



October 5, 2016

The Honorable Lawrence G. Wasden
Idaho Attorney General
700 W. Jefferson Street, Suite 210
P.O. Box 83720
Boise, Idaho 83720

Dear Attorney General Wasden,

Over the last few weeks, a group of people has repeatedly harassed and intimidated an Idaho Democratic Party employee in Bonner and Boundary counties. On behalf of the Idaho Democratic Party, I ask for your attention to this matter. This conduct raises serious concerns about the Idaho Democratic Party's First Amendment rights to advocate for its candidates and to get out the vote on behalf of its candidates and associate with its supporters.

The employee, who was organizing local campaign volunteers, has faced substantial harassment from the group throughout his time in Bonner and Boundary counties. For example, in the middle of the night, a group of people came to the house where he was residing, which was in a remote location. They took photographs of this house and of his license plates. The employee felt so alarmed that he reported the incident to the Bonner County Sheriff's Office. The Sheriff's Deputy who responded to the call told the employee: 1) the employee's political affiliation gave the employee motivation to lie and 2) that "being a Democrat is not a protected class." Out of concern for the employee's safety, the Idaho Democratic Party relocated him out of the County.

These acts of willful intimidation raise serious concerns under Idaho law. In addition to general prohibitions on assault and stalking, the State specifically criminalizes attempts to interfere with the right to vote: "Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly attempts to influence any elector in giving his vote, or to deter him from giving the same...is guilty of a misdemeanor."

The threatening conduct of the group in Bonner and Boundary counties presents serious questions of illegal interference with the right to vote. These questions are not limited to the employee who faced intimidation because local groups may target other electors and because news of harassment may influence other electors' willingness to vote.

I ask that your office review this matter urgently and take all necessary steps to protect the rights of the state's voters.

Sincerely,

Bert Marley
Chairman, Idaho Democratic Party

¹ Idaho Code Title 18 §901 and Title 18 §7906

² Idaho Code Title 18 §2305. See also Title 18 §2319, "No person shall attempt to influence the vote of any elector by means of a promise or a favor, or by means of violence or threats of violence..."