

STATE OF
IDAHO

Lobbyist Manual

For Lobbyist Activity Disclosure

Promoting Openness and Public Confidence in Government

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IDAHO SECRETARY OF STATE

INTRODUCTION TO LOBBYING IN IDAHO

The Secretary of State's Office registers lobbyists and state entities in Idaho. This handbook is a reference to assist lobbyists and state entities in complying with statutory registration and reporting obligations.

What is lobbying?

Lobbying in Idaho means anyone who is employed or contracted to:

- Attempt to influence the passage or defeat of any legislation by communicating or causing others to communicate with members of the legislature or executive officials;
- Attempt to influence any rule or rulemaking;
- Attempt to influence any rate-making decision, procurement, contract, bid or bid process, financial services agreement, or bond issue;
- Develop and maintain relationships, entertain, and promote goodwill with members of the legislature and executive officials.

Lobbying does NOT include:

- Members of the public who contact legislators and executive officials that are not being paid to lobby.
- Communications between an association or other organizations with members of that association or organization;
- Communicating with an executive official to carry out ongoing negotiations following the award of a bid or a contract;
- Communications and negotiations involving ongoing legal work between attorneys for executive agencies;
- Interactions between parties in litigation or other contested matters;
- Communications between members of the legislature and executive officials and employees;
- State employees acting in their official capacity or within the course and scope of their employment.
- People who limit their lobbying activities to appearances before public sessions of committees of the legislature.

- News media.
- People who are not compensated or receive less than \$250 a calendar quarter for lobbying.
- Members of a trade association if the association has a registered lobbyist.
- Elected state officers and state executive officers appointed by the governor subject to confirmation by the senate acting in their official capacity.
- Members of a church that lobby for protecting the constitutional right to the free exercise of religion.
- Employees of a corporation if the corporation has a designated lobbyist.

REGISTRATION AND REPORTING

Idaho lobbyist regulation involves disclosure and begins with registering either a lobbyist or state entity with the Secretary of State's Office.

When does someone need to register as a lobbyist?

- Lobbyists, *unless exempt*, must file a registration statement for each client or employer, along with the \$10 filing fee, with the Secretary of State before engaging in any lobbying or within thirty days after being employed as a lobbyist, whichever occurs first.
- Registration is on an annual basis. Registration will be terminated on January 11 for the previous year for lobbyists who do not re-register.

When are reports due?

- Monthly reports are required for each month, or portion of, while the legislature is in session. This also includes special sessions, even if it is only for one day.
- Monthly reports are due for the previous month's activities on the 15th.
- Annual reports are due on January 31.
- If registered solely as an executive lobbyist, lobbyists will only file two reports per year. A semi-annual report is due on July 31, and an annual report is due on January 31.

What is required to be reported?

- Any expenses made for the purposes of influencing legislation and policy. This includes any efforts that promote the passage, rejection, or modification of public policy and activities that express support or gratitude for doing the same. Lobbying expenses should include expenses both in and out of the session.
- Any expenses made for promoting goodwill or entertaining members of the legislature or an executive official.
- Any one-time expenditure of \$130 or more shall be itemized and specifically reported for which legislator or executive official it was for.
- The subject matter of proposed legislation and the number of each Senate or House bill, resolution, or memorial.
- Any lobbying activities on rules, ratemaking decisions, procurement, contract, bid or bid process, financial services agreements, or bonds.
- Specific sections of appropriation bills supported or opposed.
- Designated lobbyists of a corporate entity must report the names of all employees who make expenditures of \$50 or more during any calendar year.
- Lobbyists *do not* report the payment of the lobbyist's compensation, housing, commuting, or other personal expenses.

Examples of expenditures that should be reported.

- **Advertisement**
Including but not limited to television, radio, newsprint, billboards, websites, social media, email campaigns, printed materials, posters, and mailing.
- **Entertainment, Food, Refreshment**
Any receptions, dinners, lunches, food, refreshments, event tickets, event expenses or rentals, and paid activities like golfing, skiing, basketball, and football games.

There is no limitation on spending, but there is a requirement to itemize any expenditure that exceeds \$130 for each legislator or executive official for one single event. Each such expenditure will be identified by the date, place/event, amount, and name of the legislator or executive official. Household members shall also be itemized if the expenditure exceeds \$130 per event per person.

Example of an event:

A lobbyist purchases a table at an event for \$2,000 for 8 seats. Each seat has a cost of \$250. If there are 3 elected officials and their spouses at the table, it would be reported as \$250 for each official and \$250 for each spouse.

Date	Event/Place	Name of Official	Amount
Feb. 1	Assoc. A Dinner	Senator X	\$250
Feb. 1	Assoc. A Dinner	Mrs. X	\$250
Feb. 1	Assoc. A Dinner	Representative Y	\$250
Feb. 1	Assoc. A Dinner	Mr. Y	\$250
Feb. 1	Assoc. A Dinner	Representative Z	\$250
Feb. 1	Assoc. A Dinner	Mrs. Z	\$250

- **Living Accommodations**

Lobbyists do not need to report a person's living expenses. This is intended for living accommodations provided for members of the legislature, an executive official, and/or expert testimonials. This could include hotel accommodations, Airbnb, and the use of personal property.

Example of use of personal property:

If a lobbyist allows an elected official the use of personal property for a weekend, it must be reported at fair market value.

Date	Place	Official Name	Amount
June 19-21	Vacation Home	Executive Official	\$600

- **Telephone**

Automated phone calls, text messaging, and paid call centers. Personal telephone devices do not need to be listed.

- **Travel**

Any travel for members of the legislature, an executive official, and/or expert testimonial. This does not include the lobbyist's personal travel expenses.

Example of reportable travel expenses:

If a lobbyist sponsors a tour of a facility for legislators or executive officials for educational purposes, and the cost of transportation and meals exceeds a fair market value of \$130 per person, it must be itemized for each elected official attending.

- **Other Expenses or Services**

Including but not limited to polling information provided to legislators and executive officials, petition circulators, paid research, and paid expert testimonials.

Lobbyists shall not:

- Engage in any activity as a lobbyist before registering.
- Knowingly deceive any legislator to any fact regarding pending or proposed legislation.
- Knowingly represent an interest adverse to any of his employers or clients.
- Threaten any retaliation upon a legislator concerning his vote on any pending or proposed legislation.
- Accept employment as a paid lobbyist contingent on passing or defeating any proposed or pending legislation.

It is a violation to employ anyone to lobby who is not a registered lobbyist or otherwise exempt from registration.

LOBBYING TERMINOLOGY

Lobbyist

Idaho Code 67-6601(12) defines lobbying as attempting through contact with, or causing others to make contact with, a member 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.

This handbook will use the word “lobbyist” to include three types of lobbyists:

- **Contract lobbyist:** A person who receives compensation for lobbying based on a contract or compensation agreement, but who is not an employee of that person.
- **Employee lobbyist:** A person who lobbies for someone they are an employee of and who is being compensated for acting as a lobbyist.
- **Designated lobbyist:** A person who is an employee of a corporate entity and will be reporting all corporate and employee activities. The designated lobbyist will report the names of all employees who make expenditures of \$50 or more during any calendar year on behalf of the corporate entity’s activities.

Executive Official

Executive officials may be any of the following:

- 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 his or her employment, is directly involved in major policy-influencing decisions for the office;
- A state department or agency director, deputy director, division administrator, or bureau chief;
- The membership and the executive or chief administrative officer of any board or commission that is authorized to make rules or conduct rulemaking activities;
- The membership and the executive or chief administrative officer of any board or commission that governs any of the state departments, not including public school districts;
- 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
- The members of the governing board of the state insurance fund and the members of the governing board and executive or chief administrative officer of the Idaho Housing and Finance Association, the Idaho Energy Resources Authority, and the Idaho State Building Authority.

State Entity

- State government agencies and educational institutions that give gifts of any kind to legislators and executive officials.
- Must disclose expenditures incurred for developing and maintaining relationships, entertaining, and promoting goodwill with members of the legislature and executive officials.
- Do not have to report on legislation subject matter, ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue.
- State agencies will not file disclosures if they have a registered lobbyist who files all necessary reports and documentation.

Good Will

- Goodness or generosity by a person or entity directed toward a legislative or executive official that could cause the legislative or executive official to have a favorable impression of or thankfulness to the person or entity.

Members of Household

- Spouse and dependent children of the legislative or executive official whom that official is legally obligated to support.

ROLE OF THE SECRETARY OF STATE

The Secretary of State's Office is the filing officer for lobbyist registrations and reports. Lobbyists must follow reporting requirements as prescribed by Idaho law. The Secretary of State maintains a website with useful information and an online portal to assist with registration and reporting requirements.

The Secretary of State may refer matters to the Attorney General for investigation and enforcement when the Secretary has reasonable cause to believe a person is violating any provision of the lobbying statutes.