



December 5, 2017

Steve Taggert
Maynes Taggart PLLC
P.O. Box 3005
Idaho Falls, Idaho 83403

RE: Business For Growth Facts

Mr. Taggert:

The City received a written complaint that a Business for Growth Facts Facebook Group (hereinafter "Facts Group") had violated the reporting requirements of the Idaho Sunshine Law, Idaho Code Title 67, Chapter 66. The City Attorney's Office, as directed by the City Clerk, investigated the complaint and the City Attorney's Office has determined the Facts Group has failed to register as a political committee and has failed to file contribution and expenditure reports, as required by Idaho Code §§ 67-6603 through 67-6609.

Idaho's campaign finance laws define a Political Committee as "any individual, corporation, association, firm, partnership, committee, political party, club, or other organization or group of persons . . . specifically designated to support or oppose any candidate or measure." Idaho Code § 67-6609(o)-(p)(1). Under this definition, the Facts Group is a Political Committee because (1) it's stated purpose is to confront and oppose another Political Committee (Businesses for Growth) in an effort to influence the Idaho Falls Mayor Election, (2) because the Facts Group is actively supporting a candidate for mayor, and actively opposing another candidate for mayor.

According to the Facts Group's Facebook page the purpose of the group is "setting the record straight on the campaign of deception being waged by the so-called Businesses for Growth." The Businesses for Growth is a registered Political Committee who has registered because it is supporting and opposing Idaho Falls Mayoral candidates for the 2017 election. Opposition to Businesses for Growth necessary draws the Facts Group into influencing the mayoral election.

In addition, the Facts Group is actively supporting Rebecca Casper and actively opposing Barb Ehardt as a candidates for Idaho Falls Mayor. The Facts Group has demonstrated its active support and opposition through at least the following Facebook Posts:

- December 2 – Post indicating that Rebecca Casper is a winner and Barbara Ehardt is a loser.
- November 28 – Post quoting editorial article supporting Rebecca Casper and opposing Barabra Ehardt.
- November 28 – Post of a “modified” Barbara Ehardt graphic asserting that Ehardt will be manipulated by business interests once in office.
- November 27 – Post in opposition to Businesses for Growth’s candidate Barbara Ehardt’s campaign.
- November 22 – Post encouraging public to vote in mayoral election.
- November 20 – Post asserting Barbra Ehardt had supported Water Facility Plan.
- November 19 – Post challenging readers to donate to charity, asserting that Barbara Ehardt would not donate.
- November 19 – Post indicating that Facts Group had deleted Mayor Casper’s son’s posts after he requested it.
- November 19 – Post asserting Mayor Casper’s travel was appropriate.
- November 18 – Post refuting a billboard’s claim about Mayor Casper and opposing Barbra Ehardt.
- November 18 – Reposting a comment in favor of Mayor Casper.
- November 18 – Post asserting Mayor Casper’s travel was appropriate when compared to a prior mayor.
- November 16 – Post defending Mayor Casper’s travel.

I’ve attached screenshots of the referenced posts to this letter. This active support and opposition for specific candidates indicates that the Facts Group has the specific purpose to influence the Idaho Falls mayoral election. The Facts Group clearly backs Rebecca Casper for Idaho Falls mayor and opposes Barbra Ehardt and posts repeatedly in support of and in opposition to these candidates. As a result, the Facts Group falls under the definition of a “political committee” and must comply with the Idaho Campaign Elections law.

The purpose of the Idaho Campaign Elections law is “avoiding secrecy by those giving financial support to state election campaigns.” Idaho Code § 67-6001. For that reason, the Facts Group must file as a Political Committee and submit financing reports. Idaho’s Election law requires all campaign contributions, including in-kind contributions, to be reported. Idaho Code §§ 67-6607, 67-6610A. Even if the Facts Group does not receive

any contributions or does not makes any expenditures, the Facts Group must still file as a Political Committee and submit a report to that effect.

Please instruct your client to file as a Political Committee and to file a financing statement that complies with Idaho law. If the required paperwork is not filed, the City Attorney's Office may take additional actions, including misdemeanor proceedings and up to \$2,500 in fines, consistent with Idaho Code § 67-6625. Please contact me with any questions you have.

Sincerely,

Michael Kirkham
Assistant City Attorney
City of Idaho Falls