



## **House of Representatives State of Idaho**

**House Judiciary, Rules, & Administration Committee  
Rep. Greg Chaney, Chairman**

May 18, 2020

Lawrence Denney  
Idaho Secretary of State  
P.O. Box 83720  
Boise, ID 83720-0080  
secstate@sos.idaho.gov

Dear Secretary Denney:

I am writing regarding recent disclosures of voter information by your office. As you are aware, a requested voter list was recently posted online by a local political group—a list presumptively obtained from your elections division through public records request. While the group's actions give rise to a discussion about the appropriate uses of disclosed voter information, I am not writing to engage in that discussion at this time.

More concerning, the group's online disclosure of the voter list highlighted the fact that the confidentiality of people protected by the Address Confidentiality Program had already been violated. The true addresses of protected crime victims, law enforcement officers, and judges were revealed not only to the group that posted online but also to candidates in contested primary election races well before the violation was discovered.

The protection of crime victims, law enforcement, and judicial officers falls squarely in the purview of the House Judiciary, Rules, and Administration Committee. Therefore, I feel a certain responsibility to demand answers on behalf of the committee and to begin seeking out solutions for those whose trust has been violated.

The administration of the Address Confidentiality Program is the only responsibility entrusted to the Secretary of State with direct life-and-death implications. It is therefore all the more troubling to think that responsibility was anything less than fully met. This serious issue warrants investigation into the source and cause of the underlying dereliction.

Chapter 57, Title 19, Idaho Code establishes the address confidentiality program for crime victims and places the administration thereof in the hands of the Secretary of State. §19-5708 specifically grants rule-making authority to the Secretary of State's office to implement the program.

Additionally, Chapter 58, Title 19, Idaho Code, establishes a confidentiality program for law enforcement. Voter registration information for participants in the law enforcement program are exempt from public disclosure by operation of §74-106(25) and §74-106(30).

When non-exempt records are stored with exempt records, it is the responsibility of the custodian agency to redact exempt records before disclosing requested non-exempt records. §74-112, Idaho Code. The current concern arises from a presumptive failure to perform that redaction.

Therefore, I respectfully request the following information:

1. All rules, guidelines, policies, or any other process implemented, promulgated, or enforced by the office of the Secretary of State relating to the redaction of protected persons from records disclosed by the Secretary of State's elections division;

2. All rules, guidelines, policies, or any other process implemented, promulgated, or enforced by the office of the Secretary of State relating to the redaction of protected persons from records disclosed by county clerks;
3. An explanation of acts and omissions that gave rise to the release of the protected information discussed herein, including the relation of each act or omission to an established rule, guideline, policy, or other process.
4. The number of persons whose records were exempt from disclosure as discussed herein whose information was nonetheless disclosed in voter records requested between January 1, 2020 and May 15, 2020;
5. The identities of the requesting parties who improperly received information on protected persons as discussed herein; and
6. The remedial measures, if any, that have been taken by your office for the purpose of guarding against future improper disclosure of protected information.

I appreciate your cooperation with this request. As a longtime legislator and former Speaker of the House, I'm sure you appreciate the legislature's interest in ensuring that its intent is carried out and troubleshooting issues as they arise. I also have no doubt you take these developments as seriously as I do and hope to work cooperatively with you to rebuild the trust of those protected by the Address Confidentiality Program.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Chaney". The signature is written in a cursive, flowing style.

Rep. Greg Chaney

cc: House Judiciary, Rules & Administration Committee; Sen. Lakey, chairman of Senate Judiciary & Rules Committee; House majority leadership.