

IN THE SENATE

SENATE BILL NO. 1338

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CAMPAIGNS; AMENDING SECTION 34-701, IDAHO CODE, TO PROVIDE FOR
2 CAMPAIGN CONTACT INFORMATION IN DECLARATIONS OF CANDIDACY; AMENDING
3 SECTION 34-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING DECLARA-
4 TIONS OF CANDIDACY; AMENDING SECTION 34-1404, IDAHO CODE, TO PROVIDE
5 FOR CAMPAIGN CONTACT INFORMATION AND PUBLIC ACCESS TO NOMINATING PETI-
6 TIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-906, IDAHO
7 CODE, TO REVISE PROVISIONS REGARDING PUBLIC DISCLOSURE OF CAMPAIGN
8 CONTACT INFORMATION; AMENDING SECTION 74-106, IDAHO CODE, TO REVISE
9 PROVISIONS REGARDING PUBLIC DISCLOSURE OF CAMPAIGN CONTACT INFORMATION
10 AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.
11

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

13 SECTION 1. That Section 34-701, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 34-701. DECLARATIONS OF CANDIDACY AND PETITIONS -- FORM PRESCRIBED BY
16 SECRETARY OF STATE -- FILING FEES. (1) The secretary of state shall prescribe
17 the form for all declarations of candidacy and petitions required to be filed
18 for any office. This form shall be uniform throughout the state; provided,
19 however, that a candidate for judicial office must designate the particular
20 office that he seeks, both in his petitions and declaration of candidacy.

21 (2) Declarations of candidacy shall include campaign contact informa-
22 tion, including phone numbers and email addresses.

23 (3) All filing fees shall be paid in cash, cashier's check, postal money
24 orders, or personal check.

25 SECTION 2. That Section 34-704, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to
28 hold such office is entitled to become a candidate and file his declaration
29 of candidacy. Each political party candidate for precinct, state, district
30 or county office shall file his declaration of candidacy in the proper office
31 between 8:00 a.m. on the twelfth Monday preceding the primary election and
32 5:00 p.m. on the tenth Friday preceding the primary election. All politi-
33 cal party candidates shall declare their party affiliation in their declara-
34 tion of candidacy and shall be affiliated with a party at the time of filing.
35 A candidate shall be deemed affiliated with the political party if the can-
36 didate submits a party affiliation form along with the declaration of candi-
37 dacy to the filing official. The filing official shall reject any declara-
38 tion of candidacy for partisan office in a primary election from candidates
39 who are not affiliated with a political party. Candidates for nonpartisan
40 office shall file during the period provided for in this section.

1 (2) Candidates who file a declaration of candidacy under a party name
2 and are not nominated at the primary election shall not be allowed to appear
3 on the general election ballot under any other political party name, nor as
4 an independent candidate.

5 (3) Independent candidates shall file their declaration of candidacy
6 in the manner provided in section 34-708, Idaho Code.

7 (4) All information in declarations of candidacy shall be made publicly
8 available upon request.

9 SECTION 3. That Section 34-1404, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 34-1404. DECLARATION OF CANDIDACY. (1) Candidates for election in any
12 political subdivision shall be nominated by nominating petitions, each of
13 which shall bear the name of the nominee, the office for which the nomination
14 is made, the term for which nomination is made, ~~bear~~ the signature of not less
15 than five (5) electors of the candidate's specific zone or district of the
16 political subdivision, and be filed with the clerk of the political subdivi-
17 sion. The form of the nominating petition shall be as provided by the county
18 clerk and shall be uniform for all political subdivisions. For an election
19 to be held on the third Tuesday in May, in even-numbered years, the nomina-
20 tion petition shall be filed during the period specified in section 34-704,
21 Idaho Code. The clerk of the political subdivision shall verify the qualifi-
22 cations of the nominees and shall, no more than seven (7) days after the close
23 of filing, certify the nominees to be placed on the ballot of the political
24 subdivision. For an election to be held on the first Tuesday after the first
25 Monday of November, in even-numbered years, the nomination shall be filed on
26 or before September 1. The clerk of the political subdivision shall verify
27 the qualifications of the nominees and shall, ~~not later~~ no more than seven
28 (7) days after the close of filing, certify the nominees to be placed on the
29 ballot of the political subdivisions. For all other elections, the nomina-
30 tion shall be filed not later than 5:00 p.m. on the ninth Friday preceding
31 the election for which the nomination is made. The clerk of the political
32 subdivision shall verify the qualifications of the nominee and shall, ~~not~~
33 no more than seven (7) days following the filing, certify the nominees to be
34 placed on the ballot of the political subdivision.

35 (2) Nominating petitions shall include campaign contact information
36 for candidates, including phone numbers and email addresses.

37 (3) All information in nominating petitions shall be made publicly
38 available upon request.

39 SECTION 4. That Section 67-906, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 67-906. ELECTRONIC FILING SYSTEM -- REQUIREMENTS -- RULES. (1) The
42 secretary of state may develop and implement a statewide electronic filing
43 system to accommodate the electronic filing of records and documents that
44 are required to be filed in the office of the secretary of state. If the sec-
45 retary of state develops and implements a statewide electronic filing system
46 under this section:

1 (a) The secretary of state shall establish a central database for all
2 records and documents filed electronically with the secretary of state;

3 (b) The secretary of state may require users of the system to provide
4 personal information, such as a user email address, physical address,
5 or phone number, in order for the user to create an account from which
6 the user can access the statewide electronic filing system. Such per-
7 sonal information gathered by the secretary of state for user account
8 purposes shall be exempt from public disclosure as outlined in section
9 74-106(34), Idaho Code, except that campaign contact information for
10 candidates or committees, including phone numbers and email addresses
11 contained in declarations of candidacy, shall be made publicly avail-
12 able upon request;

13 (c) The secretary of state may adopt rules that:

14 (i) Provide procedures for entering data;

15 (ii) Provide security and protection of information in the system
16 and monitor the database and other components of the system to en-
17 sure that unauthorized entry is prevented;

18 (iii) Require standardized information for entry into the system;

19 (iv) Prescribe an identification procedure for a person filing
20 records or other documents or otherwise accessing the system; and

21 (v) Require each individual who is required to sign a document
22 that is filed electronically to be specifically identified as ac-
23 knowledging the document and giving assent to the electronic fil-
24 ing through an identification procedure unique to that individ-
25 ual.

26 (d) All records filed and recorded in the statewide electronic filing
27 system are subject to the same requirements as if those records had been
28 filed in paper form, subject to the provisions of the uniform electronic
29 transactions act, chapter 50, title 28, Idaho Code.

30 (2) All persons filing records in any type of electronic filing sys-
31 tem established by the secretary of state are subject to the same civil and
32 criminal penalties applicable to a person who would otherwise file the same
33 record in a nonelectronic format.

34 SECTION 5. That Section 74-106, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-
37 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following
38 records are exempt from disclosure:

39 (1) Except as provided in this subsection, all personnel records of
40 a current or former public official other than the public official's pub-
41 lic service or employment history, classification, pay grade and step,
42 longevity, gross salary and salary history, including bonuses, severance
43 packages, other compensation or vouchered and unvouchered expenses for
44 which reimbursement was paid, status, workplace and employing agency. All
45 other personnel information relating to a public employee or applicant
46 including, but not limited to, information regarding sex, race, marital
47 status, birth date, home address and telephone number, social security num-
48 ber, driver's license number, applications, testing and scoring materials,
49 grievances, correspondence and performance evaluations, shall not be dis-

1 closed to the public without the employee's or applicant's written consent.
2 Names of applicants to classified or merit system positions shall not be dis-
3 closed to the public without the applicant's written consent. Disclosure of
4 names as part of a background check is permitted. Names of the five (5) final
5 applicants to all other positions shall be available to the public. If such
6 group is less than five (5) finalists, then the entire list of applicants
7 shall be available to the public. A public official or authorized represen-
8 tative may inspect and copy his personnel records, except for material used
9 to screen and test for employment.

10 (2) Retired employees' and retired public officials' home addresses,
11 home telephone numbers and other financial and nonfinancial membership
12 records; active and inactive member financial and membership records and
13 mortgage portfolio loan documents maintained by the public employee retire-
14 ment system. Financial statements prepared by retirement system staff,
15 funding agents and custodians concerning the investment of assets of the
16 public employee retirement system of Idaho are not considered confidential
17 under this chapter.

18 (3) Information and records submitted to the Idaho state lottery for
19 the performance of background investigations of employees, lottery retail-
20 ers and major procurement contractors; audit records of lottery retailers,
21 vendors and major procurement contractors submitted to or performed by the
22 Idaho state lottery; validation and security tests of the state lottery for
23 lottery games; business records and information submitted pursuant to sec-
24 tions 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such docu-
25 ments and information obtained and held for the purposes of lottery security
26 and investigative action as determined by lottery rules unless the public
27 interest in disclosure substantially outweighs the private need for protec-
28 tion from public disclosure.

29 (4) Records of a personal nature as follows:

30 (a) Records of personal debt filed with a public agency or independent
31 public body corporate and politic pursuant to law;

32 (b) Personal bank records compiled by a public depositor for the pur-
33 pose of public funds transactions conducted pursuant to law;

34 (c) Records of ownership of financial obligations and instruments of a
35 public agency or independent public body corporate and politic, such as
36 bonds, compiled by the public agency or independent public body corpo-
37 rate and politic pursuant to law;

38 (d) Records, with regard to the ownership of, or security interests in,
39 registered public obligations;

40 (e) Vital statistics records;

41 (f) Military records as described in and pursuant to section 65-301,
42 Idaho Code;

43 (g) Social security numbers; and

44 (h) The following personal data identifiers for an individual may be
45 disclosed only in the following redacted format:

46 (i) The initials of any minor children of the individual;

47 (ii) A date of birth in substantially the following format:
48 "XX/XX/birth year";

49 (iii) The last four (4) digits of a financial account number in
50 substantially the following format: "XXXXX1234";

1 (iv) The last four (4) digits of a driver's license number or
2 state-issued personal identification card number in substan-
3 tially the following format: "XXXXX350F"; and

4 (v) The last four (4) digits of an employer identification number
5 or business's taxpayer identification number.

6 (5) Information in an income or other tax return measured by items of
7 income or sales, which is gathered by a public agency for the purpose of ad-
8 ministering the tax, except such information to the extent disclosed in a
9 written decision of the tax commission pursuant to a taxpayer protest of a
10 deficiency determination by the tax commission, under the provisions of sec-
11 tion 63-3045B, Idaho Code.

12 (6) Records of a personal nature related directly or indirectly to the
13 application for and provision of statutory services rendered to persons
14 applying for public care for people who are elderly, indigent or have mental
15 or physical disabilities, or participation in an environmental or a public
16 health study, provided the provisions of this subsection making records
17 exempt from disclosure shall not apply to the extent that such records or
18 information contained in those records are necessary for a background check
19 on an individual that is required by federal law regulating the sale of
20 firearms, guns or ammunition.

21 (7) Employment security information, except that a person may agree,
22 through written, informed consent, to waive the exemption so that a third
23 party may obtain information pertaining to the person, unless access to the
24 information by the person is restricted by subsection (3) (a), (3) (b) or
25 (3) (d) of section 74-113, Idaho Code. Notwithstanding the provisions of
26 section 74-113, Idaho Code, a person may not review identifying information
27 concerning an informant who reported to the department of labor a suspected
28 violation by the person of the employment security law, chapter 13, title 72,
29 Idaho Code, under an assurance of confidentiality. As used in this section
30 and in chapter 13, title 72, Idaho Code, "employment security information"
31 means any information descriptive of an identifiable person or persons that
32 is received by, recorded by, prepared by, furnished to or collected by the
33 department of labor or the industrial commission in the administration of
34 the employment security law.

35 (8) Any personal records, other than names, business addresses and
36 business phone numbers, such as parentage, race, religion, sex, height,
37 weight, tax identification and social security numbers, financial worth or
38 medical condition submitted to any public agency or independent public body
39 corporate and politic pursuant to a statutory requirement for licensing,
40 certification, permit or bonding.

41 (9) Unless otherwise provided by agency rule, information obtained as
42 part of an inquiry into a person's fitness to be granted or retain a license,
43 certificate, permit, privilege, commission or position, private associa-
44 tion peer review committee records authorized in title 54, Idaho Code. Any
45 agency that has records exempt from disclosure under the provisions of this
46 subsection shall annually make available a statistical summary of the number
47 and types of matters considered and their disposition.

48 (10) The records, findings, determinations and decisions of any prelit-
49 igation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

1 (11) Complaints received by the board of medicine and investigations
2 and informal proceedings, including informal proceedings of any committee
3 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and
4 rules adopted thereunder.

5 (12) Records of the department of health and welfare or a public health
6 district that identify a person infected with a reportable disease.

7 (13) Records of hospital care, medical records, including prescrip-
8 tions, drug orders, records or any other prescription information that
9 specifically identifies an individual patient, prescription records main-
10 tained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho
11 Code, records of psychiatric care or treatment and professional counseling
12 records relating to an individual's condition, diagnosis, care or treat-
13 ment, provided the provisions of this subsection making records exempt from
14 disclosure shall not apply to the extent that such records or information
15 contained in those records are necessary for a background check on an indi-
16 vidual that is required by federal law regulating the sale of firearms, guns
17 or ammunition.

18 (14) Information collected pursuant to the directory of new hires act,
19 chapter 16, title 72, Idaho Code.

20 (15) Personal information contained in motor vehicle and driver records
21 that is exempt from disclosure under the provisions of chapter 2, title 49,
22 Idaho Code.

23 (16) Records of the financial status of prisoners pursuant to subsec-
24 tion (2) of section 20-607, Idaho Code.

25 (17) Records of the Idaho state police or department of correction re-
26 ceived or maintained pursuant to section 19-5514, Idaho Code, relating to
27 DNA databases and databanks.

28 (18) Records of the department of health and welfare relating to a sur-
29 vey, resurvey or complaint investigation of a licensed nursing facility
30 shall be exempt from disclosure. Such records shall, however, be subject to
31 disclosure as public records as soon as the facility in question has received
32 the report, and no later than the fourteenth day following the date that de-
33 partment of health and welfare representatives officially exit the facility
34 pursuant to federal regulations. Provided however, that for purposes of
35 confidentiality, no record shall be released under this section that specif-
36 ically identifies any nursing facility resident.

37 (19) Records and information contained in the registry of immunizations
38 against childhood diseases maintained in the department of health and wel-
39 fare, including information disseminated to others from the registry by the
40 department of health and welfare.

41 (20) Records of the Idaho housing and finance association (IHFA) relat-
42 ing to the following:

43 (a) Records containing personal financial, family, health or similar
44 personal information submitted to or otherwise obtained by the IHFA;

45 (b) Records submitted to or otherwise obtained by the IHFA with regard
46 to obtaining and servicing mortgage loans and all records relating to
47 the review, approval or rejection by the IHFA of said loans;

48 (c) Mortgage portfolio loan documents;

49 (d) Records of a current or former employee other than the employee's
50 duration of employment with the association, position held and loca-

1 tion of employment. This exemption from disclosure does not include the
2 contracts of employment or any remuneration, including reimbursement
3 of expenses, of the executive director, executive officers or commis-
4 sioners of the association. All other personnel information relating
5 to an association employee or applicant including, but not limited to,
6 information regarding sex, race, marital status, birth date, home ad-
7 dress and telephone number, applications, testing and scoring materi-
8 als, grievances, correspondence, retirement plan information and per-
9 formance evaluations, shall not be disclosed to the public without the
10 employee's or applicant's written consent. An employee or authorized
11 representative may inspect and copy that employee's personnel records,
12 except for material used to screen and test for employment or material
13 not subject to disclosure elsewhere in the Idaho public records act.

14 (21) Records of the department of health and welfare related to child
15 support services in cases in which there is reasonable evidence of domestic
16 violence, as defined in chapter 63, title 39, Idaho Code, that can be used
17 to locate any individuals in the child support case except in response to a
18 court order.

19 (22) Records of the Idaho state bar lawyer assistance program pursuant
20 to chapter 49, title 54, Idaho Code, unless a participant in the program au-
21 thORIZes the release pursuant to subsection (4) of section 54-4901, Idaho
22 Code.

23 (23) Records and information contained in the time sensitive emergency
24 registry created by chapter 20, title 57, Idaho Code, together with any re-
25 ports, analyses and compilations created from such information and records.

26 (24) Records contained in the court files, or other records prepared as
27 part of proceedings for judicial authorization of sterilization procedures
28 pursuant to chapter 39, title 39, Idaho Code.

29 (25) The physical voter registration application on file in the county
30 clerk's office; however, a redacted copy of said application shall be made
31 available consistent with the requirements of this section. Information
32 from the voter registration application maintained in the statewide voter
33 registration database, including age, will be made available except for
34 the voter's driver's license number, date of birth and, upon a showing that
35 the voter comes within the provisions of subsection (30) of this section or
36 upon showing of good cause by the voter to the county clerk in consultation
37 with the county prosecuting attorney, the physical residence address of the
38 voter. For the purposes of this subsection, good cause shall include the
39 protection of life and property and protection of victims of domestic vio-
40 lence and similar crimes.

41 (26) File numbers, passwords and information in the files of the health
42 care directive registry maintained by the department of health and welfare
43 under section 39-4515, Idaho Code, are confidential and shall not be dis-
44 closed to any person other than to the person who executed the health care
45 directive or the revocation thereof and that person's legal representa-
46 tives, to the person who registered the health care directive or revocation
47 thereof, and to physicians, hospitals, medical personnel, nursing homes,
48 and other persons who have been granted file number and password access to
49 the documents within that specific file.

1 (27) Records in an address confidentiality program participant's file
2 as provided for in chapter 57, title 19, Idaho Code, other than the address
3 designated by the secretary of state, except under the following circum-
4 stances:

5 (a) If requested by a law enforcement agency, to the law enforcement
6 agency; or

7 (b) If directed by a court order, to a person identified in the order.

8 (28) Except as otherwise provided by law relating to the release of in-
9 formation to a governmental entity or law enforcement agency, any personal
10 information including, but not limited to, names, personal and business ad-
11 dresses and phone numbers, sex, height, weight, date of birth, social secu-
12 rity and driver's license numbers, or any other identifying numbers and/or
13 information related to any Idaho fish and game licenses, permits and tags un-
14 less written consent is obtained from the affected person.

15 (29) Documents and records related to alternatives to discipline that
16 are maintained by the Idaho board of veterinary medicine under the provi-
17 sions of section 54-2118(1)(b), Idaho Code, provided the requirements set
18 forth therein are met.

19 (30) The Idaho residential street address and telephone number of an el-
20 igible law enforcement officer and such officer's residing household mem-
21 ber(s) as provided for in chapter 58, title 19, Idaho Code, except under the
22 following circumstances:

23 (a) If directed by a court order, to a person identified in the court
24 order;

25 (b) If requested by a law enforcement agency, to the law enforcement
26 agency;

27 (c) If requested by a financial institution or title company for busi-
28 ness purposes, to the requesting financial institution or title com-
29 pany; or

30 (d) If the law enforcement officer provides written permission for dis-
31 closure of such information.

32 (31) All information exchanged between the Idaho transportation de-
33 partment and insurance companies, any database created, all information
34 contained in the verification system and all reports, responses or other
35 information generated for the purposes of the verification system, pursuant
36 to section 49-1234, Idaho Code.

37 (32) Nothing in this section shall prohibit the release of information
38 to the state controller as the state social security administrator as pro-
39 vided in section 59-1101A, Idaho Code.

40 (33) Personal information including, but not limited to, property val-
41 ues, personal and business addresses, phone numbers, dates of birth, social
42 security and driver's license numbers or any other identifying numbers or
43 information maintained by the administrator of the unclaimed property law
44 set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection
45 shall prohibit the release of names, last known city of residence, property
46 value ranges and general property information by the administrator for the
47 purpose of reuniting unclaimed property with its owner.

48 (34) Any personal information collected by the secretary of state,
49 pursuant to section 67-906(1)(b), Idaho Code, for the purpose of allowing
50 individuals to access the statewide electronic filing system authorized in

1 section 67-906, Idaho Code, except campaign contact information for can-
2 didates or committees, including phone numbers and email addresses, which
3 shall be publicly available upon request; and any notification e-mail email
4 addresses submitted as part of a lobbyist's registration under section
5 67-6617, Idaho Code, of an employer, client, or designated contact for the
6 purpose of electronic notification of that employer, client, or designated
7 contact of a report filed under section 67-6619, Idaho Code.

8 SECTION 6. An emergency existing therefor, which emergency is hereby
9 declared to exist, this act shall be in full force and effect on and after its
10 passage and approval.