

Wednesday, October 31, 2012

The Hon. Ben Yursa
Idaho Secretary of State
PO Box 83720
Boise, ID 83720

Dear Mr. Secretary:

Although we strongly disagree with the ruling by Fourth District Court Judge Michael Wetherell, we have decided to fully comply with his order rather than immediately file an appeal. Because of the importance of the legal issues that were addressed in summary fashion by the Court and the potential consequences of the decision that was rendered in our case, we are still considering whether to take an appeal to the Idaho Supreme Court.

The current circumstances exist due to a simple disagreement over the substance and application of Idaho's campaign finance law. As your chief deputy stated earlier this month in a letter to other organizations, the law has "not been clearly enunciated in the past." We are disappointed you selected our organization as the vehicle by which you chose to try to clarify the law. That said, we respect you, your office and your role in the political process.

We submit this report along with two requests. First, please accept our previous offer to work with you in future sessions of the Idaho Legislature so there is more clarity in the law and in your office's guidelines for definitions of political activity. Other organizations should not have to suffer through such a public battle. Our offer is sincere, and we submit it with the same good faith we brought when we first approached your office for guidance months ago.

Second, we ask for whatever assistance we may need from your Business division and Elections Division as we work through the complicated corporate governance and tax implications of the judge's order. We formed Education Voters of Idaho to advocate for education reform and to inform the public on the issue – this year and for many years to come. We intended to be a social welfare organization, not a political committee, and we want to fulfill the mission our donors support. We don't yet know how we will do that moving forward, but we believe we must do so for the future of Idaho's schools.

Finally, we want to make it clear to you and to the public that our actions were based solely on what we believe are our duties to our donors, and our duty to protect our rights as a corporation under Idaho code, the Idaho Constitution and the First Amendment to the U.S. Constitution. We are proud of our donors and humbled by their strong support for long-term education reform in Idaho.

Sincerely,

*John Foster and Debbie Field
Education Voters of Idaho
PO Box 9925
Boise, ID 83707*