

## IDAPA 34 – SECRETARY OF STATE

### Election Division

#### 34.03.01 – Rules Implementing the Sunshine Law

##### **Who does this rule apply to?**

*The following are required to file periodic reports with the Election Department:*

- Candidates;
- Political Action Committees (PAC); and
- Lobbyists

##### **What is the purpose of this rule?**

*This rule establishes:*

- Official forms for political funds and lobbyist activity disclosure
- Requires disclosure of source of cash on hand for newly certified committees and candidates
- Defines advertising regulation exemption and community property contributions.

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

State Government and State Affairs -

Election Campaign Contributions and Expenditures – Lobbyists:

- [Section 67-6623, Idaho Code](#) – Duties of Secretary of State

##### **Who do I contact for more information on this rule?**

Secretary of State

700 West Jefferson Street, Room E205

Boise, ID 83720-0080

Phone: (208) 334-2852

Fax: (208) 334-2282

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## 34.03.01 – RULES IMPLEMENTING THE SUNSHINE LAW

### 000. LEGAL AUTHORITY.

This chapter is promulgated pursuant to Chapter 66, Title 67, Idaho Code, specifically Sections 67-6603, 67-6607, 67-6608, 67-6610, 67-6611, 67-6612, 67-6614A, 67-6619, 67-6623, Idaho Code. (7-1-21)T

### 001. TITLE AND SCOPE.

The rules in this Chapter are known as IDAPA 34.03.01, “Rules Implementing the Sunshine Law.” (7-1-21)T

### 002. -- 010. (RESERVED)

### 011. FORMS.

**01. Form for Lobbyist Registration.** Pursuant to the authority of Section 23 of the Sunshine Law the official form for lobbyist registration as required by Section 17 is hereby adopted for use in reporting to the Secretary of State. This form shall be designated as “L-1” and shall be available online. The “L-1” form shall be accompanied by payment of a registration fee of ten dollars (\$10). (7-1-21)T

**02. Annual Report Form.** The official form for the lobbyist annual report as required by Section 67-6619, Idaho Code is hereby adopted for use in reporting to the Secretary of State. This form shall be designated as “L-2” and shall be available online. (7-1-21)T

**a.** Expenditures to be reported are those made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist’s employer either directly or indirectly for lobbying purposes. The total expenditures shall be cumulative for the calendar year covered by the report. Expenditure categories shall include entertainment, food and refreshment, advertising, living accommodations, travel, telephone, and other expenses or services. (7-1-21)T

**b.** The annual report shall include the name and address of the lobbyist and the name and address of the lobbyist’s employer(s), and the subject matter or 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 appropriation bills the lobbyist shall enumerate the specific section or sections which he supported or opposed. (7-1-21)T

**c.** The annual report shall be certified as a true, complete, and correct statement by the lobbyist and the lobbyist’s employer(s). (7-1-21)T

**03. Monthly Report Form.** The official form for the lobbyist monthly report as required by Section 67-6619, Idaho Code is hereby adopted for use in reporting to the Secretary of State. This form shall be designated as “L-3” and shall be available online. (7-1-21)T

**a.** Expenditures to be reported are those made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist’s employer either directly or indirectly for lobbying purposes. The expenditure totals in such reports shall not be cumulative throughout the year but rather shall reflect the total expenditures during the calendar month covered by the report. Expenditure categories shall include entertainment, food and refreshment; advertising; living accommodations; travel; telephone; and other expenses or services. (7-1-21)T

**b.** The monthly periodic report shall include the name and address of the lobbyist and the name and address of the lobbyist’s employer; and 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 appropriation bills the lobbyist shall enumerate the specific section or sections which he supported or opposed. (7-1-21)T

**c.** The monthly report shall be certified as a true, complete, and correct statement by the lobbyist. (7-1-21)T

**04. Form for the Appointment and Certification of Political Treasurer.** The official form for the appointment and certification of a political treasurer as required by Section 67-6603, Idaho Code is hereby adopted for use in reporting to the Secretary of State. This form shall be numbered “C-1” designated as “Appointment and Certification of Political Treasurer for Candidates and Committees” and shall be available online. (7-1-21)T

**05. Forms for the Disclosure of Campaign Finances by Candidates and Political Committees.** The official forms for the statement required by Sections 67-6607, 67-6608, and 67-6612, Idaho Code are hereby adopted for use in reporting to the Secretary of State. The form numbered “C-2” shall be designated “Campaign Financial

Disclosure Report” and shall be available online. The form numbers “C-2A” shall be designated “Contributions Pledged But Not Yet Received” and shall be available online. The form numbered “C-2B” shall be designated “Expenditures Incurred (Debts and Obligations) and Payments Made on Debt” and shall be available online.

(7-1-21)T

**06. Form for Report of Alleged Violation of Sunshine Law.** Pursuant to the authority of Section 67-6623(f), Idaho Code of the Sunshine Law the official form to be used in filing a complaint that a person has violated the Sunshine Law is hereby adopted for use in reporting to the Secretary of State. This form shall be designated as “L-5” and shall be available online. Any person may file a complaint against anyone covered by the Sunshine Law. Such complainant must submit form “L-5” to properly file his complaint. No other method of filing a complaint will be recognized.

(7-1-21)T

**012. DATE OF RECEIPT.**

When any application, report, statement, notice or any other document required to be filed by the provisions of Title 67, Chapter 66, Idaho Code has been deposited post paid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing.

(7-1-21)T

**013. EXPENDITURES OTHER THAN CONTRIBUTIONS.**

**01. Reporting Periods.** Reporting periods for disclosing expenditures other than contributions. The reporting periods for the statements required by Section 67-6611, Idaho Code shall be as follows:

(7-1-21)T

**a.** The period covered by the Thirty (30) Day Post-Primary report shall be from the date of the first independent expenditure thru the twentieth (20th) day after the primary election.

(7-1-21)T

**b.** The period covered by the Thirty (30) Day Post-General report shall begin on the twenty-first day following the primary election and continue thru the twentieth (20th) day following the general election.

(7-1-21)T

**014. SOURCE OF CASH ON HAND.**

Newly certified committees must disclose source of cash on hand. Political committees and candidates which have cash on hand at the time of certification (which the committee or candidate anticipates using in an election) shall disclose on their first report the source(s) of these funds, including the information required by Section 67-6612, Idaho Code. Disclosure shall consist of reporting to the Secretary of State the name and address of each person who has contributed more than fifty dollars (\$50) to the committee in the current calendar year and the immediately preceding calendar year along with the aggregate amount contributed by each person.

(7-1-21)T

**015. ADVERTISING REGULATION EXEMPTION.**

Items exempt from advertising regulation. Campaign buttons, bumper strips, pins, pens and similar small items upon which a disclaimer cannot be conveniently printed are not deemed to be regulated by the provisions of Section 67-6614A, Idaho Code.

(7-1-21)T

**016. COMMUNITY PROPERTY CONTRIBUTIONS.**

**01. Contributions of Community Property -- How Treated.** A contribution of community property shall be deemed to be given one-half (1/2) by each spouse. To be treated as community property the contribution must be specifically identified as such. Moneys contributed from a joint account of husband and wife shall be deemed to be received one-half (1/2) from each spouse only if both spouses have signed the check. The following are examples of contributions:

(7-1-21)T

**a.** Husband contributes sixty dollars (\$60) by personal check to political treasurer X out of community funds. There is no specific designation that such sixty dollars (\$60) contribution is community property. X must treat the entire sixty dollars (\$60) contribution as coming from husband.

(7-1-21)T

**b.** Husband contributes by personal check sixty dollars (\$60) to a political treasurer X out of community funds. Accompanying such contribution is a statement certifying that such contribution is from the community funds of husband and wife. X must report husband and wife as each contributing thirty dollars (\$30).

(7-1-21)T

**c.** Wife contributes sixty dollars (\$60) to political treasurer X by personal check drawn on the joint account of husband and wife. Wife is the only spouse to sign the check. X must report the entire sixty dollars (\$60) as being contributed by wife. (7-1-21)T

**d.** Husband and wife contribute sixty dollars (\$60) to political treasurer X by a check drawn on their joint account both husband and wife have signed the check. X should report husband and wife as each contributing thirty dollars (\$30). (7-1-21)T

**e.** Assuming that after contributing as in the example in Subsection 016.01.d., husband contributes separately another twenty-five dollars (\$25) X should report husband aggregate total as fifty-five dollars (\$55) and pursuant to Section 67-6610 must list husband's name and address on the campaign financial disclosure report. (7-1-21)T

**017. -- 999. (RESERVED)**

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