



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
RAÚL R. LABRADOR

April 23, 2026

Eric Smallwood
C/O Amy G. White
Anderson, Julian, & Hull, LLP
250 S 5th St # 700,
Boise, ID 83702

RE: Twin Falls School Board Investigation

Mr. Smallwood,

In January, the Twin Falls County prosecuting attorney informed us that he had received several complaints related to a Twin Falls School District staff meeting held on January 5, 2026. The complaints alleged that you violated the Public Integrity in Elections Act, which prohibits public officials from using public funds or property to advocate for or against any candidate or ballot measure. The Twin Falls prosecuting attorney asked our office—and we agreed—to investigate and, if necessary, act as special prosecutor in any enforcement proceeding related to the district staff meeting. After investigating, we have found that you violated the Public Integrity in Elections Act and demand that you cease and desist from any similar conduct in the future.

Our investigation determined the following:

On December 2, 2025, the Superintendent of the Twin Falls School District sent an email to all staff in the Twin Falls School District. The email included an announcement that there would be a brief staff meeting on January 5 at 8 AM in the Roper Auditorium. The email stated the purpose of the meeting was to hear an important message from you as the school board chairman. It also stated that breakfast would be provided. The email explicitly stated that the meeting was being held “in conjunction with” the Twin Falls Education Association, the teacher’s union for the Twin Falls School District.

On January 4, 2026, the day before the district staff meeting, the superintendent sent another email to all staff. The email reminded the staff about the meeting to be held the next day and informed all staff that they were “required” to attend the meeting.

On January 5, 2026, the meeting was held at 8 AM in the Roper Auditorium. Breakfast was provided at a cost of \$3,171.21 to the Twin Falls School District. Video of the meeting shows that the superintendent spoke first. He spent approximately 5 minutes discussing the district’s reduction in force policy, a new charter school in the district, and the legislature. He then handed off the meeting to you.

After introductory remarks, you discussed the upcoming election. Your presentation included the following statements:

- “We, sort of, I guess I, along with the input from the other school board members, called this meeting because we need your help. We, being the collective body of public education in Idaho. We are under attack and if we’re going to survive, we need your help. What I’m talking about is we need your help in voting. I’m not here to tell you how to vote, but I’m pleading for you to vote.”
- “But unfortunately, there’s quite a few who have managed to get elected to our legislature whose goals don’t align with those of us who support public education.”
- “I truly don’t believe that the majority of our population wants to dismantle and destroy public education. But there are some in the state who do, and some of them have gained power.”
- “If you aren’t affiliated as a Republican, and you don’t vote in the May primary, you will have zero say in who represents you at the legislature.”
- “If you look at the votes at the last primary in 2024, the election was decided by a difference of 782 votes in one election and 1,247 votes in the other election. You all sitting in this room are basically enough to swing the election. Throw in a spouse or a friend or two who hasn’t historically voted who you convinced to turn out and vote and I promise you, those of you in this room will control who wins our primary election in May and who governs us and who chooses which bills affect public education in Idaho.”
- “There’s a little over—there’s probably between five and 600 of you in the room here. So, add a spouse and a friend and you’ve swung every vote in this county and the same goes for the the other districts around.”
- “And then I’m really familiar with uh our candidates uh our current legislators that we have, not only in these our surrounding districts, but pretty much the whole state. And I’m going to be abreast of the candidates that are running. And so if you

guys have any questions about who supports public education or who doesn't, I am at your disposal.”

Your speech lasted approximately 12 minutes, and the mandatory meeting then concluded.

After the meeting, a small group of employees approached you in the parking lot and initiated a conversation about candidates with you. During that conversation, you named a specific legislator and told the small group of employees to “go look at her Substack, it’s insane” and “that is the kind of stuff we are up against.”

The Public Integrity in Elections Act prohibits public officials from using public resources for political advocacy. See I.C. § 74-604. Specifically, a public official cannot “make or authorize, an expenditure from public funds” or “authorize or use, public property or resources to advocate for or against a candidate.” I.C. § 74-604(1), (2). As relevant here, advocate “means to campaign for or against a candidate,” I.C. § 74-603(1)(a), and candidate means “every person for whom it is contemplated or desired votes be cast at any . . . primary . . . election,” I.C. § 74-603(3).

This prohibition is not absolute. The law expressly permits public officials to exercise their “individual first amendment rights for political purposes, provided no public funds are used for expenditures supporting the public official . . . in such activity.” I.C. § 74-605(1). The statute also allows “the neutral encouragement of voters to vote.” I.C. § 74-605(2).

The statutory remedy for violating the Public Integrity in Elections Act is a civil penalty. The penalty is \$250 for any public official who participates in an activity that violates the act and \$1,500 for any public official who knowingly violates the act. See I.C. § 74-606(1), (2). Historically, those responsible for enforcing the act have at times provided a warning to violators by ordering them to cease and desist the conduct that violated the act.

We find that you violated the Public Integrity in Elections Act. In your public position as the school board chairman in the Twin Falls School District, you requested a meeting to discuss the upcoming Republican primary, held the meeting on public property, made the meeting mandatory for public educators, provided a breakfast at the school district’s expense, and then used that opportunity to advocate against two candidates in Twin Falls County. You may not have named them, but your message was clear: the staff should support public education by participating in the Republican primary and voting against the candidates who won the two races you cited from 2024.

The school board’s response to our investigator’s questions suggests that you believe you did not violate the law because you did not endorse any candidates by name and stated repeatedly that you were not telling the audience how they should vote. The relevant question, however, is not whether you named a candidate or expressly

disclaimed an intent to advocate—it is whether your presentation, taken as a whole, constituted advocacy for or against a candidate. A speaker who repeatedly assures his audience that he is not telling them how to vote while simultaneously describing incumbents as a problem, targeting specific elections, quantifying the votes needed to swing those elections, and informing the audience that they have sufficient numbers to do so has crossed from neutral encouragement into advocacy.

The conversation you had in the parking lot is also concerning. Obviously, you are free to advocate for or against candidates in your individual capacity, but context is key. In this instance, you advocated against a specific candidate to a small group of staff in the parking lot after you had just required all employees to attend a meeting in a public building and utilized public funds to issue a blanket invitation to school district employees to have conversations about individual candidates with you. At the very least, a public official who uses public resources to invite public employees to have a private conversation in which he or she advocates against specific candidates has violated the spirit of the Public Integrity in Elections Act.

We also cannot ignore that all of this took place surrounding a meeting planned in conjunction with the Twin Falls Education Association. The TFEA's parent entity, the Idaho Education Association, was running a "May Matters" campaign at the time you gave your presentation, and the campaign has talking points with striking similarities to your own. For example, according to IEA's website, the purpose of the campaign is "to give radical, special-interest candidates the boot" by voting "in the election that matters – the May 2026 Republican Primary." These organizations are, of course, free to exercise their First Amendment rights. But that does not allow you, as a representative of the school district, to circumvent the law by coordinating with one of these organizations and advocating against candidates to a taxpayer funded and captive audience.

We believe the appropriate remedy in this case is to warn you that your conduct violated the Public Integrity in Elections Act and to give you the opportunity to cease and desist this conduct. Our understanding is that you have not been provided with such a warning in the past. We trust this will be sufficient to ensure this same conduct does not happen again—either by you or any similarly situated public official in the state. If the law is not reason enough, we remind you that you also put at risk every public "employee who . . . participate[d] in an activity that violate[d]" the Public Integrity in Elections Act, each of whom could be liable to pay a \$250 civil penalty. I.C. § 74-606(1).

As explained above, public officials and employees in Idaho are free to advocate for or against candidates in their individual capacity. But the act prohibits them from using public resources, including public building space or public funds, to engage in such advocacy, regardless of whether the public official or employee names the candidates. If we are

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asked to review your future conduct and find a violation of the act, we will seek a civil penalty as well as attorney fees to recoup the public expense of enforcement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Nye", with a stylized flourish extending to the right.

Jeff Nye

Deputy Attorney General

Chief, Criminal Law Division

cc: Twin Falls Education Association