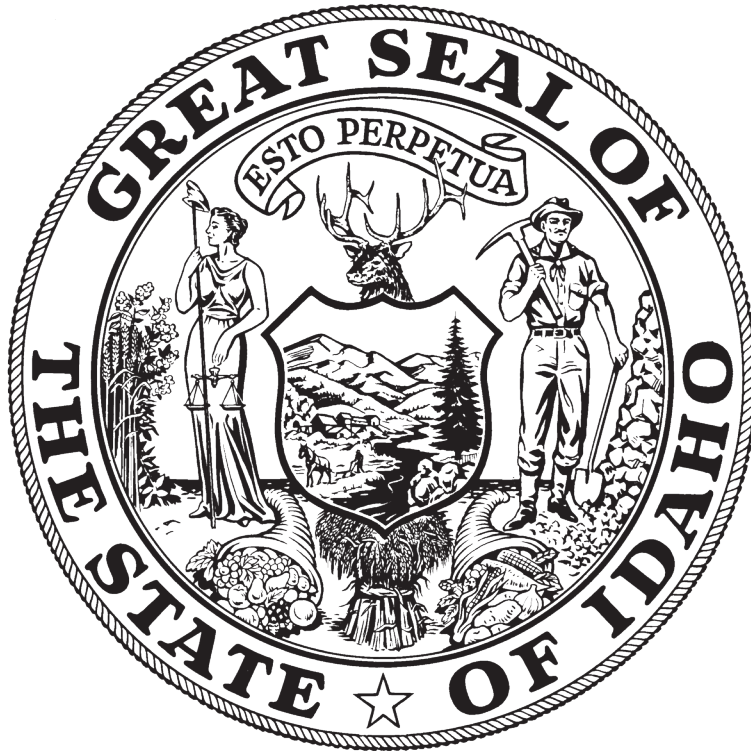


# Registered Lobbyist Reporting Manual



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**IDAHO**  
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## Introduction

Title 67, Chapter 66, *Idaho Code*, The “**Sunshine Law for Political Funds and Lobbyist Activity Disclosure**” requires persons who “**lobby**” at the state level to register and report regularly with the Secretary of State, unless they meet the exemption tests outlined on page 1.

“**Lobby**” and “**lobbying**” each means attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees or an executive official, to influence the approval, modification or rejection of any legislation by the legislature of the state of Idaho 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**” and “**lobbying**” shall also mean 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 provided that 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.

“**Lobbyist**” includes any person who lobbies.

## Exemptions from Registration

Not every person who lobbies is required to file with the Secretary of State. The following persons are exempt from registering and reporting:

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 or employers, 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 67-6619 of *Idaho Code*.
5. Elected state officers and state executive officers appointed by the governor subject to confirmation by the senate; 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.
7. Employees of a corporate entity, if such corporate entity:
  - a. Has registered as a lobbyist
  - b. Has appointed one or more of its employees or contractors as its official designated lobbyist, and
  - c. The person so appointed by the corporate entity has completed the designated lobbyist registration.

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The corporate entity shall, through its designated lobbyist, fully and accurately report all expenditures made by employees who are exempt hereunder, in the manner and at the times required by Section [67-6618](#), *Idaho Code*, 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.

### Registering and Reporting

Lobbyists must register and file Monthly Reports and Annual/Semi Annual Reports electronically. The electronic versions are similar to the paper reports and require the same level of disclosure. To register online, use your email address to create an account. You will then be sent an email with a temporary password that is used to complete the process and is only valid for 24 hours. The registration application and the reporting application are available 24 hours a day, 7 days a week.

*Idaho Code* [§67-6623](#) requires the online submission of all Campaign Finance Reports to the Secretary of State's Office.

The Secretary of State may, on an individual basis, issue exemptions of the online filing requirement to lobbyists that face hardship in submitting these documents in an online format. Forms must be submitted by the Lobbyist requesting the exemption.

Log on to [sos.idaho.gov/elections-division/lobbyist-information/](https://sos.idaho.gov/elections-division/lobbyist-information/) to access the online Lobbyist Registration application and Lobbyist Electronic Reporting application. Registered lobbyists are required to file the following reports electronically:

1. Lobbyist Registration Statement (this form also serves as the Amended Registration Statement Form and Lobbyist Termination Form).
2. Lobbyist Annual/Semi-Annual Report
3. Lobbyist Monthly Report

The Secretary of State may, on an individual basis, issue exemptions of the online filing requirement to lobbyists that face hardship in submitting these documents in an online format. Forms must be submitted by the Lobbyist requesting the exemption.

Any individual may file a formal complaint on the L-5 form alleging that a person has violated provisions of Title 67, Chapter 66, *Idaho Code*, The Sunshine Law for Political Funds and Lobbyist Disclosure.

The L-5 form is available upon request from the Secretary of State's Office.

### Lobbyist Registration

A Lobbyist Registration Statement must be filed before engaging in any lobbying, or within thirty days after being employed, designated, or contracted as a lobbyist, whichever occurs first. The Lobbyist Registration must be accompanied with a fee of ten dollars (\$10). A new Lobbyist Registration must be filed each year on or before January 10 if registration is to continue. A new Lobbyist Registration must also be filed within one week of a modification or termination of the lobbyist's employment.

Any lobbyist who receives or is to receive compensation from more than one (1) person or organization for his services as a lobbyist shall file a separate Registration Statement for each employer, accompanied by the fee of ten dollars (\$10) for each Registration Statement; except that where 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 Registration Statement, in which he shall detail the name, business address and general occupation of each person so paying or contributing.

#### Completing the Registration Form

List the lobbyist's full name, complete mailing address, telephone number(s), email address and any temporary residence or business address in Ada County.

List the name and address of the lobbyist's employer, a contact person's name and email for the employer along with the occupation or business of the lobbyist's employer. In the case of a designated lobbyist for a corporate entity as described in Section [67-6618\(7\)](#) of *Idaho Code*, use 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 activity. Under

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“**Duration of Lobbyist Employment**,” state whether the lobbyist is employed permanently or temporarily. If temporarily, please give the duration of the employment. Each lobbyist who has registered shall file a new Registration Statement on or before January 10, and failure to do so shall terminate his registration.

The lobbyist’s email address as well as the employers contact information will be used for notifications for electronic filings.

Check whether the lobbying activities will be directed at the legislature, executive official(s) or both.

Check whether the lobbyist operates solely as a lobbyist or is performing lobbying duties in connection with regular employment.

Enter the name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept.

Enter by code the general subject areas of legislative interest from the table. A statement of “**ALL**” will not be accepted. You must enter specific code numbers.

### Blank Spaces in the Report

Most people will find some items on the report which do not seem to apply to them. If “**none**” is a correct statement for those items, it should be entered. The item should not be left blank or marked “**not applicable**” - this raises a question as to whether it has been overlooked or misunderstood.

### Certification

Each lobbyist’s Registration Statement must be electronically signed by the lobbyist and dated.

### Amended Registration

In order to amend a registration due to a change in any registration information, including contact information of the lobbyist or the employer, the lobbyist must file an amended Registration Statement and mark the checkbox to the left of “**Amendment**” under the “**Duration of Lobbyist Employment**” heading.

### Termination

In order to terminate a registration, the lobbyist must file a Registration Statement and mark the checkbox to the left of “**Termination**” under the “**Duration of Lobbyist Employment**” heading. Lobbyists are also required to file an Annual Report at the time of their termination.

## Who Must File

### Annual Report

The Sunshine Law requires each lobbyist registered under Section [67-6617](#), *Idaho Code*, to file an Annual Report. Lobbyists whose activities are confined only to executive officials shall also file a Semi-Annual Report.

**Note:** Statutory filing requirements must be met even though no reportable expenditures have been made during the reporting period.

### Filing Deadline

The Annual Report must be filed electronically by January 31st, after the end of each year or upon the termination of a Lobbyist’s employment. The Annual report will report all expenses made during the prior year including those expenses that were previously reported on either the Monthly Reports or Semi-Annual Report.

The Semi-Annual report is due by July 31st for those Lobbyists who are lobbying only the Executive Branch. The Semi-Annual Report will report all expenses made from January 1 through June 30th of the current year.

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### Reporting Period

The expenditure totals on the Annual and Semi-Annual Reports shall be cumulative and shall reflect the total expenditures during the year.

### To Be Filed Electronically

Reports must be filed electronically by logging on to [sos.idaho.gov/elections-division/lobbyist-information/](https://sos.idaho.gov/elections-division/lobbyist-information/). The Secretary of State may, on an individual basis, issue exemptions from the online filing requirement to campaigns or committees that face hardship in submitting these documents in an online format. Forms must be submitted by the lobbyist.

### Signatures

Both the lobbyist and the employer must sign the Semi-Annual and Annual Report. This is done electronically by logging on to [sos.idaho.gov/elections-division/lobbyist-information/](https://sos.idaho.gov/elections-division/lobbyist-information/).

### Termination

The filing requirements of Section *67-6617 of Idaho Code* continue throughout the year unless there is a termination of the lobbyist's employment. If a lobbyist terminates during the year, an Annual Report must be filed for that portion of the year for which the lobbyist was registered. A lobbyist may terminate by filing an amended Registration Statement and an Annual Report with the Secretary of State within one week of termination.

## Annual Report

**Note:** If a lobbyist terminates on April 10th, the annual report will cover from the date of registration through April 10th.

### Item 1

Expenditures made or incurred directly or indirectly for any lobbying purpose shall be reported. List your expenditures for the reporting period as they were either directly reimbursed by a single employer or as a proportionate amount for each employer. Reported expenditures for entertainment, food and refreshments for legislators and other public officeholders shall be the actual cost of the entertainment, food and refreshments.

#### A. Entertainment, Food and Refreshment

This category includes all amounts expended for entertainment, including but not limited to food and refreshment. This category does not include amounts that are expended solely by the lobbyist for his own subsistence. Expenditures that are solely for the lobbyist's subsistence should be listed under the category of Living Accommodations.

#### B. Living Accommodations

This category includes all expenditures for the lobbyist's transient place of living. This includes expenditures pertaining to lodging, groceries, meals and other expenditures necessary for the lobbyist's subsistence. If the lobbyist is reimbursed for these expenses, they do not have to be reported.

### Examples of Expenditures in A and B

Lobbyist X invites three legislators to lunch to discuss a certain piece of legislation and pays for the legislator's meals. The total bill is \$38.00 excluding the lobbyist's portion. The lobbyist reports the \$38.00 expenditure under the category of Entertainment, Food and Refreshment.

Lobbyist X, who is not reimbursed for meals while he is in Boise, goes to lunch with a few of his fellow lobbyists to discuss legislative strategy. He spends \$12.50 for his lunch. This \$12.50 expenditure for his meal should be listed under the category of Living Accommodations since it did not pertain to entertainment, but was a personal living expense necessary for the lobbyist's subsistence.



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### C. Advertising, Travel, Telephone

These categories are self-explanatory and should include all amounts expended for such purposes named in the category. If the lobbyist is reimbursed for personal travel, such travel expense does not have to be reported.

### D. Other Expenses or Services

This includes those expenses not listed in the other categories and includes contributions of tangible or intangible property to or on behalf of any legislator or executive official or member(s) of their household. This does not include entertainment which is listed under the Entertainment, Food and Refreshment category.

### Item 2

The totals of each expenditure of more than one hundred dollars (\$100) for a legislator, other holder of public office, executive official or member(s) of their households shall be identified by date, place and amount along with the names of the legislators, holders of public office or executive officials and member(s) of their household in the group.

**Note:** The lobbyist's portion of the expenditure is excluded in determining the one hundred dollar (\$100) amount.

### Item 3

List the complete names and addresses of each employer. Multiple employers will be listed in the same order as their proportioned expenditures in Item 1.

### Item 4

Itemize the legislation being supported or opposed including the appropriate Subject Codes and Bill, Resolution or other legislative identification number.

### Item 5

Identify any rule, ratemaking decision, procurement, contract bid or bid process, or financial services agreement of bond you are supporting or opposing.

## Monthly Reports

### Who Must File

The Sunshine Law requires each Legislative or Legislative/Executive lobbyist registered under Section 67-6617, Idaho Code, to electronically file monthly reports for each month or portion thereof that the legislature is in session.

**Note:** A Monthly report is to be filed electronically by legislative lobbyists every month or portion thereof while the legislature is in session. Statutory filing requirements must be met even though there may have been no active lobbying during the month.

### Filing Deadline

Monthly reports shall be electronically filed within fifteen (15) days of the first day of the month for the activities of the month just passed.

### To Be Filed With

Reports must be filed online by logging onto [sos.idaho.gov/elections-division/lobbyist-information/](https://sos.idaho.gov/elections-division/lobbyist-information/).

**Note:** Monthly reports are only required to be filed during the legislative session.

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### Information Required

The Monthly Report is to be completed in the same manner as the Annual Report.

### Signatures

Only the lobbyist is required to electronically sign the monthly report.

### Penalties for Violation

**67-6625. VIOLATIONS — CIVIL FINE — MISDEMEANOR PENALTY — PROSECUTION — LIMITATION — VENUE.** (1) Any person who violates the provisions of sections 67-6603, 67-6604, 67-6606 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, *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 section 67-6605 or 67-6621(2), *Idaho Code*, and any person who knowingly and willfully violates sections 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, *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. Prosecution for a felony violation of this chapter must be commenced pursuant to the provisions of section 19-402, *Idaho Code*.

(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.

**67-6625A. LATE FILING OF STATEMENT OR REPORT — FEES.** (1) If any person fails to file a report or statement 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 statement or report is filed. The secretary of state or the county clerk shall notify the person and his treasurer, if any, that a fine has been assessed and will continue to accrue until the report or statement 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 67-6625, *Idaho Code*.

### Duties of a Lobbyist

**67-6621. 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 act, 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) In addition, 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;

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- (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 upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;
- (f) Accept any employment as a lobbyist for a 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 branch thereof or of any committee thereof. This contingent fee prohibition shall also apply to lobbying activities that pertain to communications with executive officials as described in section 67-6602(9), *Idaho Code*.

### Filing Reports

Reports must be filed Electronically by logging on to [sos.idaho.gov/elections-division/lobbyist-information/](https://sos.idaho.gov/elections-division/lobbyist-information/). The Secretary of State may, on an individual basis, issue exemptions of the online filing requirement to Lobbyists that face hardship in submitting these documents in an online format. Forms must be submitted by the Lobbyist.

For further information or assistance, please contact the Secretary of State's Office at (208) 334-2852 or at [elections@sos.idaho.gov](mailto:elections@sos.idaho.gov).

Online submission of all Campaign Finance Reports to the Secretary of State's Office is required by §67-6623, *Idaho Code*.

## APPENDIX A

### Reporting Dates for Lobbyists

Report	Period Covered	Who Files	Due
1st Monthly	January	Legislative	February 15
2nd Monthly	February	Legislative	March 15
3rd Monthly	March	Legislative	April 15
Semi-Annual	Jan.1-June 30	Executive Only	July 31
Annual	Jan.1-Dec. 31	All Lobbyists	January 31

**Note:** A Monthly report is to be filed electronically by legislative lobbyists every month or portion thereof while the legislature is in session. Statutory filing requirements must be met even though there may have been no active lobbying during the month.



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