



# IDAHO

Secretary of State's Office

**2021**  
**Campaign Disclosure Manual**  
**for**  
**Candidates**  
**and**  
**Political Committees**

Prepared Under the Authority of  
Lawrence Denney  
Secretary of State  
Idaho

Dear Fellow Citizens:

The Campaign Disclosure provisions of the Sunshine Law for Political Funds and Lobbyist Activity Disclosure, enacted in 1974 through the initiative process, require candidates for state office and certain political organizations to report their campaign related financial activities to the Secretary of State.

This manual has been prepared in order to assist those who are required to report per the Campaign Disclosure provisions. We encourage you to offer any suggestions you may have that will improve the forms or administrative procedures necessary to perform the provisions of the Sunshine Law.

Public disclosure as part of the voting process is very important to Idaho's citizens. Therefore, I want to thank the candidates and political committees for their diligent work in adhering to the Campaign Disclosure provisions.

Sincerely,

Lawrence Denney  
Secretary of State

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## TABLE OF CONTENTS

Introduction.....	4
Required Reporting.....	5
Candidates.....	5
Political Committee.....	6
Political Treasurers.....	7
Campaign Finance Disclosure.....	9
Reporting-Frequently Asked Questions.....	10
Termination of Reporting.....	11
Contributions-Frequently Asked Questions.....	12
Designating Contributions.....	17
Contribution Limits.....	18
Expenditures-Frequently Asked Questions.....	19
Retiring Debt-Frequently Asked Questions.....	20
Frequent Problems in Reporting.....	21
Penalties and Violations.....	21
Inspection and Examination.....	22
Citizen Complaints.....	22
48 Hour Notice.....	22
Campaign Finance Portal User Guide.....	23

## INTRODUCTION

The Sunshine Law for Political Funds and Lobbyist Activity Disclosure was enacted in 1974 through the initiative process. The Secretary of State has the responsibility of administering Idaho's Sunshine Law for Campaign Disclosure. Since the implementation, the Secretary of State's Office has strived to increase accessibility to all of Idaho's citizens.

This guide has been created to aid Candidates and Political Action Committees in meeting the requirements of the Sunshine Law.

Scanned campaign report images from Candidates and Political Action Committees, an online searchable database containing information from each campaign report, blank reporting forms and sunshine manuals can be found at <https://sos.idaho.gov/elect/finance/index.html>. General election information can be found on the Secretary of State's website at <https://sos.idaho.gov/elections-division/>. Questions regarding the Sunshine Law and Election Laws along with requests for information, manuals, forms and filed reports can be directed to:

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## REQUIRED REPORTING

### Who is required to report to the Secretary of State?

The Sunshine Law requires both Candidates and Political Committees to submit Campaign Finance Reports online to the Secretary of State. Candidates need an approved exemption form filed with the Secretary of State's Office to allow other forms of filing.

\*\*A judicial office or a local government office, or for a political committee that is specifically designated to support or oppose a candidate or local ballot measure, is exempt from filing reports under section 67-6607, Idaho Code, unless and until such time as the candidate receives contributions or expends funds in the amount of five hundred dollars (\$500) or more. Idaho Code 66-6608

### Along with those reports, other items are required to be reported under specific circumstances. These include:

- 48 Hour Notice of Contributions
- Independent Expenditures
- Electioneering Communications
- Statement of a Nonbusiness Entity

## CANDIDATES

Any individual actively seeking nomination or election to a state office is considered a candidate, and is subject to the Campaign Finance reporting requirements.

### When does an individual become a Candidate?

An individual becomes a candidate when he or she does any of the following:

- Receives contributions, makes expenditures or reserves space or facilities with the intent to promote their candidacy for office.
- Announces publicly their intent to run for office.
- Files an Appointment of Political Treasurer (C-1).
- Files a Declaration of Candidacy form (including a C1 statement) during the candidate filing period.

*Note: Current officeholders are considered candidates until the candidate filing deadline for the next election for his or her office.*

### Can an individual inquire about support for his or her candidacy without becoming a candidate?

According to the Attorney General's Opinion No. 77-29, "Those using personal funds to travel to various areas of the state to inquire about support for a proposed candidacy are not "candidates" if they limit their activities to seeking advice concerning their potential candidacy. However, one becomes a "Candidate" by either making broad based public contacts regarding

his candidacy or by making any contacts aimed primarily at soliciting campaign staff, volunteers, or financing.”

**What offices are considered state offices and require reporting to the Secretary of State?**

- Governor
- Secretary of State
- Lieutenant Governor
- Judge of the District Court
- Judge of the Appellate Court
- Justice of the Supreme Court
- State Senator
- State Treasurer
- State Controller
- Attorney General
- State Representative
- Superintendent of Public Instruction

**POLITICAL COMMITTEE**

Any individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of people become a Political Committee once certain conditions are met.

**How does a group become a Political Committee?**

A group becomes a Political Committee when any of the following occur:

- They are specifically designed to support or oppose any candidate or measure
- They received contributions and made expenditures in an amount exceeding one thousand (\$1000) in any calendar year for the purpose of supporting or opposing one (1) or more candidates and/or measures.

*Note: Any entity registered with the Federal Election Commission shall not be considered a political committee for the purpose of this manual. (Section 67-6602(20), I.C.)*

**When does a recognized local party committee become a Political Committee?**

A county, district or regional committee of a recognized political party is not required to file as a Political Committee with the Secretary of State unless the party committee has expenditures exceeding five thousand dollars (\$5,000) in a calendar year.

## **POLITICAL TREASURERS**

### **What are the duties of a Political Treasurer?**

The key responsibilities to being a Political Treasurer are:

- Keep detailed accounts current, within not more than seven days after the date of receiving a contribution or making an expenditure.
- Keep the detailed record of accounts for at least one year after the date of the election or filing of the last Campaign Financial Disclosure Report, whichever is later.
- File the required Campaign Financial Disclosure Reports on time while reporting all required information.
- Obtain the full name and complete address of any individual or organization which has made a contribution.
  - 1) Anyone who donates more than \$50 during a calendar year, at one time or in multiple payments, must be itemized on the Campaign Financial Disclosure Report.
- Transmit any anonymous contribution of more than \$50 to the State Controller for deposit in the public school fund.
- Obtain a receipt, canceled check or an accurate copy thereof for an expenditure of \$25 or more.
- Clearly indicate on all public political advertising the person responsible for such communications.
  - 1) For example: Print "Paid for by Candidate X for Senate, John Doe Political Treasurer" on all printed materials.

### **Secretary of State Administrative Rule Items Exempt From Advertising Regulation**

Campaign buttons, bumper stickers, 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.

- Notify the Secretary of State in the required format of: (67-6607(3))
  - 1) Any contribution of \$1,000 or more received. This notification shall be made within 48 hours after the receipt of such contribution.
  - 2) Any Independent Expenditures.
  - 3) Any Electioneering Communication.

*Note: For information and instructions on how to file any of these reports, please see the section starting on page.*

### **Certifying a Political Treasurer**

All candidates for state offices (see "what offices are considered state offices") and all Political Committees must appoint and certify a Political Treasurer.

**When must the Political Treasurer be appointed and certified? (67-6603)**

A Political Treasurer must be appointed and certified prior to any of the following occurring:

- Receiving any contributions,
- Spending any funds,
- Announcing candidacy for state office, or
- Becoming a Political Committee

(County/Judicial positions are required to create a campaign finance account and file monthly reports once they reach a \$500 threshold. Idaho Code 66-6608)

**What are the requirements for serving as a Political Treasurer? (67-6603a)**

The only requirement for serving as a Political Treasurer is that the individual must be registered to vote in the state of Idaho.

**Can a candidate serve as his or her own Political Treasurer?**

Yes, a candidate may serve as his or her own Political Treasurer. However it is recommended that the candidate keep campaign funds separate from personal funds (i.e. separate bank accounts)

**Can an individual serve as a Political Treasurer for more than one candidate and/or Political Committee? (67-6603a)**

Yes, and individual may serve as the Political Treasurer for more than one candidate and/or Political Committee. However, they need to keep separate records and accounts for each candidate and/or Political Committee.

**How do you appoint and certify a Political Treasurer?**

A Candidate will appoint a treasurer while creating their Campaign Finance Account on the Secretary of State portal and a C-1 will be created and on file in their online account.

**What happens if a Political Treasurer resigns, is removed or dies?**

The candidate or the chairman of the Political Committee can change their treasurer through their Campaign Finance Account by choosing the SetUp tab and Treasurer.

## **CAMPAIGN FINANCE DISCLOSURE REPORTING DATES**

Below is the schedule of reporting periods and the due dates for filing Campaign Financial Disclosure Reports for 2021. These dates are set pursuant to the provisions of Sections 67-6607 and 67-6608, Idaho Code.



**Campaign Finance Reporting Schedule 2021**

*(Candidates running in 2021 must file monthly reports.\*\*See exception below.)*

*(PACs participating in any races for 2021 are required monthly reports.)*

<b><u>Reporting Period</u></b>	<b><u>Filing Date</u></b>
January 1- 31 <sup>st</sup> .....	February 10 <sup>th</sup>
February 1-28 <sup>th</sup> .....	March 10 <sup>th</sup>
March 1-31 <sup>st</sup> .....	April 10 <sup>th</sup>
April 1-30 <sup>th</sup> .....	May 10 <sup>th</sup>
May 1-31 <sup>st</sup> .....	June 10 <sup>th</sup>
June 1- 30 <sup>th</sup> .....	July 10 <sup>th</sup>
July 1- 31 <sup>st</sup> .....	August 10 <sup>th</sup>
August 1- 31 <sup>st</sup> .....	September 10 <sup>th</sup>
September 1- 30 <sup>th</sup> .....	October 10 <sup>th</sup>
October 1- 31 <sup>st</sup> .....	November 10 <sup>th</sup>
November 1- 30 <sup>th</sup> .....	December 10 <sup>th</sup>
December 1- 31 <sup>st</sup> .....	January 10 <sup>th</sup> , 2022

**Annual Reports**

*(Candidates not running in 2021 are only required to file an annual report.)*

<b><u>Reporting Period</u></b>	<b><u>Filing Date</u></b>
January 1 <sup>st</sup> - December 31 <sup>st</sup> 2021	January 10 <sup>th</sup> , 2022

***\*\*County Candidates that do not reach a \$500 threshold do not need to create a Campaign Finance account or file monthly reports. See Idaho Code 67-6608(1).***

***-All contribution of \$1000 or more require a 48 hr notice. See Idaho Code 67-6607(3) and 67-6608(2).***

***-See Idaho Code 67-6607 for filing requirements.***

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## REPORTING-FREQUENTLY ASKED QUESTIONS

Although it is the responsibility of the Political Treasurer to be aware of all filing deadlines and to report on a timely basis, it is the policy of the Secretary of State's Office to send the Political Treasurer a reminder concerning the date a report is due. However, this is only a courtesy and a missing reminder will not be accepted as a reason for a late report.

**Can Campaign Financial Disclosure Reports be submitted online to the Secretary of State?**

Yes, all Campaign Financial Reports must be filed online through the Secretary of State's online filing application at <https://elections.sos.idaho.gov/TED/CampaignPortal/Landing.aspx>. The use of this application requires the political candidate and treasurer to provide their own email address for a secure online account for completing the report and electronically signing the completed report.

**I am a Political Treasurer for a Candidate who was defeated in the Primary Election, do I need to continue to file Campaign Disclosure Reports?**

Yes, any Candidate who was defeated in the Primary Election but showed an unexpended balance of contributions or a campaign debt must continue to file annual reports until there is no unexpended balance of contributions or debt.

**Does a Campaign Financial Disclosure Report need to be filed if there have been no contributions or expenditures in the reporting period?**

Monthly reports are due in the year of your election. In your non election years an annual report is due while a balance and/or debt remain. County candidates and Judicial offices do not need to file any reports unless/until they reach a \$500 threshold and then monthly reports will be due for the remainder of that election year.

**What should I do as a Political Treasurer if I am unable to balance a report that is due?**

All reports filed are required to be balanced as they system will not allow a negative balance as a reported figure. Note: The filing of a late report is a violation of the law and a fine will be charged.

**May I receive an extension on the due date to file a report?**

No, the Sunshine Law does not allow the Secretary of State to grant extensions on filing deadlines. Note: The filing of a late report is a violation of the law and the payment of a fine may be required.

**May a Candidate or Political Committee transfer assets for the purpose of earning interest?**

Yes, a Candidate or Political Committee may transfer assets for the purpose of earning interest. However, the amount transferred should not be reported on the campaign report when it is transferred out of, or into, the campaign account since the money is still considered part of the campaign's assets. The interest earned on the investment must be listed as a contribution from the investment. Any service charge associated with this investment must be reported as an expenditure.

## **TERMINATION OF REPORTING - FREQUENTLY ASKED QUESTIONS**

### **When and under what circumstances can the reporting requirements be terminated?**

Candidates and Political Committees may terminate reporting requirements only upon reaching a zero balance and have no outstanding debt on the Campaign Financial Disclosure Report. Please contact the Secretary of State Office or you local County Clerk to request your account be terminated.

### **How may campaign funds be used?**

Contributions may be used in any of the following ways:

- a) In connection with the campaign of a Candidate,
- b) Ordinary and necessary expenses incurred in connection with the duties of the individual as an officeholder,
- c) Donations to non-profit organizations,
- d) Donations to national, state or local party committees,
- e) Donations to state and local Candidates, or
- f) Donations to Political Committees.

### **Are there ways that campaign funds may not be used?**

Contributions cannot be used in the following ways:

- a) Any personal use,
- b) Home mortgage, rent or utility payment,
- c) Clothing purchases except for items of de minimis value such as campaign shirts or hats,
- d) A non-campaign or officeholder related automobile expense,
- e) A country club membership,
- f) A vacation or other non-campaign related trip,
- g) A tuition payment,
- h) Admission to a sporting event, concert, theater or other form of entertainment not associated with an election campaign,
- i) Dues, fees and other payments to a health club or recreational facility, or
- j) Meals, groceries or other food expense, except for tickets to meals that the Candidate attends solely for the purpose of enhancing the candidacy of another person or meal expenses which are incurred as part of a campaign activity or as part of a function that is related to the Candidate's or officeholder's responsibilities.

## **CONTRIBUTIONS- FREQUENTLY ASKED QUESTIONS**

### **What is considered a contribution?**

"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.” (Section 67-6602(c), I.C.)

**Does a contribution include money or items supplied by the Candidate?**

Yes, any personal funds or property of a Candidate expended or transferred to cover expenses incurred in support of the Candidate are considered a contribution to the Candidate’s campaign. They must be reported as contributions from the Candidate. However, the payment of the filing fee is excluded unless paid for from campaign funds.

**May a Candidate or Political Treasurer accept corporate and union contributions?**

Yes, the Sunshine Law in no way restricts the ability of a corporation, union, or any other person to give a Candidate or Political Committee money, goods or services, except when calculating the year to date total of the contribution or the donors name.

**May a Candidate or Political Treasurer accept contributions from individuals, businesses or organizations in foreign countries?**

No, Federal Law 441e does not allow a foreign national including partnerships, associations, corporations, organizations, or other combination of persons organized under the laws of or having its principal place of business in a foreign country, to make contributions to candidates or committees or to make independent expenditures.

441e - Contributions and donations by foreign nationals - Prohibition - It shall be unlawful for a foreign national, directly or indirectly, to make a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or a local election; a contribution or donation to a committee of a political party; or an expenditure, independent expenditure, or disbursement for an electioneering communication. It also makes it unlawful for a person to solicit, accept, or receive a contribution or donation from a foreign national. A foreign national means a foreign principal, which includes a government of a foreign country and a foreign political party; a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country (section 611(b) of Title 22), except that the term “foreign national” shall not include any individual who is a citizen of the United States. It also means an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.

**May a Candidate or Political Treasurer accept anonymous contributions or report a contribution as anonymous?**

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 (67-6614, Idaho Code). In accordance with 67-6610, Idaho Code, if any contribution exceeds \$50 and the contributor can't be ascertained, the political treasurer shall immediately transfer the donation to the state controller's office for deposit into the public school fund.

**A Political Committee, organization or corporation makes a contribution to a Candidate or to another Political Committee. How is that listed on the recipient's Campaign Financial Disclosure Report?**

A contribution from a Political Committee, organization or corporation is listed as a contribution from that entity. However, there are exceptions to this rule. They are:

- a) If a Political Committee receives all of its funding from one person who exercises exclusive control over the distribution of the funds, the contribution is listed as a contribution from the controlling person.
- b) If contributions made by a person or Political Committee whose contributions or expenditures are financed, maintained or controlled by a trade association, labor union or collective bargaining organization, the contribution is listed as a contribution from the trade association, labor union or collective bargaining organization.
- c) If two or more entities share a majority of members on their board of directors, share two or more officers, are owned or controlled by the same majority shareholder or shareholders or persons, are in a parent-subsidiary relationship or have bylaws so stating, the entities are treated as a single entity instead of separate entities.

**Is there a limit on personal funds or property a Candidate may contribute to his or her own campaign?**

No, contribution limits set forth in section 67-6610A are not applicable to a Candidate. A Candidate may contribute as much as he or she would like to for his or her own campaign.

**Are there limits on contributions that a Candidate may receive other than from the Candidate themselves?**

Yes, contributions are limited based on who the contribution is from and who the contribution is going to. Contribution limits are set forth in Section 67-6610A.

**Does the contribution limits apply to money or items supplied by the Candidate's spouse or family members?**

Yes, any funds or property expended or transferred to the Candidate by the Candidate's spouse or family members are subject to the contribution limits.

**Does a contribution include items other than cash?**

Yes, contributions other than money or its equivalent are deemed to have a cash value equivalent to the fair market value of the item. These are considered In-Kind Contributions and must be reported as such.

**May a contribution be returned to the donor?**

Yes, contributions may be returned to the individuals who donated them. If the original contribution was reported on Schedule A, the return of the contribution is reported as a negative contribution on Schedule A listing the individual's name, address and date of the return.

**What are In-Kind Contributions?**

In-Kind Contributions are contributions other than money or its equivalent.

- a) These donations are deemed to have a monetary value equivalent to the fair market value of the contribution.
- b) Services, property or rights furnished at less than the fair market value are deemed a contribution. A contribution of this kind shall be reported as an In-Kind Contribution at its fair market value and will count toward any applicable contribution limit for the contributor.

**How does an In-Kind Contribution affect my cash balance?**

Since In-Kind Contributions are not cash, they are reflected in both the total contributions and total expenditures. Therefore, they do not affect the actual cash balance.

**How is the value of an In-Kind Contribution determined?**

The overriding principle governing the value of an In-Kind Contribution is the amount a well-informed buyer or lessee, would pay; and the amount a well-informed seller, or lessor, would accept.

- a) Here is a list of often seen In-Kind Contributions and how they should be reported.
  - i) A contributor buys supplies or equipment for the campaign, the In-Kind Contribution equals the amount spent on the purchase.
  - ii) A contributor takes out an advertisement supporting a Candidate after collaborating with or receiving approval from the Candidate, the In-Kind Contribution equals the cost of the ad.
  - iii) A contributor loans the campaign the use of a computer or copier, the In-Kind Contribution equals the cost of leasing a similar piece of equipment for the period of time in question.
  - iv) A printer prints campaign literature at a cost below the printer's normal charge for a similar job, the In-Kind Contribution equals the amount of the discount.
  - v) A business provides food or beverages for a campaign event, the In-Kind Contribution equals the amount that the business would normally expect to receive from the sale of the items.
  - vi) The central committee of a Political Party agrees to use its bulk mailing permit and pay the postage of a mailing supporting your candidacy. The In-Kind Contribution is only the face value of the postage costs paid by the party. Do not factor in the amount the party paid for the permit. Since the itemization requirement for contributions is \$50 and the itemization

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    - iv) A printer prints campaign literature at a cost below the printer's normal charge for a similar job, the In-Kind Contribution equals the amount of the discount.
    - v) A business provides food or beverages for a campaign event, the In-Kind Contribution equals the amount that the business would normally expect to receive from the sale of the items.
    - vi) The central committee of a Political Party agrees to use its bulk mailing permit and pay the postage of a mailing supporting your candidacy. The In-Kind Contribution is only the face value of the postage costs paid by the party. Do not factor in the amount the party paid for the permit. Since the itemization requirement for contributions is \$50 and the itemization requirement for expenditures is \$25, how do we determine if we need to itemize In-Kind Contributions?
- All in-kind transactions must be itemized, regardless of the amount, on Schedule C - In-Kind Contributions and Expenditures of the Campaign Financial Disclosure Report.

### **I am the Political Treasurer for a Candidate. A Political Committee has paid for printing costs or other services.**

This is considered an In-Kind Contribution from the Political Committee. It will be reported as an In-Kind Contribution.

### **May a Candidate receive contributions if he or she is not a Political Treasurer?**

Statutorily, all contributions should be received by the Political Treasurer, not the Candidate. However, if a Candidate receives a contribution, they should immediately transfer the contribution to the Political Treasurer.

### **Which date should be used as the Date Received?**

The Date Received is the date that the Political Treasurer received the contribution. If the contribution is received by the Candidate, the date the Candidate received the contribution should be listed as the Date Received.

### **Do contributions that are less than \$50 need to be tracked since they are reported as Unitemized Contributions?**

Yes, all contributions should be tracked. The Political Treasurer should have the full name and address of all contributors. Once a contributor exceeds \$50 in a calendar year, their



contributions above \$50 are itemized on Schedule A - Itemized Contributions of the Campaign Financial Disclosure Report.

**Are loans to a Candidate considered contributions and subject to contribution limits?**

Yes, loans to Candidates are considered contributions. Loans to Candidates are subject to the contribution limits.

- a) Repayments made on the loans reduce the amount of the contribution.
- b) Loans that exceed the contribution limits are a violation of the law even if they are repaid in full.
- c) Loans from the Candidate do not have contribution limits.

**How are loans to a Candidate or Political Committee reported?**

Loans to Candidates or Political Committees are reported on the Campaign Financial Disclosure Report on Schedule D - Loans.

**Are purchases made with a credit card considered debt?**

Yes, purchases made with a credit card are considered debt. Regardless of whether the credit card balance is paid when the statement is received all credit card transactions must be reported on Schedule E - Credit Cards and Debt and Schedule E-1 - Itemization of Credit Cards and Debt.

**If a volunteer provides an open house, are the expenses and home hospitality considered a contribution?**

If the cost of the ordinary home hospitality and incidental expenses by the volunteer are:

- a) Not over \$25, it is not considered a contribution.
- b) Is over \$25, it is considered a contribution from the individual and must be reported as such.

**I am a Political treasurer for a current office holder (i.e., a Candidate). A lobbyist is paying for various expenses for the office holder or Candidate. Does this need to be reported?**

If the payment of expenses:

- a) Is not in support of the Candidate's campaign, it does not need to be reported on the Candidate's report. It is the responsibility of the lobbyist to report the expenditure.
- b) Is in support of the Candidate's campaign, it does need to be reported on the Candidate's report.

**A candidate or Political Committee is planning on holding a raffle or auction. How is this reported?**

If you are planning a raffle or auction, please contact the Secretary of State's Office's Election Division at (208) 334-2852 to discuss the correct reporting and other requirements.

**I am a Political Treasurer for a Candidate, including current office holders, or Political Committee. A lobbyist donates a check or cash to the campaign. How should this be reported?**



This contribution should be reported on the Candidate or Political Committee's Campaign Financial Disclosure Report. It needs to be determined if the contribution is from the lobbyist themselves or from the employer of the lobbyist.

a) If the contribution is from one of the lobbyist's employers, the contribution should be reported on Schedule A and list the employer's name.

b) If the contribution is from the lobbyist, the contribution should be reported on Schedule A and list the lobbyist's name.

#### **What is designating contributions?**

Designating contributions is the identification of whether the contribution is to be used toward the upcoming Primary or General Election for the determination of contribution limits.

#### **Do Candidates have to designate contributions?**

Yes, Candidates must identify whether the contribution is to be used toward the Primary or General Election.

#### **Do Political Committees have to designate contributions?**

No, a Political Committee is not required to designate contributions as they do not have contribution limits.

## **DESIGNATING CONTRIBUTIONS - FREQUENTLY ASKED QUESTIONS**

#### **What is a designated versus an undesignated contribution?**

a) A designated contribution is one that the contributor has identified as being for a specific election.

b) An undesignated contribution is one that the contributor has not identified as being for a specific election.

#### **How does a contributor designate a contribution?**

A contributor designates a contribution in writing. They can do this either by noting the designation on the check or on a signed statement that accompanies the contribution. The contribution then counts toward the donor's contribution limit for the designated election.

#### **How is an undesignated contribution reported?**

An undesignated contribution is automatically designated for the Candidate's upcoming election. Any undesignated contribution counts toward the donor's contribution limit for the upcoming election.

a) For example: A contributor makes an undesignated contribution of a \$100 to a Legislative Candidate who has won the Primary Election. The contribution is received prior to the General Election. This contribution counts toward the contributor's contribution limit for the General Election.

**May the Candidate or Political Treasurer designate an undesignated contribution for a specific election?**

No, only a contributor may designate a contribution for a specific election. All undesignated contributions count toward the contributor's contribution limit for the next upcoming election.

**Can a Candidate's campaign solicit donations for a specific election?**

Yes, a Candidate's campaign may solicit contributions for a specific election. The campaign should supply contributors with a form that clearly states the election to which the contribution will apply. This form must be signed and returned with the contribution to the Candidate's Political Treasurer.

**How long must a copy of the contribution designations be kept?**

Contribution designations must be kept for at least one year after the date of the election to which the contribution is referring to. It is the responsibility of the Political Treasurer to maintain these records.

**CONTRIBUTION LIMITS**  
(Section 67-6610A, Idaho Code)

Aggregate Contributions From	To Legislative Authorized Candidate Committee	To Statewide Authorized Candidate Committee	To PAC or State Party Committee
Individual (*other than Candidate)	\$1,000 **Per Election	\$5,000 **Per Election	No Limits
***Corporation, PAC, other Recognized Legal Entity**	\$1,000 **Per Election	\$5,000 **Per Election	No Limits
State Central Committees	\$2,000 **Per Election	\$10,000 **Per Election	No Limits
County Central Committees	\$2,000 **Per Election	\$5,000 **Per Election	No Limits

\* Candidate contributions unlimited to his/her campaign

\*\* Primary - General

\*\*\* Includes National Party Organizations

**The contribution limits for the state legislature shall apply to judicial district offices.**

Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services, property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. **A contribution of this kind shall be reported as an In-Kind Contribution at its fair market value and counts toward any applicable contribution limit of the contributor.** Contributions shall not include the personal services of volunteers.

## **EXPENDITURES - FREQUENTLY ASKED QUESTIONS**

### **What is considered an expenditure?**

An 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 of 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." (Section 67-6602(h), I.C.)

### **Must personal expenditures made by a Candidate in support of his or her own campaign be reported?**

Yes, all personal funds expended by a Candidate in support of his or her own campaign must be reported and are reported as either expenditures with a matching contribution for the same amount or as loans to the campaign.

### **The Candidate's campaign repays the Candidate for personal expenditures. How is this reported?**

Since the personal expenditure was reported as a loan, the repayment to the Candidate is shown as a repayment on the loan from the Candidate. These repayments are reported on the Campaign Financial Disclosure Report on Schedule D - Loans.

### **A Candidate, or Political Committee has received a refund of deposit, a rebate from a vendor, or a return of over payment from a vendor. How is this reported?**

This is reported on Schedule B as a negative expenditure, listing the name and address of the individual or vendor along with the date the money was received as well as the amount. This shows the funds being returned to the account without the money appearing as a contribution.

### **A Candidate, or Political Committee has received their check back that was intended as a contribution to another candidate or committee. How is this reported?**

This is reported on Schedule B as a negative expenditure, listing the name and address of the candidate or political committee returning the funds along with the date the check was received back.

### **Our Political Committee paid for printing costs or other services for a Candidate or other Political Committee. How should we report that on OUR report?**

The Political Committee will list the individual, organization or business to whom the monetary payment was made along with the name of the Candidate(s) or Political Committee(s) benefiting from the expenditure on Schedule B - Itemized Expenditures page.

**A reporting Candidate or Political Committee made an Independent Expenditure. How should it be reported?**

The Political Treasurer will list the individual, organization or business to whom the monetary payment was made. Enter the purpose of the expenditure including a list of the Candidate(s) and/or Political Committee(s) being supported or opposed by the expenditure. Be sure to identify if it is in support of or opposition of each Candidate or Committee listed.

**What is considered debt and how is the debt amount figured?**

Debt means any unpaid monetary obligation incurred as listed on the reports filed through the post election period minus any cash balance reported on the post-election report.

## **RETIRING DEBT - FREQUENTLY ASKED QUESTIONS**

**Are loans considered debt?**

Yes, outstanding loans are considered debt and must be reported on Schedule D - Loans.

**Are purchases made with a credit card considered debt?**

Yes, purchases made with a credit card are considered debt. Regardless of whether the credit card balance is paid when the statement is received, all credit card transactions must be reported on Schedule E - Credit Cards and Debt and Schedule E-1 - Itemization of Credit Cards and Debt.

**May I accept contributions to retire debt?**

Yes, a Candidate with unpaid debt may accept additional contributions to retire such unpaid debt. However, the contributions can not exceed the applicable contribution limits for the election for which the debt was incurred.

**Do contribution limits apply to contributions to retire debt?**

Yes, contributors are still bound by the contribution limits.

a) For example: A Legislative Candidate incurred debt during the last General Election. A contributor donated \$500 before the last General Election. The individual would like to donate additional funds toward the incurred debt. In this example, the individual could contribute up to \$500 and designate it toward the last General Election.

**Can undesignated contributions be applied to the retirement of debt?**

Yes, although all undesignated contributions are automatically designated for the Candidate's upcoming election, the Candidate may use those funds to retire debt.

**How does the Secretary of State determine if a Candidate has debt?**

All previously filed reports document any campaign debt. All debt and payment on debt must be reported on the Campaign Financial Disclosure Report on Schedule D - Loans and Schedule E - Credit Cards and Debt.

### **FREQUENT PROBLEMS IN REPORTING**

- 1) **Lack of communication between the Political Treasurer and the Candidate.** The law requires detailed accounts, current within not more than seven days after the date of receiving a contribution or making an expenditure.
- 2) **The Candidate or Political Committee has a new Political Treasurer,** however, the Secretary of State's Office has not been notified of the change. Not only is this a violation of the law, but the wrong individual is receiving communications from the Elections Division and those using the Secretary of State's mailing list.
- 3) **A return or refund listed incorrectly.** A return or refund should be listed as a negative expenditure because it is not a contribution.
- 4) **Inadequate disclosure of In-Kind Contributions or Independent Expenditures.** The Candidate(s) name(s) or Political Committee(s) name(s) who benefited from the expenditure are not listed as being supported or opposed.

### **PENALTIES FOR VIOLATION**

Section 67-6625, Idaho Code, **Violations - Civil Fine - Misdemeanor Penalty - Prosecution - Limitation - Venue.**

- (a) Any person who violates the provisions of section 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a), 67-6624, 67-6629 or 67-6630, 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 67-6605 or 67-6621(b), Idaho Code, and any person who knowingly and willfully violates section 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a), 67-6624, 67-6629 or 67-6630, 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 if the defendant is a resident of the state of Idaho, otherwise venue shall be in Ada county."

Section 67-6625A, Idaho Code, "Late Filing Of Statement Or Report - Fees. If any person fails to file a report or statement on or before a specified date, he shall be liable in an amount of fifty dollars (\$50.00) per day after the deadline until the statement or report is filed, to the secretary of state.

The remedy provided in this section is cumulative and does not exclude any other remedy or penalty prescribed in section 67-6625, Idaho Code.”

### **INSPECTION AND EXAMINATION BY THE SECRETARY OF STATE**

The Secretary of State is required by the Sunshine Law to inspect each report two days after it is filed and to notify any Political Treasurer who fails to file a report or files a report which does not conform to law. The Secretary of State must also notify a Political Treasurer when a complaint is filed alleging that a report does not conform to law or has not been filed. The Secretary of State is required to examine all filed reports within three months after the election to determine whether the reports conform to law. The Secretary of State is empowered to require any person to answer in writing and under oath or affirmation any questions concerning the source of any contribution. (Sections 67-6615 and 67-6616, Idaho Code)

### **CITIZEN COMPLAINTS**

Any registered voter has the right to file a complaint with the Secretary of State if he or she has reason to believe that a person has violated the Sunshine Law. Complaints must be filed on form L-5, which is available on request. The Secretary of State will thoroughly investigate all such complaints. (Sections 67-6615 and 67-6623, Idaho Code)

### **48 HOUR NOTICE of Contributions/Loans Received**

#### **Who must file a 48 Hour Notice of Contributions/Loans Received of \$1000 or more?**

Each Candidate and any Committee who receives a contribution of \$1000 or more must file a 48 Hour Notice report through their Campaign Finance Portal. Idaho Code 67-6607 (3)

#### **When must the 48 Hour Notice of Contribution/Loan Received be filed?**

The 48 Hour Notice must be filed in the Campaign Finance Portal within 48 hours of receiving the contribution.

#### **What does the 48 Hour Notice of Contributions/Loans Received of \$1000 or more contain?**

The 48 Hour Notice of Contributions/Loans contains the Name and Address of the Candidate or Committee along with the Name and Address of the contributor, the date the contribution was received and the amount of the contribution.

#### **Are personal funds and In-Kind Contributions included in the 48 Hour Notice Requirement?**

Yes, this applies to all contributions, including personal funds from the Candidate and In-Kind Contributions.

#### **Does a contribution reported on a 48 Hour Notice need to be reported on another report?**

Yes, all contributions reported on the 48 Hour Notice of Contributions/Loans Received must be reported as part of the scheduled Campaign Finance reports.