From:

Upscale Mail

To: Subject: CELA;

Tim Kastning MUR 7559

Date: **Attachments:**

Thursday, February 28, 2019 5:20:19 PM 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

We appreciate your business!

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



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL LAWRENCE G. WASDEN

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

committeeman for that precinct. Second, your mailer failed to identify on its face who is responsible for funding its distribution. In the future, if you pay for such a mailer, your name should appear on the face of the mailer, indicating that you personally were responsible funding the cost of distributing the mailer.

Based on the Kootenai County Sherriff's investigation, and other information we have at this time, the Secretary of State's office does not believe that you knowingly or intentionally violated the law and has decided not to institute an action against you. It appears that you may have made an honest mistake. However, that office wishes to impress upon you the importance of being familiar with and complying with the law regarding political activities, especially when it comes to political expenditures.

If you have questions about compliance, the Elections Division of the Secretary of State's Office can assist you. You can reach them at (208) 334-2852 or elections@sos.idaho.gov.

Sincerely

Dayton P. Reed

Deputy Attorney General

DPR:em

cc: SCO