



208-354-8780 (FAX: 354-8410)  
clerk@co.teton.id.us

**Teton County Clerk**

150 Courthouse Drive #208  
Driggs, Idaho 83422

April 12, 2016

Scott Fitzgerald  
*delivered via email to: 7346886@gmail.com*

Dear Scott:

I regret to inform you that your Declaration of Candidacy as a member of the Democratic Party seeking the office of Democratic Precinct Committeeman for Precinct #6 has been found invalid because it did not comply with the provisions of Idaho Code 34-704. Therefore, your name has been removed from the Primary Election ballot.

Best regards,

A handwritten signature in cursive script that reads "Mary Lou Hansen".

Mary Lou Hansen  
Clerk

## Affidavit and Demand for Disqualification

I, Marian Ruzicka., being first duly sworn do depose and say that, that I am beyond 21 years of age, that I am competent to testify to the matters contained herein, that the matters herein are true and correct, based upon the best of my information, knowledge and belief, that I make this Affidavit and under pain and penalties of perjury under the laws of Idaho, and, that I do bring my Affidavit and Demand for Disqualification before the Teton County Clerk and the Idaho Secretary of State for the reasons and on the grounds listed just below:

That on March 28<sup>th</sup>, 2016 I entered a Challenge into the Teton County Election Register for the entry of Scott Fitzgerald, at the address 160 Hemlock Street, Victor, Idaho 83455 for the reason that Scott Fitzgerald at the time he filed his declaration of candidacy for the office of Democratic precinct committeeman he was not affiliated with the Democratic party pursuant to Idaho Code §34-704.

To Wit;

*34-704. DECLARATION OF CANDIDACY. Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each political party candidate for precinct, state, district or county office shall file his declaration of candidacy in the proper office between 8 a.m., on the twelfth Monday preceding the primary election and 5 p.m., on the tenth Friday preceding the primary election. All political party candidates shall declare their party affiliation in their declaration of candidacy and shall be affiliated with a party at the time of filing. A candidate shall be deemed affiliated with the political party if the candidate submits a party affiliation form along with the declaration of candidacy to the filing official. The filing official shall reject any declaration of candidacy for partisan office in a primary election from candidates who are not affiliated with a political party. Candidates for nonpartisan office shall file during the period provided for in this section.*

*Candidates who file a declaration of candidacy under a party name and are not nominated at the primary election shall not be allowed to appear on the general election ballot under any other political party name, nor as an independent candidate.*

*Independent candidates shall file their declaration of candidacy in the manner provided in section 34-708, Idaho Code.*

Further more the voter registration record of Scott Fitzgerald on March 25<sup>th</sup> 2016 at 5:01 pm showed he was not affiliated with a political party;

and I have personal knowledge that entry is incorrect because: As the elected Precinct Committeeman for Teton County Precinct 6 I have taken the time to make sure that each Precinct Committeeman is legally qualified to hold such office by review the Idaho State Wide Voter Data Base maintained by the Idaho Secretary of State in Boise City, Idaho;

and thus that person is not qualified to hold the office of Democratic Precinct Committeeman for Precinct # 6 in Teton County.

Per Idaho Code 34-214:

*Whenever it appears to a county clerk that any local election official in his county has failed to comply with any election law*

I hereby demand and require that, **prior to the end of the 2016 Primary Election**, the Elections Officer, forthwith and immediately be directed by the Teton County Clerk and/or the Idaho Secretary of State to **complete an investigation** and to disqualify that person's Declaration of Candidacy per Idaho Code 34-432 (3):

*The county clerk may make inquiry into the validity of any registration at any time. The inquiry shall proceed as provided in this section..*

and per Idaho Code 34-206:

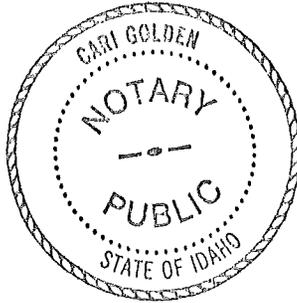
*... each county clerk shall exercise general supervision of the administration of the election laws by each local election official in his county for the purpose of **achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity in such administration** by local election officials. Such directives and instructions shall be directed to and shall be complied with by each local election official affected thereby.*

Further Affiant, saith not.

Signature: 

Print Name: Marian Rozicka

SUBSCRIBED and SWORN to before me this 28 day of March, 2016.



Cari Golden  
NOTARY PUBLIC for Idaho

Residing at Victor, Id

Commission Expires: 4-10-21

RECORDED

2016 MAR 29 AM 11:32

TETON COUNTY CLERK