

Date: Feb 5, 2025

**Idaho Secretary of State
Attn: Elections Division
700 W. Jefferson St., Room E205
Boise, ID 83702**

Subject: Formal Complaint Regarding Idaho Republican Party and Failure to Comply with Campaign Finance Reporting Requirements

Dear Secretary of State,

I am writing to file a formal complaint regarding the Idaho Republican Party (hereinafter, "Idaho GOP") and their attorney of record, Bryan Smith, in connection with their lawsuit with the Bingham County Republican Central Committee between September 2023 and January 2025. My complaint specifically concerns the Idaho GOP's failure to comply with Idaho campaign finance reporting requirements under Idaho Code Title 67 Chapter 66 as well as potential violations of Federal Election Commission (FEC) regulations.

The Idaho GOP has failed to accurately report legal expenses, in-kind donations, or loans incurred during this lawsuit. Furthermore, Bryan Smith's recent public comments suggest that the Idaho GOP may have already paid these legal fees, which would constitute an additional reporting violation.

1. Failure to Report Attorney's Fees as Expenditures, In-Kind Donations, or Loans

Bryan Smith, acting as the Idaho GOP's attorney of record, recently filed a memorandum with the court seeking reimbursement of attorney's fees and costs related to this lawsuit. The legal services were provided by Smith, Driscoll & Associates, PLLC, a private law firm. However, the Idaho GOP has failed to comply with its reporting obligations in the following ways:

- The Idaho GOP has not reported any attorney's fees as expenditures in its campaign finance filings, even though legal fees clearly constitute reportable expenses.
- If Bryan Smith or his law firm provided these services pro bono, they should have been reported as in-kind donations. No such in-kind donations have been disclosed by the Idaho GOP.
- If the Idaho GOP incurred these fees as debts or encumbrances, they were required to report them as loans or outstanding obligations. No such loans or debts have been reported.

2. Failure to File 48-Hour Reports for In-Kind Donations

If the legal services provided by Bryan Smith or Smith, Driscoll & Associates, PLLC were donated in increments of \$1,000 or more, the Idaho GOP was required to file 48-hour reports for each donation. No such reports were filed during the relevant time period, further indicating non-compliance with Idaho campaign finance laws.

3. Potential Violations of Federal Election Commission (FEC) Regulations

Under federal law, contributions to political parties are subject to strict limits and restrictions, particularly when they come from corporations, LLCs, or partnerships. The invoices submitted by Bryan Smith for reimbursement indicate that the legal services were provided by Smith, Driscoll & Associates, PLLC, a law firm. This raises significant concerns:

- **Corporate Contributions Prohibited:**
If Smith, Driscoll & Associates, PLLC is organized as a corporation, it would have been prohibited under federal law from donating its legal services to the Idaho GOP, as corporations are barred from making monetary or in-kind contributions to political parties.
 - **Partnership Contribution Limits:**
If Smith, Driscoll & Associates, PLLC is a partnership, it would have been subject to a \$20,000 annual limit on in-kind contributions to a state or national political party. The total value of the legal services provided, based on Bryan Smith's public comments and filed documents, appears to far exceed this limit.
 - **Invoicing and Reporting Obligations:**
The invoices submitted for attorney's fees further suggest that these legal services cannot be classified as personal contributions from Bryan Smith. If the Idaho GOP accepted these services without proper reporting, they may have violated both state and federal campaign finance laws.
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4. Lack of Transparency Among Idaho GOP Leadership

Bryan Smith is not only the Idaho GOP's attorney of record but also serves as its National Committeeman and a member of the executive board. His dual role raises concerns about transparency and accountability.

Additionally, Mark Fuller, who provided a declaration in support of Bryan Smith's request for attorney's fees, is the Idaho GOP's First Vice Chair and another executive board member. Both are familiar with the party's reporting obligations, yet neither raised concerns about the lack of disclosure during at least three executive board meetings where the party's finances were discussed. This lack of oversight further undermines public trust in the Idaho GOP's financial reporting.

5. Bryan Smith's Public Statement Suggests Legal Fees Were Already Paid

On February 4, 2025, Bryan Smith made the following statement to the media regarding the lawsuit:

"Under Idaho law, a prevailing party is entitled to file a memorandum of attorney's fees and costs. The state has spent considerable for costs. I believe it's \$82,000 for attorney's fees."*8

This statement strongly implies that the Idaho GOP had already paid the legal fees during the course of the lawsuit. If this is the case, the Idaho GOP was required to report these payments as expenditures at the time they were accrued.

The failure to report these fees when they were incurred is a violation of Idaho campaign finance laws. Furthermore, the amount cited by Bryan Smith—\$82,000—far exceeds contribution limits for in-kind donations under FEC regulations, further raising questions about the source and reporting of these funds.

Conclusion and Request for Investigation

The Idaho GOP's failure to properly disclose legal expenses, in-kind donations, or loans constitutes a clear violation of Idaho Code. In addition, Bryan Smith's recent public statement suggests that these legal fees were already paid, meaning the Idaho GOP failed to report them as expenditures when they were accrued.

I respectfully request that your office investigate the following:

1. Whether the Idaho GOP violated Idaho campaign finance laws by failing to report legal expenses, in-kind donations, or loans related to the lawsuit.
2. Whether the Idaho GOP accepted prohibited contributions or exceeded contribution limits under FEC regulations.
3. Whether Bryan Smith's and Mark Fuller's roles as executive board members created any conflicts of interest or contributed to the Idaho GOP's lack of transparency and compliance.

I have attached a copy of Bryan Smith's declaration in support of his request for attorney's fees reimbursement, which highlights the inconsistencies in the Idaho GOP's reporting. I am also attaching all relevant campaign finance data and filed legal paperwork from Bryan Smith. I am happy to provide additional information or documentation as needed to assist in your investigation.

Thank you for your attention to this matter. I look forward to your office's response.

Sincerely,

[REDACTED]

Attachments:

1. Declaration of Bryan Smith in Support of Attorney's Fees Reimbursement
2. Declaration of Mark Fuller in Support of Attorney's Fees Reimbursement
3. Declaration of Dorothy Moon in Support of Attorney's Fees Reimbursement
4. Relevant Campaign Finance Reports from the Idaho Secretary of State
5. Relevant Campaign Finance Reports from the FEC
6. Memorandum of Attorney's Fees and Costs
7. Brief in Support of Memorandum for Attorney's Fees and Costs
8. <https://localnews8.com/news/blackfoot/2025/02/04/idaho-gop-asks-bingham-republicans-to-pay-attorney-fees-after-losing-court-case/>