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

July 10, 2026

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Via Email

Re: *U.S. v. McGrane*, U.S. District of Idaho Case No. 1:26-cv-00197-BLW;
Response to your July 7, 2026 letter

Dear Counsel:

Idaho Secretary of State Phil McGrane forwarded to me a copy of your July 7, 2026, letter addressed to Secretary McGrane and delivered directly to him purporting to provide him "notice" as the "chief election officer of the state of Idaho" "of the federal laws applicable to state and local election officials." The letter also discusses potential criminal liability for elections officials for violations of those statutes. The letter encourages him to contact you "to discuss what steps your state should take to maintain clean voter lists as required by law."

As you know, on April 1, 2026, you initiated a lawsuit against Secretary McGrane accusing him of violating the Civil Rights Act of 1960 for not providing you with a complete, unredacted electronic copy of Idaho's computerized voter registration list, and demanding a court order requiring Secretary McGrane to provide you with those requested records, along with an order

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requiring Secretary McGrane to "produce such other federal records demanded by the Attorney General to ascertain Idaho's compliance with HAVA."

The subject of your July 7th letter is directly related to the subject matter of the April 1st lawsuit. As you know, Secretary McGrane is represented in that lawsuit by the Office of the Idaho Attorney General (OAG). Further, on February 5, 2026, I sent an email to Mr. Neff informing him that Secretary McGrane is represented by the OAG for purposes related to your attempts to enforce these federal laws against him, and that all communication on that subject should be directed to the OAG.

While it appears that the letter is likely a form letter sent to the chief elections officials in all 50 states, the delivery of your July 7th letter directly to Secretary McGrane is nevertheless a violation of Idaho Rule of Professional Conduct 4.2,[1] which prohibits a lawyer from communicating with a represented party regarding the subject of the representation unless the lawyer has consented to such communication or unless authorized by law or a court order. The OAG has not consented to you communicating directly with Secretary McGrane, and I am unaware of any law or court order authorizing you to do so. Please cease all further communication with Secretary McGrane regarding the subject of your April 1st lawsuit, including any communication relating to the enforcement of any of the laws mentioned in your July 7th letter. Any such communication must go through the OAG.

Your insinuations of criminal violations of the federal election laws are not well taken.[2] As Secretary McGrane made clear in his December 30, 2025 and February 27, 2026 letters to your office, Idaho shares in your goals of having properly maintained voter registration lists. Idaho has taken a leading role in ensuring that its voter registration list is purged of non-citizens. In 2024, Secretary McGrane undertook a comprehensive review of Idaho's voter registration list, working with the Idaho Transportation Department, the Idaho State Police, and the U.S. Department of Homeland Security to verify citizenship of Idaho's approximately 1.1 million registered voters. Idaho purged the voter registration of all noncitizens. Importantly, none of those noncitizens voted in any election in 2024. These efforts continued in 2025 and 2026, and in 2026, Idaho again ran the names of over 1 million registered voters through the U.S. DHS's SAVE System to confirm citizenship status.

As a result of Secretary McGrane's efforts to purge Idaho's voter registration list of noncitizens, Idaho has referred approximately 15 cases for potential criminal prosecution to the U.S.

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[1] The local rules for the U.S. District Court for the District of Idaho, Rule 83.5(a), require that "all attorneys permitted to practice in this Court must familiarize themselves with and comply with the Idaho Rules of Professional Conduct of the Idaho State Bar."

[2] Idaho's Rules of Professional Conduct, unlike many other states, also provide that a lawyer shall not "present or participate in presenting criminal charges solely to obtain advantage in a civil matter" and shall not "threaten to present criminal charges in order to obtain advantage in a civil matter." IRPC 4.4(a)(3) and (4). If the letter was sent, and the threat of criminal prosecution made, in an effort to obtain an advantage in the April 1st civil case, then the letter may also be a violation of IRPC 4.4(a).

Department of Justice, U.S. Attorney's Office for the District of Idaho. While Secretary McGrane has not received an update on any of those cases, he is unaware of the USDOJ taking any action against those noncitizens for registering to vote in Idaho in violation of federal law.

You conclude your July 7th letter by asking "how the Department can assist" in Secretary McGrane's efforts to comply with federal law. We have several suggestions. First, you can stop threatening your friends in Idaho. Idaho is fully committed to supporting President Trump's goal of ensuring that only U.S. citizens are registered and actually vote in Idaho.

Second, you can voluntarily dismiss your lawsuit against Secretary McGrane. As Secretary McGrane repeatedly made clear, he has taken significant steps to ensure that Idaho's voter registration list only includes eligible U.S. citizens, and he has previously provided you with a copy of the public version of the voter registration list. We are confident that Idaho's voter registration list is the best maintained list within the entire United States. Your continued pursuit of the unwarranted lawsuit against Secretary McGrane distracts from Idaho's continued efforts to, as you put it in your letter, "ensure free, fair, and transparent elections."

Third, you can review the cases Secretary McGrane referred to the U.S. Attorney's Office for criminal prosecution, and then provide Secretary McGrane (through the OAG) with an update on the status of those referrals. You could also advise us whether the USDOJ needs anything further from Secretary McGrane or Idaho to assist in the prosecution of those noncitizens. Notably, unlike your unwarranted efforts against Secretary McGrane, criminal prosecutions of the noncitizens actually responsible for breaking the law will do much to deter future noncitizens from illegally registering to vote.

Finally, please make sure to take all appropriate steps to cease further communications with my client, Secretary McGrane, that relate to the lawsuit or the subject of your letter.

We all have the same goals here—to ensure that Idaho's elections are free, fair, and transparent, and that Idaho's voter registration list includes only U.S. Citizens and that only eligible U.S. Citizens vote in Idaho's elections. Secretary McGrane is committed to complying with all applicable laws and will continue to take all necessary steps to ensure that Idaho's voter registration list is fully compliant with Idaho and federal laws. We trust that this letter satisfies your demand that Secretary McGrane inform you of "how the state of Idaho intends to ensure it is complying" with applicable state and federal laws.

Sincerely,

James E. M. Craig
Division Chief
Civil Litigation and Constitutional Defense

cc: Raúl Labrador, Attorney General, State of Idaho