

Dear Mr. Secretary,

On behalf of the Idaho Libertarian Party Judicial Committee, we are respectfully submitting to your office a request for guidance on the application of certain sections of Chapter 5, Title 34 of the Idaho Code to the structure of state political parties. We are also forwarding a copy of this letter to the office of Idaho Attorney General Lawrence Wasden, in case your office deems it essential to contact his office on this matter, pursuant to Idaho Code § 67-1401(6).

According to *Ibid.* § 34-504, the State Central Committee of a political party defined by *Ibid.* § 34-501, “shall consist of all legislative district chairmen, all county central committee chairmen, all state committeemen, and state committeewomen selected by the county central committees.” Similar language appears regarding the composition of county central committees (see *Ibid.* § 34-502) and legislative district central committees (see *Ibid.* § 34-503), by use of the clause “shall consist of” followed by the naming of specific officers.

In addition to this, both County Central and Legislative District Central committees are required to elect a “chairman, vice chairman, a secretary, and such other offices as they may desire” (*Ibid.* § 34-502 & 34-503). In addition to these, a County Central committee is also permitted to select “a state committeeman [and] a state committeewoman” (*Ibid.* § 34-502).

We would like yours and/or Attorney General Wasden’s opinion on the following points:

FIRST, the clause “shall consist of” is ambiguous as to whether: (1) the three named committees must be comprised **only** of the officers specifically promulgated in *Ibid.* §§ 34-501 through 34-504; or (2) whether it means that the committees must be comprised, **at a minimum**, of these officers, but other persons may be appointed or elected to these committees in accordance with a political party’s bylaws.

We have been notified of conflicting opinions from private attorneys on this matter and, as far as we know, no courts have weighed specifically on this matter.

SECOND, as an ancillary to the first point, *Ibid.* §§ 34-501 through 34-504 states that the committees must elect certain officers of the committees, but it is not clear from the statutes whether such officers must already be members of the committees or whether they can be non-members (*e.g.*, must the chairman of a legislative district central committee be a precinct committeeman of a precinct within the legislative district, or can it be another party member who lives in another legislative district?).

Any guidance you may be able to provide on these points would be most appreciated.

Sincerely,

Idaho Libertarian Party Judicial Committee

- Matt Loesby, Chair
- Darian Drake, Vice Chair
- Timothy Raty, Member
- Sterling Reece, Member