

June 1, 2026

The Honorable Raúl R. Labrador
Attorney General of the State of Idaho
Office of the Attorney General
700 W. Jefferson Street, Suite 210
P.O. Box 83720
Boise, Idaho 83720-0010

RE: Request for Investigation and Relief — Nullification of a Certified Republican Primary Election Result by the Bonner County Republican Central Committee in Violation of Idaho Election Law

Dear Attorney General Labrador:

I write to formally request that the Office of the Attorney General investigate, and exercise such authority as is available to your Office, regarding the unlawful nullification of a certified Idaho primary election result by the Bonner County Republican Central Committee ("BCRCC") on May 30, 2026. The conduct at issue raises serious concerns under Idaho's election laws, including provisions criminalizing election interference and the obstruction of duly elected officeholders.

In summary: a Republican Precinct Committeeman, **Jensen Heisel**, was duly elected by the voters of Clark Fork Precinct in the May 19, 2026, Republican primary election with **54.11%** of the vote. Eleven days later, before he could be seated, the outgoing BCRCC leadership convened in closed executive session and declared his seat "vacant" on a pretextual residency theory — a theory the **Bonner County Prosecutor's Office had already rejected in writing** four days earlier as legally unauthorized. The BCRCC then proceeded, without Mr. Heisel, to elect officers and the county's delegation to the Idaho Republican Party State Convention.

This is not an internal party squabble. It is the retroactive, extra-judicial annulment of a certified primary election result administered by the Bonner County Clerk under Title 34 of the Idaho Code. The voters of Clark Fork Precinct cast lawful ballots, and the winner of that election has been prevented from taking the office to which the voters elected him by the unilateral action of a private committee acting outside the bounds of Idaho law.

I respectfully ask your Office to address this conduct for the reasons set forth below.

I. JURISDICTION AND INTEREST OF THE ATTORNEY GENERAL

The Attorney General is the chief legal officer of the State of Idaho with broad authority under Idaho Code § 67-1401 to enforce Idaho law and protect the integrity of state elections. The Office has both statutory and common-law authority to investigate violations of Title 34

(Elections), to issue legal opinions to county officials regarding their statutory duties, and to take appropriate civil or criminal enforcement action where warranted.

The matters described below directly implicate:

- The integrity of a **county-administered Republican primary election** conducted under Title 34;
- The **statutory duties of the Bonner County Clerk** under Idaho Code §§ 34-624 and 34-1101 *et seq.*;
- The **exclusive judicial remedies** prescribed by Idaho Code §§ 34-2001 through 34-2027 for post-election challenges; and
- The potential application of Idaho's **election interference and obstruction statutes**, including Idaho Code §§ 18-2305, 18-2314, and 18-2318.

Although the BCRCC is a political party committee, its members are public officeholders elected at a state-administered primary, and its actions purporting to void such an election cannot be insulated from legal scrutiny merely because they were taken under the banner of a private organization.

II. STATEMENT OF FACTS

1. **The Primary Election (May 19, 2026).** Jensen Heisel filed a Declaration of Candidacy with the Bonner County Clerk under Idaho Code § 34-624(3) for the office of Republican Precinct Committeeman, Clark Fork Precinct. His Declaration was accepted, his name was placed on the ballot, and he was elected with 54.11% of the vote, defeating the incumbent.
2. **Mr. Heisel's Qualifications.** Mr. Heisel:
 - Owns his home on Ninth Avenue in Clark Fork, Bonner County, Idaho, which is within the Clark Fork Precinct;
 - Has been continuously registered to vote at that address since October 13, 2016;
 - Is temporarily residing with family within the same precinct while constructing additional improvements;
 - Has not changed his voter registration; and
 - Has the present intention of returning, satisfying Idaho Code § 34-107.
3. **The Residency Challenge (May 22, 2026).** Outgoing BCRCC Chairman Scott Herndon filed a "residency challenge" with the Bonner County Clerk seeking to invalidate Mr. Heisel's election after the fact.
4. **The Bonner County Prosecutor's Written Opinion (May 26, 2026).** Deputy Bonner County Prosecutor William S. Wilson issued a written legal opinion stating, in relevant

part:

- The Clerk's role in this context is "**strictly a ministerial function**";
 - The Clerk has **no authority** "to invalidate a candidate who successfully ran for office after the fact"; and
 - The "correct avenue for challenging the election results would be for a qualified elector in that precinct to sue and establish that Mr. Heisel was not eligible to hold office at the time of the election," citing **Idaho Code §§ 34-2001, 34-2006, and 34-2007**.
5. Chairman Herndon was a direct recipient of this opinion.
6. **The May 30, 2026, BCRCC Meeting.** Notwithstanding the Prosecutor's written opinion, the BCRCC convened its biennial organization meeting under Idaho Code § 34-502 and:
- Entered **closed executive session**;
 - Adjudicated the residency challenge against Mr. Heisel without judicial process;
 - Declared his seat vacant; and
 - Proceeded — without seating Mr. Heisel — to elect officers and the delegation to the Idaho Republican Party State Convention.
7. **Public Acknowledgment.** A BCRCC press release dated May 30, 2026, expressly confirms that the proceedings against Mr. Heisel occurred in closed executive session and that the deliberations would "remain confidential."

III. THE BCRCC'S ACTIONS VIOLATE IDAHO LAW

A. Idaho Code §§ 34-2001 *et seq.* Provide the Exclusive Post-Election Remedy

Idaho law could not be clearer: once a primary election has been conducted and a winner certified, post-election challenges to a candidate's qualifications are governed exclusively by the election contest provisions of Title 34, Chapter 20.

- **Idaho Code § 34-2001** sets forth the grounds upon which any election may be contested.
- **Idaho Code § 34-2006** vests **exclusive jurisdiction** over contests for county and precinct offices in the **district court**.
- **Idaho Code § 34-2007** specifies that only a **qualified elector** of the relevant district has standing to file such a contest.

The Bonner County Prosecutor's Office identified these statutes by name in its May 26, 2026, opinion. The BCRCC nonetheless arrogated to itself the role of judge and jury, conducted a

secret proceeding, and entered a "verdict" voiding a certified election. Idaho law assigns that authority to the district court alone.

B. The BCRCC's Actions Violate Idaho Code § 34-107

Idaho Code § 34-107(1) defines residence by reference to a person's "principal or primary home or place of abode ... to which a person, whenever he is absent, **has the present intention of returning** after a departure or absence, **regardless of the duration of absence.**"

Idaho Code § 34-107(3) further provides that a qualified elector who has gone "into another state or territory or county of this state for a temporary purpose only **shall not be considered to have lost his residence.**"

Mr. Heisel has not even left his precinct, much less his county or state. He owns his home there, is registered to vote there, and intends to return there. He plainly satisfies the statutory definition of residence. The BCRCC's contrary conclusion is unsupported by Idaho law and was reached without lawful authority.

C. The BCRCC Exceeded the Statutory Scope of Idaho Code § 34-502

Idaho Code § 34-502 limits the post-primary biennial organization meeting of a county central committee to the discrete statutory purpose of organizing the committee and electing officers. Nothing in § 34-502 — or anywhere else in Title 34 — authorizes a county central committee to function as a tribunal adjudicating the qualifications of its newly elected members.

D. The Closed-Session Nullification Implicates Idaho's Election Interference and Obstruction Statutes

While I do not presume to make prosecutorial judgments, I respectfully submit that the conduct at issue warrants examination under at least the following provisions:

1. **Idaho Code § 18-2305** (Interference with conduct of election) — which prohibits any person from interfering with the orderly conduct of an election or its lawful results.
2. **Idaho Code § 18-2314** (Conspiracy with regard to elections) — which criminalizes conspiracies among two or more persons to obstruct or hinder lawful election processes.
3. **Idaho Code § 18-2318** (Frauds by election officers and others) — which addresses fraudulent conduct by persons acting in official or quasi-official capacities relating to elections.
4. **Idaho Code § 18-705** (Resisting and obstructing officers) — to the extent the BCRCC's actions have effectively prevented a duly elected officeholder from assuming the office to which the voters elected him.

The willful disregard of a written prosecutorial opinion specifically identifying the lawful path forward — combined with the deliberate retreat into closed executive session to nullify a public election result — is conduct that, at a minimum, merits investigation by your Office.

IV. WHY THIS MATTERS BEYOND BONNER COUNTY

This matter is not, as the BCRCC may characterize it, a private intra-party dispute beyond the reach of the State. The State of Idaho:

1. **Administers** primary elections for political party offices through the County Clerks under Title 34;
2. **Funds** those elections at taxpayer expense;
3. **Certifies** the results through statutory canvassing procedures; and
4. **Recognizes** Precinct Committeemen as officeholders elected at those state-administered elections.

When a private committee, after a state-administered election has run its full course and produced a certified result, declares that result null and void in a closed-door proceeding — and substitutes its own preferred officeholder — the State's electoral processes have themselves been compromised. The taxpayers of Bonner County paid for an election whose result a private committee now claims the unilateral power to overrule.

If permitted to stand, the BCRCC's conduct establishes a precedent under which **any** county central committee in Idaho — of any party — may retroactively annul **any** certified primary election result for any precinct office, behind closed doors, by a simple internal vote. That is a standing invitation to election manipulation, and it cannot be reconciled with the rule of law in Idaho.

V. PRIOR LEGAL DETERMINATIONS SUPPORT THIS REQUEST

The Bonner County Prosecutor's Office has already issued a written legal opinion concluding that:

- The County Clerk has no authority to invalidate a certified election after the fact; and
- Post-election qualification challenges must be brought under Idaho Code §§ 34-2001, 34-2006, and 34-2007 in district court.

The Prosecutor's opinion is consistent with the plain text of the statutes and with longstanding Idaho election law. The BCRCC was expressly informed of this opinion **four days before** the May 30, 2026, meeting, and chose to proceed in defiance of it. That defiance is itself probative of intent.

VI. RELIEF REQUESTED

I respectfully request that the Office of the Attorney General:

1. **Open an investigation** into the conduct of the BCRCC and its officers in connection with the May 30, 2026, declaration of vacancy and the conduct of the biennial organization meeting, including any closed-session deliberations and votes affecting the results of the May 19, 2026, primary election.
2. **Issue a formal Attorney General Opinion** addressing:
 - (a) Whether a county central committee has any lawful authority under Idaho law to declare vacant the seat of a Precinct Committeeman duly elected at a state-administered primary, on grounds of qualification, outside the procedures of Idaho Code §§ 34-2001 *et seq.*; and
 - (b) The proper legal procedures for post-election challenges to the qualifications of Precinct Committeemen.
3. **Evaluate** whether the conduct of any individual associated with the May 30, 2026, BCRCC meeting warrants referral for criminal investigation under Idaho Code §§ 18-2305, 18-2314, 18-2318, or other applicable provisions.
4. **Coordinate** with the Office of the Idaho Secretary of State to ensure that the certified primary election results from May 19, 2026, are honored and that Mr. Heisel is recognized as the duly elected Precinct Committeeman for Clark Fork Precinct.
5. **Consider civil action**, including but not limited to a writ of *quo warranto* or other appropriate proceeding, to prevent any person purporting to hold the Clark Fork Precinct Committeeman seat in derogation of the certified election results from exercising the powers of that office.
6. **Issue guidance to all 44 County Clerks and county central committees** of every recognized political party clarifying that post-election qualification challenges to Precinct Committeemen are within the exclusive jurisdiction of the district courts and may not be adjudicated by county central committees.

VII. CONCLUSION

General Labrador, you have been a consistent voice for election integrity, the rule of law, and the protection of voters' constitutional rights. The conduct described above is the inversion of

those values: a small group of individuals, acting in secret, set aside the public verdict of a certified Republican primary because they did not like the result.

The voters of Clark Fork Precinct chose Jensen Heisel. Idaho law provides one — and only one — path for anyone who believes that choice was legally defective: a contest in district court under Idaho Code §§ 34-2001 *et seq.* The BCRCC chose instead to convene a closed-door tribunal, ignore the County Prosecutor's written opinion, and overturn a state-administered election by internal fiat. That cannot be allowed to stand without consequence, and it cannot be allowed to become a template for any other county or party going forward.

I respectfully ask that your Office take the steps outlined above, and any others you deem appropriate, to vindicate Idaho's election laws and protect the votes of the citizens of Clark Fork Precinct.

I am prepared to provide sworn statements, documentary evidence, and testimony as your investigators may require, and to make myself available at the convenience of your Office.

Thank you for your service to the State of Idaho and for your consideration of this request.

Respectfully submitted,

Jensen Heisel

Enclosures:

1. Written legal opinion of Deputy Bonner County Prosecutor William S. Wilson, dated May 26, 2026
2. Bonner County Republican Central Committee press release, dated May 30, 2026
3. Bonner County Daily Bee article, "Herndon challenging elected Clark Fork committeeman's residency" (May 28, 2026)
4. Certified results of the May 19, 2026, Republican Primary Election for Precinct Committeeman, Clark Fork Precinct
5. Voter Registration Record of Jensen Heisel (registered Bonner County, October 13, 2016)
6. Bonner County Assessor's Record — Ninth Avenue, Clark Fork, Idaho 83811
7. Mr. Heisel's Declaration of Candidacy and accompanying documentation
8. BCRCC Bylaws (recorded January 21, 2025, Bonner County Instrument # 1042817)
9. Statement of Jensen Heisel responding to the residency challenge
10. Copy of Formal Credentials Challenge filed with the Idaho Republican Party 2026 State Convention Credentials Committee
11. Idaho Code §§ 34-107, 34-502, 34-624, 34-2001, 34-2006, 34-2007; 18-2305, 18-2314, 18-2318

cc:

- The Honorable Phil McGrane, Idaho Secretary of State
- The Honorable Louis E. Marshall, Bonner County Prosecuting Attorney
- The Honorable Michael W. Rosedale, Bonner County Clerk