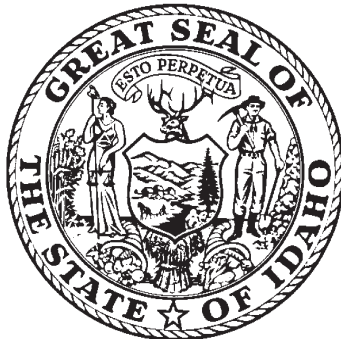


Reporting Manual
for
Registered Lobbyists



Compiled under the authority of
Ben Ysursa
Secretary of State
State of Idaho

2008 Amended

INSTRUCTIONS FOR REGISTERED LOBBYISTS

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 contactA 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, and shall also mean communicating with an executive official for the purpose of influencing the consideration, amendment, adoption or rejection of any rule or rulemaking or any ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue.

“A lobbyist includes any person who lobbies.”

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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. 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.
5. 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.

Exemptions from Registration *(continued)*

6. Employees of a corporation, if such corporation: (a) has registered as a lobbyist, and (b) has designated one or more of its employees as its official lobbyist, and (c) the person so designated by the corporation has also registered as a lobbyist.

Registering and Reporting

Lobbyists required to register and report need to be concerned with the following three forms:

- Form L-1: Lobbyist Registration Statement
(This form also serves as the Amended Registration Statement)
- Form L-2: Lobbyist Annual / Semi-Annual Report
- Form L-3: Lobbyist Monthly Report

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 Lobbyist Registration and Campaign Reporting.

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

Form L-1

Lobbyist Registration Statement must be filed before engaging in any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first. The L-1 is accompanied with a fee of ten dollars (\$10). A new L-1 form must be filed each year on or before January 10 if registration is to continue. *Also, a new L-1 must be filed within one week of a modification or termination of the lobbyist's employment.*

Form L-1 *(continued)*

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 registration statement, accompanied by the fee of ten dollars (\$10.00) for each registration statement, with respect to each such person; 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 Form L-1

List the lobbyist's full name, complete mailing address and telephone number(s).

List the name and address of the lobbyist's employer and the occupation of the lobbyist's employer. Under "duration of lobbyist's employment" state whether the lobbyist is employed permanently or temporarily, and 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.

Check whether the lobbying activities will be directed at the Legislature or an Executive Official, 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 books required to be kept.

Enter by code the general subject areas of legislative interest from the table. A statement of "ALL" will not be acceptable.

Form L-1 *(continued)*

Blank Spaces in the Report

Most people will find some items on the report which do not seem to apply to them at all. 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 merely raises a question as to whether it has been overlooked or misunderstood.

Additions and Supplements

Occasionally some reporting individuals will have more information to submit than can be stated in the space for the particular item on the form. Such information may be furnished on separate sheets and attached to the report. When this is done, an explanatory notation should be entered under the item itself and each separate sheet should be referenced to the item to which it pertains.

Certification

Each lobbyist’s registration statement must be signed by the lobbyist and dated.

Termination

In order to terminate his registration, the lobbyist must file an amended L-1 registration statement and state “terminated” under “duration of lobbyist employment.” Lobbyists are also required to file an L-2 annual report at the time of their termination.

Form L-2

Who Must File

The Sunshine Law requires each lobbyist registered under Section 67-6617, **Idaho Code**, to file an annual report. Lobbyist whose activities are confined only to executive officials shall also file a semi-annual report. Form L-2 is provided for this purpose.

Form L-2 (continued)

Note: Statutory filing requirements must be met even though no reportable expenditures have been made during a calendar year.

Filing Deadline

Annual reports must be filed by January 31 after the end of each year. Semi-annual reports must be filed by July 31. The Secretary of State has adopted a rule which deems the postmark date of mailed statements as the date of filing.

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 With

Ben Ysursa, Secretary of State, P.O. Box 83720, Boise, Idaho 83720-0080. Reports may also be filed by fax. Fax number (208) 334-2282.

Signatures

Both the lobbyist and his/her employer must sign the annual report if any money has been expended.

Termination

The filing requirements of Section 67-6619, **Idaho Code**, continue throughout the year unless there is a termination of the lobbyist's employment. If a lobbyist terminates during the year, he must file an L-2 annual report for that portion of the year for which he was registered. A lobbyist may terminate by filing with the Secretary of State an amended registration statement **and** an annual report. If any money was expended, both the lobbyist and the employer must sign the annual statement.

Form L-2 (continued)

Note: *If a lobbyist terminates on April 10th, his or her annual report covers the time of registration to April 10th.*

Item 1

Expenditures made or incurred directly or indirectly for any lobbying purpose shall be reported. List your expenditures for the year 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 the expenses, they do not have to be reported.***

Form L-2 (continued)

Examples of Expenditures in A and B

Lobbyist X invites three legislators/lobbyists to lunch to discuss a certain piece of legislation. The total bill is \$38.00 excluding the lobbyist's portion thereof. 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 \$7.00 for his lunch. This \$7.00 expenditure for his meal should be listed under the category of Living Accommodations since it did not pertain to entertainment but rather was a personal living expense necessary for the lobbyist's subsistence.

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 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 another category. Contributions listed in this category must be identified in Item 4.

Form L-2 (continued)

Item 2

The totals of each expenditure of more than seventy-five dollars (\$75) for a legislator or other holder of public office or executive official or member of their households shall be identified by date, place, amount, and the names of all members of the state legislature or holders of public office or executive officials or member(s) of their household in the group partaking in or of such financial category.

Note: *The lobbyist's portion of the expenditure is excluded in determining the seventy-five dollar (\$75) amount.*

Item 3

List 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

List any contributions of money or other tangible or intangible personal property to or on behalf of any legislator or executive official or member(s) of their household reported under the Other Expenses or Services category listed in Item 1. These contributions do not include entertainment. Those contributions that are required to be reported under other provisions of law need not be reported.

Item 5

Itemize the legislation being supported or opposed.

Form L-3

Who Must File

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

Note: Statutory filing requirements must be met even though there may have been no active lobbying during the month.

Filing Deadline

Monthly reports shall be filed within fifteen (15) days of the first day of the month for the activities of the month just passed. The Secretary of State has adopted a rule which deems the postmark date of mailed statements as the date of filing.

To Be Filed With

Ben Ysursa, Secretary of State, P.O. Box 83720, Boise, Idaho 83720-0080. Fax number (208) 334-2282.

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

Information Required

The L-3 monthly report is to be completed in the same manner as the L-2 report.

Signatures

Only the lobbyist need sign the monthly and semi-annual reports.

Penalties for Violation

Section 67-6625, Idaho Code, "Violations - Civil Fine - Misdemeanor Penalty - Prosecution - Limitation - Venue.

- (a) Any person who violates the provisions of section 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a), 67-6624, 67-6629 or 67-6630, 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.
- (b) Any person who violates section 67-6605 or 67-6621(b), Idaho Code, and any person who knowingly and willfully violates sections 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a), 67-6624, 67-6629 or 67-6630, Idaho Code, is guilty of a misdemeanor and, upon conviction, in addition to the fines set forth in subsection (a) of this section, may be imprisoned for not more than six (6) months or be both fined and imprisoned.
- (c) The attorney general or the appropriate prosecuting attorney may prosecute any violations of this act.
- (d) Prosecution for violation of this act must be commenced within two (2) years after the date on which the violation occurred.
- (e) 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."

Penalties for Violation *(continued)*

Section 67-6625A, Idaho Code, "Late Filing of Statement or Report - Fees.

If any person fails to file a report or statement on or before a specified date, he shall be liable in an amount of fifty dollars (\$50) per day after the deadline until the statement or report is filed, to the secretary of state. Liability need not be enforced by the secretary of state if on an impartial basis he determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within five (5) days after receiving written notice of the filing requirements from the secretary of state.

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

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

- (a) 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 act 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, responsibility for the preservation of such records under this subsection shall rest with such employer.
- (b) In addition, a person required to register as a lobbyist shall not:
 - (1) Engage in any activity as a lobbyist before registering as such;
 - (2) Knowingly deceive or attempt to deceive any legislator to any fact pertaining to any pending or proposed legislation;
 - (3) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

Duties of a Lobbyist *(continued)*

- (4) Knowingly represent an interest adverse to any of his employers without first obtaining such employers' consent thereto after full disclosure to such employers of such adverse interest;
- (5) 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;
- (6) 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.

Filing Reports

Registration statements and reports may be hand delivered, faxed or mailed to Ben Ysursa, Secretary of State, P.O. Box 83720, Boise, Idaho 83720-0080. The date of postmark shall be deemed the date of filing monthly and annual reports.

For further information and assistance contact the Secretary of State's Office at (208) 334-2852. Fax number (208) 334-2282.

APPENDIX A

Reporting Dates for Lobbyists

Report	Period Covered	Due
1st Monthly	January	February 15
2nd Monthly	February	March 15
3rd Monthly	March	April 15

Note: A Monthly report should be filed for every month or portion thereof that the legislature is in session.

2008 Semi-Annual Report shall be filed by lobbyists whose activities are confined only to executive officials and covers the period of January 1 - June 30, 2008
Due July 31, 2008

2008 Annual Report covers January 1 - December 31, 2008
Due January 31, 2009

2009 Semi-Annual Report shall be filed by lobbyists whose activities are confined only to executive officials and covers the period of January 1 - June 30, 2009
Due July 31, 2009

2009 Annual Report covers January 1 - December 31, 2009
Due January 31, 2010

APPENDIX B

Samples of Completed Lobbyist Forms