Office of the
Attorney General

Idaho
Ethics In Government
Manual



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INTRODUCTION

Honest and open government is fundamental to a free society. The Idaho Legislature has formalized our state's commitment to honest and ethical government by enacting several statutes governing the ethical behavior of public officers. These laws are intended to ensure that public officials remain public servants.

Idaho has four primary statutes governing ethics in government: the Bribery and Corrupt Influence Act; the Prohibition Against Contracts with Officers Act; the Ethics in Government Act; and the Public Integrity in Elections Act. In addition, statutes that govern a particular state agency, state subdivision or municipal corporation often contain provisions regulating the ethical behavior of public officials.

Any complete analysis of an ethical question involving a public official must include the four acts named above as well as statutes dealing specifically with the governmental agency, office or subdivision involved. Specific statutes relating to the particular agency or subdivision will control over the more general statutes. When two or more general statutes apply to the same subject, an attempt should be made to reconcile the statutes.

All of us who accept public office, whether elected or appointed, also accept an ethical duty to serve honestly and in the public's interest. While the state and the people must demand compliance with Idaho's ethics laws, public officials should understand that these laws set a minimum standard of behavior. Crossing these lines can result in fines and incarceration. Responsible and ethical public officials hold themselves to an even higher standard than mere compliance.

The Office of the Attorney General has prepared this legal manual for your information. I hope it assists you when presented with applicable situations.

Sincerely,

RAÚL R. LABRADOR
Attorney General

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QUESTIONS AND ANSWERS

STATUTORY INTERPRETATION

Question No. 1: Is there overlap between the various ethical statutes pertaining to public employees and officials, and how should the statutes be analyzed?

Answer: Yes. The first step in analyzing which statute applies to a particular situation is to determine whether there is a specific statute dealing with the governmental entity or the public position in question. For example, Idaho Code § 33-507 contains a prohibition against school board trustees contracting with the school district. This statute controls the more general anti-contracting provisions found in chapter 13, title 18, or chapter 5, title 74, Idaho Code. *See* Attorney General Opinion No. 93-10. In addition, when dealing with the more general ethics statutes, there may be some overlap. In the case where two or more general statutes apply to the same situation, an attempt should be made to reconcile the statutes.

Too often, conflict analysis begins and ends with an analysis of chapter 4 of title 74, the Ethics in Government Act. Chapter 4 covers acts by members of legislative or administrative bodies and does not necessarily prohibit any act, but merely requires disclosure. However, the action creating the conflict may be prohibited by other provisions contained within the Idaho Code.

PURPOSE OF ANALYSIS OF ETHICS STATUTES

Question No. 2: What is the purpose of the analysis of the ethical statutes with regard to the actions of public officials?

Answer: The purpose of the ethical statutes is to establish a ground floor for conduct by public officials. Proper analysis of ethical statutes should not be for "loopholes" or "technicalities" by which one can take advantage of government, the public, or other interested parties. If your analysis requires that you find a "loophole" within Idaho's ethical statutes, then your conduct is likely unethical. Ethics for public officials is also tricky for another reason. Within public service, there are often two courts: the traditional legal system, and the court of public opinion. A win in one does not guarantee a win in the other. When determining the proper answer to any ethics determination, a public official should be mindful of the impact his decision may have both legally and publicly. Public officials, by the

trusteeship given them by the electorate, are held to a higher ethical standard.

PUBLIC EMPLOYEES OR OFFICIALS COVERED BY ETHICS STATUTES

Question No. 3: Who is subject to Idaho Code §§ 18-1351 et seq., the Bribery and Corrupt Influence statutes?

Answer: Idaho Code §§ 18-1351, et seq., regulate the conduct of public servants in the areas of bribery and corrupt practices, including conflicts of interest and nepotism. Unless otherwise stated, these statutes apply to all "public servants," which is defined to mean: "any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses."

Question No. 4: Who is subject to chapter 4 of title 74, the Ethics in Government Act?

Answer: All "public officials" are subject to the Ethics in Government Act. "Public official" means any person holding public office in the following capacity:

(a) As an elected public official meaning any person holding public office of a governmental entity by virtue of an elected process, including persons appointed to a vacant elected office of a governmental entity, excluding members of the judiciary; or

(b) As an elected legislative public official meaning any person holding public office as a legislator; or

(c) As an appointed public official meaning any person holding public office of a governmental entity by virtue of formal appointment as required by law; or

(d) As an employed public official meaning any person holding public office of a governmental entity by virtue of employment, or a person employed by a governmental entity on a consultative basis.

Question No. 5: Who is subject to the prohibition against contracts with officers contained in chapter 5, title 74, Idaho Code?

Answer: All members of the legislature and state, county, city, district and precinct officers are subject to the prohibitions contained in chapter 5, title 74, Idaho Code. While "officer" is not defined, the definition of "public official" contained in the Ethics in Government Act should be considered as a guide to those covered by the prohibitions in chapter 5, title 74, Idaho Code.

NEPOTISM

Question No. 6: Is the current employment of a public employee jeopardized by the subsequent election of a relative to a public office that has supervisory authority over that employee?

Answer: Idaho Code § 18-1359 sets forth the nepotism policy of the state of Idaho. The Attorney General's Office has taken the position that existing public employment will not be jeopardized by the subsequent election of a relative of that employee to public office.

Question No. 7: How does the subsequent election of a relative affect promotion/advancement potential of a current employee?

Answer: Under Idaho Code § 18-1359(5), the employee may continue to work in the current job assignment and remain eligible to receive non-meritorious pay increases. Idaho Code § 18-1359(e) prohibits the public official from appointing or voting for the appointment of the relative to any position, employment or duty. Similarly, more specific sections relating to the mayor, city council, county commissioners and state legislators may prohibit any person, not just the related elected official, from appointing the current employee to any office, position, employment or duty.

Question No. 8: When a county employee's spouse is elected to the county commission, is the employee's position jeopardized?

Answer: As stated above, Idaho Code § 18-1359 states that existing public employment should not be jeopardized by the subsequent election of a relative to public office. The 2002 enactment of Idaho Code § 18-1359(5) is intended to permit the spouse of an elected official to continue in his/her present employment. However, Idaho Code § 74-501 may cast some doubt on whether Idaho Code § 18-1359(5) fully permits continued employment. Due to the enactment of Idaho Code § 18-1359(5) and the Statement of Purpose

accompanying the bill, it appears that a court would likely permit the continued employment of a spouse of a subsequently elected official.

Idaho Code § 33-507 may prohibit the continued employment by a school district of an employee whose spouse is elected to the district's board of trustees where the contract must be renewed annually. Idaho Code § 33-2106 incorporates Idaho Code § 33-507 applying the prohibition to trustees of junior college districts.

Question No. 9: May a county enter into a contract for goods or services with the son/daughter-in-law of one of the commissioners?

Answer: Idaho Code §§ 18-1359(4) and 67-9230 applies in this situation. The code section provides:

> No person related to a county commissioner by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the commissioner's county when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

The commissioner's son/daughter-in-law is clearly related by marriage within the second degree, and will be compensated for the performance of his/her duties. The county would be prohibited from hiring the commissioner's son/daughter-in-law.

CONFLICTS OF INTEREST/PROHIBITED CONTRACTS

Question No. 10: What action is required under chapter 4 of title 74, Idaho Code, the Ethics in Government Act, if a conflict of interest exists?

Answer: The Ethics in Government Act requires certain action when a conflict of interest exists. A conflict of interest is generally defined as any "official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated."

When a conflict of interest exists, the public official must disclose the conflict. Under the Ethics in Government Act, disclosure does not affect an elected public official's authority to be counted for the

purpose of determining a quorum and to debate and to vote on the matter.

The public official may seek legal advice on whether a conflict of interest exists. If the legal advice is that a real or potential conflict may exist, generally, the public official must prepare a written statement describing the matter required to be acted upon and the nature of the potential conflict, and shall file such statement with the entity set forth in the statute pertaining to the appropriate elected or appointed office.

Disclosure of the conflict or consultation with counsel satisfies the requirements of the Ethics in Government Act. It does not, however, permit the public official to engage in acts prohibited by other provisions of the Idaho Code.

Question No. 11: Are there exceptions to the definition of conflict of interest in chapter 4 of title 74, Idaho Code, the Ethics in Government Act?

Answer: Yes. Under the Act, there is no conflict of interest if the pecuniary benefit received arises out of:

(a) An interest or membership in a particular business, industry, occupation or class required by law as a prerequisite to the holding by the person of the office or position;

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged;

(c) Any interest which the person has by virtue of his profession, trade or occupation where his interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade or occupation;

(d) Any action by a public official upon any revenue measure, any appropriation measure or any measure imposing a tax, when similarly situated members of the general public are affected by the outcome of the action in a substantially similar manner and degree.

Question No. 12: What is the effect on a contract entered into in violation of the conflict of interest provisions of Idaho law?

Answer: The answer depends upon the specific statute and how the courts may have interpreted that statute. Violations of Idaho Code § 74-501 are voidable by any party, except the interested official, but not void from the beginning. Idaho Code § 74-504.

However, violations of other ethics statutes may cause the contract to be void. For instance, in Independent School Dist. No. 5 v. Collins, 15 Idaho 535, 98 P. 857 (1908), the court addressed violations of Idaho Code § 33-507, stating:

> [S]uch contracts are absolutely void. If money is illegally paid on such void contract, the district may recover it back, and in case the district refuses to do so, any taxpayer of the district may, for and on behalf of the district, maintain an action for the recovery of the money so illegally paid. 15 Idaho at 541.

In any contract or transaction entered into which is ruled void, the public official would be required to refund any money he/she receives pursuant to a contract or transaction with the board. Such a challenge could be initiated by the board or by a taxpayer within the respective governmental entity.

Question No. 13: May the employer of a city council member contract with the city?

Answer: The answer is "yes," under certain circumstances, such as when an interest is defined to be remote under Idaho Code § 74-502 and, therefore, not a conflict of interest. "Remote interest" means:

(a) That of a non-salaried officer of a nonprofit corporation; or

(b) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; or

(c) That of a landlord or tenant of a contracting party; or

(d) That of a holder of less than one percent (1%) of the shares of a corporation or cooperative which is a contracting party.

However, even if the interest is remote, the public official must disclose the remote interest prior to the formation of the contract, and the governing body must approve the contract on a vote sufficient for that purpose without counting the vote of the officer having the remote interest. Furthermore, the public official cannot attempt to influence another officer of the board of which he is an officer to enter into the contract.

Question No. 14: Are there any circumstances where a public official can personally contract with a board of which he or she is a member?

Answer: In rare circumstances a public official can contract directly with the board of which he/she is a member whether or not he or she is an elected or appointed public official. Under Idaho Code § 18-1361, a public official or his/her relatives can contract with the board if:

(1) The contract is competitively bid and the public servant or his/her relative submits the low bid; and

(2) Neither the public servant nor his/her relative takes any part in the preparation of the contract or bid specifications, and the public servant takes no part in voting on or approving the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his/her interest or that of his/her relative and of his or his relative's intention to bid on the contract; and

(4) Neither the public servant nor his/her relative has violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

Question No. 15: May a school district conduct business with a business establishment whose owner is a spouse of a school board trustee?

Answer: Idaho has a long-standing tradition of forbidding school board trustees from doing any business with or receiving any

pecuniary benefit from the district they serve. Idaho Code § 33-507 states in relevant part:

> It shall be unlawful for any trustee to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the school district or to accept any reward or compensation for services rendered as a trustee except as may be otherwise provided in this section.

Purchases by the district of material from an establishment owned by the spouse of a school board trustee provide a direct or indirect pecuniary benefit to the member of the school board. The school board trustee would certainly benefit from any transactions between the district and the business establishment. Even if there is not a written contract between the business establishment and the district, it does not take the situation outside the reach of Idaho Code § 33-507. There would still be a contractual relationship between the business and the district. Moreover, the contract would be void.

Idaho Code § 33-2106 incorporates Idaho Code § 33-507 and makes the limitations on the authority of school district trustees applicable to trustees of junior college districts.

Question No. 16: May a county employee purchase property that the county has for sale?

Answer: There is no express prohibition against a county employee purchasing county property, unless that individual is a county commissioner or other officer. *See* Idaho Code §§ 31-807A and 74-503. This rule applies to county employees generally. Sheriffs' deputies selling property at sheriffs' sales are prohibited from participating in the sale.

BRIBERY/CORRUPT INFLUENCE & GIFTS TO PUBLIC OFFICIALS

Question No. 17: Would a regional tour sponsored by a chamber of commerce to acquaint legislators with a region of the state, provided without charge to every member of the Idaho Legislature, violate the Bribery and Corrupt Influence Act?

Answer: Idaho Code § 18-1356 regulates gifts to public servants. Subsection (4) relates to legislative and executive officials:

> No legislator or public servant shall solicit, accept or agree to accept any pecuniary benefit in return for action on a bill, legislation, proceeding or official transaction from any person known to be interested in a bill, legislation, official transaction or proceeding.

There have been no allegations, nor has it ever been suggested, that the efforts of the members of the chamber of commerce are made in return for legislative action on their behalf. Therefore, the tour in general does not violate Idaho Code § 18-1356(4).

Consideration must also be given to Idaho Code § 18-1359(1)(a), which provides:

> No public servant shall:
>
> > (a) Without the specific authorization of the governmental entity for which he serves, use public funds or property to obtain a pecuniary benefit for himself.

It is the opinion of the Attorney General's Office that the legislature, by enacting Idaho Code § 18-1359(1)(a), did not intend to prohibit and criminalize participation in activities such as this tour. The combination of official business with conferences and social activities is a fact of modern life, and it is the opinion of this office that the legislature did not intend to eliminate that reality. This tour is a legitimate function of the legislature, and the expenses associated with the tour, if submitted on a voucher, could be financed by the state. As such, they are clearly not pecuniary benefits inuring to the legislators' personal or private benefit.

Question No. 18: Would a business trip by legislators for the purpose of viewing demonstrations of a product purchased by the state, in which airfare, food and lodging were paid for by the vendor, but not entertainment events, violate either the Ethics in Government Act or the Bribery and Corrupt Influences Act?

Answer: Idaho Code § 74-402, the Ethics in Government Act, is directed primarily towards improper activities of public officials in the course of their official duties. In this case it is apparent that the public officials would derive some pecuniary benefit from the trip. However, the pecuniary benefit does not appear personal in nature because the trip is for business purposes only, without any entertainment or

personal activities on the agenda. The facts do not reveal that any "official action" or any decision or recommendation has been made by the public officials to the benefit of the company sponsoring the trip. The trip does not relate to any upcoming bidding or contracting process in which the company stands to gain or lose. The trip does not seem to violate the Ethics in Government Act.

Idaho Code § 18-1359(1)(a) is also not an issue in this case. The officials are acting strictly in their official capacity, there will be no private or personal gain in the form of entertainment or other purely personal activities, and the business trip appears to be directed solely at a legitimate legislative function—gathering technical information relevant to the state's interest in a product. This type of informational business trip does not call into question the type of private pecuniary gain or official action in return for such gain which Idaho's ethics laws clearly and strongly outlaw. The trip would not violate either the Ethics in Government Act or the Bribery and Corrupt Influences Act.

Question No. 19: Can members of the Idaho Legislature accept gift packs from a marketing association in the state of Idaho in which the products are intended to promote the variety and quality of merchandise produced in Idaho?

Answer: According to Idaho Code § 74-403(4), a conflict of interest occurs when a legislative official takes official action or makes an official decision or recommendation, the effect being to the "private pecuniary benefit" of such person, the person's household or business. Based on the facts in this case, it is difficult to foresee any legislator having a conflict of interest resulting from the acceptance of one of the complimentary gift packs. A conflict of interest requires some official action by the legislator. From the facts presented in this case, there is no indication the receipt of the gift pack was the result of any official action, decision or recommendation taken or proposed by any legislator. Mere acceptance of the gift pack does not violate the provisions of Idaho Code § 18-1359(1)(b). In addition, under Idaho Code § 18-1359(1)(b), trivial gifts or benefits, which do not exceed $50.00 in value, are not prohibited if they are incidental to personal, professional or business contacts and do not affect official impartiality.

Question No. 20: If a major corporate officer of a firm which performs a great deal of work for one of the state departments should become a member of the Idaho Legislature, would there be any possibility of a "conflict of interest" arising out of his holding public

office and voting on appropriations while continuing to be a corporate officer of a private firm?

Answer: Yes. Idaho Code § 74-501, provides:

> Members of the legislature, state, county, city, district and precinct officers, must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.

In addition to constitutional and statutory provisions, the rules of the senate or house of representatives may require that members declare their interest or abstain from voting in cases involving conflicting personal and public interests.

INCOMPATIBILITY OF OFFICE

Question No. 21: May an individual serve in the Idaho Legislature and as the mayor of a municipality at the same time?

Answer: Idaho has no constitutional or statutory provisions prohibiting a state legislator from concurrently holding another public office. However, the common law doctrine of incompatibility of office should be examined.

The common law doctrine of incompatibility as it relates to one person holding two public offices is based upon the public policy that public service requires the discharge of official duties with undivided loyalty. In the question presented, the two positions are not incompatible. The office of mayor is wholly independent from the state legislature and cannot in any sense be viewed as subordinate. The duties of the mayor do not conflict or clash with the duties of a state legislator.

Finally, it has been suggested that holding dual offices violates the distribution of powers clause of Idaho Constitution art. II, sec. 1. This section provides:

> The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly

> belonging to either of the others, except as in this constitution expressly directed or permitted.

In relation to the separation of powers between state and local governments (prohibiting a person from serving in an executive capacity on the local level and as a legislator in the state government), this office has been unable to find any authority indicating that the doctrine has any application.

The fact that a state legislator is also a municipal executive officer does not in any sense impinge or intrude upon the authority of the state judicial or executive branches. Similarly, the fact that a city mayor is also a state legislator does not intrude upon the authority of the respective city council. Thus, holding dual public offices, one municipal and one state, does not violate art. II, sec. 1 of the Idaho Constitution. This office can find no statutory or common law prohibition preventing a city mayor from serving in the Idaho Legislature.

Question No. 22: May a member of a county planning and zoning commission serve as a city councilman without creating a conflict of interest?

Answer: The Local Planning Act contains a conflict of interest provision:

> A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action.

Idaho Code § 67-6506.

Because a city council member is an agent of the city he/she represents, this section would probably prevent him/her from participating in any county zoning decisions that may affect the city's economic interests. However, there is no provision requiring the council member to resign his/her position.

There is also present a question of incompatibility of office. The common law doctrine applies if there is a potential conflict between

the two offices such that one individual could not give absolute allegiance to both offices. Incompatibility is most often found where one office supervises the other or when the interests of the two offices are antagonistic to each other. 3 McQuillin on Municipal Corporations, §§ 12.111 *et seq.* (3rd ed. 2018).

In the area of zoning, the interests of the county and the city may frequently be at odds, and it is not uncommon for cities and counties to sue one another over zoning disputes. Under such circumstances one person could not fill both offices without a conflict of loyalty. If two offices are incompatible, one office should be vacated. The Attorney General's Office recommends that one office be vacated to eliminate the incompatibility problem.

Question No. 23: May a person serve as a chairman of a county political party and as a member of the Idaho State Board of Correction?

Answer: It appears that a person cannot serve as chairman of a county political party and retain a position on the Board of Correction. Idaho Code § 20-204 provides:

> The members of the board of correction and its officers and employees shall not, at any time of appointment nor during their incumbency of office, serve as the representative, officer, or employee of any political party.

The language of this code section is clear and unambiguous. An individual cannot serve as a representative, officer or employee of a political party and also serve on the State Board of Correction.

PUBLIC INTEGRITY IN ELECTIONS

Question No. 24: Is it a violation of the Public Integrity in Elections Act for a public employee to campaign for or against a candidate or the outcome of a ballot measure to co-workers and/or the public while at work?

Answer: The legislative intent of this chapter provided in Idaho Code § 74-602 states:

> The legislature finds that it is against the public policy of the state of Idaho for public funds,

> resources or property to be used to advocate for or against a candidate or ballot measure.

Campaigning while at work is a violation of this Act because the employee is using the states' time, which is equivalent to funds and resources that should be dedicated to the states' work. While this statute clearly prohibits the advocacy of candidate or ballot measure by a public entity and/or state agency, exclusions to this Act are provided in Idaho Code § 74-605 that allow for advocacy for or against a candidate or ballot measure by a public official or employee so long as no public funds, property or resources are used.

Question No. 25: Can a state legislator distribute electronic information for or against a candidate or the outcome of a ballot measure from the legislator's office?

Answer: The Attorney General Guideline dated January 9, 2018, specifically addresses this question and states: "[t]his office has concluded that the use of public funds or resources to advocate for or against a candidate or a matter coming up for a vote is prohibited by the public purpose doctrine." 2018 Idaho Att'y Gen. Ann. Rpt. 43.

The guideline further states that distributing electronic information with the use of state issued equipment and access equates to the use of public funds. 2018 Idaho Att'y Gen. Ann. Rpt. 44.

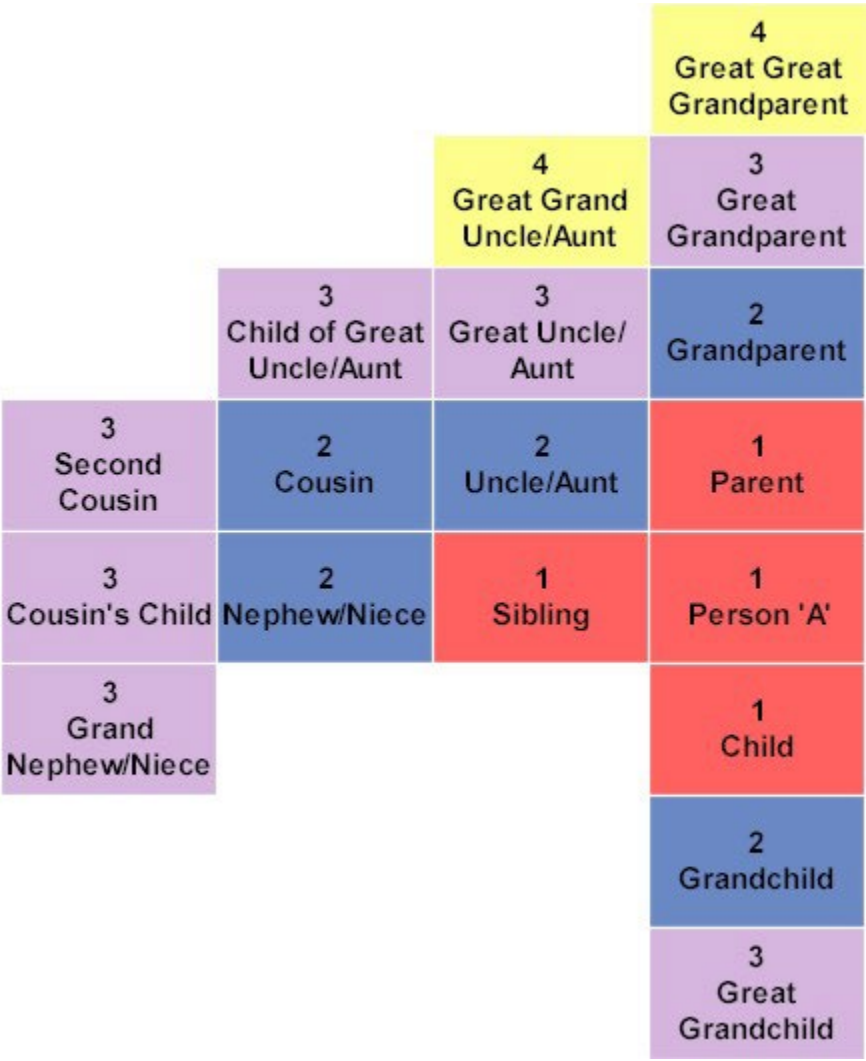
Additional analysis provided in the Attorney General Guideline dated January 20, 1997 states:

> The prohibition of the use of public funds in political campaigns is primarily based upon the public funds doctrine. The doctrine prohibits the expenditure of public moneys for purposes unrelated to the function of government. As noted by the New York Supreme Court in Stern v. Kramarsky, 375 N.Y.S. 2d 235 (1975):
>
> > Public funds are trust funds, and as such are sacred and are to be used for the operation of government. For government agencies to attempt to influence public opinion on such matters inhibits the democratic process through the misuse of government funds and prestige. Improper expenditure of funds, whether directly through promotional and advertising

> activities or indirectly through the use of government employees or facilities cannot be countenanced.

1997 Idaho Att'y Gen. Ann. Rpt. 35.

CONSANGUINITY CHART



RELEVANT STATUTES

BRIBERY AND CORRUPT INFLUENCE ACT

18-1351. Bribery and corrupt practices — Definitions. Unless a different meaning plainly is required in this chapter:

(1) "Benefit" means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare he is interested, but not an advantage promised generally to a group or class of voters as a consequence of public measures which a candidate engages to support or oppose. "Benefit" does not include an award with economic significance of five hundred dollars ($500) or less given to a nonelected public servant by a nonprofit organization whose membership is limited to public servants as part of a public servant recognition program that is designed to recognize innovation and achievement in the workplace, provided that the organization discloses in advance on its website the nature of the program, the amount of the award, the names of any persons or entities that contributed to the award and the recipient of the award.

(2) "Confidential information" means knowledge gained through a public office, official duty or employment by a governmental entity which is not subject to disclosure to the general public and which, if utilized in financial transactions would provide the user with an advantage over those not having such information or result in harm to the governmental entity from which it was obtained.

(3) "Government" includes any branch, subdivision or agency of the government of the state or any locality within it and other political subdivisions including, but not limited to, highway districts, planning and zoning commissions and cemetery districts, and all other governmental districts, commissions or governmental bodies not specifically mentioned in this chapter.

(4) "Harm" means loss, disadvantage or injury, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested.

(5) "Official proceeding" means a proceeding heard or which may be heard before any legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding.

(6) "Party official" means a person who holds an elective or appointive post in a political party in the United States by virtue of which he directs or conducts, or participates in directing or conducting party affairs at any level of responsibility.

(7) "Pecuniary benefit" is any benefit to a public official or member of his household in the form of money, property or commercial interests, the primary significance of which is economic gain.

(8) "Public servant" means any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses.

(9) "Administrative proceeding" means any proceeding, other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law, or in which law or regulation is particularized in application to individuals.

18-1352. Bribery in official and political matters. A person is guilty of bribery, a felony, if he offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another:

(1) Any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter; or

(2) Any benefit as consideration for the recipient's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or

(3) Any benefit as consideration for a violation of a known legal duty as public servant or party official. It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

18-1353. Threats and other improper influence in official and political matters.

(1) Offenses defined. A person commits an offense if he:

(a) threatens unlawful harm to any person with purpose to influence his decision, opinion, recommendation, vote or other

exercise of discretion as a public servant, party official or voter; or

(b) threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding; or

(c) threatens harm to any public servant or party official with purpose to influence him to violate his known legal duty; or

(d) privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, entreaty, argument or other communication with purpose to influence the outcome on the basis of considerations other than those authorized by law.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

(2) Grading. An offense under this section is a misdemeanor unless the actor threatened to commit a crime or made a threat with purpose to influence a judicial or administrative proceeding, in which cases the offense is a felony.

18-1353A. Threats against state officials of the executive, legislative or judicial branch or elected officials of a county or city. Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier, any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon any state elected official of the executive or legislative branch, or any justice, judge or magistrate of the judicial branch, or person appointed to fill the vacancy of a state elected official of the executive or legislative branch of the state of Idaho, or knowingly and willfully otherwise makes any such threat against a state elected official of the executive or legislative branch, or any justice, judge or magistrate of the judicial branch, or person appointed to fill the vacancy of a state elected official of the executive or legislative branch of the state of Idaho is guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one thousand dollars ($1,000) and shall be sentenced to not to exceed one (1) year in the county jail. If such threat is made while the defendant exhibits a firearm or other dangerous or deadly weapon, the defendant shall be guilty of a felony. Upon a second or subsequent conviction of an

offense under this section, the defendant shall be guilty of a felony and shall be sentenced to a term of not to exceed five (5) years in the state penitentiary.

18-1354. Compensation for past official behavior. A person commits a misdemeanor if he solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having as public servant, given a decision, opinion, recommendation or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his duty. A person commits a misdemeanor if he offers, confers or agrees to confer, compensation, acceptance of which is prohibited by this section.

18-1355. Retaliation for past official action. A person commits a misdemeanor if he harms another by any unlawful acts in retaliation for anything lawfully done by the latter in the capacity of public servant.

18-1356. Gifts to public servants by persons subject to their jurisdiction.

(1) Regulatory and law enforcement officials. No public servant in any department or agency exercising regulatory functions, or conducting inspections or investigations, or carrying on civil or criminal litigation on behalf of the government, or having custody of prisoners, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody, or against whom such litigation is known to be pending or contemplated.

(2) Officials concerned with government contracts and pecuniary transactions. No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction.

(3) Judicial and administrative officials. No public servant having judicial or administrative authority and no public servant employed by or in a court or other tribunal having such authority, or participating in the enforcement of its decisions, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such public servant or a tribunal with which he is associated.

(4) Legislative and executive officials. No legislator or public servant shall solicit, accept or agree to accept any pecuniary benefit in

return for action on a bill, legislation, proceeding or official transaction from any person known to be interested in a bill, legislation, official transaction or proceeding.

(5) Exceptions. This section shall not apply to:

(a) fees prescribed by law to be received by a public servant, or any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled; or

(b) gifts or other benefits conferred on account of kinship or other personal, professional or business relationship independent of the official status of the receiver; or

(c) trivial benefits not to exceed a value of fifty dollars ($50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality; or

(d) benefits received as a result of lobbying activities that are disclosed in reports required by chapter 7, title 74, Idaho Code. This exception shall not apply to any activities prohibited by subsections (1) through (4) of this section.

(6) Offering benefits prohibited. No person shall knowingly confer, or offer or agree to confer, any benefit prohibited by the foregoing subsections.

(7) Grade of offense. An offense under this section is a misdemeanor and shall be punished as provided in this chapter.

18-1357. Compensating public servant for assisting private interests in relation to matters before him.

(1) Receiving compensation. A public servant commits a misdemeanor if he solicits, accepts or agrees to accept compensation for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which he knows that he has or is likely to have an official discretion to exercise.

(2) Paying compensation. A person commits a misdemeanor if he pays or offers or agrees to pay compensation to a public servant with knowledge that acceptance by the public servant is unlawful.

18-1358. Selling political endorsement — Special influence.

(1) Selling political endorsement. A person commits a misdemeanor if he solicits, receives, agrees to receive, or agrees that any political party or other person shall receive any pecuniary benefit as consideration for approval or disapproval of an appointment or advancement in public service, or for approval or disapproval of any person or transaction for any benefit conferred by an official or agency of the government. "Approval" includes recommendations, failure to disapprove, or any other manifestation of favor or acquiescence. "Disapproval" includes failure to approve, or any other manifestation of disfavor or non-acquiescence.

(2) Other trading in special influence. A person commits a misdemeanor if he solicits, receives or agrees to receive any pecuniary benefit as consideration for exerting special influence upon a public servant or procuring another to do so. "Special influence" means power to influence through kinship, friendship, or other relationship apart from the merits of the transaction.

(3) Paying for endorsement or special influence. A person commits a misdemeanor if he offers, confers or agrees to confer any pecuniary benefit, receipt of which is prohibited by this section.

18-1359. Using public position for personal gain.

(1) No public servant shall:

(a) Without the specific authorization of the governmental entity for which he serves, use public funds or property to obtain a pecuniary benefit for himself.

(b) Solicit, accept or receive a pecuniary benefit as payment for services, advice, assistance or conduct customarily exercised in the course of his official duties. This prohibition shall not include trivial benefits not to exceed a value of fifty dollars ($50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

(c) Use or disclose confidential information gained in the course of or by reason of his official position or activities in any manner with the intent to obtain a pecuniary benefit for himself or any other person or entity in whose welfare he is interested or

with the intent to harm the governmental entity for which he serves.

(d) Be interested in any contract made by him in his official capacity, or by any body or board of which he is a member, except as provided in section 18-1361, Idaho Code.

(e) Appoint or vote for the appointment of any person related to him by blood or marriage within the second degree, to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds or fees of office, or appoint or furnish employment to any person whose salary, wages, pay or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant when such appointment is made on the agreement or promise of such other public servant or any other public servant to appoint or furnish employment to anyone so related to the public servant making or voting for such appointment. Any public servant who pays out of any public funds under his control or who draws or authorizes the drawing of any warrant or authority for the payment out of any public fund of the salary, wages, pay, or compensation of any such ineligible person, knowing him to be ineligible, is guilty of a misdemeanor and shall be punished as provided in this chapter.

(f) Unless specifically authorized by another provision of law, commit any act prohibited of members of the legislature or any officer or employee of any branch of the state government by section 67-9230, Idaho Code, violations of which are subject to penalties as provided in section 67-9231, Idaho Code, which prohibition and penalties shall be deemed to extend to all public servants pursuant to the provisions of this section.

(2) No person related to any member of the legislature by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty within the legislative branch of government or otherwise be employed by the legislative branch of government when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds. The provisions of this subsection shall not apply to any person who participates in the legislative page program of the senate or the house of representatives.

(3) No person related to a mayor or member of a city council by blood or marriage within the second degree shall be appointed to any

clerkship, office, position, employment or duty with the mayor's or city council's city when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(4) No person related to a county commissioner by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the commissioner's county when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(5) (a) An employee of a governmental entity who is related to a local government official within the second degree shall be entitled to retain his or her position and receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions if the employee:

(i) Held the position prior to the election of the local government official; or

(ii) Meets the requirements of subsection (8) of this section prior to a city's population exceeding ten thousand (10,000) persons.

(b) Nothing in this section shall be construed as creating any property rights in the position held by an employee subject to this section, and all authority in regard to disciplinary action, transfer, dismissal, demotion or termination shall continue to apply to the employee.

(6) The prohibitions contained within this section shall not include conduct defined by the provisions of section 74-403(4), Idaho Code.

(7) The prohibitions within this section and section 18-1356, Idaho Code, as it applies to part-time public servants, do not include those actions or conduct involving the public servant's business, profession or occupation and unrelated to the public servant's official conduct, and do not apply to a pecuniary benefit received in the normal course of a legislator's business, profession or occupation and unrelated to any bill, legislation, proceeding or official transaction.

(8) (a) The prohibition of subsection (3) of this section shall not apply if all the following conditions are met:

(i) The city has a population of fewer than ten thousand (10,000) persons, based on the most recent decennial census;

(ii) The position to be filled requires specific education, training, or relevant experience related to the duties of the position, and the related individual meets those qualifications;

(iii) Public notice of the job opening has been made through means customarily used by the city for job postings, including posting to the city website, if applicable;

(iv) The position has been publicly posted for no fewer than forty-five (45) days prior to the proposed appointment or employment, and no qualified applicants have applied during the posting period;

(v) The city has made a good faith effort to identify and consider qualified applicants, including documented outreach and follow-up with applicants to determine availability and qualifications;

(vi) The city maintains a written record of:

1. All applications received;

2. The qualifications of each applicant;

3. The reasons for rejection of unqualified applicants; and

4. The rationale for the appointment or employment of the related individual;

(vii) The city council approves the appointment or employment at an open meeting, and the familial relationship is publicly disclosed prior to the vote;

(viii) The related, elected official does not serve as the supervisor, manager, or otherwise exercise direct authority over the work or employment conditions of the newly appointed or employed individual. The city council shall assign supervisory responsibilities to an unrelated employee or official who is not within the second degree of blood or marriage to the newly appointed or employed individual. Any performance evaluations, disciplinary actions, or decisions

relating to compensation or advancement shall be made or reviewed by an unrelated supervisor or official and confirmed by the city council, with a written record maintained documenting the rationale for such actions; and

(ix) Any increase in compensation for a person appointed or employed pursuant to this subsection is limited to cost-of living adjustments or other across-the-board increases provided to all employees. Such individual shall not be eligible for discretionary increases, bonuses, or promotions unless approved by the city council in an open meeting, with the rationale for such increase made part of the record. No person appointed or employed pursuant to this subsection shall receive any benefits beyond those uniformly offered to all similarly situated employees of the city.

(b) No position shall be created solely for the purpose of employing a related individual, nor shall the provisions of this subsection be construed to impair or limit the provisions of subsection (5) of this section.

18-1360. Penalties. Any public servant who violates the provisions of this chapter, unless otherwise provided, shall be guilty of a misdemeanor and may be punished by a fine not exceeding one thousand dollars ($1,000), or by incarceration in the county jail for a period not exceeding one (1) year, or by both such fine and incarceration. In addition to any penalty imposed in this chapter, any person who violates the provisions of this chapter may be required to forfeit his office and may be ordered to make restitution of any benefit received by him to the governmental entity from which it was obtained.

18-1361. Self-interested contracts — Exception. Where there are less than three (3) suppliers of a good or a service within a fifteen (15) mile radius of where the good or service is to be provided, it shall not constitute a violation of the provisions of subsection (1) (d) or (e) of section 18-1359, Idaho Code, for a public servant or for his relative to contract with the public body of which the public servant is a member if the contract is reasonably necessary to respond to a disaster as defined in chapter 10, title 46, Idaho Code, or if the procedures listed below are strictly observed. For purposes of this section, “relative” shall mean any person related to the public servant by blood or marriage within the second degree.

(1) The contract is competitively bid and the public servant or his relative submits the low bid; and

(2) Neither the public servant nor his relative takes any part in the preparation of the contract or bid specifications, and the public servant takes no part in voting on or approving the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest or that of his relative and of his or his relative's intention to bid on the contract; and

(4) Neither the public servant nor his relative has violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

18-1361A. Non-compensated appointed public servant — Relatives of public servant — Exception. When a person is a public servant by reason of his appointment to a governmental entity board for which the person receives no salary or fees for his service on said board, it shall not constitute a violation of the provisions of subsection (1) (d) or (e) of section 18-1359, Idaho Code, for a public servant or for his relative to contract with the public body of which the public servant is a member if the procedures listed below are strictly observed. For purposes of this section, "relative" shall mean any person related to the public servant by blood or marriage within the second degree.

(1) The contract is competitively bid and the public servant or his relative submits the low bid; and

(2) Neither the public servant nor his relative takes any part in the preparation of the contract or bid specifications, and the public servant takes no part in voting on or approving the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest or that of his relative and of his or his relative's intention to bid on the contract; and

(4) Neither the public servant nor his relative has violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

18-1362. Cause of action. A prosecuting attorney or the attorney general may bring an action in the district court of the county in which a public servant resides to enjoin a violation of the provisions of this chapter and to

require the public servant to make restitution to the government of any pecuniary gain obtained. The prevailing party shall be awarded his costs and reasonable attorney fees.

ETHICS IN GOVERNMENT ACT

74-401. Short title. This act shall be known and may be cited as the "Ethics in Government Act of 2015."

74-402. Policy and purpose. It is hereby declared that the position of a public official at all levels of government is a public trust and it is in the public interest to:

(1) Protect the integrity of government throughout the state of Idaho while at the same time facilitating recruitment and retention of personnel needed within government;

(2) Assure independence, impartiality and honesty of public officials in governmental functions;

(3) Inform citizens of the existence of personal interests which may present a conflict of interest between an official's public trust and private concerns;

(4) Prevent public office from being used for personal gain contrary to the public interest;

(5) Prevent special interests from unduly influencing governmental action; and

(6) Assure that governmental functions and policies reflect, to the maximum extent possible, the public interest.

74-403. Definitions. — For purposes of this chapter:

(1) "Official action" means any decision on, or proposal, consideration, enactment, defeat, or making of any rule, regulation, rate-making proceeding or policy action or nonaction by a governmental body or any other policy matter which is within the official jurisdiction of the governmental body.

(2) "Business" means any undertaking operated for economic gain, including, but not limited to, a corporation, partnership, trust, proprietorship, firm, association or joint venture.

(3) "Business with which a public official is associated" means any business of which the public official or member of his household is a director, officer, owner, partner, employee or holder of stock over five thousand dollars ($5,000) or more at fair market value.

(4) "Conflict of interest" means any official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated, unless the pecuniary benefit arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or class required by law as a prerequisite to the holding by the person of the office or position;

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged;

(c) Any interest which the person has by virtue of his profession, trade or occupation where his interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade or occupation;

(d) Any action by a public official upon any revenue measure, any appropriation measure or any measure imposing a tax, when similarly situated members of the general public are affected by the outcome of the action in a substantially similar manner and degree.

(5) "Economic gain" means increase in pecuniary value from sources other than lawful compensation as a public official.

(6) "Governmental entity" means:

(a) The state of Idaho and all agencies, commissions and other governmental bodies of the state; and

(b) Counties and municipalities of the state of Idaho, all other political subdivisions including, but not limited to, highway districts, planning and zoning commissions or governmental bodies not specifically mentioned in this chapter.

(7) "Members of a household" mean the spouse and dependent children of the public official and/or persons whom the public official is legally obligated to support.

(8) "Person" means an individual, proprietorship, partnership, association, trust, estate, business trust, group or corporation, whether operated for profit or not, and any other legal entity, or agent or servant thereof, or a governmental entity.

(9) "Public office" means any position in which the normal and usual duties are conducted on behalf of a governmental entity.

(10) "Public official" means any person holding public office in the following capacity:

> (a) As an elected public official meaning any person holding public office of a governmental entity by virtue of an elected process, including persons appointed to a vacant elected office of a governmental entity, excluding members of the judiciary; or
>
> (b) As an elected legislative public official meaning any person holding public office as a legislator; or
>
> (c) As an appointed public official meaning any person holding public office of a governmental entity by virtue of formal appointment as required by law; or
>
> (d) As an employed public official meaning any person holding public office of a governmental entity by virtue of employment, or a person employed by a governmental entity on a consultative basis.

74-404. Required action in conflicts. A public official shall not take any official action or make a formal decision or formal recommendation concerning any matter where he has a conflict of interest and has failed to disclose such conflict as provided in this section. Disclosure of a conflict does not affect an elected public official's authority to be counted for purposes of determining a quorum and to debate and to vote on the matter, unless the public official requests to be excused from debate and voting at his or her discretion. In order to determine whether a conflict of interest exists relative to any matter within the scope of the official functions of a public official, a public official may seek legal advice from the attorney representing that governmental entity or from the attorney general or from independent counsel. If the legal advice is that no real or potential conflict

of interest exists, the public official may proceed and shall not be subject to the prohibitions of this chapter. If the legal advice is that a real or potential conflict may exist, the public official:

(1) If he is an elected legislative public official, he shall disclose the nature of the potential conflict of interest and/or be subject to the rules of the body of which he/she is a member and shall take all action required under such rules prior to acting on the matter. If a member requests to be excused from voting on an issue which involves a conflict or a potential conflict, and the body of which he is a member does not excuse him, such failure to excuse shall exempt that member from any civil or criminal liability related to that particular issue.

(2) If he is an elected state public official, he shall prepare a written statement describing the matter required to be acted upon and the nature of the potential conflict, and shall file such statement with the secretary of state prior to acting on the matter. A public official may seek legal advice from the attorney representing that agency or from the attorney general or from independent counsel. The elected public official may then act on the advice of the agency's attorney, the attorney general or independent counsel.

(3) If he is an appointed or employed state public official, he shall prepare a written statement describing the matter to be acted upon and the nature of the potential conflict, and shall deliver the statement to his appointing authority. The appointing authority may obtain an advisory opinion from the attorney general or from the attorney representing that agency. The public official may then act on the advice of the attorney general, the agency's attorney or independent counsel.

(4) If he is an elected public official of a county or municipality, he shall disclose the nature of a potential conflict of interest prior to acting on a matter and shall be subject to the rules of the body of which he/she is a member and take all action required by the rules prior to acting on the matter. If a member requests to be excused from voting on an issue, which involves a conflict or a potential conflict, and the body of which he is a member, does not excuse him, such failure to excuse shall exempt that member from any civil or criminal liability related to that particular issue. The public official may obtain an advisory opinion from the attorney general or the attorney for the county or municipality or from independent counsel. The public official may then act on the advice of the attorney general or attorney for the county or municipality or his independent counsel.

(5) If he is an appointed or employed public official of a county or municipality, he shall prepare a written statement describing the matter required to be acted upon and the nature of the potential conflict, and shall deliver the statement to his appointing authority. The appointing authority may obtain an advisory opinion from the attorney for the appointing authority, or, if none, the attorney general. The public official may then act on the advice of the attorney general or attorney for the appointing authority or independent counsel.

(6) Nothing contained herein shall preclude the executive branch of state government or a political subdivision from establishing an ethics board or commission to perform the duties and responsibilities provided for in this chapter. Any ethics board or commission so established shall have specifically stated powers and duties including the power to:

(a) Issue advisory opinions upon the request of a public official within its jurisdiction;

(b) Investigate possible unethical conduct of public officials within its jurisdiction and conduct hearings, issue findings, and make recommendations for disciplinary action to a public official's appointing authority;

(c) Accept complaints of unethical conduct from the public and take appropriate action.

74-405. Noncompensated public official — Exception. When a person is a public official by reason of his appointment or election to a governing board of a governmental entity for which the person receives no salary or fee as compensation for his service on said board, he shall not be prohibited from having an interest in any contract made or entered into by the board of which he is a member, if he strictly observes the procedure set out in section 18-1361A, Idaho Code.

74-406. Civil penalty.

(1) Any public official who intentionally fails to disclose a conflict of interest as provided for in section 74-404, Idaho Code, shall be guilty of a civil offense, the penalty for which may be a fine not to exceed five hundred dollars ($500), provided that the provisions of this subsection shall not apply to any public official where the governmental entity on which said official serves has put into operation an ethics commission or board described in section 74-404(6), Idaho Code.

(2) The penalty prescribed in subsection (1) of this section does not limit the power of either house of the legislature to discipline its own members, nor limit the power of governmental entities, including occupational or professional licensing bodies, to discipline their members or personnel. A violation of the provisions of this chapter shall not preclude prosecution and conviction for any criminal violation that may have been committed.

74-407. Tax-related correspondence.

(1) Neither the name of any elected public official nor any electioneering message shall appear on tax-related correspondence from the state of Idaho to a taxpayer, whether or not it includes a check, warrant, or rebate, or on county tax-related correspondence with a taxpayer, whether or not it includes a check, warrant, or rebate, unless acting as an endorser of a check, warrant, or rebate or unless otherwise necessary for the proper execution of a check, warrant, or rebate. This provision shall apply to standard letterhead of the state or of a county.

(2) For the purposes of this section, "electioneering message" shall include statements regarding, expressing support for, or soliciting support for any:

(a) Governmental program or initiative; or

(b) Nonprofit corporation, including any program or initiative of a nonprofit corporation.

PROHIBITIONS AGAINST CONTRACTS WITH OFFICERS

74-501. Officers not to be interested in contracts. Members of the legislature, state, county, city, district and precinct officers, must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.

74-502. Remote interests.

(1) A public officer shall not be deemed to be interested in a contract, within the meaning of section 74-501, Idaho Code, if he has only a remote interest in the contract and if the fact and extent of such interest is disclosed to the body of which he is an officer and noted in the official minutes or similar records prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without

counting the vote or votes of the officer having the remote interest. As used in this section, "remote interest" means:

(a) That of a nonsalaried officer of a nonprofit corporation; or

(b) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; or

(c) That of a landlord or tenant of a contracting party; or

(d) That of a holder of less than one percent (1%) of the shares of a corporation or cooperative which is a contracting party.

(2) Although a public official's interest in a contract may be only remote, a public official shall not influence or attempt to influence any other officer of the board of which he is an officer to enter into the contract. Violation of the provisions of this subsection shall be a misdemeanor as provided in section 74-509, Idaho Code. Any contract created or entered into in violation of the provisions of this subsection shall be void.

74-503. Officers not to be interested in sales. State, county, district, precinct and city officers must not be purchasers at any sale nor vendors at any purchase made by them in their official capacity.

74-504. Prohibited contracts voidable. Every contract made in violation of any of the provisions of this chapter may be avoided at the instance of any party except the officer interested therein.

74-505. Dealing in warrants prohibited. The state treasurer and state controller, the several county, city, district or precinct officers of this state, their deputies and clerks, are prohibited from purchasing or selling, or in any manner receiving to their own use or benefit, or to the use or benefit of any person or persons, whatever, any state, county, or city warrants, scrip, orders, demands, claims, or other evidences of indebtedness against the state, or any county or city thereof, except evidences of indebtedness issued to or held by them for services rendered as such officer, deputy or clerk, and evidences of the funded indebtedness of such state, county, city, district or corporation.

74-506. Affidavit of nonviolation a prerequisite to allowance of accounts. Every officer whose duty it is to audit and allow the accounts of other state, county, district, city or precinct officers, must, before

allowing such accounts, require each of such officers to make and file with him an affidavit that he has not violated any of the provisions of this chapter.

74-507. Provisions of chapter violated — Disbursing officer not to pay warrants. Officers charged with the disbursement of public moneys must not pay any warrant or other evidence of indebtedness against the state, county, city or district, when the same has been purchased, sold, received or transferred contrary to any of the provisions of this chapter.

74-508. Suspension of settlement or payment — Prosecution of offenders. Every officer charged with the disbursement of public moneys, who is informed by affidavit that any officer whose account is to be settled, audited, or paid by him, has violated any of the provisions of this chapter, must suspend such settlement or payment, and cause such officer to be prosecuted for such violation.

74-509. Violation. A violation of the provisions of this chapter, unless otherwise provided, is a misdemeanor and shall be punished by a fine not exceeding one thousand dollars ($1,000), or incarceration in the county jail for a period not exceeding one (1) year, or by both such fine and incarceration.

74-510. Noncompensated public official — Exception. When a person is a public official by reason of his appointment or election to a governing board of a governmental entity for which the person receives no salary or fee as compensation for his service on said board, he shall not be prohibited from having an interest in any contract made or entered into by the board of which he is a member, if he strictly observes the procedure set out in section 18-1361A, Idaho Code.

74-511. Violation relating to public contracts. Officers shall not commit any act prohibited by section 67-9230, Idaho Code, violations of which are subject to penalties as provided in section 67-9231, Idaho Code, and which prohibitions and penalties shall be deemed to extend to all public officers governed by the provisions of this chapter.

PUBLIC INTEGRITY IN ELECTIONS ACT

74-601. Short title. This act shall be known and may be cited as the "Public Integrity in Elections Act."

74-602. Legislative intent. The legislature finds that is against the public policy of the state of Idaho for public funds, resources or property to be used to advocate for or against a candidate or ballot measure.

74-603. Definitions. As used in this chapter:

(1) (a) "Advocate" means to campaign for or against a candidate or the outcome of a ballot measure.

(b) "Advocate" does not mean providing factual information about a ballot measure and the public entity's reason for the ballot measure stated in a factually neutral manner. Factual information includes, but is not limited to, the cost of indebtedness, intended purpose, condition of property to be addressed, date and location of election, qualifications of candidates or other applicable information necessary to provide transparency to electors.

(2) "Ballot measure" means constitutional amendments, bond measures or levy measures.

(3) "Candidate" means and includes every person for whom it is contemplated or desired that votes be cast at any political convention, primary, general, local or special election and who either tacitly or expressly consents to be so considered.

(4) "Expenditure" means:

(a) A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value; or

(b) A legally enforceable contract, promise or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value.

(5) "Property or resources" means goods, services, equipment, computer software and hardware, college extra credit, other items of intangible property, or facilities provided to or for the benefit of a candidate, a candidate's personal campaign committee, a political issues committee for political purposes, or advocacy for or against a ballot measure or candidate. Public property or resources that are available to the general public, at such times and in such manner as they are available to the general public, in section 34-109, Idaho Code, provided that all political parties are given equal and fair access.

(6) "Public entity" means the state, each state agency, county, municipality, school district or other taxing district or public corporation empowered to submit ballot measures to its electors.

(7) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest or other returns on investment.

(8) "Public official" means an elected or appointed member of a public entity who has:

(a) Authority to make or determine public policy;

(b) Supervisory authority over the personnel and affairs of a public entity; or

(c) Authority to approve the expenditure of funds for the public entity.

(9) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority or other administrative unit of the state.

74-604. Public funds prohibited. Unless specifically required by law, and except as provided in this chapter:

(1) Neither a public entity nor its employees shall make, nor shall a public official make or authorize, an expenditure from public funds to advocate for or against a candidate or a ballot measure.

(2) Neither a public entity nor any of its employees shall use, nor shall a public official authorize or use, public property or resources to advocate for or against a candidate or a ballot measure. There shall be an exception to the provisions of this subsection for any elected and currently serving Idaho legislator personally making use of public property or resources for the sole purpose of advocating for or against an initiative or referendum. This exemption shall apply only to the legislator's use of public property or resources for communication with the public using electronic or traditional physical correspondence or the use of any portion of any media initially produced using public property or resources from recordings of the legislature or any legislative committees. This exception shall not apply to any travel-related expense or any advocacy for or against a candidate.

(3) Neither a public entity nor any of its employees shall provide or offer to provide, nor shall a public official provide oroffer to provide, extra college credit to a student of a state institution of higher learning either:

(a) To encourage a student to vote or not vote; or

(b) To influence a student's vote for or against a candidate or ballot measure.

74-605. Exclusions. Nothing in this chapter shall prohibit:

(1) A public official or employee from speaking, campaigning, contributing personal money or otherwise exercising the public official's or employee's individual first amendment rights for political purposes, provided no public funds are used for expenditures supporting the public official or employee in such activity;

(2) A public entity, public official or employee from the neutral encouragement of voters to vote;

(3) An elected official or employee from personally campaigning or advocating for or against a ballot measure, provided no public funds, property or resources are used for supporting the elected official or employee in such activity except as provided in subsection (4) of this section;

(4) An elected and currently serving Idaho legislator personally making use of public property or resources for the sole purpose of advocating for or against an initiative or referendum, provided the use shall only apply to the legislator's use of public property or resources for communication with the public using electronic or traditional physical correspondence or the use of any portion of any media initially produced using public property or resources from recordings of the legislature or any legislative committees, and provided the use does not apply to any travel-related expenses or any advocacy for or against a candidate;

(5) A public entity from preparing and distributing to electors an objective statement explaining the purpose and effect of the ballot measure, including in the case of bond or levy elections the cost per taxpayer or taxable value, or similar information based on reasonable estimates prepared in good faith;

(6) The formulation and publication of statements regarding proposed amendments to the state constitution, as authorized by section 67-453, Idaho Code;

(7) The publication of information described in section 34-913, 34-914, and 34-1406, Idaho Code, as applicable, or other provisions of law requiring notices and disclosures in connection with elections and ballot measures; or

(8) A balanced student classroom discussion or debate of current or pending election issues.

74-606. Violations — Remedies.

(1) Any public official or employee who conducts or participates in an activity that violates the provisions of this chapter shall be subject to a civil penalty not to exceed two hundred fifty dollars ($250).

(2) Any public official or employee who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars ($1,500).

(3) Any public official or employee who knowingly violates any provision of this chapter and who has previously admitted to committing or has been previously determined to have committed a violation pursuant to subsection (2) of this section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars ($2,500).

(4) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this chapter in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this chapter, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose, as provided in section 31-2603, Idaho Code.

LOBBYING DISCLOSURE

Idaho Code title 74, chapter 7, Lobbying Disclosure, was added in 2025. This chapter requires lobbyists to register with the Idaho Secretary of State and governs the duties and obligations of lobbyists. The Secretary of State has a page on his website dedicated to Lobbyist Information and a Lobbyist Manual, for the promotion of openness and public confidence in government, which can be found at the following link: https://sos.idaho.gov/elections-division/lobbyist-information/.

MISCELLANEOUS STATUTES

31-2606. Prohibitions. No prosecuting attorney must receive any fee or reward for or on behalf of any prosecutor or other individual, for services in any prosecution, or business to which it is his official duty to attend or discharge; nor be concerned as attorney or counsel for either party other than for the state, people or county, in any civil action depending upon the same state of facts, upon which any criminal prosecution commenced but not determined depends, and no law partner of any county attorney must be engaged in the defense of any suit, action or proceeding, in which said prosecuting attorney appears on behalf of the people, state or county.

33-507. Limitation upon authority of trustees.

(1) It shall be unlawful for any trustee to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the school district or to accept any reward or compensation for services rendered as a trustee except as may be otherwise provided in this section. The board of trustees of a school district may accept and award contracts involving the school district to businesses in which a trustee or a person related to him by blood or marriage within the second degree has a direct or indirect interest provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a school district for deposit in any bank or trust company, or the lending of money by any bank or trust company to any school district, shall not be deemed to be a contract pertaining to the maintenance or conduct of a school district within the meaning of this section; nor shall the payment by any school district board of trustees of compensation to any bank or trust company, for services rendered in the transaction of any banking business with such district board of trustees, be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(2) It shall be unlawful for the board of trustees of any class of school district to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract requires or will require the payment or delivery of any school district funds, money or property to such spouse, except as provided in subsection (3) of this section or in section 18-1361 or 18-1361A, Idaho Code.

(3) No spouse or any trustee may be employed by a school district with a fall student enrollment population of greater of greater than one thousand two hundred (1,200) in the prior school year. For school districts and public charter schools with a fall student enrollment population of one

thousand two hundred (1,200) or less in the prior school year and for schools funded pursuant to the provisions of section 33-1003(2), Idaho Code, such spouse may be employed ina nonadministrative position for a school year if each of the following conditions has been met:

> (a) The position has been listed as open for application on the school district website or in a local newspaper, whichever is consistent with the district's current practice, and the position shall be listed for at least sixty (60) days, unless the opening occurred during the school year, in which case the position shall be so listed for at least fifteen (15) days. If the position is listed in a newspaper, the listing shall be made in a manner consistent with the provisions of section 60-106, Idaho Code;
>
> (b) No applications were received that met the minimum certification, endorsement, education or experience requirements of the position other than such spouse;
>
> (c) The trustee abstained from voting in the employment of the spouse and was absent from the meeting while in such employment was being considered and determined.

The school district or school may employ such spouse for further school years, provided that the conditions contained in this subsection are met for each school year in which such spouse is employed.

(4) Until June 30, 2030, for school districts with a fall student enrollment of four hundred (400) or less, a spouse may be employed if selected through a school district's approved hiring process as long as the trustee abstains from being involved in any part of the hiring, employment, or compensation processes and as long as the spouse is employed in a nonadministrative position.

(5) The trustee shall abstain from voting in any decisions affecting the compensation, benefits, individual performance evaluation or disciplinary action related to the spouse and shall be absent from the meeting while such issues are being considered and determined. Such limitation shall include, but not be limited to: any matters relating to negotiations regarding compensation and benefits; discussion and negotiation with district benefits providers; and any matter relating to the spouse and letters of reprimand, direction, probation or termination. Such limitations shall not prohibit the trustee spouse from participating in deliberation and voting upon the district's annual fiscal budget or annual audit report.

(6) Any spouse of a trustee employed as a certificated employee pursuant to this section, except spouses employed pursuant to subsection (4) of this section prior to June 30, 2030, shall be employed under a category 1 contract pursuant to 33-514A, Idaho Code. Any spouse employed in a noncertified position pursuant to this section shall be employed as an at-will employee with no contract status and no rights to continue employment.

(7) When any relative of any trustee or relative of the spouse of a trustee related by affinity or consanguinity within the second degree is considered for employment in a school district, such trustee shall abstain from voting in the election of such relative, and shall be absent from the meeting while such employment is being considered and determined.

59-102. Legislators disqualified from holding certain offices. It shall be unlawful for any member of the legislature, during the term for which he was elected, to accept or receive, or for the governor, or other officials or board, to appoint such member of the legislature to, any office of trust, profit, honor or emolument, created by any law passed by the legislature of which he is a member. Any appointment made in violation of this section shall be null and void and without force and effect, and any attempt to exercise the powers of such office by such appointee shall be a usurpation, and the appointee shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars.

67-9230. Prohibitions.

(1) No contract or any interest therein shall be transferred by the contractor to whom such contract is given to any other party without the approval in writing by the administrator and by the board of examiners pursuant to section 67-1027, Idaho Code. Transfer of a contract without approval shall cause the annulment of the contract so transferred, at the option of the state. All rights of action, however, for any breach of such contract by the contracting parties are reserved to the state.

(2) No member of the legislature or any officer or employee of any branch of the state government shall directly, himself, or by any other person in trust for him or for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or part, any contract made or entered into by or on behalf of the state of Idaho, if made by, through, or on behalf of the department in which he is an officer or employee; or if made by, through or on behalf of any other department unless the same is made after competitive bids.

(3) Except as provided in this chapter, no officer or employee shall influence or attempt to influence the award of a contract to a particular vendor, or to deprive or attempt to deprive any vendor of a contract.

(4) No officer or employee shall conspire with a vendor or its agent, and no vendor or its agent shall conspire with an officer or employee, to influence or attempt to influence the award of a contract, or to deprive or attempt to deprive a vendor of a contract.

(5) No officer or employee shall fail to use an open contract except as provided in this chapter.

(6) No officer or employee shall accept property knowing that the property does not meet specifications or other acceptance criteria set forth in the contract.

(7) Deprivation, influence or attempts thereat shall not include written reports, based upon substantial evidence, sent to the administrator concerning matters relating to the responsibility of vendors.

(8)(a) No vendor or related party, or subsidiary, or affiliate of a vendor may submit a bid to obtain a contract to provide property to the state, if the vendor or related party, or affiliate or subsidiary was paid to prepare the specifications for the property.

(b) Nothing in this subsection shall prohibit a vendor from submitting a bid after providing consulting or other services to a state agency, or participating in legislative committee meetings related to the property that is the subject of planned solicitation as long as:

(i) Such technical assistance, consulting or other services, or participation in legislative committee meetings does not result in bid specifications to be drawn such that only the vendor or related party, or affiliate or subsidiary of the vendor, can meet the bid specifications;

(ii) Such technical assistance, consulting or other services, or participation in legislative committee meetings does not otherwise provide the vendor or related party, or affiliate or subsidiary of the vendor, with a quantifiable and objective advantage in the bid process; and

(iii) Any work product or written documentation produced as a result of the technical assistance, consulting or other services,

or participation in legislative committee meetings is accessible to a public records request if the vendor responds to a relevant solicitation as provided in section 67-9208, Idaho Code.

(9) No person who has served in elected public office within three hundred sixty-five (365) days of a bid submission deadline shall participate in the solicitation, bid, or contract process pursuant to the provisions of this chapter on behalf of a vendor.

(10) No vendor shall employ an individual who has served in public office, or worked in a state agency or institution, within three hundred sixty-five (365) days of winning a bid where such individual participated in the solicitation, bid or contract process pursuant to the provisions of this chapter.

67-6506. Conflict of interest prohibited. A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. A knowing violation of this section shall be a misdemeanor.

INDEX OF ADDITIONAL CONFLICTS OF INTEREST STATUTES

Idaho Code § 16-106	Juvenile Proceedings – Early Intervention Services – Duties of coordinating council.
Idaho Code § 19-871	Criminal Procedure – Examination of Case and Discharge or Commitment of Accused – Appointment of additional counsel.
Idaho Code § 19-5109	Criminal Procedure – Peace Officer Standards and Training Council – Powers of the council – Standards of training, education and employment of peace officers – Certification – Penalties.
Idaho Code § 20-236	State Prison and County Jails – State Board of Correction – Members or employees of board not to be interested in contracts.
Idaho Code § 20-804	State Prison and County Jails – Private Prison Facilities – Authority of county or city to house prisoners in a private prison facility.
Idaho Code § 22-436	Agriculture and Horticulture – Pure Seed Law – Seed arbitration.
Idaho Code § 23-211	Alcoholic Beverages – State Liquor Division – Personnel not be to interested in private liquor traffic.
Idaho Code § 31-807A	Counties and County Law – Powers and Duties of Board of Commissioners – Commissioners must be disinterested.
Idaho Code § 31-2606	Counties and County Law – Prosecuting Attorney – Prohibitions.
Idaho Code § 31-2806	Counties and County Law – Coroner – Coroner to act as substitute for sheriff.
Idaho Code § 31-4505	Counties and County Law – Pollution Control Financing – Bonds.

Idaho Code § 31-4905	Counties and County Law – Regional Solid Waste or Domestic Septage Disposal Districts – Conflict of interest prohibited.
Idaho Code § 33-1208	Education – Teachers – Revocation, suspension, denial, or place reasonable conditions on certificate – Grounds.
Idaho Code § 33-1254	Education – Teachers – Professional codes and standards – Adoption – Publication.
Idaho Code § 33-2106	Education – Junior Colleges – Trustees of community college districts.
Idaho Code § 33-2120	Education – Junior Colleges – Interested commissioners or employees.
Idaho Code § 33-3004	Education – Idaho State University – Organization, meetings and proceedings of board.
Idaho Code § 33-3403	Education – Idaho Bureau of Educational Services for the Deaf and the Blind Act of 2009 – Bureau of educational services for the deaf and the blind established – Goal.
Idaho Code § 39-1328	Health and Safety – Hospital Licenses and Inspection – Organization of board – Seal – Duties of treasurer – Compensation of members – Financial statement.
Idaho Code § 39-1446	Health and Safety – Health Facilities – Organization meeting – Chairman – Executive director – Surety bond and conflict of interest.
Idaho Code § 39-5603	Health and Safety – Personal Assistance Services – Standards for provision of personal assistance services.
Idaho Code § 39-6607	Health and Safety – Big Payette Lake Water Quality Act – Organization.
Idaho Code § 39-7408B	Health and Safety – Idaho Solid Waste Facilities Act – Site review panels – Members, chairman, quorum, meetings, staff.

Idaho Code § 39-7908	Health and Safety – Local Option Swine Facilities Siting Act – Site review panels established.
Idaho Code § 40-409	Highways and Bridges – Idaho Turnpike Authority – Real property grants authorized – Annual report – Interest in contract penalized.
Idaho Code § 40-612	Highways and Bridges – County Commissioners and Highway Officers – Commissioners – Highway contracts.
Idaho Code § 41-208	Insurance – The Department of Insurance – Prohibited interests, rewards.
Idaho Code § 41-4937	Insurance – Petroleum Clean Water Trust Fund Act – Impaired trust fund.
Idaho Code § 42-1757	Irrigation and Drainage – Water Rights and Reclamation – Department of Water Resources – Water Resource Board – Members of board – Conflicts of interest.
Idaho Code § 42-3209	Irrigation and Drainage – Water Rights and Reclamation – Water and Sewer Districts – Organization of board – Accounts of treasurer – Compensation of members – Annual audit – Removal of directors.
Idaho Code § 42-5227	Irrigation and Drainage – Water Rights and Reclamation – Ground Water Districts – Officers must not be interested in contracts.
Idaho Code § 43-320	Irrigation Districts – Powers and Duties of Board of Directors – Officers must not be interested in contracts.
Idaho Code § 50-2017	Municipal Corporations – Urban Renewal Law – Interested public officials, commissioners or employees.
Idaho Code § 50-2705	Municipal Corporations – Municipal Industrial Development Program – Public corporations – Directors.

Idaho Code § 54-909	Professions, Vocations, and Businesses – Dentists – Board of dentistry – Qualifications of members.
Idaho Code § 54-1202(5)	Professions, Vocations, and Businesses – Engineer and Surveyors – Definitions.
Idaho Code § 54-1525	Professions, Vocations, and Businesses – Optometrists – Referrals by optical firms prohibited.
Idaho Code § 54-1720	Professions, Vocations, and Businesses – Pharmacists – Other duties – Powers – Authority.
Idaho Code § 54-1806A	Professions, Vocations, and Businesses – Physicians and Surgeons – Medical Disciplinary Enforcement.
Idaho Code § 61-207	Public Utility Regulation – Public Utilities Commission – Commissioners and employees – Oath – Qualifications – Restrictions on political activity.
Idaho Code § 63-3802	Revenue and Taxation – Board of Tax Appeals – Members.
Idaho Code § 66-119	State Charitable Institutions – State Hospitals – Pecuniary interest in contracts forbidden.
Idaho Code § 67-1406	State Government and State Affairs – Attorney General – Employment of attorneys restricted – Exemptions.
Idaho Code § 67-4713	State Government and State Affairs – Department of Commerce – Members' qualifications – Term of office – Conflict of interest.
Idaho Code § 67-4909	State Government and State Affairs – Auditorium Districts – Organization of board – Accounts of treasurer – Compensation of members – Annual audit – Removal of directors.

Idaho Code § 67-5252	State Government and State Affairs – Idaho Administrative Procedure Act – Presiding officer – Disqualification.
Idaho Code § 67-6221	State Government and State Affairs – Idaho Housing and Finance Association – Conflict of interest.
Idaho Code § 67-6407	State Government and State Affairs – Idaho State Building Authority Act – Conflict of interest.
Idaho Code § 67-6506	State Government and State Affairs – Local Land Use Planning – Conflict of interest prohibited.
Idaho Code § 67-7405	State Government and State Affairs – Idaho State Lottery – Commission – Appointment – Chairman.
Idaho Code § 67-7443	State Government and State Affairs – Idaho State Lottery – Conflict of interest.
Idaho Code § 67-7704	State Government and State Affairs – Bingo and Raffles – Bingo-Raffle advisory board – Members – Appointment – Qualifications.
Idaho Code § 67-9230	State Government and State Affairs – State Procurement Act – Prohibitions.
Idaho Code § 68-108	Trusts and Fiduciaries – Trusts – Power of court to permit deviation or to approve transactions involving conflict of interest.
Idaho Code § 70-1410	Watercourses and Port Districts – Port Districts – Commissions in General – Interest in contracts prohibited – Exceptions.
Idaho Code § 70-2105	Watercourses and Port Districts – Idaho Port District Economic Development Financing Act – Conflict of interest.