

IDAHO STATE LEGISLATURE
REQUEST FOR A PUBLIC RECORD
Idaho Public Records Act
(Chapter 1, Title 74, Idaho Code)

Date: 10/21/2021

From: Laura lheanachor
(Name) (Email address)
1331 F St., NW, Suite 900
(Mailing address)
Washington D.C. 20004
(City) (State) (Zip code)
(202) 408-5565
(Daytime telephone number)

To: Representatives Wendy Horman, Julie Yamamoto, Ron Nate, Judy Boyle, Lance Clow, Jason Monks
Dorothy Moon, and Kevin Andrus
 Senator _____
 Other _____

I request the following record or records (must specifically describe the subject matter and records sought 74-102(4)):

Please refer to the three items identified in the attached request letter.

I am requesting only records within the timeframe: 01/01/2021 to 10/21/2021
(Date) (Date)

If you are requesting that we search email or other records, please specify the search terms you would like us to use to identify the records you are requesting:

"critical race theory", "race", "ethnicity", "sex", "national origin", "religion", "white supremacy", "racial
superiority", "racism", "color", "slavery", "1619 Project", "racial inferiority", "civic engagement",
"discrimination", "Idaho", "Idaho public schools", in addition to the email domains contained in Item 1
of the attached request letter.

Declining to identify search terms may increase the volume of records and the amount of staff time required to review the records, which may result in higher fees.

General Information

Time for Response

The Legislative Services Office (LSO) is required to respond to a request for a public record within three working days after receiving the request. If it is determined that a longer period of time is needed to locate or retrieve the record, then our office must notify the requestor and supply the record no later than 10 working days from the receipt of the request. (Section 74-103, Idaho Code)

Fees

It often requires significant staff time to respond to a request for a record. This is due, in part, to the time it takes to search for and review records in order to identify those that are responsive to the request and to seek legal advice to ensure compliance with the requirements of the law. Because staff time is paid with state funds, the Legislature has established fees to recover the actual labor and copying costs associated with locating, reviewing, and copying documents if:

1. The request is for more than 100 pages of paper records; or
2. The request includes records from which nonpublic information must be deleted; or
3. The actual labor associated with responding to a request exceeds two hours.

A requester may not file multiple requests for public records solely to avoid payment of fees. If LSO reasonably believes that one or more requesters is segregating a request into a series of requests to avoid payment of fees, then we may aggregate such requests and charge the appropriate fees. LSO may consider the time period in which the requests have been made in its determination to aggregate the related requests. Our office will not aggregate multiple requests on unrelated subjects from one requester.

LSO may require advance payment of fees. Any money received by LSO will be credited to the account for which the expense being reimbursed was or will be charged, and such funds may be expended by LSO from that account. Any portion of an advance payment in excess of the actual costs of labor and copying incurred by our office in responding to the request will be returned to the requester. (Section 74-102, Idaho Code)

Appeals Process

The sole remedy for a person aggrieved by the denial of a request for disclosure is to institute proceedings in the district court of the county where the records are located to compel the agency to make the information available for public inspection. The petition contesting the public agency's decision must be filed within 180 calendar days from the date of mailing of the notice of denial or partial denial by the public agency. The appeals process is set forth in Section 74-115, Idaho Code.



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

October 21, 2021

VIA EMAIL

Idaho Legislative Services Office
P.O. Box 83720
Boise, ID 83720
PRR@idaho.lso.gov

Re: Public Records Request, HB 377

Dear Public Records Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records of the Idaho House of Representatives pursuant to the Idaho Public Records Act, Idaho Code Ann. §§ 74-102 et seq.

Specifically, CREW requests the following records relating to House Bill 377 (“HB 377”) from January 1, 2021 to the present:

1. All records reflecting any communications, meeting, phone calls, or conversations regarding HB 377 or any predecessor version of that bill with representatives of any non-governmental or private organization, including without limitation the following organizations and individuals:
 - i. Claremont Institute (@claremont.org)
 - ii. Be the People Project
 - iii. Unity Training Solutions (@unitytrainingsolutions.com)
 - iv. Steamboat Institute (@steamboatinstitute.org)
 - v. America First Policy Institute (@AmericaFirstPolicy.com)
 - vi. The Hoover Institute
 - vii. American Majority (@americanmajority.org)
 - viii. American Cornerstone Institute (@americancornerstone.org)
 - ix. 1776 Action (@1776action.org)
 - x. Heritage Action for America (@heritageaction.org)
 - xi. Heritage Foundation (@heritage.org)
 - xii. Susan B. Anthony List (@sba-list.org)
 - xiii. American Principles Project (@americanprinciplesproject.org)
 - xiv. Tea Party Patriots
 - xv. FreedomWorks (@freedomworks.org)
 - xvi. American Legislative Exchange Council (ALEC) (@alec.org)
 - xvii. Family Research Council
 - xviii. Honest Elections Project (@honestelections.org)



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- xix. State Policy Network (@spn.org)
- xx. Alliance Defending Freedom (@adfllegal.org)
- xxi. Federalist Society (@fedsoc.org)
- xxii. Clela Mitchell
- xxiii. Ken Cuccinelli

2. All records discussing the potential effect of any provision of HB 377 on Black, Latino, or other racial, ethnic, or sexual minorities, and including without limitation Section 1 of HB 377, which prohibits public institutions of higher education, school districts, or public schools, including a public charter schools, from teaching concepts suggesting:

- i. "That any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior."
- ii. "That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin."
- iii. "That individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin."

3. All records reflecting any analysis, consideration, or determination regarding how HB 377 would serve to decrease political divisiveness or promote racial, ethnic, or sexual equality, including any evidence or data supporting such analyses.

Please search for responsive records in the offices of:

- Representative Wendy Horman
- Representative Julie Yamamoto
- Representative Ron Nate
- Representative Judy Boyle
- Representative Lance Clow
- Representative Jason Monks
- Representative Dorothy Moon
- Representative Kevin Andrus

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.



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If it is your position that any portion of the requested records is exempt from disclosure, please separate the exempt and nonexempt material and make the nonexempt material available for examination. Idaho Code Ann. § 74-112 (West 2015).

This request is made for noncommercial purposes. CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and reducing the influence of money on politics. CREW intends to analyze the information responsive to this request and to share its analysis with the public. The release of information obtained through this request is not in CREW's financial interest.

Because this request is made for noncommercial purposes and is likely to contribute significantly to the public's understanding of the activities of its government, CREW requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable. Idaho Code Ann. § 74-102(10)(f)(i) (West 2020). CREW agrees to pay up to \$100 for copying and postage charges in connection with processing this request. If such costs or fees are expected to exceed this amount, please contact me at (202) 408-5565 or liheanachor@citizensforethics.org.

Where possible, please produce records in electronic format. Please send the requested records to me at either liheanachor@citizensforethics.org or Laura Iheanachor, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Please contact me if you have any questions about this request or foresee any problems in fully releasing the requested records.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Iheanachor".

Laura Iheanachor
Staff Counsel

A handwritten signature in black ink, appearing to read "Courtney Bernard".

Courtney Bernard
Legal Intern