



Lawrence Denney, Secretary of State
State of Idaho
700 W Jefferson St.
Boise, Idaho 83720

May 4, 2018

Dear Secretary Denney:

As you are aware, several longstanding Idaho political operatives and organizations have sent a statewide political mailer titled "The Idahoan" directly to residents of the state. The founders of The Idahoan have called the mailer a "newspaper," but it is clear that The Idahoan is nothing more than a campaign mailer intended to sway voters before the upcoming primary elections on May 15, 2018. I am writing you today in my capacity as legal counsel for the Idaho Democratic Party and request that your office immediately investigate the legal legitimacy of this political mailer.

The Idaho Democratic Party believes that certain conservative political organizations are funding The Idahoan and are attempting to circumnavigate campaign and election laws by improperly classifying The Idahoan as a newspaper. The ties between conservative political action committees, such as the Idaho Freedom Foundation, and The Idahoan are clear. The name "The Idahoan" was first registered with the Idaho Secretary State's Office as an assumed business name on January 24, 2007 by Wayne Hoffman. Mr. Hoffman currently serves as the Executive Director of the Idaho Freedom Foundation. Not coincidentally, Mr. Hoffman terminated his use of the assumed business name "The Idahoan" on April 19, 2018. That same day, The Idahoan, LLC was registered with the Secretary of State's office by longtime Republican political operatives Michael Oswald and Patrick Malloy.

Within three weeks of registering The Idahoan, LLC, The Idahoan, a 43-page political campaign mailer was directly mailed to a large percentage Idaho households. The Idaho Freedom Foundation and Idaho Chooses Life apparently helped fund this campaign mailer with paid advertisements in The Idahoan. Idaho voters have no way of knowing what additional individuals and entities paid for its publication. The mailer endorses numerous conservative candidates, contains political articles, and advertises the Idaho Freedom Foundation and Idaho Chooses Life. These supposed "advertisements" and behind-the-scenes donations are nothing more than a roundabout way for these two political action committees and other conservative

political operatives to make a substantial contribution to various right-wing conservative candidates before the upcoming primary elections.

Idaho Code § 67-6628 requires that all expenditures relating to electioneering communications be filed with the Idaho Secretary of State's office. Idaho Code Chapter 67 Title 66 contains various other relevant statutes that The Idahoan, the Idaho Freedom Foundation, and Idaho Chooses Life could be violating with this political mailer. The importance of these election and campaign laws cannot be overstated, and an investigation into whether any of these laws have been violated with this political mailer is crucial to the integrity of Idaho's electoral process.

The Idaho Democratic Party further requests that you recuse yourself from all involvement in this investigation. The Idahoan lists its "editor/publisher" as Lou Esposito. Mr. Esposito is currently the chair of the Idaho Land PAC. The Idaho Democratic Party is aware that the Idaho Land PAC made an independent expenditure of approximately \$212,950 that supported you and other conservative candidates' in your campaigns. As Speaker of the Idaho House, you directed the Victory Fund, the House GOP leadership PAC under your control at the time, to donate \$10,000 to GunPAC. GunPAC was at the time of the donation coordinated by Mr. Esposito. For these reasons, the Idaho Democratic Party is not confident that you will be able to remain neutral in this investigation and respectfully requests that you appoint a neutral party to oversee this blatant violation of Idaho campaign and election laws.

The Idaho Democratic Party is committed to ensuring that Idaho elections remain transparent for all Idaho voters. The Idahoan is a blatant attempt to hide a political advertisement endorsing right-wing Republican candidates behind a seemingly legitimate newspaper. This trickery and deceptiveness cannot be tolerated by your office, and The Idahoan and its backers should be investigated to ensure that all election and campaign laws have been complied with.

Sincerely,

Sam Dotters-Katz

Counsel for Idaho Democratic Party