COORDINATION. (1) A political action committee may not coordinate with a candidate to benefit that candidate with an independent expenditure, as defined in section 74-3-102, Idaho Code.

(2) If an expenditure is made in coordination with a candidate, it shall be considered a contribution in-kind to the candidate and shall be reported by the candidate and be included in the candidate's campaign contribution limits.

(3) For the purpose of determining whether an expenditure is made in coordination with a candidate, the term "coordination" means and includes but is not limited to an expenditure made with the cooperation of, with the prior consent or knowledge of, in consultation with, at the request or suggestion of, or by using nonpublic information obtained from a candidate or the candidate's agent or paid or unpaid staff or volunteer or any person acting as a conduit for messages to or from the candidate's campaign. Coordination shall be presumed if the political action committee's expenditure or independent expenditure benefits a candidate who is also the political action committee's treasurer or other board member.

74-3-308. ELECTIONEERING COMMUNICATIONS -- REPORTS. (1) In addition to any other reports required under this chapter, the political treasurer for each political action committee shall report to the secretary of state any expenditure for an electioneering communication of at least one thousand dollars (\$1,000).

1 (a) For electioneering communications made on or before the sixteenth
 2 day before any primary or general election, the report shall be filed
 3 within forty-eight (48) hours after the expenditure.

4 (b) For electioneering communications made after the sixteenth day be-
 5 fore an election, but more than twenty-four (24) hours before any pri-
 6 mary or general election, the report shall be filed within twenty-four
 7 (24) hours after the expenditure.

8 (2) The report shall be in addition to the reporting of these expendi-
 9 tures in the regular monthly reports. The report shall contain:

10 (a) The name and address of any third party to whom an expenditure has
 11 been made by the reporting political action committee in reference to
 12 any candidate or measure, together with the amount, date, and purpose of
 13 each such expenditure, including the identity of the referenced candi-
 14 date or measure; and

15 (b) The total sum of all electioneering communications made by the po-
 16 litical action committee filing the report since the first day of the
 17 preceding calendar year.

18 (3) For the purpose of determining when a report should be filed under
 19 this section, an electioneering communication is made on the day that the
 20 electioneering communication is publicly distributed or otherwise viewed by
 21 the public or on the date payment is made, whichever is earlier.

22 74-3-309. INDEPENDENT EXPENDITURES. (1) In addition to any other re-
 23 ports required under this chapter, the political treasurer for each politi-
 24 cal action committee shall report to the secretary of state any independent
 25 expenditure in an aggregate amount of at least one thousand dollars (\$1,000)
 26 as provided in this section.

27 (a) In the case of an independent expenditure totaling one thousand
 28 dollars (\$1,000) or more made on or before the sixteenth day be-
 29 fore a primary or general election, the report shall be filed within
 30 forty-eight (48) hours of making the expenditure.

31 (b) In the case of an independent expenditure totaling one thousand
 32 dollars (\$1,000) or more made after the sixteenth day before an election
 33 but more than twenty-four (24) hours before a primary or general elec-
 34 tion, the report shall be filed within twenty-four (24) hours of making
 35 the expenditure.

36 (c) In the case of an independent expenditure totaling less than one
 37 thousand dollars (\$1,000), the report shall be filed by the tenth day of
 38 the month following the month in which the independent expenditure was
 39 made.

40 (2) The report shall be in addition to the reporting of these expendi-
 41 tures in the regular monthly reports. The report shall contain:

42 (a) The name and address of any third party to whom an independent ex-
 43 penditure totaling one thousand dollars (\$1,000) or more has been made
 44 by the reporting political action committee for an independent expen-
 45 diture in support of or in opposition to any candidate or measure, to-
 46 gether with the amount, date, and purpose of each such expenditure, in-
 47 cluding the identity of the referenced candidate or measure, whether
 48 the expenditure was made either in support of or in opposition to such
 49 candidate or measure, and, beginning on January 1, 2026, a digital copy

1 of the communication that the expenditure was used to purchase or dis-
 2 seminate; and

3 (b) The total sum of all independent expenditures made by the reporting
 4 political action committee since the first day of the preceding calen-
 5 dar year in support of or in opposition to any such candidate or measure.

6 SECTION 5. That Chapter 3, Title 74, Idaho Code, be, and the same is
 7 hereby amended by the addition thereto of a NEW PART, to be known and desig-
 8 nated as Part 4, Chapter 3, Title 74, Idaho Code, and to read as follows:

9 PART 4

10 OTHER PERSONS REQUIRED TO REPORT

11 74-3-401. LEGISLATIVE INTENT. In order to promote transparency re-
 12 garding the impact of all election-related financial contributions or
 13 expenditures, it is the intent of the legislature that all persons, not just
 14 those who are required to register as a candidate or a political action com-
 15 mittee, shall be required to publicly report financial contributions made or
 16 expenditures paid. All such persons making electioneering communications
 17 or independent expenditures in Idaho shall file reports with the secretary
 18 of state according to the provisions of this part.

19 74-3-402. POLITICAL PARTY COMMITTEES AND CAUCUSES -- CONTRIBUTIONS --
 20 REPORTS -- LIMITS. (1) Contributions by political party central committees,
 21 including state, county, and legislative district, and legislative caucuses
 22 of a recognized political party qualified under section 34-501, Idaho Code,
 23 are governed by the provisions of this section.

24 (2) Except as otherwise provided in subsection (6) of this section, po-
 25 litical party committees and caucuses governed by this section shall file
 26 reports of their expenditures and contributions at the same time and in the
 27 same manner as political action committees pursuant to part 3 of this chap-
 28 ter.

29 (3) For state legislative races, a committee governed by this section
 30 shall not contribute to any single candidate more than ten thousand dollars
 31 (\$10,000) in the aggregate for a primary election and ten thousand dollars
 32 (\$10,000) in the aggregate for a general election.

33 (4) For statewide office races, a committee governed by this section
 34 shall not contribute to any single candidate more than twenty thousand dol-
 35 lars (\$20,000) in the aggregate for the primary election and twenty thousand
 36 dollars (\$20,000) in the aggregate for the general election.

37 (5) No contribution may be made for a general election to a candidate
 38 who has not won his primary election, if any.

39 (6) A county or legislative district central committee of a recognized
 40 political party shall not be considered a political action committee for the
 41 purposes of filing reports under this chapter unless such political party
 42 committee has expenditures exceeding five thousand dollars (\$5,000) in a
 43 calendar year.

44 74-3-403. ELECTIONEERING COMMUNICATIONS -- REPORTS. (1) Any person
 45 other than a political action committee who makes an electioneering communi-
 46 cation, as defined in section 74-3-102, Idaho Code, in an aggregate amount of

1 one hundred dollars (\$100) or more must file a report with the secretary of
2 state. The report shall contain the following information:

3 (a) The name and address of any third party to whom an expenditure in
4 excess of fifty dollars (\$50.00) has been made by the reporting person
5 in reference to any candidate, political action committee, or measure,
6 together with the amount, date, and purpose of each such expenditure,
7 including the identity of the referenced candidate or measure;

8 (b) The total sum of all electioneering communications made by the
9 person filing the report since the first day of the preceding calendar
10 year; and

11 (c) The name and address of any donor who made aggregate contributions
12 of one thousand dollars (\$1,000) or more to the person filing the report
13 since the first day of the preceding calendar year to the date of the re-
14 port for the purpose of furthering the reported electioneering communi-
15 cation. The report may list as a single item the total amount of contri-
16 butions made by donors who gave less than one thousand dollars (\$1,000).

17 (2) The report shall be filed with the secretary of state pursuant to
18 this subsection.

19 (a) In the case of an electioneering communication totaling one thou-
20 sand dollars (\$1,000) or more made on or before the sixteenth day before
21 a primary or general election, the report shall be filed within forty-
22 eight (48) hours of making the expenditure.

23 (b) In the case of an electioneering communication totaling one thou-
24 sand dollars (\$1,000) or more made after the sixteenth day before an
25 election but more than twenty-four (24) hours before a primary or gen-
26 eral election, the report shall be filed within twenty-four (24) hours
27 of making the expenditure.

28 (c) In the case of electioneering communications totaling less than one
29 thousand dollars (\$1,000), the report shall be filed by the tenth day
30 of the month following the month in which the electioneering communica-
31 tions were made.

32 (3) For the purpose of determining when a report should be filed under
33 this section, an electioneering communication is made on the day that the
34 electioneering communication is publicly distributed or otherwise viewed by
35 the public or on the date payment is made, whichever is earlier.

36 74-3-404. INDEPENDENT EXPENDITURES. (1) An independent expenditure,
37 as defined in section 74-3-102, Idaho Code, is an expenditure by any person
38 for a communication expressly advocating the election, passage, or defeat of
39 a clearly identified candidate or measure if the expenditure is not coordi-
40 nated with the candidate. An expenditure that is independent of a candidate
41 is not attributed to or reportable by a candidate and must be reported by the
42 person making the independent expenditure pursuant to the provisions of this
43 section.

44 (2) If an expenditure is made in coordination with the candidate, it
45 shall be considered a contribution in-kind to the candidate, reportable by
46 the candidate, and shall be included in the candidate's campaign contribu-
47 tion limits.

48 (3) For the purpose of determining whether an expenditure is made in co-
49 ordination with a candidate, the term "coordination" means and includes but

1 is not limited to an expenditure made with the cooperation of, with the prior
 2 consent or knowledge of, in consultation with, at the request or suggestion
 3 of, or using nonpublic information obtained from a candidate or the candi-
 4 date's agent or paid or unpaid staff or volunteer or by a person acting as a
 5 conduit for messages to or from a candidate's campaign.

6 (4) Each person who makes an independent expenditure in an aggregate
 7 amount of at least one hundred dollars (\$100) shall file a report of the ex-
 8 penditure with the secretary of state. The report shall contain:

9 (a) The name and address of any third party to whom an expenditure in ex-
 10 cess of fifty dollars (\$50.00) has been made by the reporting person for
 11 an independent expenditure in support of or in opposition to any can-
 12 didate or measure, together with the amount, date, and purpose of each
 13 such expenditure, including the identity of the referenced candidate
 14 or measure, whether the expenditure was made either in support of or in
 15 opposition to such candidate or measure, and, beginning on January 1,
 16 2026, a digital copy of the communication that the expenditure was used
 17 to purchase or disseminate;

18 (b) The total sum of all independent expenditures made by the reporting
 19 person since the first day of the preceding calendar year in support of
 20 or in opposition to any such candidate or measure; and

21 (c) The name and address of any donor who made aggregate contributions
 22 of one thousand dollars (\$1,000) or more to the person making the report
 23 since the first day of the preceding calendar year for the purpose of
 24 furthering the reported independent expenditure. The report may list
 25 as a single item the total amount of contributions made by donors who
 26 gave less than one thousand dollars (\$1,000).

27 (5) The report shall be filed with the secretary of state pursuant to
 28 this subsection.

29 (a) In the case of an independent expenditure totaling one thousand
 30 dollars (\$1,000) or more made on or before the sixteenth day be-
 31 fore a primary or general election, the report shall be filed within
 32 forty-eight (48) hours of making the expenditure.

33 (b) In the case of an independent expenditure totaling one thousand
 34 dollars (\$1,000) or more made after the sixteenth day before an election
 35 but more than twenty-four (24) hours before a primary or general elec-
 36 tion, the report shall be filed within twenty-four (24) hours of making
 37 the expenditure.

38 (c) In the case of independent expenditures totaling less than one
 39 thousand dollars (\$1,000), the report shall be filed by the tenth day
 40 of the month following the month in which the independent expenditures
 41 were made.

42 SECTION 6. That Chapter 3, Title 74, Idaho Code, be, and the same is
 43 hereby amended by the addition thereto of a NEW PART, to be known and desig-
 44 nated as Part 5, Chapter 3, Title 74, Idaho Code, and to read as follows:

45 PART 5

46 ADMINISTRATION OF CHAPTER -- DUTIES -- ENFORCEMENT -- VIOLATIONS --
 47 PENALTIES

1 74-3-501. DUTIES OF SECRETARY OF STATE. (1) The secretary of state is
2 charged with the enforcement of the provisions of this chapter.

3 (2) The secretary of state shall maintain an online filing system for
4 the filing and publication of all reports required pursuant to this chapter.
5 The online filing system shall accommodate the filings of all candidates,
6 political action committees, and measures. The online filing system shall
7 be designed to aid and ensure compliance with the reporting requirements of
8 this chapter. The online filing system shall be accessible on the secretary
9 of state's website and be searchable by the public by address, candidate,
10 committee, contribution, contributor, date, expense, office, party, pur-
11 pose, and any other content deemed appropriate by the secretary of state.

12 (3) The secretary of state shall confirm the filing of each report filed
13 pursuant to this chapter for statewide, legislative, and judicial district
14 offices or measures within two (2) days after the due date of the report or
15 after the date it is filed, whichever is later. The secretary of state shall
16 notify a person required to file a report under this chapter immediately if:

17 (a) It appears that the person has failed to file a report as required by
18 law or that a report filed by the person does not conform to law; or

19 (b) A written complaint is filed with the secretary of state by any reg-
20 istered voter alleging that a report filed with the secretary of state
21 does not conform to law or to the truth or that a person has failed to
22 file a report required by law.

23 (4) The secretary of state may require any person to answer in writing
24 and under oath or affirmation any question within the knowledge of that per-
25 son concerning the source of any contribution or expenditure.

26 (5) The secretary of state may make administrative adjustments to cam-
27 paign finance accounts in coordination with the political treasurer of the
28 account to correct any imbalances identified. If the imbalance was accrued
29 willfully and knowingly, the secretary of state may assess a fine not to ex-
30 ceed twenty-five percent (25%) of the amount identified to be out of balance
31 and deposit the amount assessed into the general fund.

32 (6) In addition to duties otherwise prescribed in this section, it
33 shall be the duty of the secretary of state:

34 (a) To make investigations of reports filed under the provisions of
35 this chapter with respect to statewide, legislative, and judicial of-
36 fices and measures and alleged failures to file any report required
37 under the provisions of this chapter and upon complaint by any person
38 with respect to alleged violations of any part of this chapter;

39 (b) To report suspected criminal violations of law to the attorney gen-
40 eral for referral to the appropriate law enforcement authorities;

41 (c) To prescribe and publish rules, subject to legislative approval, in
42 accordance with the provisions of chapter 52, title 67, Idaho Code, and
43 to take such other actions as may be appropriate to carry out the provi-
44 sions of this chapter; and

45 (d) To assess fees and fines authorized by the provisions of this chap-
46 ter.

47 74-3-502. DUTIES OF COUNTY CLERKS AND PROSECUTORS. (1) For all report-
48 ing requirements prescribed by this chapter for all local government offices
49 or measures for which the county is the home county, as defined in section

1 34-1401, Idaho Code, the county clerk shall serve in the place of the secre-
 2 tary of state and the county prosecutor in the place of the attorney general.

3 (2) In the event of a potential conflict of interest by a county clerk, a
 4 county clerk may enter into an agreement with the clerk of a different county
 5 to investigate any complaints or potential violations of the provisions of
 6 this chapter.

7 74-3-503. FAILURE TO REPORT -- VIOLATIONS -- CIVIL FINES -- MISDE-
 8 MEANOR. (1) Except as otherwise provided in this section, any person who
 9 fails to file a report of contributions, expenditures, independent expen-
 10 ditures, or any other report required by this chapter shall be liable to the
 11 secretary of state for a civil fine in the amount of fifty dollars (\$50.00)
 12 plus five percent (5%) of the monetary value of the amount not reported,
 13 rounded up to the nearest whole number. The secretary of state shall deposit
 14 any civil fines collected pursuant to this section in the general fund. The
 15 burden of proof for such civil liability shall be met by showing a preponder-
 16 ance of the evidence.

17 (2) In addition to the fines set forth in subsection (1) of this sec-
 18 tion, any person who knowingly and willfully fails to file a report required
 19 by this chapter is guilty of a misdemeanor and, upon conviction, may be im-
 20 prisoned for up to six (6) months.

21 74-3-504. LATE FILING OF REPORT -- FEES. (1) If any person registered
 22 with the secretary of state fails to file a report required by this chap-
 23 ter on or before the prescribed deadline, he shall be liable to the secre-
 24 tary of state for a late fee in the amount of fifty dollars (\$50.00) plus
 25 ten dollars (\$10.00) for each day until the report is filed, which fee shall
 26 be deposited in the general fund. The late fee shall not exceed a total of
 27 one thousand dollars (\$1,000). Such fees shall be assessed beginning forty-
 28 eight (48) hours after the deadline and extend until the report is filed. The
 29 secretary of state shall notify the person and his treasurer, if any, that a
 30 late fee has been assessed and will continue to accrue until the report has
 31 been filed. The notification shall be made by telephone or electronic means
 32 within twenty-four (24) hours of the missed filing deadline.

33 (2) The remedy provided in this section is cumulative and does not ex-
 34 clude any other remedy or penalty prescribed in this chapter.

35 74-3-505. OTHER VIOLATIONS -- CIVIL FINES -- MISDEMEANOR. (1) Except
 36 as otherwise provided in subsection (2) of this section, any person who vi-
 37 olates a provision of this chapter that does not pertain to the failure to
 38 file a report or the late filing of a report shall be liable to the secretary
 39 of state for a civil fine in the amount of two thousand five hundred dollars
 40 (\$2,500), plus five percent (5%) of the monetary value of the amount of the
 41 expenditure related to the violation, if applicable, rounded up to the near-
 42 est whole number. The secretary of state shall deposit any civil fines col-
 43 lected pursuant to this section in the general fund. The burden of proof for
 44 such civil liability shall be met by showing a preponderance of the evidence.

45 (2) Any person who knowingly and willfully commits a violation of a pro-
 46 vision of this chapter that does not pertain to the failure to file a report

1 or the late filing of a report is guilty of a misdemeanor and, upon conviction,
2 tion, may be imprisoned for up to six (6) months.

3 74-3-506. ENFORCEMENT OF CIVIL FINES AND LATE FEES. If any civil fine
4 or late fee prescribed under this part is not paid within sixty (60) days following
5 notice from the secretary of state's office, the secretary of state
6 may publish the delinquent accounts on the public campaign finance website.
7 Any civil fine or late fee remaining unpaid after sixty (60) days following
8 notice from the secretary of state's office may be referred to the office of
9 the attorney general or to the appropriate prosecuting attorney for collection.
10

11 74-3-507. PROSECUTION -- LIMITATION -- VENUE. (1) The attorney general
12 may prosecute any violations of this chapter.

13 (2) Prosecution for a civil or misdemeanor violation of this chapter
14 must be commenced within two (2) years after the date on which the violation
15 occurred. Prosecution for a felony violation of this chapter must be commenced
16 pursuant to the provisions of section 19-402, Idaho Code.

17 (3) Venue for prosecution under the provisions of this chapter shall be
18 in the county of residence of the defendant if the defendant is a resident of
19 the state of Idaho, otherwise venue shall be in Ada county.

20 74-3-508. INJUNCTIONS. The district courts of this state shall have
21 original jurisdiction to issue injunctions to enforce the provisions of this
22 chapter upon application by any citizen of this state, by the secretary of
23 state, or by a county clerk. The court may in its discretion require the
24 citizen plaintiff to file a written complaint with the secretary of state
25 or county clerk prior to seeking injunctive relief. A successful plaintiff
26 is entitled to be reimbursed for reasonable costs of litigation, including
27 reasonable attorney's fees, by the person or persons named defendant in such
28 injunctive action. A successful defendant is entitled to be reimbursed for
29 reasonable costs of litigation, including reasonable attorney's fees, if
30 the court determines that the plaintiff's action was without substantial
31 merit.

32 74-3-509. SEVERABILITY. If any provision of this chapter or its application
33 to any person or circumstance is held invalid, the remainder of
34 the chapter or the application of the provision to other persons or circumstances
35 is not affected.

36 74-3-510. CONSTRUCTION. The provisions of this chapter are to be liberally
37 construed to effectuate the policies and purposes of this chapter. In
38 the event of conflict between the provisions of this chapter and any other
39 chapter, the provisions of this chapter shall govern.

40 SECTION 7. That Chapter 18, Title 34, Idaho Code, be, and the same is
41 hereby amended by the addition thereto of a NEW SECTION, to be known and designated
42 as Section 34-1807A, Idaho Code, and to read as follows:

43 34-1807A. DISCLOSURE OF PAYMENTS MADE TO SIGNATURE GATHERERS. (1) Any
44 person who pays or provides other valuable consideration in an aggregate

1 amount of one hundred dollars (\$100) or more to another person or persons,
 2 in exchange for their actions or intended actions of gathering signatures
 3 on a ballot initiative petition or referendum, shall file a report of the
 4 expenditure with the secretary of state.

5 (2) The provisions of this section shall apply beginning on the date
 6 that the ballot initiative or referendum petitioners receive from the secre-
 7 tary of state the official ballot title for which the person is paying to have
 8 signatures gathered and shall continue for as long as the filer makes pay-
 9 ments to a signature gatherer or gatherers.

10 (3) Reports shall be filed on or before the twentieth day of the month
 11 following the month during which the payments to the signature gatherers
 12 were made.

13 (4) The report shall contain the following information:

14 (a) The name and address of any signature gatherer to whom a payment
 15 in excess of fifty dollars (\$50.00) has been made during the reported
 16 month; and

17 (b) The total sum of all payments made to signature gatherers in the ag-
 18 gregate during the reported month.

19 (5) In addition to the reports filed under subsection (3) of this sec-
 20 tion, any person who pays a signature gatherer or gatherers the aggregate
 21 amount of one thousand dollars (\$1,000) or more shall file a notice of the ex-
 22 penditures with the secretary of state not more than forty-eight (48) hours
 23 from the time of the expenditure. The notice shall include the information
 24 required under subsection (4) of this section.

25 (6) The secretary of state shall prescribe the form of the report re-
 26 quired under this section. The powers and duties of the secretary of state
 27 set forth in part 5, chapter 3, title 74, Idaho Code, shall apply and be
 28 available to the secretary of state for enforcement of the provisions of this
 29 section.

30 SECTION 8. That Section 67-6602, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 67-6602. DEFINITIONS. As used in this chapter, the following terms
 33 have the following meanings:

34 ~~(1) "Candidate" means an individual who seeks nomination, election, or~~
 35 ~~reelection to public office and who has taken any of the following actions:~~

36 ~~(a) Announced the individual's candidacy publicly;~~

37 ~~(b) Filed for public office;~~

38 ~~(c) Received a contribution for the purpose of promoting the individ-~~
 39 ~~ual's candidacy for office; or~~

40 ~~(d) Made an expenditure, contracted for services, or reserved space~~
 41 ~~with the intent of promoting the individual's candidacy for office.~~

42 ~~For purposes of this chapter, an incumbent shall be presumed to be a can-~~
 43 ~~didate in the subsequent election for his or her office until the in-~~
 44 ~~cumbent has failed to file a declaration of candidacy by the statutory~~
 45 ~~deadline.~~

46 ~~(2) (1) "Compensation" includes any advance, conveyance, forgiveness~~
 47 ~~of indebtedness, deposit, distribution, loan, payment, gift, pledge or~~
 48 ~~transfer of money or anything of value, and any contract, agreement, promise~~
 49 ~~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.

~~(3)~~ (2) "Contractor" means a person who receives compensation from another person for either full-time or part-time work based on a contract or compensation agreement, but who is not an employee of that person.

~~(4)~~ "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 equivalent shall be deemed to have a money value equivalent to the fair market value of the contribution.

~~(5)~~ "Election" means any state or local general, special, recall, or primary election.

~~(6)~~ "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.

~~(7) (a)~~ "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.

~~(b)~~ "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, political committee, or political party;

(ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, 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 that refers to any candidate only as part of the popular name of a bill or statute;

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

(8) (3) "Employee" means an individual who performs a service for wages or other compensation from which the individual's employer withholds federal employment taxes under a contract for hire, written or oral.

(9) (4) "Executive official" means:

(a) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of any 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;

(b) 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;

(c) 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;

(d) 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;

(e) 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

(f) 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.

(10) (5) "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.

(11) "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 coopera-

tion 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."

~~(12)~~ (6) "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~~ communications with an executive official for the purpose of carrying out ongoing negotiations following the award of a bid or a 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.

~~(13)~~ (7) "Lobbyist" includes any person who lobbies.

~~(14)~~ (8) "Lobbyist's client" means the person on whose behalf the lobbyist is acting, directly or indirectly, as a contractor, and by whom the lobbyist or lobbyist's employer is compensated for acting as a lobbyist.

~~(15)~~ (9) "Lobbyist's employer" means the person or persons for whom a lobbyist is an employee, and by whom the lobbyist is compensated for acting as a lobbyist.

~~(16)~~ "Local government office" means any publicly elected office for any political subdivision of the state or special district that is not a legislative, judicial, statewide, or federal office.

~~(17)~~ "Measure" means any proposal submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election, or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general, county prosecutor, or city attorney, as appropriate, 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.

~~(18)~~ "Nonbusiness entity" means any group of two (2) or more individuals, a corporation, association, firm, partnership, committee, club or other organization that:

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

~~(b) 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.~~

~~(19)~~ (10) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

~~(20) "Political committee" means:~~

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

~~(b) Any person who receives contributions and makes expenditures 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.~~

~~(c) 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.~~

~~(21) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.~~

~~(22) "Public office" means any local, legislative, judicial, or state office or position that is filled by election but does not include the office of precinct committeeman.~~

SECTION 9. That Sections [67-6603](#) through [67-6616](#) and [67-6626](#) through [67-6628A](#), Idaho Code, be, and the same are hereby repealed.

SECTION 10. That Section 67-6621, Idaho Code, be, and the same is hereby amended to read as follows:

67-6621. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this chapter 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 or client, if such employer or client aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter:

(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 chapter 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 or client, responsibility for the preservation of such records under this subsection shall rest with such employer or client.

(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;

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

4 (d) Knowingly represent an interest adverse to any of his employers or
5 clients without first obtaining such employers' or clients' consent
6 thereto after full disclosure to such employers or clients of such ad-
7 verse interest;

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

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

18 SECTION 11. That Section 67-6625, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSE-
21 CUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions
22 of sections ~~67-6603, 67-6604, 67-6606 through 67-6614A,~~ 67-6617, 67-6619,
23 67-6620, 67-6621(1), or 67-6624, ~~67-6627 or 67-6628,~~ Idaho Code, shall be
24 liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an
25 individual, and not more than two thousand five hundred dollars (\$2,500) if a
26 person other than an individual. The burden of proof for such civil liabil-
27 ity shall be met by showing a preponderance of the evidence.

28 (2) Any person who violates section ~~67-6605 or~~ 67-6621(2), Idaho Code,
29 and any person who knowingly and willfully violates sections ~~67-6603 through~~
30 ~~67-6614A,~~ 67-6617, 67-6619, 67-6620, 67-6621(1), or 67-6624, ~~67-6627 or~~
31 ~~67-6628,~~ Idaho Code, is guilty of a misdemeanor and, upon conviction, in
32 addition to the fines set forth in subsection (1) of this section, may be
33 imprisoned for not more than six (6) months, or be both fined and imprisoned.

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

36 (4) Prosecution for a civil or misdemeanor violation of this chapter
37 must be commenced within two (2) years after the date on which the violation
38 occurred. Prosecution for a felony violation of this chapter must be com-
39 menced pursuant to the provisions of section 19-402, Idaho Code.

40 (5) Venue for prosecution under the provisions of this chapter shall be
41 in the county of residence of the defendant if the defendant is a resident of
42 the state of Idaho, otherwise venue shall be in Ada county.

43 SECTION 12. That Section 19-5904, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 19-5904. STATE APPELLATE PUBLIC DEFENDER -- APPOINTMENT -- TERM --
46 QUALIFICATIONS -- PROHIBITED CONDUCT -- REMOVAL -- VACANCIES -- COMPEN-
47 SATION. (1) The state appellate public defender shall be appointed by the

governor, with the advice and consent of the senate, to serve a four (4) year term and may be reappointed to subsequent terms in the same manner.

(2) The state appellate public defender must meet the following qualifications on the effective date of his appointment:

(a) Be at least thirty (30) years of age;

(b) Be a citizen of the United States;

(c) Have held a license to practice law or a judicial office in one (1) or more jurisdictions of the United States for at least five (5) continuous years immediately preceding such appointment;

(d) Be or become an active member of the Idaho state bar within one (1) year of appointment and remain an active member in good standing thereafter; and

(e) Have at least five (5) years of criminal defense or appellate experience, or a combination thereof.

(3) The state appellate public defender shall not:

(a) Engage in the practice of law outside his role in the office of the state appellate public defender, except for the practice of law that is permitted for a judge by the Idaho code of judicial conduct;

(b) Hold or be a candidate for any federal, state, county, municipal, judicial, district, or other elective office; provided, however, this section shall not be interpreted to prohibit the state appellate public defender from seeking appointment to another office, including state or federal judicial office;

(c) Serve as the agent, representative, officer, political treasurer, or employee, for profit or otherwise, of any political party, political committee, or candidate, as such terms are defined in chapter ~~66~~, title ~~67~~ 3, title 74, Idaho Code; or

(d) Hold any other public or private sector position, for profit or otherwise, except for volunteer positions that are not inconsistent with the duties of the state appellate public defender.

(4) The state appellate public defender may be removed from office by the governor for failing to retain the qualifications of his office established in subsection (2) of this section, for engaging in prohibited conduct set forth in subsection (3) of this section, or for good cause shown. If the state appellate public defender is removed from office, the governor shall provide the house of representatives and the senate written notice of the removal, the effective date of removal, and the reason or reasons therefor.

(5) If the state appellate public defender resigns, dies, or is removed from office as provided by law, the governor shall appoint a person who meets the qualifications established in this section, subject to the advice and consent of the senate, to fill the remainder of the unexpired term.

(6) The state appellate public defender shall be compensated in an amount determined by the governor.

SECTION 13. That Section 19-6004, Idaho Code, be, and the same is hereby amended to read as follows:

19-6004. STATE PUBLIC DEFENDER -- APPOINTMENT -- TERM -- PROHIBITED CONDUCT -- REMOVAL -- VACANCIES -- REAPPOINTMENT -- COMPENSATION. (1) The state public defender shall reside in the office of the state public defender

1 and shall be appointed by the governor, in a manner consistent with subsec-
2 tion (6) of this section, to serve a four (4) year term.

3 (2) The state public defender must meet the following qualifications on
4 the effective date of appointment:

5 (a) Be at least thirty (30) years of age;

6 (b) Be a citizen of the United States;

7 (c) Have held a license to practice law or a judicial office in one (1)
8 or more jurisdictions of the United States for at least five (5) contin-
9 uous years immediately preceding the appointment;

10 (d) Be or become an active member of the Idaho state bar within one (1)
11 year of appointment and remain an active member in good standing there-
12 after; and

13 (e) Have at least five (5) years of criminal defense experience.

14 (3) The state public defender shall not:

15 (a) Engage in the practice of law outside his role in the office of the
16 state public defender, except for the practice of law that is permitted
17 for a judge by the Idaho code of judicial conduct;

18 (b) Hold or be a candidate for any federal, state, county, municipal,
19 judicial, district, or other elective office; provided, however, this
20 paragraph does not prohibit the state public defender from seeking ap-
21 pointment to another office, including state or federal judicial of-
22 fice;

23 (c) Serve as the agent, representative, officer, political treasurer,
24 or employee, whether for profit or otherwise, of any political party,
25 political committee, or candidate, as such terms are defined in chap-
26 ter 1, title 34, Idaho Code, and chapter ~~66, title 67~~ 3, title 74, Idaho
27 Code; or

28 (d) Hold any other public or private sector position, for profit or oth-
29 erwise, except for volunteer positions that are not inconsistent with
30 the duties of the state public defender.

31 (4) The state public defender may be removed from office by the gover-
32 nor for failing to retain the qualifications of his office provided in sub-
33 section (2) of this section, for engaging in prohibited conduct set forth in
34 subsection (3) of this section, or for good cause shown. If the state pub-
35 lic defender is removed from office, the governor shall provide the house of
36 representatives and the senate written notice of the removal, the effective
37 date of removal, and the reason or reasons therefor.

38 (5) If the state public defender resigns, dies, or is removed from of-
39 fice as provided by law, the governor shall appoint a person who meets the
40 qualifications established in this section, in a manner consistent with sub-
41 section (6) of this section, to fill the unexpired term.

42 (6) The governor shall appoint a state public defender in the following
43 manner:

44 (a) Whenever a vacancy arises in the position of state public defender,
45 the governor shall appoint a panel with seven (7) members, with one
46 (1) panel member appointed from the membership of each of the seven (7)
47 district magistrates commissions. Not less than two (2) but not more
48 than (3) panel members shall be attorneys, not more than two (2) but not
49 less than one (1) panel member shall be a county commissioner, and one
50 (1) member shall be a mayor. The governor shall not appoint to the panel

any member of a district magistrates commission who is a judge, who is employed as a criminal prosecutor, or who otherwise prosecutes or aids in the prosecution of criminal cases, or any person employed in a law enforcement agency. The governor shall select a member of the panel to serve as chairman. The provisions of section 1-2203B(4), Idaho Code, regarding current or former law partners shall apply to any attorney serving on the panel. Members of the panel shall be compensated by the office of the state public defender as provided in section 59-509(b), Idaho Code.

(b) It shall be the duty of the panel to recruit applicants, review candidates, and submit to the governor a list of not less than three (3), but not more than five (5), attorneys who meet the qualifications established in this chapter, and the governor shall appoint the state public defender from the list, with the advice and consent of the senate. If three (3) qualified candidates or fewer apply, the panel shall submit all applicants to the governor and may communicate to the governor or the governor's representative, in executive session pursuant to section 74-206(1) (a), Idaho Code, a ranking of the applicants, and the governor shall appoint the state public defender from the list, with the advice and consent of the senate. The governor and the office of the state public defender may assist the panel in drawing the largest pool of qualified applicants.

(c) Once the governor appoints the state public defender, the panel shall disband until reconstituted by the governor consistent with this section.

(7) When the state public defender's term expires under the law, the governor may reappoint the state public defender to subsequent four (4) year terms, with the advice and consent of the senate, or the governor may constitute a panel consistent with subsection (6) of this section to nominate candidates and appoint a state public defender from the list produced by the panel, with the advice and consent of the senate.

(8) The state public defender shall be compensated in an amount determined by the governor.

SECTION 14. That Section 44-2602, Idaho Code, be, and the same is hereby amended to read as follows:

44-2602. DEFINITIONS. (1) As used in this chapter the following terms have the following meanings:

(a) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other items submitted to the voters for their approval or rejection.

(b) "Filing entity" means a candidate, officeholder, political committee, political party, and each other entity required to report contributions under chapter ~~66, title 67~~ 3, title 74, Idaho Code.

(c) "Fund" means the separate segregated fund established by a labor organization for political purposes according to the procedures and requirements of this chapter.

(d) (i) "Labor organization" means any association or organization of employees, and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in

part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment or conditions of employment.

(ii) Except as provided in subsection (1) (d) (iii) of this section, "labor organization" includes each employee association and union for employees of public and private sector employers.

(iii) "Labor organization" does not include organizations governed by the national labor relations act, 29 U.S.C. section 151, et seq. or the railway labor act, 45 U.S.C. section 151, et seq.

(e) "Political activities" means electoral activities, independent expenditures, or expenditures made to any candidate, political party, political action committee or political issues committee or in support of or against any ballot measure.

(f) "Union dues" means dues, fees or other moneys required as a condition of membership in a labor organization.

(2) Other terms defined in chapter ~~66, title 67~~ 3, title 74, Idaho Code, apply to this chapter.

SECTION 15. That Section 44-2605, Idaho Code, be, and the same is hereby amended to read as follows:

44-2605. REGISTRATION -- DISCLOSURE. Each fund established by a labor organization under this chapter shall:

(1) Register as a political committee as required by chapter ~~66, title 67~~ 3, title 74, Idaho Code; and

(2) File the financial reports for political committees required by chapter ~~66, title 67~~ 3, title 74, Idaho Code.

SECTION 16. That Section 50-2006, Idaho Code, be, and the same is hereby amended to read as follows:

50-2006. URBAN RENEWAL AGENCY.

(1) (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality; provided, that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the findings prescribed in section 50-2005, Idaho Code.

(b) An urban renewal agency created after July 1, 2011, shall not transact any business or exercise its powers provided for in this chapter until a majority of qualified electors, voting in a citywide or countywide election, depending on the municipality in which such agency is created, vote to authorize such agency to transact business and exercise its powers provided for in this chapter. If prior to July 1, 2011, the local governing body has made the findings prescribed in paragraph (a) of this subsection, then such agency shall transact business and shall exercise its powers hereunder and is not subject to the requirements of this paragraph.

(2) Upon satisfaction of the requirements under subsection (1) of this section, the urban renewal agency is authorized to transact the business and

1 exercise the powers hereunder by a board of commissioners to be established
2 as follows:

3 (a) Unless provided otherwise in this section, the mayor, by and with
4 the advice and consent of the local governing body, shall appoint a
5 board of commissioners of the urban renewal agency, which shall consist
6 of not less than three (3) commissioners nor more than nine (9) commis-
7 sioners. In the order of appointment, the mayor shall designate the
8 number of commissioners to be appointed, and the term of each, provided
9 that the original term of office of no more than two (2) commissioners
10 shall expire in the same year. The commissioners shall serve for terms
11 not to exceed five (5) years, from the date of appointment, except that
12 all vacancies shall be filled for the unexpired term.

13 (b) For inefficiency or neglect of duty or misconduct in office, a com-
14 missioner may be removed by a majority vote of the local governing body
15 only after a hearing and after he shall have been given a copy of the
16 charges at least ten (10) days prior to such hearing and have had an op-
17 portunity to be heard in person or by counsel. Any commission position
18 that becomes vacant at a time other than the expiration of a term shall
19 be filled by the mayor or chair of the board of county commissioners, if
20 that is the local governing body, by and with the advice and consent of
21 the local governing body, including the mayor, if applicable, and shall
22 be filled for the unexpired term.

23 (c) By enactment of an ordinance, the local governing body may appoint
24 and designate, from among its members, members of the board of commis-
25 sioners of the urban renewal agency, provided that such representation
26 shall be less than a majority of the board of commissioners of the urban
27 renewal agency of the members of the local governing body on and after
28 July 1, 2017, in which case all the rights, powers, duties, privileges,
29 and immunities vested by the urban renewal law of 1965, and as amended,
30 in an appointed board of commissioners, shall be vested in the local
31 governing body, which shall, in all respects when acting as an urban re-
32 newal agency, be acting as an arm of state government, entirely separate
33 and distinct from the municipality, to achieve, perform, and accomplish
34 the public purposes prescribed and provided by said urban renewal law of
35 1965, and as amended.

36 (d) By enactment of an ordinance, the local governing body may termi-
37 nate the appointed board of commissioners and thereby appoint and des-
38 ignate itself as the board of commissioners of the urban renewal agency
39 for not more than one (1) calendar year.

40 (e) By enactment of an ordinance, the local governing body may provide
41 that the board of commissioners of the urban renewal agency shall be
42 elected at an election held for such purpose on one (1) of the November
43 dates provided in section 34-106, Idaho Code, and the ordinance may pro-
44 vide term limits for the commissioners. In this case, all the rights,
45 powers, duties, privileges, and immunities vested by the urban renewal
46 law of 1965, and as amended, in an appointed board of commissioners,
47 shall be vested in the elected board of commissioners of the urban
48 renewal agency, which shall, in all respects when acting as an urban re-
49 newal agency, be acting as an arm of state government, entirely separate
50 and distinct from the municipality, to achieve, perform, and accomplish

1 the public purposes prescribed and provided by said urban renewal law
2 of 1965, and as amended. The provisions of chapter ~~66~~, ~~title 67~~ 3, title
3 74, Idaho Code, shall apply to elected commissioners, and the county
4 election law shall apply to the person running for commissioner as if
5 the person were running for county commissioner. In the event of a
6 vacancy in an elected commissioner position, the replacement shall be
7 appointed by the mayor or chair of the board of county commissioners, if
8 that is the local governing body, by and with the advice and consent of
9 the local governing body, and shall be filled for the unexpired term.

10 (3) In all instances, a member of the board of commissioners of the ur-
11 ban renewal agency must be a resident of the county where the urban renewal
12 agency is located or is doing business.

13 (4) A commissioner shall receive no compensation for his services but
14 shall be entitled to the necessary expenses, including travel expenses, in-
15 curred in the discharge of his duties. Each commissioner shall hold office
16 until his successor has been appointed and has qualified. A certificate of
17 the appointment or reappointment of any commissioner shall be filed with the
18 clerk of the municipality and such certificate shall be conclusive evidence
19 of the due and proper appointment of such commissioner.

20 (5) (a) The powers of an urban renewal agency shall be exercised by the
21 commissioners thereof. A majority of the commissioners shall consti-
22 tute a quorum for the purpose of conducting business and exercising the
23 powers of the agency and for all other purposes. Action may be taken by
24 the agency upon a vote of a majority of the commissioners present, un-
25 less in any case the bylaws shall require a larger number.

26 (b) The commissioners shall elect the chairman, cochairman, or vice
27 chairman for a term of one (1) year from among their members. An agency
28 may employ an executive director, technical experts, and such other
29 agents and employees, permanent and temporary, as it may require, and
30 determine their qualifications, duties, and compensation. For such
31 legal service as it may require, an agency may employ or retain its own
32 counsel and legal staff.

33 (c) An agency authorized to transact business and exercise powers un-
34 der this chapter shall file, with the local governing body, on or be-
35 fore March 31 of each year a report of its activities for the preced-
36 ing calendar year, which report shall include the financial data and au-
37 dit reports required under sections 67-1075 and 67-1076, Idaho Code.
38 The agency shall be required to hold a public meeting to report these
39 findings and take comments from the public. At the time of filing the
40 report, the agency shall publish in a newspaper of general circulation
41 in the community a notice to the effect that such report has been filed
42 with the municipality and the state controller and that the report is
43 available for inspection during business hours in the office of the city
44 clerk or county recorder, in the office of the agency, and at all times
45 on the website of the state controller.

46 (d) An urban renewal agency shall have the same fiscal year as a mu-
47 nicipality and shall be subject to the same audit requirements as a mu-
48 nicipality. An urban renewal agency shall be required to prepare and
49 file with its local governing body an annual financial report and shall
50 prepare, approve, and adopt an annual budget for filing with the local

governing body, for informational purposes. A budget means an annual estimate of revenues and expenses for the following fiscal year of the agency.

(6) An urban renewal agency shall comply with the public records law pursuant to chapter 1, title 74, Idaho Code, open meetings law pursuant to chapter 2, title 74, Idaho Code, the ethics in government law pursuant to chapter 4, title 74, Idaho Code, and the competitive bidding provisions of chapter 28, title 67, Idaho Code.

(7) Upon dissolution of the urban renewal agency, title to all property of the urban renewal agency shall revert to the municipality.

SECTION 17. That Section 67-5282, Idaho Code, be, and the same is hereby amended to read as follows:

67-5282. DUTIES AND PROHIBITED CONDUCT OF THE CHIEF ADMINISTRATIVE HEARING OFFICER. (1) The chief administrative hearing officer shall:

(a) Serve as the administrator of the office of administrative hearings;

(b) Conduct such contested case proceedings and such other proceedings as are conducted by the office of administrative hearings in accordance with section 67-5280(2)(a) and (b), Idaho Code;

(c) Devote full-time to the office of administrative hearings and his obligations as chief administrative hearing officer;

(d) Subject to applicable law and regulation, appoint, supervise, and remove hearing officers and staff as he deems appropriate to the proper functioning of the office of administrative hearings, determine the duties of such appointees as he deems appropriate, and, from among the hearing officers employed by the office of administrative hearings, designate a deputy chief administrative hearing officer to act in place of the chief administrative hearing officer when the chief administrative hearing officer is unable to perform his duties;

(e) Have the authority to promulgate rules, pursuant to the provisions of this chapter, to implement sections 67-5280 through 67-5286, Idaho Code;

(f) Establish a hearing officer code of conduct that shall, among other things, provide for independent and unbiased decision-making by hearing officers both as perceived and in fact and provide for a system to monitor compliance with, and sanction violations of, the hearing officer code of conduct;

(g) Protect and ensure the decisional independence of hearing officers;

(h) Implement a system for monitoring the quality of contested case proceedings and such other proceedings as are conducted by the office of administrative hearings in accordance with section 67-5280(2)(a) and (b), Idaho Code;

(i) At his discretion, unless otherwise prohibited by state or federal law, retain independent contractor hearing officers at reasonable and consistent rates of compensation; provided that an independent contractor hearing officer with specialized expertise may be compensated at a higher rate if such expertise is necessary to the proper adjudica-

1 tion of the case and such higher rate of compensation is necessary in
2 order to obtain such expertise; and

3 (j) Contract with agencies to conduct such adjudicatory hearings, me-
4 diations, and arbitrations authorized by section 67-5280(2)(b), Idaho
5 Code.

6 (2) The chief administrative hearing officer shall not:

7 (a) Engage in the practice of law outside of his role in the office of
8 administrative hearings, except for the practice of law that is permit-
9 ted for a judge by the Idaho code of judicial conduct and is not incon-
10 sistent with the code of conduct or his duties as chief administrative
11 hearing officer;

12 (b) Hold, or be a candidate for, any federal, state, county, municipal,
13 district, or other elective office;

14 (c) Serve as the agent, representative, officer, political treasurer,
15 or employee, whether for profit or otherwise, of any political party,
16 political committee, or candidate as defined in either chapter 1, title
17 34 or chapter ~~66~~, title 67 ~~3~~, title 74, Idaho Code, or otherwise; and

18 (d) Hold any other public or private-sector position, whether for
19 profit or otherwise, except for volunteer positions that are not incon-
20 sistent with his duties as chief administrative hearing officer.

21 SECTION 18. That Section 72-1503, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 72-1503. POLITICAL ACTIVITIES PROHIBITED. No person may serve on the
24 commission who is a candidate for political office as the term "candidate"
25 is defined in section ~~67-6602~~ 74-3-102, Idaho Code. In the event a person
26 serving on the commission becomes a candidate, a vacancy on the commission
27 shall be declared by the secretary of state, and filled as provided by law.

28 SECTION 19. APPLICABILITY. Any person already registered with the sec-
29 retary of state prior to July 1, 2025, shall bring his reports into compli-
30 ance with the provisions of this act by no later than the date on which the
31 person's next annual report is due.

32 SECTION 20. An emergency existing therefor, which emergency is hereby
33 declared to exist, this act shall be in full force and effect on and after
34 July 1, 2025.