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STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: #19410  
2010 APR 29 PM 4:09

CLERK DISTRICT COURT  
*Susan Reed*  
DEPUTY

Attorneys for Plaintiff Michael Jorgenson

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

MICHAEL JORGENSON, )  
individually, as a candidate for State )  
Senate District Three, and as an elector )  
of Kootenai County, )

Plaintiff, )

vs. )

DAN ENGLISH, in his official capacity )  
as Kootenai County Clerk. )

Defendant. )

Case No. CV 10-3645

APPEAL, PETITION AND  
COMPLAINT

COMES NOW, the Plaintiff above-named, and for a cause of action against the  
above-named Defendant, appeals, petitions, complains and alleges as follows:

I.

Plaintiff, MICHAEL JORGENSON (hereinafter "Jorgenson"), at all times relevant hereto  
is and was a resident of Kootenai County, State of Idaho, a registered voter and elector of  
legislative district three, and a candidate for public office therein.

APPEAL, PETITION AND COMPLAINT- 1

ASSIGNED TO  
JUDGE SIMPSON

## II.

Defendant, DAN ENGLISH (hereinafter "English") was at all times relevant hereto the Clerk of Kootenai County, State of Idaho and acting in his official capacity thereto.

## III.

In March, 2010 Steven Vick declared his candidacy for State Senator of District Three, Kootenai County, State of Idaho.

## IV.

On April 23, 2010 Senator Jorgensen notified the Defendant, Clerk of Kootenai County, that the proposed candidate, Steven Vick, was not qualified, as he is not a registered voter of Kootenai County due to the following facts:

1. Mr. Vick registered as a voter with Kootenai County on October 8, 2004 as evidenced by the certified copy of Exhibit "A" attached to this Complaint.
2. Mr. Vick subsequently registered to vote in the State of Montana on March 20, 2006 as evidenced by the certified copy of Exhibit "B" attached to this Complaint.
3. Two days later, on March 22, 2006, Mr. Vick executed a *Declaration for Nomination* for public office in the state of Montana, affirming that he was a resident of Montana, evidenced by the certified copy of Exhibit "C" attached to this Complaint.

## V.

Senator Jorgenson also advised the Defendant of the existence of Idaho Code § 34-405 which states in relevant part: "If a person is absent from this state but intends to maintain his residence for voting purposes here, he shall not register to vote in any other state during his absence."

VI.

On April 26, 2010 the Defendant, Kootenai County Clerk, refused to declare that Mr. Vick is not a registered voter of Kootenai County, State of Idaho.

VII.

The Defendant, as Kootenai County Clerk, has a duty to the citizens of Kootenai County to maintain the register of electors of Kootenai County and from time to time, update, purge and cancel registrations of individuals no longer meeting the necessary qualifications, and to ensure all registered voters of Kootenai County meet the appropriate qualifications.

VIII.

The Defendant, as Kootenai County Clerk, owes a duty to all registered voters of Kootenai County, including Senator Jorgenson as an elector and candidate, to apply and interpret the election laws of Kootenai County equally and without prejudice.

IX.

The Defendant, as Kootenai County Clerk, in his interpretation and application of Idaho law and in his failure to declare that Mr. Vick is not a registered voter, has breached his duty to Plaintiff and all registered voters of Kootenai County.

X.

Defendant's breach has proximately caused injury and damages to all registered voters of Kootenai County, including Plaintiff and particularly injuring Plaintiff as a candidate for Legislative District Three, all in a manner which will be proven at trial.

## JURISDICTIONAL STATEMENT

This Court has jurisdiction to provide the relief requested pursuant to Idaho Code § 34-215

which states:

APPEALS BY AGGRIEVED PERSONS. (1) Any person adversely affected by any act or failure to act by the secretary of state or a county clerk under any election law, or by any order, rule, regulation, directive or instruction made under the authority of the secretary of state or of a county clerk under any election law, may appeal therefrom to the district court for the county in which the act or failure to act occurred or in which the order, rule, regulation, directive or instruction was made or in which such person resides.

WHEREFORE, Plaintiff prays for judgment as follows:

1. For an order reversing the Kootenai County Clerk's interpretation of Idaho law and decision regarding the status of Steven Vick.
2. For an order declaring that Steven Vick is not a registered voter of Kootenai County.
3. For other and further relief as to this Court appears just and equitable.

DATED This 29<sup>th</sup> day of April, 2010.

RISCH PISCA, PLLC  
Attorneys for Senator Jorgenson

By: 

Jason S. Risch, of the firm

VERIFICATION


Michael Jorgenson, being first duly sworn upon oath, deposes and says:

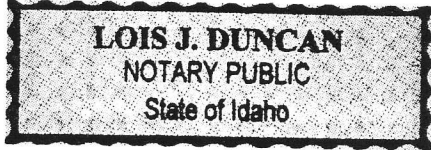
He has read the foregoing Complaint, knows the contents thereof and believes the same to be true.

DATED this 29<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Senator Michael Jorgenson

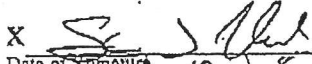
SUBSCRIBED AND SWORN TO BEFORE ME This 29<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Coeur d'Alene Idaho  
My Commission Expires: 05-24-10



Voter Registration Form

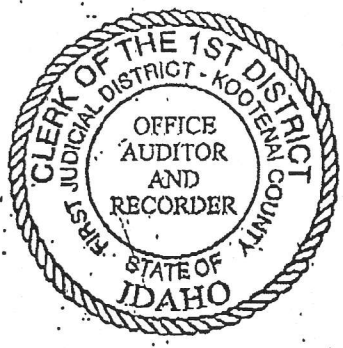
123723

Last Name (Please Print Clearly) <b>Vick</b>	First Name <b>Steven</b>	Middle Name <b>John</b>	Enter IDAHO Driver's License # DL # <table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>								
WARNING: ANY ELECTOR WHO SUPPLIES ANY INFORMATION KNOWING IT TO BE FALSE, IS GUILTY OF PERJURY. Perjury is punishable by imprisonment in the state prison for not less than 1 or more than 14 years. In addition the court may impose a fine of up to \$5,000.			If no Driver's License, enter last 4 digits of Social Security # <table border="1"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>								
Are you a citizen of the United States of America? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If you checked 'no' in response to either Will you be 18 years of age on or before election day? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> of these questions, do not complete this form.			Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>								
Residence Address (Do Not Use P.O. Box or Business Address) (If no street address, describe location of residence: cross streets, section, township, range, etc.) <b>5663 N Davenport St Dalton Gardens Kootenai 83815</b>			Date of Birth <table border="1"><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td>month</td><td>day</td><td>year</td><td> </td></tr></table>					month	day	year	
month	day	year									
Mailing address if different from above <b>2082 Oro Fino Gulch Helena MT 59601</b>	City <b>Helena</b>	State <b>MT</b>	Zip <b>59601</b>								
Address where previously registered <b>→</b>			Telephone Number (Optional) <b>208 772-2761</b>								
<input type="checkbox"/> Check Box If Name Change	Previous Name	City	State								
DO YOU HAVE ANY LEGAL DISQUALIFICATIONS? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (Idaho fellows rights are restored upon completion of full sentence)			FOR OFFICIAL USE ONLY Precinct Data: <b>40</b> County _____ City _____ <b>B</b> <b>10-8-04</b> Deputy Clerk Date Received								
UNDER PENALTY OF LAW: By signing this card, I certify that I am a citizen of the United States and that I shall have been a resident of Idaho and the county for 30 days before the next election at which I vote; that I am at least 18 years of age; and I declare under oath or affirmation that the information supplied herein is true.			Signature - Sign on line below. <b>X</b>  Date of Signature <b>10 8 04</b> month day YEAR EAV-1 Registration Card, Rev. 20								

State of Idaho Date 4/19/10  
County of Kootenai

This is to certify that the foregoing is a true copy of the original now on file or record in the office of the County Elections Department.

Daniel J English  
County Clerk  
By Carrie Phillips  
Deputy



Enter required information and sign below.

51.2

County: Lewis And Clark County

Wick, Steven, John  
904 Old Hwy 12 E Nbr 3  
East Helena Mt 59635

Sex: M Dob: 05/23/1956  
D1/ID: 0502419564123

Resident address if different than above \_\_\_\_\_

Prior name and/or address if changed from last voter reg; \_\_\_\_\_

VOTER DECLARATION (read and sign below) I swear/affirm that; (1) I am a U.S. Citizen; (2) I will be at least 18 years old on or before the next election; (3) I will have lived in this county for at least 30 days before the next election; (4) I am neither in a penal institution for a felony conviction nor found of unsound mind in a court; (5) If I do not now meet these qualifications, I will by the next election; (6) I have provided true information, to the best of my knowledge under penalty of perjury. If I have given false information, I may be subject to a fine or imprisonment or both under Federal or State laws.

Signed: [Signature] Date: 3/20/06

MAR 23 RECD

Phone: 443-8873

Place Last Registered: City: Dalton Gardens

County: Kootenai State: ID



EXHIBIT B

DECLARATION FOR NOMINATION  
Public Service Commissioner  
13-10-201, MCA

To the Honorable Secretary of State of the State of Montana and to the Electors of Said District.  
I, the undersigned citizen of the United States of America and resident of the State of Montana, County of Lewis & Clark, declare pursuant to Section 13-10-201, Montana Code Annotated, that I am a candidate for nomination by the Republican Party for the office of Public Service Commissioner, District No. 5, in the State of Montana at the primary nominating election to be held in said district on June 6, 2006, and for such purpose do affirm that I possess the qualifications prescribed by the Constitution and laws of the State of Montana for the office herein named, and that:

- 1. My full name as it is to appear on the ballot is: Steve Vick
- 2. My mailing address is: 904 Old Hwy 12 East #3
- 3. City, State and Zip Code East Helena, MT 59635 Phone: Home 461-0127 Work —
- 4. My E-mail address is: vixpak@yahoo.com My Website address is: —
- 5. I submit herewith the statutory filing fee of \$ 774.18

DATE March 22, 2006

[Signature]  
(Signature of Candidate)

Candidate must sign and acknowledge before a Notary Public if mailed, or before the Secretary of State or Deputy if delivered in person.

STATE OF MONTANA )  
County of L & C )

On this 22<sup>nd</sup> day of March, 2006, before me, personally appeared the above named candidate, known to me or proved to me to be the person whose name is subscribed to the above declaration, and acknowledged to me that he/she executed the same.

SEAL

[Signature]  
Notary Public for the State of Montana

Shannon A. Stevens  
Printed Name of Notary Public

Residing at Helena MT

My Commission Expires 1.10.2010

By: \_\_\_\_\_  
Deputy (if not notarized)

Submit to the Secretary of State, PO Box 202801, Helena, MT 59620-2801, with the required fee.

FOR  
OFFICE  
USE ONLY

Filed on <u>March 22, 2006</u> under document number <u>57</u> for Secretary of State, by <u>Shannon A. Stevens</u> Deputy or Filing Officer.
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*STATE OF MONTANA*  
*Office of the Secretary of State*



*I hereby certify that this is a true and correct copy of the 2006 Declaration for Nomination for Public Service Commissioner, District #5 candidate Steve Vick, as taken from the file in this office.*

*Dated this 23rd day of April, 2010.*

*Shannon H. Stevens*  
*Shannon H. Stevens*  
*Legislative Specialist*