

Report of Alleged Violation of Sunshine Act [L-5]

Re: *The People's Pen* [Volume 1, Issue 5] and numerous central committees

May 13, 2022

Item 4 - Description of Alleged Violations:

- 1) *The People's Pen* is not a qualified and exempt newspaper.
 - a. An exempt newspaper "cannot be owned or controlled by a candidate or political party". (A.G.'s letter to Lawrence Denney 5.14.18 re: Request to Review *The Idahoan* – Our file No. 18.61527)
- 2) The Kootenai County Republican Central Committee (KCRCC) is in fact paying to publish and/or control *The People's Pen*.
 - a. KCRCC has not made one payment to *The People's Pen* (publisher) that has been reported
 - b. KCRCC makes direct payment to TPC Holdings, Inc. (the printer) in Lewiston, ID to print *The People's Pen*
 - c. *The People's Pen* is not an exempt "newspaper" but an election advocacy piece of the KCRCC to promote "their" candidates and to oppose others
 - d. KCRCC paid more than fair market value for an "ad" (April) in *The People's Pen*
 - e. As an elected political committee, a central committee (KCRCC) is an official subcomponent of the State Party.
- 3) If *The People's Pen* is NOT a qualified and exempt newspaper, it must be a "paid advertising flyer" engaged in electioneering communication [IC 67-6602] subject to all Sunshine Laws. Accordingly, *The Peoples Pen* would seem to be in possible violation of IC 67-6606, IC 67-6607, IC 67-6611, IC 67-6614 & IC 67-6628.
- 4) The KCRCC has not filed a 48-hour independent expenditure report for items greater than \$1,000 with the SoS for advertisements in 5th issue of *The People's Pen* that was mailed and arrived in mailboxes Monday through Wednesday of this week.
- 5) The Benewah, Shoshone, and Bonner County Central Committees have not filed a 48-hour independent expenditure report for items greater than \$1,000 for ads in *The People's Pen* – Issue #5.

Background:

The 5th issue of *The People's Pen* arrived in Kootenai County mailboxes Monday, Tuesday, and Wednesday this week (May 9,10, & 11). More than 70,000 copies were mailed.

We don't believe *The People's Pen* qualifies as a newspaper. We believe there's a serious attempt to hide who is actually paying for the publication. The publisher is anonymous. Its content is being controlled by KCRCC.

Can a candidate or political party own a political newspaper? Can they own one without claiming it?

Unlike the case involving *The Idahoan* newspaper in May 2018, where the Attorney General's office rendered a legal opinion, the complaint was resolved because ownership was determined to be "not owned or controlled by a candidate or political party" (May 14, 2018). In the case of *The People's Pen*, however, no one even knows who "owns or controls" this publication.

To date, no reported expenditure has been made by the KCRCC, or any of the Republican Central Committees of Benewah, Bonner, or the Shoshone Counties for ads in the newest issue of *The People's Pen* which arrived in mailboxes this week.

The KCRCC has advertised in the "election issues" of *The People's Pen*, which now includes 3 issues: October, April, and now this week for next week's Primary. The issue that arrived this week has at least 8½ full page ads paid for by the KCRCC (as listed in tabloid).

According to the April campaign finance report, the KCRCC paid more than \$22,000 to TPC Holdings, Inc. (printer) for one ¼ page endorsement ad in the April issue of *The People's Pen* (publisher). If the Central Committee is "advertising" in *The People's Pen* (publisher), why would they write a check directly to the TPC Holdings, Inc. (the entity that printed the "newspaper")? Back in October 2021, KCRCC made a direct payment of more than \$13,000 for candidate endorsement ads to TPC Holdings, Inc. (printer) rather than directly to *The People's Pen* (publisher).

According to Legislative Candidate Phil Hart's campaign finance report, a campaign ad in the same April issue cost only \$480 paid on 4/4/22 to *The People's Pen*. There isn't a newspaper in Idaho where a ¼ page ad costs \$22,000. The exorbitant payment makes no sense.

This week's Volume 1, Issue 5 of *The People's Pen* has 8½ full page ads paid for by the KCRCC. Since they have yet to file their independent expenditure report, it's difficult to find any 48-hr independent expenditure notices or reports, and hard to guess how much the ads cost. Most likely it's much more than the \$22,000 they paid in April, unless of course the publisher of *The People's Pen* is in fact the KCRCC.

It's highly unusual that the KCRCC makes direct payment to TPC Holdings, Inc., the entity printing *The People's Pen*. If *The People's Pen* is a legitimate newspaper the central committee(s) would pay them and not TPC Holdings, Inc.

<https://thepeoplespen.com> - 5th issue not on website

The People's Pen, LLC

P.O. Box 765

Coeur d'Alene, ID 83816

(No phone number, no publisher's name, no editor's name provided – completely anonymous)