



PHIL McGRANE

IDAHO SECRETARY OF STATE

May 23, 2025

Take Back Idaho
Chairperson Jennifer Ellis
2844 Kelly Topance Rd
Bancroft, ID 83217

RE: Campaign finance compliance

Dear Chair Ellis,

We appreciate the cooperation of the Take Back Idaho political committee as our Office investigated alleged electioneering communication expenditures. Over the course of our inquiry, we determined that the committee violated Idaho Code § 67-6628 by failing to properly report expenditures in the 2024 election cycle as electioneering. As a result, our Office is assessing a fine of \$100 against the committee.

You may pay this fine by check made payable to the Idaho Secretary of State's Office. The fine must be paid in full by check by or on June 6, 2025.

Please mail the check to: Idaho Secretary of State, P.O. Box 83720, Boise, ID 83720-0080.

Additionally, please also see the attached guidance for proper reporting of electioneering communication expenditures in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garron".

Garron Cassidy
Elections Compliance Specialist

Electioneering Communications Guidance

Definition

An electioneering communication is defined by Idaho Code § 67-6602(7) as the following:

“...any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or telephone calls made to personal residences, or otherwise distributed that

- i. Unambiguously refers to any candidate; and
- ii. Is broadcasted, printed, mailed, delivered, made or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and
- iii. Is broadcasted to, printed in a newspaper, distributed to, mailed to or delivered by hand to, telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office.”

Note that an electioneering communication only requires an unambiguous reference to any candidate. If the communication is expressly advocating the election or defeat of a candidate, then it is instead an independent expenditure as defined by Idaho Code § 67-6602(11).

Additionally, a communication is not an electioneering communication if it falls under the following exemptions:

- i. Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate, political committee, or political party;
- ii. Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, or political party;
- iii. Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;
- iv. Any communication that refers to any candidate only as part of the popular name of a bill or statute;
- v. A communication that constitutes an expenditure or an independent expenditure under this chapter.

Our Office understands that this definition can be confusing in the internet era. Please feel free to contact us for assistance whenever you are making/distributing a

communication and are unsure if it meets the criteria to be considered an electioneering communication.

Reporting Requirements

An electioneering communication must be reported through the filing of a statement with the Idaho Secretary of State's Office. Idaho Code § 67-6628 provides the following requirements:

1. Any person who conducts or transmits any electioneering communication shall be required to file a statement on a form provided by the secretary of state. Contents of the statement shall include the amount spent on such communications, the name and address of the person, and the names and addresses of any persons who contribute fifty dollars (\$50.00) or more to any person described in this section.
2. Any person that incurs costs in excess of one hundred dollars (\$100) when making an electioneering communication shall file a statement in accordance with the time limits established by section 67-6611(2), Idaho Code
3. In addition to the requirements of subsection (2) of this section, any person that incurs costs of one thousand dollars (\$1,000) or more when making an electioneering communication shall file a statement as provided in subsection (1) of this section within forty-eight (48) hours of incurring the costs for such communication.

As described above, electioneering communications in excess of one hundred dollars (\$100) must have their statements filed in accordance with the time limits established by Idaho Code § 67-6611(2). These time limits are as follows:

2. Statements shall be filed with the secretary of state, not less than seven (7) days prior to the primary and general election and thirty (30) days after the primary and general election.

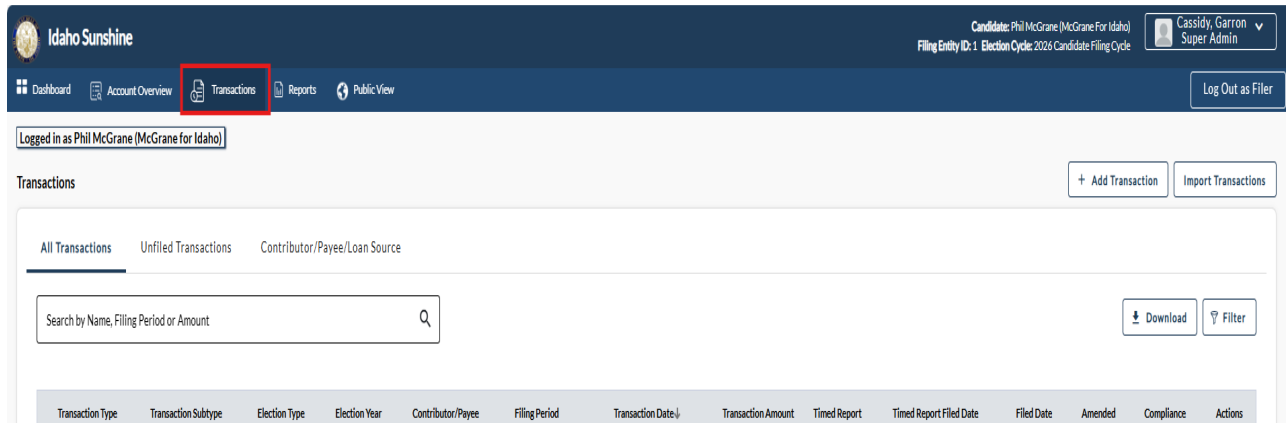
An electioneering communication statement must therefore be filed not less than seven (7) days prior to the primary or general election if it was distributed not less than seven (7) days prior to that election. If distribution instead begins only after the seventh day prior to that election, then the statement must be filed within thirty (30) after the election.

In addition to this statement, an additional statement must be filed within forty-eight (48) hours of incurring the costs for such communication if the costs match or exceed one thousand dollars (\$1,000). An electioneering communication which reaches this monetary threshold will therefore have two statements required: one due within forty-eight (48) hours, and the other due either seven (7) days prior to the election or thirty (30) days after the election depending upon the date of its first distribution.

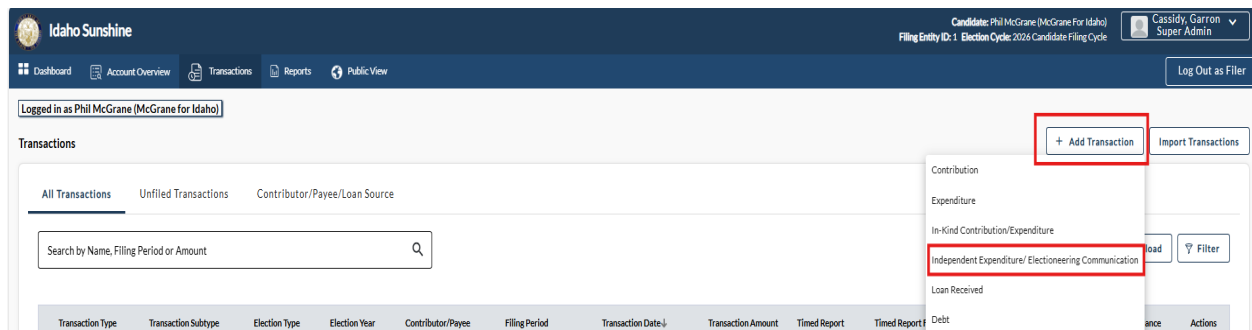
Filing an Electioneering Communication Statement

To file an electioneering communication statement within the Sunshine system, follow these steps:

1. Navigate to the “Transactions” tab of your portal:



2. Click the “Add Transaction” button and then select the “Independent Expenditure / Electioneering Communication” option:



3. You will be prompted to enter the following information:

Idaho Sunshine
 Logged in as Phil McGrane [McGrane for Idaho]
 New Independent Expenditure/Electioneering Communication
 Transaction > New Independent Expenditure/Electioneering Communication

Expenditure Type* Purpose*

Date of Public Distribution
 Start Date* End Date*

Transaction Details ⓘ
 Transaction Date* Amount*
 Payee Type* Payee*

Description

External Expenditure ID ⓘ

Are you making independent expenditures or electioneering communications in respect to a candidate or a measure? *

☐ Candidate ☐ Measure

Candidate / Measure	District	Office Sought	Stance	Amount Applied to Candidate/Measure	Actions
No data available					

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Save Cancel

Independent Expenditure/ Electioneering Communication

Independent Expenditure
 Independent Expenditure refers to any funds spent on communications in support of or opposing a candidate(s) or measure(s) other than yourself. Independent Expenditures in the amount of \$1,000 or more must be reported within 48 hours of entering into a contract for the communication, not when the expenditure is billed. See Idaho Code 67-6611 and 67-6602(10).

Electioneering Communication Expenditure
 Electioneering Expenditure refers to funds spent on messaging that mentions a candidate or measure but does not specifically use verbiage in support or opposition. Electioneering expenditures in the amount of \$1,000 or more must be reported within 48 hours of entering into a contract for the communication, not when the expenditure is billed. See Idaho Code 67-6628 and 67-6602(7)(a).

- **“Expenditure Type”** – Choose the Electioneering Communication option.
- **“Purpose”** – Choose the appropriate purpose code dependent upon the medium of distribution (B for broadcast advertising, L for literature, N for newspapers, O for other)
- **“Start Date” and “End Date”** – Choose the dates within which the communication will be distributed. Some communications may have exact end dates, such as billboards or Facebook ads which will be removed once their contract expires. Other communications may require a good-faith estimate. For example, the end date for literature being sent in the mail could be set to a week after the final communication is mailed as an estimate of when all mail should’ve been delivered. These dates are used by our office and the public to help match electioneering communications seen online or in person to a corresponding statement in the Sunshine system, so accuracy helps prevent false accusations of improper reporting.
- **“Transaction Date”** – Choose the date that payment or a contract for payment was made to create/distribute the electioneering communication.
- **“Amount”** – Enter the amount spent.
- **“Payee Type”** – Choose the correct designation for the entity which was paid or entered into a contract with to create/distribute the electioneering communication.
- **“Payee”** – Type the name of the entity which was paid or entered into a contract with to create/distribute the electioneering communication. Select the entity from the drop-down menu if it appears there. If it does not appear in the drop-down menu, then this particular entity hasn’t yet been saved in the Sunshine system previously.

Click the “Add New Payee” button in the drop-down menu and manually enter the entity’s information.

- **“Description”** – Enter any additional information that may be helpful for your own records. This is an optional field and any text entered here will only be visible within your own portal.
- **“External Expenditure ID”** – Enter a unique value if you wish to reference this transaction on an Excel upload sheet in the future. This is an optional field.

By this point, an example entry would appear similar to the following:

Idaho Sunshine | Candidate: Phil McGraw (McGrane For Idaho) | Filing Entity ID: 1 | Election Cycle: 2026 Candidate Filing Cycle | Cassidy, Garzon Super Admin | Log Out as Filer

New Independent Expenditure/Electioneering Communication

Transaction > New Independent Expenditure/Electioneering Communication

Expenditure Type: Electioneering Communication | Purpose: B - Broadcast Advertising (Radio, TV, Internet, & Telephone)

Date of Public Distribution: Start Date: 5/1/2025 | End Date: 5/9/2025

Transaction Details: Transaction Date: 4/30/2025 | Amount: \$750.00

Payee Type: Company | Payee: Example Radio Station

Description: Example text

External Expenditure ID: EC-101

Are you making independent expenditures or electioneering communications in respect to a candidate or a measure? *

☐ Candidate ☐ Measure

Candidate/Measure	District	Office Sought	Stance	Amount Applied to Candidate/Measure	Actions
No data available					

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Save Cancel

Independent Expenditure/ Electioneering Communication

Independent Expenditure

Independent Expenditure refers to any funds spent on communications in support of or opposing a candidate(s) or measure(s) other than yourself. Independent Expenditures in the amount of \$1,000 or more must be reported within 48 hours of entering into a contract for the communication, not when the expenditure is billed. See Idaho Code 67-6611 and 67-6602(10)

Electioneering Communication Expenditure

Electioneering Expenditure refers to funds spent on messaging that mentions a candidate or measure but does not specifically use verbiage in support or opposition. Electioneering expenditures in the amount of \$1,000 or more must be reported within 48 hours of entering into a contract for the communication, not when the expenditure is billed. See Idaho Code 67-6628 and 67-6602(7)(a)

The final step is to enter the name(s) of all candidates mentioned by the electioneering communication. To do so, select the “Candidate” bubble and type the candidate’s name into the search bar. Select the candidate’s name from the sub-menu if it appears, or select “Add Unregistered Candidate” if it does not.

Are you making independent expenditures or electioneering communications in respect to a candidate or a measure? *

☒ Candidate ☐ Measure

Search by Candidate Name

Q Brad Little

Brad Little - Governor
PO Box 2664, Boise, ID 83701

Add Unregistered Candidate

Candidate/Measure	District	Office Sought	Stance	Amount Applied to Candidate/Measure	Actions
No data available					

Items per page: 50 | 0 - 0 | < > >>

Save Cancel

With both options, a pop-up box will then appear. Enter the candidate's information if "Add Unregistered Candidate" was selected, and then enter the amount of money applied to that candidate.

The screenshot shows the 'Idaho Sunshine' web application. A pop-up window titled 'Add Candidate' is centered on the screen. The pop-up contains the following fields:

- Candidate Name:** Brad Little
- Office:** Governor
- Amount Applied to Candidate:** \$750.00

At the bottom of the pop-up are 'Save' and 'Cancel' buttons. In the background, the main form is partially visible, showing 'Electioneering Communication' as the expenditure type and 'Broadcast Advertising' as the purpose. A table at the bottom of the main form is currently empty, with the text 'No data available'.

If only one candidate was mentioned by the electioneering communication, then the amount applied to that candidate will be equal to the total amount spent. If multiple candidates were mentioned, then the cost is split equally among all candidates. For example, an electioneering communication of \$1,000 mentioning two candidates will have \$500 applied to each candidate.

Once a candidate has been added, they will appear in the summary window at the bottom of the page.

This screenshot shows the same 'Idaho Sunshine' web application, but now the 'Add Candidate' pop-up is closed. The main form is fully visible, and the table at the bottom now contains one entry for the candidate added:

Candidate / Measure	District	Office Sought	Stance	Amount Applied to Candidate/Measure	Actions
Brad Little	Statewide	Governor	N/A	\$750.00	[Edit] [Delete]

The table shows the candidate 'Brad Little' with a 'Statewide' district, 'Governor' office, and 'N/A' stance. The amount applied is '\$750.00'. There are edit and delete icons in the 'Actions' column. The table is highlighted with a red border in the screenshot.

Add any additional candidates and then click "Save" to add the transaction.

4. Once the transaction is saved, an “Electioneering Communication Report” will be assigned to your account for that transaction. An additional “Timed Report” will be assigned at the same time if the electioneering communication was \$1,000 or more. These reports can be filed in either the Dashboard tab or Reports tab inside your portal.