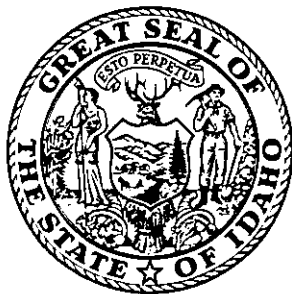


Date Printed: 02/09/2009

JTS Box Number: IFES_52
Tab Number: 20
Document Title: THE SUNSHINE LAW FOR POLITICAL FUNDS AND
LOBBYIST ACTIVITY DISCLOSURE
Document Date: 1992
Document Country: USA
Document Language: ENG
IFES ID: EL00771



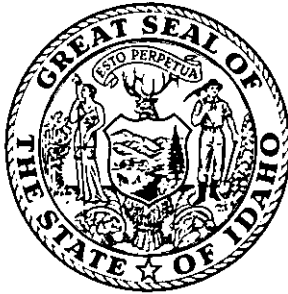
**THE SUNSHINE LAW
FOR POLITICAL FUNDS
AND LOBBYIST ACTIVITY
DISCLOSURE**



*Compiled under the authority of
PETE T. CENARRUSA
Secretary of State
Idaho*

THE SUNSHINE LAW FOR POLITICAL FUNDS AND LOBBYIST ACTIVITY DISCLOSURE

✓
Return to Resource Center
International Foundation
for Electoral Systems
1620 I St. NW, Suite 611
Washington, D.C. 20006



*Compiled under the authority of
PETE T. CENARRUSA
Secretary of State
Idaho*

TABLE OF CONTENTS

CHAPTER 66—ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES—LOBBYISTS

<i>Section</i>	<i>Page</i>
67-6601.	Purpose of act. 3
67-6602.	Definitions. 3
67-6603.	Appointment of political treasurer. 5
67-6604.	Accounts of political treasurer. 5
67-6605.	Contributions by nonreporting committees Repealed. 6
67-6606.	Contributions by nonbusiness entities which are not political committees Repealed. 6
67-6607.	Reports of contributions and expenditures. 6
67-6608.	Disposition of unexpended balances. 7
67-6609.	Statement as to no contribution or expenditure. 8
67-6610.	Contribution in excess of fifty dollars. 8
67-6611.	Expenditures other than contributions. 8
67-6612.	Contents of reports. 8
67-6613.	Commercial reporting. 9
67-6614.	Identification of source of contributions and expenditures. 9
67-6614A.	Publication or distribution of political statements. 9
67-6615.	Inspection by Secretary of State. 9
67-6616.	Examination of statements. 10
67-6617.	Registration of lobbyists. 10
67-6618.	Exemption from registration. 11
67-6619.	Reporting by lobbyists. 12
67-6620.	Employment of unregistered persons. 13
67-6621.	Duties of lobbyists. 13
67-6622.	Docket — Contents — Reports to legislation — Subjects of legislation — Written authorization. 14
67-6623.	Duties of Secretary of State. 14
67-6624.	Statements to be certified. 15
67-6625.	Penalties for violations — Misdemeanor Prosecution — Limitation. 15
67-6625A.	Late filing of statement or report — fees. 16
67-6626.	Injunctions. 16
67-6627.	Severability. 16
67-6628.	Construction. 16

67-6601. Purpose of act.—The purpose of this act is:

(a) To promote public confidence in government; and

(b) To promote openness in government and avoiding secrecy by those giving financial support to state election campaigns and those promoting or opposing legislation for compensation at the state level. [Init. Measure 1974, No. 1, § 1.]

67-6602. Definitions.—As used in this act, the following terms have the following meanings:

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

(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(2) Announces publicly or files for office.

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

(c) “Contribution” includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of “part-time” personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars (\$25.00) personally paid for by any volunteer campaign worker. “Part-time” services for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the

purposes of this act, contributions, other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution.

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

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

(f) "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.

(g) "Lobby" and "lobbying" each mean attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees, to influence the approval, modification or rejection of any legislation by the legislature of the state of Idaho or any committee thereof.

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

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

(j) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general reviews it and gives it a ballot title.

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

(1) Has as its principal purpose the conduct of business activities for profit; and

(2) Did not during the immediately preceding calendar year receive contributions, gifts or membership fees, which in the aggregate exceeded ten per cent (10%) of its total receipts for such year.

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

(m) "Political committee" means:

(1) Any person specifically designated to support or oppose

any candidate or measure; or

(2) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars (\$500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures.

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

(o) "Public office" means any state office or position, including state senator, state representative, and judge of the district court that is filled by election. [Init. Measure 1974, No. 1, Sec. 2; S.L. 1977, Ch. 180; S.L. 1978, Ch. 58; S.L. 1986, Ch. 218; S.L. 1992, Ch. 196]

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

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

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

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

(2) unless the contribution is received or expenditure made by or through the political treasurer for the candidate or political committee. [Init. Measure 1974, No. 1, § 3.]

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

(b) Accounts kept by the political treasurer for a candidate or

political committee may be inspected, before the election to which the accounts refer, by the Secretary of State, or his agent or employee, who is making an investigation pursuant to section 67-6615.

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

67-6605—67-6606. [Repealed effective January 1, 1990]
[S.L. 1990, Ch. 62]

67-6607. Reports of contributions and expenditures.—(a) The political treasurer for each candidate and the political treasurer of each political committee shall file with the secretary of state:

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

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

(3) For all political committees supporting or opposing measures, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the measure or made by or against the measure shall be filed on April 30 and July 30 of each year to cover the period since the preceding report, if any, has been filed. Such committees shall also file the statements required in subsection (4) and (5) of this section; provided, that the statement required in subsection (4) shall cover the period from July 1 to and including the sixteenth day before the general election;

(4) Not more than fourteen (14) days and not less than seven (7) days before the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including the eleventh day after the date of the primary election and to and including the sixteenth day before the general election, together

with a cumulative statement showing all such contributions and expenditures or encumbrances to and including the fifteenth day before the general election; and

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

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

(c) Notwithstanding any other reports required under this section, the political treasurer for each candidate and any political committee supporting or opposing a measure shall notify the secretary of state, in writing, of any contribution of one thousand dollars (\$1,000) or more, received by the political treasurer after the sixteenth day before, but more than forty-eight (48) hours before, any primary or general election. This notification shall be made within forty-eight (48) hours after the receipt of such contribution and shall include the name of the candidate or measure, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be in addition to the reporting of these contributions in the post election report. [Init. Measure 1974, N. 1, § 7; S.L. 1977, Ch. 225; S.L. 1986, Ch. 218; S.L. 1987, Ch. 344; S.L. 1990, Ch. 62; S.L. 1992, Ch. 196]

67-6608. Disposition of unexpended balances.—(a) If a statement filed under paragraph (3) of subsection (a) of section 67-6607, Idaho Code, pertaining to post-general election reports or under paragraph (5) of subsection (a) of section 67-6607, Idaho Code, shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate or political committee or measure shall continue to file annual reports on January 31, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. Such reports shall be filed until the account shows no unexpended balance of contributions or expenditure deficit.

(b) If a candidate wins nomination, supplemental statements under subsection (a) of this section need not be filed with respect to the nomination campaign by the political treasurer of a political committee supporting the candidate or by the political treasurer for such candidate, if such political committee continues to function in support of such candidate in the campaign for the general or special election.

(c) A political committee which is organized after an election

shall file reports required by subsection (a) of this section. [Init. Measure 1974, No. 1, § 8; S.L. 1977, Ch. 225; S.L. 1983, Ch. 151; S.L. 1992, Ch. 196]

67-6609. Statement as to no contribution or expenditure.—If no contribution is received or expenditure made by or on behalf of a candidate or political committee during a period described in sections 67-6607 or 67-6608, the political treasurer for the candidate or political committee shall file with the Secretary of State, at the time required by such section of this act for the period, a statement to that effect. [Init. Measure 1974, No. 1, § 9]

67-6610. Contribution in excess of fifty dollars.—(a) Any person who contributes more than fifty dollars (\$50.00) (including one or more smaller contributions which aggregate more than \$50 in any one calendar year) to a candidate or political committee shall accompany the contribution with a statement of his full name and complete address.

(b) If a political treasurer is offered or receives a payment or contribution of more than fifty dollars (\$50.00), or which together with prior contributions from the same person during that calendar year exceeds fifty dollars (\$50.00), and there is no statement of the full name and complete address of the person making the contribution, the contribution shall be returned to the contributor if his identity can be ascertained. If the contributor's identity cannot be ascertained, the contribution shall be transmitted immediately by the political treasurer who received it to the state auditor for deposit in the public school fund. [Init. Measure 1974, No. 1, § 10]

67-6611. Expenditures other than contributions.—Not more than thirty (30) days after the date of an election, each person who made expenditures in a total amount of more than fifty dollars (\$50.00) in support of or in opposition to any one (1) candidate, political committee or measure other than by contribution to a candidate or political committee shall file a statement of the expenditure with the Secretary of State. [Init. Measure 1974, No. 1, § 11; S.L. 1976, Ch. 228]

67-6612. Contents of reports.—(a) A statement filed under sections 67-6607, 67-6608 or 67-6610, Idaho Code, shall set forth:

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

the total amount of contributions of fifty dollars (\$50.00) or less each obtained in similar fashion.

(2) Under expenditures the name and address of each person to whom an expenditure was made in the amount of twenty-five dollars (\$25.00) or more, and the amount, date, and purpose of each such expenditure. Each expenditure in the amount of twenty-five dollars (\$25.00) or more shall be vouched for by a receipt or cancelled check or an accurate copy thereof. The statement may list as a single item the total amount of expenditures less than twenty-five dollars (\$25.00) without showing the exact amount of or vouching for each such expenditure. Anything of value paid for or contributed by any person shall be listed both as an expenditure and as a contribution. [Init. Measure 1974, No. 1, § 12; S.L. 1977, Ch. 180]

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

67-6614. Identification of source of contributions and expenditures.—No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one (1) person through an agent, relative or other person in such a manner as to conceal the identity of the source of the contribution. [Init. Measure 1974, No. 1, § 14.]

67-6614A. Publications or distribution of political statements.—Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election, approval or defeat of a candidate or measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the person responsible for such communication shall be clearly indicated on such communication. [S.L. 1977, Ch. 180; S.L. 1992, Ch. 196]

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

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

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

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

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

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

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

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

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

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

(6) If the lobbyist's employer is a nonbusiness entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations or or-

ganizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two (2) years have exceeded five hundred dollars (\$500) or who is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars (\$500) to such entity during the current year.

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

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

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

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

(a) Persons who limit their lobbying activities to appearances before public sessions of committees of the legislature.

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

(c) Persons who do not receive any compensation for lobbying and persons whose compensation for lobbying does not exceed one hundred dollars (\$100) in the aggregate during any calendar quarter, including persons who lobby on behalf of their employer or employers, and the lobbying activity represents less than the equivalent of one hundred dollars (\$100) of the employee's time per calendar year quarter, based on an hourly proration of said employee's compensation.

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

(e) A person who represents a bona fide church (of which he is

a member) solely for the purpose of protecting the constitutional right to the free exercise of religion.

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

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

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

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

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

67-6619. Reporting by lobbyists.—(a) Any lobbyist registered under section 67-6617, Idaho Code, shall file with the Secretary of State an annual report of his activities signed by both the lobbyist and the lobbyist's employers. The report shall be made in the form and manner prescribed by the Secretary of State and shall be filed on January 31. In addition to the annual report, while the legislature is in session, every registered lobbyist shall file interim monthly periodic reports for each month or portion thereof that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed within ten (10) days of the first day of the month for the activities of the month just past. In addition, each lobbyist shall within five (5) days after delivery of any written or printed statement, argument or brief to the legislature or any committee thereof or the members thereof, file one (1) copy with the Secretary of State.

(b) Each such annual and monthly periodic report shall contain:

(1) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer (not including payments made directly to the lobbyist), during the period covered by the report, which totals shall be segregated according to financial category, including, for example, entertainment, food and refreshments; advertising; providing, however, that reimbursed personal living and travel expenses of a lobbyist incurred directly or indirectly for any lobbying purpose need not be reported. The total of each expenditure of more than fifty dollars (\$50.00) for a legislator or other holder of public office shall be identified by date, place, amount, and the names of all members of the state legislature or holder of public office in the group partaking in or of such financial category excluding any

portion thereof attributable to the lobbyist's participation therein. Reported expenditures for entertainment, food and refreshments for legislators or other holders of public office shall be the actual cost of the entertainment, food and refreshments.

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

(3) An itemized listing of each such expenditure made by the lobbyist or by the lobbyist's employer in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator, exempting only those contributions that are required to be reported under other provisions of law, shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(c) Each such annual and monthly periodic report shall contain the subject matter of proposed legislation and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; provided, that in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed. [Init. Measure 1974, No. 1, § 19; S.L. 1976, Ch. 363; S.L. 1978, Ch. 146; S.L. 1983, Ch. 105; S.L. 1983, Ch. 208]

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

67-6621. Duties of lobbyists.—A person required to register as a lobbyist under this act shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act: (a) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this act for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the Secretary of State at any reasonable time during such three (3) year period; provided, however, that if a lobbyist is required

under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

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

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

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

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

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

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

(6) Accept any employment as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof. [Init. Measure 1974, No. 1, § 21.]

67-6622. Docket — Contents — Reports to legislature — Subjects of legislation — Written authorization.—The Secretary of State shall prepare and keep a docket in which shall be entered the name and business address of each lobbyist, and the name and business address of his employer or employers, and the subject or subjects of legislation (by bill number, if available) to which the employment relates, which information shall also be indexed by names of employers of lobbyists. Such docket shall be a public record and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the Secretary of State. Beginning with the first week following the beginning of any regular or special session of the legislature and on every Wednesday thereafter for the duration of such session, the Secretary of State shall from his records report to each house of the legislature the names of lobbyists registered under this act not previously reported, the names of the persons whom they represent as such lobbyist, and subject of legislation (by bill number, if available) in which they are interested. [Init. Measure 1974, No. 1, § 22.]

67-6623. Duties of Secretary of State.—The Secretary of State is charged with enforcement of the provisions of this act, and in

addition to duties otherwise prescribed herein, it shall be his duty: (a) to prescribe forms for statements and other information required to be filed by this act, and to furnish such forms and instruction manual to persons required to file such statements and information;

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

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

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

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

(f) to prescribe and publish rules and regulations, in accordance with the provisions of chapter 52, title 67, Idaho Code, and to take such other actions as may be appropriate to carry out the provisions of this act. [Init. Measure 1974, No. 1, § 23; S.L. 1977, Ch. 180]

67-6624. Statements to be certified.—All statements required to be filed with the Secretary of State under this act shall be signed and certified as true and correct by the person required to file the same. [Init. Measure 1974, No. 1, § 24.]

67-6625. Violations — Civil fine — Misdemeanor penalty — Prosecution — Limitation — Venue.—(a) Any person who violates the provisions of sections 67-6603 — 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a) or 67-6624, Idaho Code, shall be liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an individual, and not more than two thousand five hundred dollars (\$2,500) if a person other than an individual. The burden of proof for such civil liability shall be met by showing a preponderance of the evidence.

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

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

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

(e) Venue for prosecution under the provisions of this chapter shall be in the county of residence of the defendant. [Init. Measure 1974, No. 1, § 25; S.L. 1976, Ch. 227; S.L. 1977, Ch. 169; S.L. 1978, Ch. 43]

67-6625A. Late filing of statement or report — Fees.—If any person fails to file a report or statement on or before a specified date, he shall be liable in the amount of ten dollars (\$10.00) per day after the deadline until the statement or report is filed, to the Secretary of State. Liability need not be enforced by the Secretary of State if on an impartial basis he determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within five (5) days after receiving written notice of the filing requirements from the Secretary of State.

The failure to file a report or statement within five (5) days after receiving notice from the Secretary of State may subject the person required to file such report to the additional penalties prescribed in section 67-6625, Idaho Code. [S.L. 1977, Ch. 169]

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

67-6627. Severability.—If any provisions of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [Init. Measure 1974, No. 1, § 27.]

67-6628. Construction.—The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern. [Init. Measure 1974, No. 1, § 28.]

