

From: Upscale Mail
To: CELA; Tim Kastning
Subject: MUR 7559
Date: Thursday, February 28, 2019 5:20:19 PM
Attachments: Ltr to Ms. Vander Feer.pdf

Please find attached a letter from the Idaho Secretary of State regarding Idaho's investigation into the complaint filed by Ms. Rose.

Thank you.

Mike Cook

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We appreciate your business!

*Upscale Mail
2600A E Seltice Way
Post Falls, ID 83854
208-773-5249*

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STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

February 22, 2019

Via U.S. Mail

Melanie Vander Feer

Athol, ID 83801

Re: Alleged Violation of Sunshine Act

Dear Ms. Vander Feer:

On December 3, 2018, the Secretary of State received a report of an alleged violation of the Sunshine Act. The allegation involved a direct mailing that was sent out shortly before the recent November election. It endorsed multiple state and local candidates and advocated against two ballot propositions. The mailer did not include information sufficient to identify the person responsible for it. The Secretary of State's office asked us to investigate the alleged violation.

We determined that you commissioned and paid for the mailer, and that the mailer violates Idaho Code section 67-6614A. The Secretary of State's office has elected not to initiate an action against you to collect the statutory \$250 fine and other penalties. That office asked, though, that we send you this letter to clarify your responsibility when you engage in this type of political activity, which is regulated by Idaho law.

A direct mailing that advocates for a candidate or ballot measure must clearly indicate who made the expenditure to finance it. Idaho Code § 67-6614A. Failure to include this information subjects the person responsible to a \$250 civil fine, or if the responsible party is an organization, a \$2500 fine. Idaho Code § 67-6625(1). A person who omits this information knowingly and willfully is guilty of a misdemeanor and subject to a sentence of up to six months in jail. Idaho Code § 67-6625(2).

The mailer you sent endorses several specific candidates for various offices, and it opposes two specific ballot measures. Under Idaho Code section 67-6614A, such a mailer is required to clearly state who is responsible for it. Your mailer violated this law in two respects. First, your mailer states that it is from "your conservative Republican Precinct Committeeman." This is inaccurate as to distribution in Kootenai County Precinct 2, given that you are not the

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