STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

October 22, 2012

Christ T. Troupis
Troupis Law Office, P.A.
1299 E. Iron Eagle, Suite 130
P.O. Box 2408
Eagle, Idaho 83616

      Re: Education Voters of Idaho, Inc.

Dear Mr. Troupis:

This letter responds to your letter of October 19, 2012, to the Secretary of State. The Secretary of State's Office continues to take the position that Education Voters of Idaho, Inc. (EVI) is a political committee that must comply with the reporting requirements of Idaho Code § 67-6607. The positions set forth in your letter of October 19, 21012, are not acceptable.

In particular, EVI's status as a Section 501(c)(4) corporation has no bearing on the issue of its status as a political committee or not. Any corporation that receives donations that are in turn spent in support of or opposition to ballot measures is a political committee when it exceeds the monetary thresholds of Idaho Code § 67-6602(p) without regard to whether promoting or opposing the ballot measures is the corporation's principal mission or only part of a larger mission.

You are correct that the IEA and NEA are in many ways similar to the EVI with regard to receiving contributions and in turn forwarding them to other political committees. That is why similar demands are also being directed to them.

As for corporations having First Amendment rights, the Secretary of State's demand for disclosure of contributors does not in any way infringe upon the message that

EVI wishes to support and thus does not compromise EVI's First Amendment rights. In the absence of the most extreme circumstances, e.g., where persons who exercise their First Amendment right might be in danger if their identities become known, there is no First Amendment right to keep one's significant contributions to political speech secret. The Secretary of State is aware of no such circumstances here.

Sincerely,

MICHAEL S. GILMORE
Deputy Attorney General

MSG:cjf

cc: Hon. Ben Ysursa