



Idaho

## **PROPOSED RULES GOVERNING USE OF IDAHO STATE CAPITOL BUILDING RAISE CONSTITUTIONAL CONCERNS**

*ACLU of Idaho comments on rules in letter to Idaho State Capitol  
Commission*

### **FOR IMMEDIATE RELEASE:**

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### **CONTACT:**

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BOISE—Yesterday, the American Civil Liberties Union (ACLU) of Idaho submitted comments to the to the Idaho Capitol Commission outlining constitutional concerns with proposed rules regarding public usage of the Idaho State Capitol Building. The comments were sent in a letter by ACLU of Idaho Legal Director Ritchie Eppink and explain how the proposed rules raise unconstitutional restrictions on public use of the Statehouse. The ACLU’s letter also highlighted that the Capitol Commission and legislature should focus on efforts to postpone the 2021 legislative session and ensure Idahoans can fully participate in their government safely and remotely. The commission was originally scheduled to vote on the proposed rules Thursday afternoon, but that vote has been re-scheduled to 4 pm today.

“The ACLU of Idaho has a variety of concerns around the proposed rules,” says ACLU of Idaho Policy Strategist, Lauren Bramwell. “The removal provision would permit arbitrary and punitive control over those in the statehouse and expand bases for criminal charges and arrest. The unfettered discretion given to the Capitol Commission Director to determine hours of operation also raises constitutional concerns.”

The ACLU has litigated Statehouse rules governing public use of the Idaho Statehouse in the past and in 2013 Idaho’s Federal District Court Struck down multiple rules as unconstitutional

“Whatever the motivation of the temporary proposed rules the Commission considers today, these proposed rules raise serious constitutional problems as well,” Eppink states in the letter. “They are overly broad, unnecessarily restrictive and punitive, and fail to meaningfully ensure accessibility and equitable public participation at the Capitol. Although a full analysis of these proposed rules deserves more time than we have had with them, we can highlight several concerns that are enough alone to postpone approval of any proposed rules beyond today.”

“Aside from the substance, the process for adopting these rules has been problematic in and of itself,” says ACLU of Idaho Policy Strategist, Lauren Bramwell. “The proposed rule changes were not publicized on the Commission’s website, nor was an agenda originally included on the

website for the January 7, 2021 meeting. The lack of transparency and accessibility has stifled the public's ability to meaningfully engage and provide comment.”

The Idaho State Capitol Commission is scheduled to vote on the proposed rules **Today at 4:00 p.m. The public may attend in Capitol Building room WW17 or via teleconference at 1-720-279-0026. Guest Passcode: 233101**

[Read proposed rules governing the use of the Idaho State Capitol Building](#)

[Read the ACLU's comments on the proposed rules in their entirety.](#)

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