

Citizens for Honest and Responsible Government
PMB 119, 212 Ironwood Drive, Suite D
Coeur d'Alene, ID 83814

2-24-10

State of Idaho
Office of the Secretary of State
PO Box 83720
Boise ID 83720-0080

FILE COPY

Dear Sir:

Citizens for Honest and Responsible Government (CHRG) is an Idaho unincorporated nonprofit association, assigned Association # U1546 by the Idaho Secretary of State.

Recently the City of Coeur d'Alene sent two letters to CHRG. A copy of each is attached. The February 5, 2010, letter suggests that your office and the Idaho Attorney General's Office jointly determined that CHRG is a Political Action Committee (PAC).

I request a copy of all writings (including memoranda of conversations) between your office and the City of Coeur d'Alene relating to the City's allegation that CHRG is a PAC. Specifically, I wish to determine what specific facts or assertions the City of Coeur d'Alene offered in support of its allegation that CHRG is a PAC. I also wish to determine exactly what your office's response was to the City's inquiry. Finally, I wish to know the legal basis for your determination that Jim Brannon's lawsuit is a continuation of his candidacy.

On January 5, 2010, the Coeur d'Alene City Clerk administered the oath of office to Council members elected at the November 3, 2009, City election. That installation dispositively concluded the November 3, 2009, City election and terminated the candidate status of any of that election's contestants. Mr. Brannon is contesting the election as a qualified elector (I.C. 34-2007), not as a candidate. If the Court rules that a new election must be held, then any and all candidates will presumably be required to file a declaration of candidacy for the new election. Until Mr. Brannon files that declaration, if he does, Mr. Brannon's lawsuit is one of a qualified elector contesting the November 3, 2009, election. Thus, any legal expenses incurred in the prosecution of that lawsuit are the expenses of a private citizen, not a candidate.

The requested material is necessary so that we may prepare a reply to the Coeur d'Alene City Clerk's allegation.

Thank you for your prompt attention to this request.

Very truly yours,

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William L. McCrory

Member, CHRG