

I.C. § 74-402 · POLICY AND PURPOSE

“The position of a public official at all levels of government is a public trust.”

Idaho’s ethics laws set a minimum standard. Responsible officials hold themselves to a higher one.

Source: Idaho Code § 74-402; Attorney General, Ethics in Government Manual (2026), Introduction

WHY IT MATTERS

Two courts judge every ethics question

The court of law

Statutes set the floor. Crossing it can mean fines, jail, restitution, and loss of office.

The court of public opinion

A legal win does not guarantee a public one. Perception shapes trust.

If your analysis depends on a loophole, the conduct is likely unethical.

Source: AG Ethics in Government Manual (2026), Question 2

THE FRAMEWORK

Four acts, one analysis

1

Bribery and Corrupt Influence

Title 18, Ch. 13

2

Contracts with Officers

Title 74, Ch. 5

3

Ethics in Government Act

Title 74, Ch. 4

4

Public Integrity in Elections

Title 74, Ch. 6

Also in play: Local Land Use Planning Act (§ 67-6506), Misuse of Public Moneys (Title 18, Ch. 57), and statutes specific to your office.

Source: AG Ethics in Government Manual (2026), Introduction

THE METHOD

How to analyze an ethics question

1. Determine which specific statute applies to office or situation.
2. Check all four general acts. Where they overlap, **reconcile** them with specific statute whenever possible.
3. Disclosure under Chapter 4 **never** makes an act prohibited by Idaho Code legal.
4. Get legal advice **before** you act, not after.

Source: AG Ethics in Government Manual (2026), Questions 1 and 10

WHO IS COVERED

Each act defines its own reach

Act	Who it reaches
Bribery and Corrupt Influence	Every “public servant”: officers, employees, advisors, and consultants
Contracts with Officers	State, county, city, district, and precinct officers; legislators
Ethics in Government	“Public officials”: elected, appointed, employed, and consultants
Integrity in Elections	Public entities, their employees, and officials with policy, staff, or spending authority

Sources: I.C. §§ 18-1351(8), 74-403(10), 74-501, 74-603(8); AG Manual Questions 3–5

01

PART 1

Bribery and corrupt influence

Idaho Code Title 18, Chapter 13 — the Bribery and Corrupt Influence Act

IDAHO ASSOCIATION OF COUNTIES

I.C. § 18-1351 · DEFINITIONS

Four terms that drive the chapter

Benefit
Any gain or advantage — including to a person or entity whose welfare you care about.

Pecuniary benefit
Money, property, or commercial interests whose main significance is economic gain.

Confidential information
Non-public knowledge from your office that could give a financial edge.

Public servant
Any officer or employee, plus advisors and consultants doing government work.

I.C. §§ 18-1352, 18-1309, 18-1307

Bribery is a felony — on both sides

The offense

Offering, giving, soliciting, or accepting or agreeing to accept a benefit in exchange for a vote, decision, opinion, recommendation, or other exercise of discretion.

No technical defense

It doesn't matter that the official lacked authority or hadn't yet taken office.

1–14 years

State prison for bribing a commissioner, city council or officer of the law

Office forfeited

On conviction of any Chapter 13 crime

I.C. §§ 18-1353, 18-1353A, 18-1355

Threats and improper influence

Threats to sway a decision

Misdemeanor; felony if threatened to commit a crime or targets a judicial or administrative proceeding.

Private pleas to a hearing

Off-record appeals on grounds the law doesn't allow. Think ex parte contacts.

Threats to county officials

Threats of death or bodily harm. Felony with a weapon or a repeat.

Retaliating against anyone for lawful official action is also a misdemeanor.

I.C. §§ 18-1354, 18-1357, 18-1358

No rewards, side deals, or sold influence

After-the-fact rewards	No payment for a past vote or decision in someone's favor.
Paid private help	No pay for helping prepare a contract, claim, or proposal you'll decide.
Selling endorsements	No pay to approve an appointment or to use kinship or friendship for influence.

Each is a misdemeanor — for the person who pays, too.

I.C. § 18-1356

No asking for or accepting gifts in these instances

Regulators and law enforcement
Nothing from those you regulate, inspect, investigate, litigate, or hold in custody.

Contracts and purchasing
Nothing from vendors or claimants likely to be interested

Hearings and tribunals
Nothing from parties interested or likely to become interested.

Legislative and executive
Nothing in return for action on a matter.

I.C. § 18-1356(5)

The gift exceptions are narrow

Lawful fees

Fees set by law, or benefits you pay fair value for.

Real relationships

Family, friends, or business ties that exist apart from your office.

$50 or less

Trivial, incidental to contacts, and no real risk to impartiality.

When in doubt, decline the gift and pay your own way.

HYPOTHETICAL · GIFTS

The holiday gift certificate

You are the county treasurer. At Christmas, a local banker sends you a $250 bed-and-breakfast gift certificate “because you are such a great county treasurer.” Can you accept it?

No. The bank has an interest in county deposits, the gift is tied to your office, and it far exceeds $50. — §§ 18-1356(2), 18-1359(1)(b)

I.C. § 18-1359(1)

Using public position for personal gain

(a)	Using public funds or property for yourself without authorization
(b)	Taking payment for doing your official job (Exception trivial benefit under $50 with no risk to impartiality)
(c)	Using confidential information for gain or to harm your local entity
(d)	Having an interest in your board's contracts — see Part 2
(e)	Appointing or hiring relatives — see Part 2

RELATED · I.C. §§ 18-5701, 18-5702

Misuse of public moneys

Prohibited

- Personal use or another's use of public funds or the government credit card
- Loaning or profiting from public moneys
- False entries or altered accounts

Consequences

- Felony for custodians of public money, at any amount
- Up to 14 years when $300 or more
- Restitution, termination, and disqualification

I.C. §§ 18-1360, 18-1362

What a violation costs under Chapter 13

$1,000 and 1 year
Default misdemeanor: fine, county jail, or both

May require forfeiture of office
On top of any criminal penalty

Restitution
Repay any benefit to the government

Civil suit
Prosecutor or AG may sue to stop it; winner gets fees

02

PART 2

Conflicts of interest and contracts

Title 74, Chapter 5 · Self-interested contracts and nepotism, § 18-1359 · Land use, § 67-6506

IDAHO ASSOCIATION OF COUNTIES

I.C. §§ 74-501, 74-503, 18-1359(1)(d), AG Ethics in Government Manual Q 16 & 20

Officers can’t profit from their own contracts

> “…county… officers must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.”

Sales, too

Officers can’t be buyers at county sales or sellers at county purchases.

Two statutes, same rule

Chapter 5 and § 18-1359(1)(d) both apply. Check § 31-807A, or statutes specific to your local government, too.

I.C. § 74-502

Remote interests: a narrow safe harbor

Only four kinds qualify

Unpaid nonprofit officer

Employee on fixed wages or salary

Landlord or tenant of the contractor

Under 1% of the contractor’s shares

And all three steps

Disclose it before the contract forms

Note it in the minutes

Board approves without your vote

Never lobby fellow board members for it. That’s a misdemeanor — and the contract is void.

I.C. §§ 18-1361, 18-1361A, 74-405, 74-510

The small-town and volunteer exceptions

Small town (§ 18-1361)
Fewer than three suppliers within 15 miles — then a disaster, or the four steps

Unpaid boards (§ 18-1361A)
Same four steps, no 15-mile test, for members paid no salary or fee

1 Competitively bid; you submit the low bid
2 No part in specs, voting, or approval
3 Written disclosure to every board member
4 No bidding or solicitation violations

I.C. §§ 74-504 TO 74-511, AG Ethics in Government Manual Q 12

When a contract goes wrong

Voidable or void
Any party but you can undo it. Some statutes make it void outright.

Payment stops
Officers must swear compliance; disbursing officers must halt payment.

No dealing in warrants
Officers can’t buy or sell claims against the county.

Criminal penalty
Misdemeanor: up to $1,000, one year in jail, or both.

HYPOTHETICAL · CONTRACTS

The commissioner’s day job

You are a county commissioner and a salaried engineer at a local firm. Your firm bids on the county’s bridge replacement. Can the board award it the contract?

Possibly. Fixed salary is a remote interest — if disclosed and minuted first, approved without your vote, and you don’t lobby. Bonus or ownership? Prohibited. — § 74-502

I.C. § 18-1359(1)(e) AND (4)

Nepotism: the second-degree rule

Every public servant

Can’t appoint or vote to hire a relative within the second degree. No trading favors with colleagues.

County commissioners, Mayors, & City Councils

No one may hire a commissioner’s second-degree relative for any paid county position. (New conditional exception for cities-only, under 10,000 population.)

Knowingly paying an ineligible relative’s wages is itself a misdemeanor.

CONSANGUINITY AND AFFINITY

Who is within the second degree?

Degree	By blood	By marriage
First	Parents, children, siblings	Spouse's parents, children, siblings; sons- and daughters-in-law
Second	Grandparents, grandchildren, nephew/niece, cousin, uncles/aunts	Spouse's grandparents, grandchildren, nephew/niece, cousin, uncles/aunts
Third	great aunts/uncles child of great aunts/uncles, great grandchild, great grandparent, 2nd cousin, cousin's child, grand nephew/niece	Your spouse's great aunts/uncles child of great aunts/uncles, great grandchild, great grandparent, 2nd cousin, cousin's child, grand nephew/niece

I.C. § 18-1359(5), AG Ethics in Government Manual Q 6-8

Employees hired prior to election keep their jobs

What they keep

The position, plus raises, step and cost-of-living increases, merit pay, benefits, bonuses, and promotions

What doesn't change

No property right in the job. Discipline, transfer, and termination rules still apply.

The related official still can't vote on that employee's appointment or advancement.

HYPOTHETICAL · NEPOTISM

The son-in-law at the jail

You've just been elected county commissioner. Your son-in-law has worked as a jail deputy for five years. Must he resign once you take office?

No. He held the job before your election, so he keeps it, with raises and promotions. You still can't vote on his advancement. — § 18-1359(5)

HYPOTHETICAL · NEPOTISM

The assessor's new appraiser

The assessor is hiring an appraiser. The two finalists are a commissioner's brother-in-law and that commissioner's second cousin. The commissioner stays out of it. Can the assessor hire either one?

Brother-in-law: no. Second cousin: yes.

A spouse's sibling is second degree, so no county office may hire him. A second cousin is third degree. — § 18-1359(4)

I.C. § 67-6506 · LOCAL LAND USE PLANNING ACT

Land use: disclose, then abstain

Whose interest counts

Yours, your employer's, a business partner's or associate's, or a relative's within the second degree

What's required

Disclose at or before the meeting. Take no part in any deliberation or decision.

Stricter than Chapter 4: disclosure alone isn't enough. A knowing violation is a misdemeanor.

HYPOTHETICAL · LAND USE

The brother-in-law's rezone

You sit on the county planning and zoning commission. Your sister's husband applies to rezone his farm for a subdivision. You announce the relationship at the hearing. May you then deliberate and vote?

No. He's a second-degree relative with an economic interest. Disclose, then take no part in any deliberation or vote. — § 67-6506

03

PART 3

The Ethics in Government Act

Idaho Code Title 74, Chapter 4 — the Ethics in Government Act of 2015

IDAHO ASSOCIATION OF COUNTIES

I.C. § 74-402

Six goals behind the Act

1. Protect integrity while recruiting good people
2. Assure independence, impartiality, and honesty
3. Tell citizens about personal interests
4. Prevent office from serving personal gain
5. Keep special interests from undue influence
6. Make policy reflect the public interest

I.C. § 74-403(3), (4), (7)

What counts as a conflict of interest

Any official action, decision, or recommendation that would bring a private financial benefit to:

You
Gain beyond your lawful public pay

Your household
Spouse, dependent children, and anyone you must support

Your business
Director, officer, owner, partner, employee, or $5,000+ in stock

I.C. § 74-403(4)(a)–(d)

Limited Exceptions: No conflict when everyone is affected alike

Required by law
An interest the law requires to hold the office

A whole industry
Action that affects your industry or occupation equally

A whole profession
Your interest is the same as a large group in your field

Taxes and budgets
Revenue, appropriation, or tax measures that affect the public alike

I.C. § 74-404(4) AND (5)

Disclose before you act

Elected county officials

Disclose the conflict on the record, before acting

Follow your board's rules

You may still count for quorum, debate, and vote

Appointed and employed officials

Put it in writing to your appointing authority

Describe the matter and the conflict

The authority may seek a legal opinion

Ask to be excused and the board refuses? You're shielded from liability on that issue.

I.C. § 74-404 · AG MANUAL QUESTION 10

Legal advice is a safe harbor — with limits

Who you can ask

Your county's attorney, the Attorney General, or your entity's legal counsel

What it protects

Advise "no conflict" and you may proceed free of Chapter 4

What it doesn't

Acts that other statutes prohibit

I.C. §§ 74-406, 74-407

Penalties and a newer rule on tax notices

$500

Civil fine for intentionally failing to disclose

Criminal charges and discipline remain possible

County tax correspondence

No elected official's name and no electioneering message

Exceptions: endorsing a check, and standard letterhead

HYPOTHETICAL · CONFLICTS

The levy and the road

A commissioner owns farmland in the county. The board votes on (1) the annual budget and property tax levy, and (2) paving the one gravel road that serves only her farm. Does either vote present a conflict?

Levy: no. Road: yes — disclose first.

Taxes that hit the public alike are exempt. A road that benefits her alone is a private gain. — § 74-403(4)(d), § 74-404

04

PART 4

Public integrity in elections

Idaho Code Title 74, Chapter 6 — the Public Integrity in Elections Act

IDAHO ASSOCIATION OF COUNTIES

I.C. §§ 74-602, 74-604

No public money or resources for campaigns

Public funds

No spending to advocate for or against a candidate or ballot measure

Property and resources

No government vehicles, email, equipment, facilities, or staff time

Who it binds

The local government, its employees, and officials who authorize use

Ballot measures: constitutional amendments, bonds, and levies. Campaigning on work time counts as using resources.

I.C. § 74-603(1)

Inform, don’t advocate

Allowed: neutral facts

Cost of the debt and intended purpose

Condition of the property to be addressed

Election date, location, candidate qualifications

The reasons, stated neutrally

Prohibited: campaigning

“Vote yes” or “vote no” messages

Campaign signs or materials on taxing district’s time

Endorsements from taxing district accounts

Persuasive slogans in taxing district mailers

I.C. §§ 74-605, 74-603(5)

What you can still do

Speak and campaign personally
On your own time, with your own money

Encourage people to vote
Neutrally, without favoring an outcome

Explain a bond or levy
An objective statement of purpose, effect, and cost per taxpayer

Publish required notices
Election notices and disclosures the law requires

Facilities open to the public may be used on equal terms by all parties.

I.C. § 74-606

Civil penalties and enforcement

$250
Any violation

$1,500
A knowing violation

$2,500
A repeat knowing violation within 12 months

Your prosecuting attorney enforces locally. If commissioners are involved, a special prosecutor is appointed.

HYPOTHETICAL · ELECTIONS

The campaign sign errand

You're an elections clerk taking a county vehicle to pick up ballots. The coroner, who is running for reelection, asks you to drop one of his campaign signs at the mortuary across the street from the print shop. Is that legal?

No. The county vehicle and your work time are public resources. Using them to help a candidate is prohibited — however small the errand. — § 74-604(2)

HYPOTHETICAL · ELECTIONS

The levy mailer

The county has a jail levy on the ballot. A draft county-funded mailer is headlined “Support our deputies — vote YES!” and lists the cost per $100,000 of taxable value. Can it go out?

Not as written. Cut the advocacy, keep the facts.

“Vote yes” is advocacy. Purpose, effect, cost per taxpayer, and the election date are allowed. — §§ 74-603(1), 74-605(5)

WRAP-UP

The penalty is only part of the cost

Financial
Attorney fees, defense costs, lost income, drained savings

Professional
Loss of position, prestige, and the public’s trust

Personal
Publicity, stress on family, and possibly loss of freedom

Officials under investigation describe it as “one of the most unhappy experiences and periods of their lives.”

WRAP-UP

Five rules of thumb

1. When in doubt, ask your prosecuting attorney/legal council.
2. When in doubt, decline the gift.
3. Put every land-use contact on the record.
4. Disclose, then step back from the decision.
5. If it smells bad, it probably is.

RESOURCES

Where to go for help

Your prosecuting attorney
First call for advice on a specific situation

Attorney General's manual
Ethics in Government Manual, July 2026, at ag.idaho.gov

The statutes
Title 18, Ch. 13; Title 74, Ch. 4, 5, and 6; § 67-6506

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