

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 245

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CAMPAIGN FINANCE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 67-6610D, IDAHO CODE, TO PROHIBIT FOREIGN
3 CONTRIBUTIONS, FOREIGN INDEPENDENT EXPENDITURES, AND FOREIGN ELEC-
4 TIONEERING COMMUNICATIONS; AMENDING SECTION 67-6625, IDAHO CODE, TO
5 REVISE PROVISIONS REGARDING PROSECUTION FOR VIOLATIONS; AND AMENDING
6 SECTION 67-6605, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 66, Title 67, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 67-6610D, Idaho Code, and to read as follows:

12 67-6610D. FOREIGN CONTRIBUTIONS, FOREIGN INDEPENDENT EXPENDITURES,
13 AND FOREIGN ELECTIONEERING COMMUNICATIONS PROHIBITED. (1) A foreign na-
14 tional shall not make a contribution, directly or indirectly, to any candi-
15 date, political committee, or measure or make electioneering communications
16 or independent expenditures.

17 (2) As used in this section, "foreign national" means:

18 (a) An individual who is not a citizen of the United States and is not
19 lawfully admitted for permanent residence;

20 (b) A government or subdivision of a foreign country;

21 (c) A foreign political party; or

22 (d) Any entity, such as a partnership, association, corporation, or-
23 ganization, union, or other combination of persons, that is organized
24 under the laws of or has its principal place of business in a foreign
25 country.

26 (3) A violation of the provisions of this section shall be prosecuted
27 and punished as provided in section 67-6625(2) through (5), Idaho Code. Pro-
28 vided, however, any person who knowingly and willfully violates the provi-
29 sions of this section is guilty of a felony when:

30 (a) The aggregate amount of contributions, independent expenditures,
31 or cost of electioneering communications made in violation of this sec-
32 tion exceeds one thousand dollars (\$1,000) in a consecutive twelve (12)
33 month period; or

34 (b) The person pleads guilty to or is found guilty of a knowing and will-
35 ful violation of the provisions of this section for a second time within
36 ten (10) years, notwithstanding the form of the judgment or withheld
37 judgment.

38 (4) If any provision of this section or its application to any person or
39 circumstance is held invalid, the remainder of the section or the applica-
40 tion of the provision to other persons or circumstances is not affected.

1 SECTION 2. That Section 67-6625, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSE-
4 CUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions
5 of sections 67-6603, 67-6604, 67-6606 through 67-6614A, 67-6617, 67-6619,
6 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, Idaho Code, shall be li-
7 able for a civil fine not to exceed two hundred fifty dollars (\$250) if an
8 individual, and not more than two thousand five hundred dollars (\$2,500) if a
9 person other than an individual. The burden of proof for such civil liabil-
10 ity shall be met by showing a preponderance of the evidence.

11 (2) Any person who violates section 67-6605 or 67-6621(2), Idaho
12 Code, and any person who knowingly and willfully violates sections 67-6603
13 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627
14 or 67-6628, Idaho Code, is guilty of a misdemeanor and, upon conviction, in
15 addition to the fines set forth in subsection (1) of this section, may be
16 imprisoned for not more than six (6) months or be both fined and imprisoned.

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

19 (4) Prosecution for a civil or misdemeanor violation of this ~~aet~~
20 chapter must be commenced within two (2) years after the date on which the
21 violation occurred. Prosecution for a felony violation of this chapter must
22 be commenced pursuant to the provisions of section 19-402, Idaho Code.

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

26 SECTION 3. That Section 67-6605, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 67-6605. CONTRIBUTIONS OBTAINED BY A POLITICAL COMMITTEE. Contribu-
29 tions shall not be obtained for a political committee by use of coercion or
30 physical force, by making a contribution a condition of employment or mem-
31 bership, or by using or threatening to use job discrimination or financial
32 reprisals. A political committee may solicit or obtain contributions from
33 individuals as provided in chapter 26, title 44, Idaho Code, or as provided
34 in section 44-2004, Idaho Code. A violation of the provisions of this sec-
35 tion shall be punished as provided in ~~subsection (b) of section 67-6625(2),~~
36 Idaho Code.