TITLE 74
TRANSPARENT AND ETHICAL GOVERNMENT

CHAPTER 7
LOBBYING DISCLOSURE

74-701. PURPOSE OF CHAPTER. The purpose of this chapter is:

(1) To promote public confidence in government; and

(2) To promote openness in government and to provide transparency by those promoting or opposing legislation or attempting to influence executive or administrative actions for compensation.

[74-701, added 2025, ch. 280, sec. 10, p. 1189.]

74-702. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

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

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

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

(4) "Executive official" means:

(a) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction, and any deputy or staff member of any of those individuals who, within the course and scope of employment, is directly involved in major policy-influencing decisions for the office;

(b) A state department or agency director, deputy director, division administrator, or bureau chief as established and enumerated in sections 67-2402 and 67-2406, Idaho Code;

(c) The membership and the executive or chief administrative officer of any board or commission that is authorized to make rules or conduct rulemaking activities pursuant to section 67-5201, Idaho Code;

(d) The membership and the executive or chief administrative officer of any board or commission that governs any of the state departments enumerated in section 67-2402, Idaho Code, not including public school districts;

(e) The membership and the executive or chief administrative officer of the Idaho public utilities commission, the Idaho industrial commission, and the Idaho state tax commission; and

(f) The members of the governing board of the state insurance fund and the members of the governing board and the executive or chief administrative officer of the Idaho housing and finance association, the Idaho energy resources authority, and the Idaho state building authority.

(5) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(6) "Indirect lobbying" means attempting to influence the opinion of the public with respect to legislation, members of the legislature, or executive officials and encouraging the members of the public to take action with respect to such legislation or individuals and shall include but shall not be limited to attempts to influence the opinion of the public through email, text messaging, direct messaging, door-to-door solicitation, billboards, television broadcasts, radio broadcasts, online advertising, and social media messaging or solicitation.

(7) "Lobby" or "lobbying" means attempting through contacts with, or causing others to make contact with, members of the legislature or an executive official to influence the approval, modification, or rejection of any legislation by the Idaho legislature or any committee thereof or by the governor or to develop or maintain relationships with, promote goodwill with, or entertain members of the legislature or executive officials. "Lobby" or "lobbying" also means indirect lobbying. "Lobby" or "lobbying" also means communicating with an executive official for the purpose of influencing the consideration, amendment, adoption, or rejection of any rule or rulemaking as defined in section 67-5201, Idaho Code, or any ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization; and neither "lobby" nor "lobbying" includes communicating with an executive official for the purpose of carrying out ongoing negotiations following the award of a bid or a contract, communications involving ongoing legal work and negotiations conducted by and with attorneys for executive agencies, interactions between parties in litigation or other contested matters, or communications among and between members of the legislature and executive officials and their employees, or by state employees while acting in their official capacity or within the course and scope of their employment.

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

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

(10) "Lobbyist's employer" means the person for whom a lobbyist is an employee and by whom the lobbyist is compensated for acting as a lobbyist.

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

[74-702, added 2025, ch. 280, sec. 10, p. 1190.]

74-703. REGISTRATION OF LOBBYISTS. (1) Before doing any lobbying, or within thirty (30) days after being employed, designated, or contracted as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the secretary of state a lobbyist registration statement, in such detail as

the secretary of state shall prescribe, accompanied by payment of a registration fee of ten dollars ($10.00) to be deposited by the secretary of state in the state treasury. The lobbyist registration statement shall include:

(a) The lobbyist's name, permanent business address, and any temporary residential and business address in Ada county during the legislative session;

(b) The name, address, and notification email address to be used under section 74-705(2), Idaho Code, for the employer, client, or designated contact, as well as the general nature of the occupation or business of the lobbyist's employer or client, and the duration of the employment or contract;

(c) In the case of a designated lobbyist for a corporate entity as described in section 74-704(7), Idaho Code, the name and notification email address of the corporate entity that is already registered as a lobbyist and for whom the designated lobbyist will be reporting all corporate and employee activities;

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

(e) The general subjects of the lobbyist's legislative interest; and

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

(2) Any lobbyist who receives or is to receive compensation from more than one (1) person for his services as a lobbyist shall file a separate notice of representation, accompanied by the fee of ten dollars ($10.00) for each separate notice of representation, with respect to each such person; except that when a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed by more than one (1) person, then such lobbyist may file a single statement, in which he shall detail the name, business address and general occupation of each person so paying or contributing.

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

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on or before each January 10, and failure to do so shall terminate his registration.

[74-703, added 2025, ch. 280, sec. 10, p. 1191.]

74-704. EXEMPTION FROM REGISTRATION. The following persons and activities shall be exempt from registration and reporting under sections 74-703 and 74-705, Idaho Code:

(1) Persons who limit their lobbying activities to appearances before public sessions of committees of the legislature or to appearances or participation in public meetings, public hearings, or public proceedings held or initiated by executive officials or their employees;

(2) Persons who are employees of an entity engaged in the business of publishing, broadcasting, or televising, while engaged in the gathering and

dissemination of news and comment thereon to the general public in the ordinary course of business;

(3) Persons who do not receive any compensation for lobbying and persons whose compensation for lobbying does not exceed two hundred fifty dollars ($250) in the aggregate during any calendar quarter, including persons who lobby on behalf of their employer, and the lobbying activity represents less than the equivalent of two hundred fifty dollars ($250) of the employee's time per calendar year quarter, based on an hourly proration of said employee's compensation;

(4) Members of a trade association who are acting on behalf of and at the request of the trade association, if such association has registered as a lobbyist pursuant to this chapter, and if any expenditures are reported by the association pursuant to section 74-705, Idaho Code;

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

(6) A person who represents a bona fide church, of which he is a member, solely for the purpose of protecting the constitutional right to the free exercise of religion; and

(7)(a) Employees of a corporate entity, if such corporate entity:

(i) Has registered as a lobbyist pursuant to this chapter;

(ii) Has appointed one (1) or more of its employees or contractors as its official designated lobbyist; and

(iii) The person so appointed by the corporate entity has completed the designated lobbyist registration.

(b) The corporate entity shall, through its designated lobbyist, fully and accurately report all expenditures made by employees who are exempt pursuant to this section in the manner and at the times required by this chapter, and, in addition thereto, shall report the names of all employees who make expenditures in the aggregate sum of fifty dollars ($50.00) or more during any calendar year on behalf of the corporate entity's lobbying activities.

[74-704, added 2025, ch. 280, sec. 10, p. 1192.]

74-705. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under section 74-703, Idaho Code, shall file with the secretary of state a monthly report of his lobbying activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the secretary of state. Monthly reports shall be filed within fifteen (15) days of the first day of the month for the activities of the month just past.

(2) Once a lobbyist has filed a monthly report, each person identified as an employer, client, or designated contact on the report will be electronically notified that the report has been filed by the lobbyist, using the contact information provided for the employer, client, or designated contact upon registration.

(3) Each monthly periodic report shall contain:

(a) The total of all expenditures made or incurred on behalf of such lobbyist by the lobbyist's employers or clients, not including payments made directly to the lobbyist, during the period covered by the report. The totals shall be segregated according to financial category, including but not limited to entertainment, food and refreshment, honoraria, travel, lodging, advertising, and other like expenditures. Reimbursed

personal living and travel expenses of a lobbyist made or incurred directly or indirectly for any lobbying purpose need not be reported;

(b) For any expenditure made on any single occasion that exceeds one hundred thirty-five dollars ($135) per person that is made for the purpose of lobbying for the benefit of or for any purposes related to the official capacity of any legislator or executive official, the date, name of payee, purpose, the name of any legislator or executive official to whom the expenditure relates, and the amount of such expenditure. Expenditures made for the purpose of lobbying for the benefit of or for any purposes related to members of the household of a legislator or executive official shall also be itemized if such expenditure exceeds the amount listed in this subsection. The itemization threshold in this paragraph shall be adjusted biennially by directive of the secretary of state, using consumer price index data compiled by the United States department of labor;

(c) In the case of a lobbyist employed by or contracted with more than one (1) employer or client, the proportionate amount of such expenditures in each category made or incurred on behalf of each of his employers or clients; and

(d) The subject matter of proposed legislation and the number of each senate or house bill, resolution, memorial, or other legislative activity or any rule, ratemaking decision, procurement, contract, bid or bid process, financial services agreement or bond in which the lobbyist has been engaged in supporting or opposing during the reporting period; provided that in the case of appropriations bills, the lobbyist shall enumerate the specific section or sections that he supported or opposed.

(4) In addition to any other reports required under this section, lobbyists shall report to the secretary of state any expenditure of one hundred dollars ($100) or more that is related to any indirect lobbying efforts within forty-eight (48) hours after such expenditure is made. Such report shall include the name of the lobbyist making the expenditure, the name and address of the client or employer on whose behalf the expenditure was made, the financial category of the expenditure, the date of the expenditure, and all applicable information required pursuant to subsection (3)(d) of this section. However, expenditures for food, refreshment, and entertainment are exempt from the requirements of this subsection and shall be reported as a part of the lobbyist's monthly report. Any report filed under this subsection shall be in addition to the reporting of these expenditures in the lobbyist's regular reports. For the purpose of determining when any expenditure report should be filed under this chapter, an expenditure is made on the day that the public communication paid by the expenditure is made or on the date payment is made, whichever is earlier.

(5) Reports required to be filed under the provisions of this section shall be filed online with the secretary of state, except as provided in section 74-710, Idaho Code, by no later than midnight on the date the filing is due.

[74-705, added 2025, ch. 280, sec. 10, p. 1193.]

74-706. REPORTS BY STATE ENTITIES. Any office or agency of state government or a state-funded educational institution that offers gifts of any kind through interaction with the legislative or executive departments of state government shall file the same reports lobbyists are required to file

pursuant to section 74-705, Idaho Code, unless the office, agency, or state-funded educational institution is otherwise represented by a lobbyist who files all necessary reports and documentation as provided by law.

[74-706, added 2025, ch. 280, sec. 10, p. 1194.]

74-707. EMPLOYMENT OF UNREGISTERED PERSONS. It shall be a violation of this chapter for any person to employ for pay or any consideration, or to pay or agree to pay any compensation to, a person to lobby who is not registered or exempt from registration under this chapter unless such person registers as a lobbyist as provided by this chapter as soon as practicable after such employment, payment, or agreement.

[74-707, added 2025, ch. 280, sec. 10, p. 1194.]

74-708. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration and may subject such person and such person's employer or client, if such employer or client aids, abets, ratifies, or confirms any such violation, to other civil liabilities as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers, and documents shall be made available for inspection by the secretary of state at any reasonable time during such three (3) year period; provided, however, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer or client, responsibility for the preservation of such records under this subsection shall rest with such employer or client.

(2) A person required to register as a lobbyist shall not:

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

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

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

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

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

(f) Accept any employment as a lobbyist for compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either house thereof or of any committee thereof. This contingent fee prohibition shall also apply to lobbying activities that pertain to communications with executive officials as defined in section 74-702(4), Idaho Code; or

(g) Lobby any member of the legislature or any executive official who is the spouse, child, child-in-law, parent, parent-in-law, sibling, or sibling-in-law of such person.

(3) To ensure proper reporting and identification of the source of expenditures, any public communication made that is reportable as a lobbying expense under this chapter shall clearly state "Paid for by [the name of the filing entity, lobbyist's client, or lobbyist's employer]." If the communication is made for the purpose of soliciting funds, the disclosure shall also clearly state "This is an attempt to solicit funds."

[74-708, added 2025, ch. 280, sec. 10, p. 1194.]

74-709. DOCKET -- CONTENTS -- REPORTS TO LEGISLATURE -- SUBJECTS OF LEGISLATION. The secretary of state shall prepare and keep a docket in which shall be entered the name and business address of each lobbyist, the name and business address of his employers, and the subjects of legislation, by bill number, if available, to which the employment relates, which information shall also be indexed by names of employers of lobbyists. Such docket shall be a public record and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the secretary of state. Beginning with the first week following the beginning of any regular or special session of the legislature and on every Wednesday thereafter for the duration of such session, the secretary of state shall from his records report to each house of the legislature the names of lobbyists registered under this chapter not previously reported, the names of the persons whom they represent, and subjects of legislation, by bill number, if available, in which they are interested.

[74-709, added 2025, ch. 280, sec. 10, p. 1195.]

74-710. DUTIES OF SECRETARY OF STATE. (1) The secretary of state is charged with enforcement of the provisions of this chapter.

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

(a) To prescribe forms for statements and other information required by this chapter to be filed and to furnish such forms and an instruction manual to persons required to file such statements and information;

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

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

(d) To investigate statements filed under the provisions of this chapter, to investigate alleged failures to file any statement required under the provisions of this chapter, and, upon complaint by any person, to investigate alleged violations of any provision of this chapter;

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

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

(g) To require and prescribe methods for the filing of reports in an online database established by the secretary of state's office for

the filing and publication of all reports required pursuant to this chapter. The online database shall accommodate the filings of all lobbyists. The online database shall be accessible on the secretary of state's website and be searchable by the public by address, date, expense, purpose, and any other content deemed appropriate by the secretary of state. The secretary of state may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state, which shall be entered into the online database by the secretary of state within three (3) days of filing.

[74-710, added 2025, ch. 280, sec. 10, p. 1195.]

74-711. STATEMENTS TO BE CERTIFIED. All statements required to be filed with the secretary of state under this chapter shall be signed and certified as true and correct by the person required to file such statements. Electronic signatures and certifications shall be governed by the uniform electronic transactions act pursuant to chapter 50, title 28, Idaho Code.

[74-711, added 2025, ch. 280, sec. 10, p. 1196.]

74-712. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSECUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions of sections 74-703, 74-705, 74-707, 74-708(1), or 74-711, Idaho Code, shall be liable for a civil fine not to exceed two hundred fifty dollars ($250) if an individual, and not more than two thousand five hundred dollars ($2,500) if a person other than an individual. The burden of proof for such civil liability shall be met by showing a preponderance of the evidence.

(2) Any person who violates the provisions of section 74-708(2), Idaho Code, and any person who knowingly and willfully violates sections 74-703, 74-705, 74-707, 74-708(1), or 74-711, Idaho Code, is guilty of a misdemeanor and, upon conviction, in addition to the fines set forth in subsection (1) of this section, may be imprisoned for not more than six (6) months or be both fined and imprisoned.

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

(4) Prosecution for a civil or misdemeanor violation of this chapter must be commenced within two (2) years after the date on which the violation occurred.

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

[74-712, added 2025, ch. 280, sec. 10, p. 1196.]

74-713. LATE FILING OF REPORT -- FEES. (1) If any person fails to file a report required under this chapter on or before a specified date, he shall be liable to the secretary of state for deposit in the general fund in the amount of fifty dollars ($50.00) per day beginning forty-eight (48) hours after the deadline until the report is filed. The secretary of state shall notify the person that a fine has been assessed and will continue to accrue until the report has been filed. The notification shall be made by telephone or electronic means within twenty-four (24) hours of the missed filing deadline.

(2) The remedy provided in this section is cumulative and does not exclude any other remedy or penalty prescribed in section 74-712, Idaho Code.

[74-713, added 2025, ch. 280, sec. 10, p. 1196.]

74-714. INJUNCTIONS. The district courts of this state shall have original jurisdiction to issue injunctions to enforce the provisions of this chapter upon application by the secretary of state.

[74-714, added 2025, ch. 280, sec. 10, p. 1196.]

74-715. SEVERABILITY. If any provisions of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

[74-715, added 2025, ch. 280, sec. 10, p. 1197.]

74-716. CONSTRUCTION. The provisions of this chapter are to be liberally construed to effectuate the policies and purposes of this chapter. In the event of conflict between the provisions of this chapter and any other provision of law, the provisions of this chapter shall govern.

[74-716, added 2025, ch. 280, sec. 10, p. 1197.]