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NO. _____ FILED _____
A.M. _____ P.M. _____

OCT 22 2012

CHRISTOPHER D. RICH, Clerk
By DAYSHA OSBORN
DEPUTY

COPY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

SECRETARY OF STATE BEN YSURSA,
Plaintiff,

v.

EDUCATION VOTERS OF IDAHO, INC., an
Idaho Non-Profit Corporation, and its Board of
Directors, DEBBIE FIELD, PHIL REBERGER,
and MARK DUNHAM, in their official capacities,
Defendants.

Case No.

CV OC 1219280

**VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF UNDER THE SUNSHINE
INITIATIVE, IDAHO CODE §§ 67-
6601 *et seq.***

The Secretary of State of the State of Idaho, the Hon. Ben Ysursa, by and through his counsel in the Office of the Attorney General of Idaho, hereby sues for declaratory and injunctive relief to order disclosure of the identities of persons who have contributed \$50 or more to Defendant Education Voters of Idaho, Inc., and the amount of their contributions, for contributions that in whole or in part funded Education Voters of Idaho, Inc.'s donation of \$200,350 to the political committee known as Parents for Education Reform. This Complaint is brought under an Initiative enacted by the voters of the State of Idaho, as amended by the Idaho Legislature, and codified at Idaho Code §§ 67-6601 through 67-6630, commonly known as the Sunshine Law for Political and Lobbyist Activity (the Sunshine Initiative). The Secretary of State alleges as follows:

PARTIES

1. Plaintiff Secretary of State Ben Ysursa is a constitutional executive officer of the State of Idaho. See Idaho Constitution, Article IV, § 1. The Secretary of State is the chief election officer of the State of Idaho. Idaho Code § 34-201. The Secretary of State “is charged with enforcement of the provisions of [the Sunshine Initiative.]” Idaho Code § 67-6623. The Secretary of State is authorized to seek injunctive relief to enforce the Sunshine Initiative. Idaho Code § 67-6626.

2. Defendant Education Voters of Idaho, Inc. (EVI), is an Idaho non-profit corporation that filed its Articles of Incorporation on August 16, 2012. The street address of EVI’s registered office is 950 West Bannock Street, Suite 520, Boise, Idaho 83702. EVI’s mailing address is P.O. Box 9925, Boise, Idaho 83707. See Exhibit A, a copy of EVI’s Articles of Incorporation on file with the Office of the Secretary of State.

3. Defendants Debbie Field, Phil Reberger and Mark Dunham are EVI’s Board of Directors. See Exhibit A. They are sued in their official capacities.

ALLEGATIONS OF FACT AND RELATED STATUTORY REFERENCES

4. In the general election of 1974 the people of the State of Idaho approved an initiative, popularly known as the Sunshine Initiative, codified at Idaho Code §§ 67-6601 *et seq.*, as amended, one of whose stated purposes was and continues to be: “To promote openness in government and avoiding secrecy by those giving financial support to state election campaigns and those promoting or opposing legislation” Idaho Code § 67-6601(b), as initiated by the people on November 5, 1974, in Initiative Measure 1, § 1.

5. Idaho Code § 67-6602(p) defines the term “political committee” as:

(p) “Political committee” means:

(1) Any person specifically designated to support or oppose any candidate or measure; or

(2) Any person who receives contributions or makes expenditures in an amount exceeding five hundred dollars (\$500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

6. Idaho Code § 67-6602(m) defines “measure” to include “any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum, ... or amendment to the state constitution.”

7. Political committees are required to appoint a political treasurer and to certify to the political treasurer’s name and address to the Secretary of State. Idaho Code § 67-6603(a). Political treasurers of political committees that support or oppose measures must submit not later than October 10 preceding the general election at which the measure will be on the ballot “a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the measure.” Idaho Code § 67-6607(a)(3)-(4). The political treasurer for a political committee must file additional statements between fourteen days and seven days before the general election and within 30 days after the general election. Idaho Code § 67-6607(a)(5)-(6).

8. The original Sunshine Initiative provided and still provides: “No contribution shall be made and no expenditures shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one (1) person through an agent, relative or other person in such a manner as to conceal the identity of the sources of the contribution.” Idaho Code § 67-6614.

9. The State of Idaho is conducting a general election in 2012. Early voting and absentee voting are currently under way. Voting will conclude with the closing of the polls on Tuesday, November 6, 2012, after which time the County Clerks will begin counting votes cast in the general election, including votes for and against all measures.

10. The general election of 2012 includes three referenda referred to on the ballot and in voter information provided by the Secretary of State as Propositions 1, 2 and 3. See Idaho Constitution, Article III, § 1 (“The people reserve to themselves the power to approve or reject at the polls any act or measure passed by the legislature”); Idaho Code §§ 34-1801 through 34-1823 (statutes implementing the people’s referendum and initiative powers). These three referenda are measures within the meaning of the Sunshine Initiative.

11. Parents for Education Reform/Debbie Field (PER/DF) is a political committee that supports or opposes one or more of the measures known as Propositions 1, 2 and 3. On

October 12, 2012, PER/DF, through its political treasurer Cordell Chigbrow, filed a Campaign Finance Disclosure Report (the PER/DF Disclosure Report) for the period beginning May 28, 2012, and ending September 30, 2012. PER/DF and its political treasurer both listed the same mailing address: P.O. Box 9925, Boise, Idaho 83707. See Exhibit B, a copy of Parents for Education Reform/Debbie Field's Campaign Disclosure Report (PER/DF's Report). The Debbie Field of Parents for Education Reform/Debbie Field is the same Debbie Field who is a Defendant in her official capacity as a member of the Board of Directors of Defendant EVI.

12. PER/DF's Report showed that it received contributions of \$200,350.00, made expenditures of \$200,318.00, and retained a balance of \$32.00. PER/DF's Report listed only one contributor: Defendant EVI, which on September 25, 2012, gave PER/DF all \$200,350.00 in contributions that PER/DF reported. EVI shares PER/DF's mailing address of P.O. Box 9925, Boise, Idaho 83707. PER/DF's Report listed only one expenditure: \$200,318 to Sandler-Innocenzi, Inc., of Alexandria, Virginia, spent on September 25, 2012, for broadcast advertising. See Exhibit B.

CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF UNDER THE SUNSHINE INITIATIVE

13. Defendant EVI has, directly or indirectly, accepted contributions exceeding \$500.00 from persons opposing or supporting one or more ballot measures on the 2012 general election in Idaho and has made expenditures exceeding \$500.00 that opposed or supported one or more ballot measures on the 2012 general election in Idaho. Defendant EVI is thus a political committee under Idaho law.

14. Defendant EVI has not filed with the Secretary of State's Office any Campaign Finance Disclosure Reports for the 2012 general election in Idaho as required of a political committee by Idaho Code § 67-6606. Defendant EVI has not appointed and certified a political treasurer to the Secretary of State's Office as required by Idaho Code § 67-6603.

PRAYERS FOR RELIEF

Wherefore, Secretary of State Ben Yursa prays that:

A. This Court declare that Defendant Education Voters of Idaho, Inc., is a political committee subject to the Sunshine Initiative, Idaho Code §§ 67-6601 *et seq.*


B. This Court temporarily restrain, preliminarily enjoin, and permanently enjoin Defendant Education Voters of Idaho, Inc., and its Board of Directors Debbie Field, Phil Reberger and Mark Dunham in their official capacities by ordering them to appoint a political treasurer and to certify Education Voters of Idaho, Inc. and its political treasurer to the Office of the Secretary of State.

C. This Court temporarily restrain, preliminarily enjoin, and permanently enjoin Defendant Education Voters of Idaho, Inc., and its political treasurer to file all Campaign Finance Disclosure Reports required by Idaho law, and in particular by Idaho Code § 67-6606, with regard to the 2012 general election.

D. For such other relief to which Plaintiff is entitled in law and equity.

DATED this 22nd day of October, 2012.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
MICHAEL S. GILMORE
Deputy Attorney General

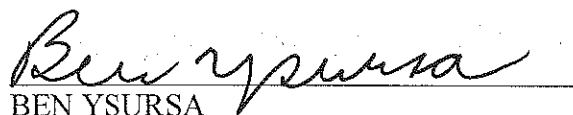
VERIFICATION

STATE OF IDAHO)
)ss.
County of Ada)

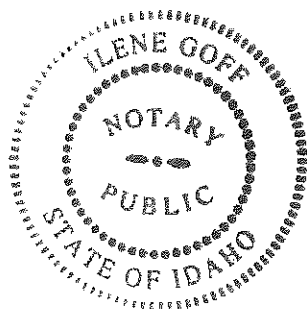
Ben Ysursa, Secretary of State, State of Idaho, being first duly sworn, deposes and says:

I have read the foregoing Verified Complaint and know the contents thereof, and the same are true to the best of my knowledge and belief.

DATED this 22nd day of October, 2012.


BEN YSURSA

SUBSCRIBED AND SWORN to before me this 22 day of October, 2012.





Notary Public for Idaho
Residing at: Canyon County
My Commission Expires: 10/9/13

EXHIBIT A

Verified Complaint

Secretary of State v. Education Voters of Idaho, Inc. et al



ARTICLES OF INCORPORATION

(Non-Profit)

(Instructions on back of application)

FILED EFFECTIVE

2012 AUG 16 AM 9:53

SECRETARY OF STATE
STATE OF IDAHO

The undersigned, in order to form a Non-Profit Corporation under the provisions of Title 30, Chapter 3, Idaho Code, submits the following articles of incorporation to the Secretary of State.

Article 1: The name of the corporation shall be:
Education Voters of Idaho, Inc.

Article 2: The purpose for which the corporation is organized is:
promote and advocate for education reform in Idaho in accordance with IRC section 501(c)(4)

Article 3: The street address of the registered office is:
950 W. Bannock Street, Ste 520, Boise, ID 83702
Susan Buxton
and the registered agent at such address is:

Article 4: The board of directors shall consist of no fewer than three (3) people. The names and addresses of the initial directors are:

Debbie Field, 3673 S. Basilla Way, Meridian, ID 83642

Phil Reberger, 806 W. Bannock Street, 10th Floor, Boise, ID 83702

Mark Dunham, 1649 W. Shoreline Drive, Ste 100, Boise, ID 83702

Article 5: The name(s) and address(es) of the incorporator(s):
Susan Buxton

950 W. Bannock Street, Ste 520

Boise, ID 83702

Article 6: The mailing address of the corporation shall be:
PO Box 9925, Boise, ID 83707

Article 7: The corporation (☐ does ☒ does not) have voting members.

Article 8: Upon dissolution the assets shall be distributed:
to organizations which are exempt from federal income tax under IRC section 501(c)(4) (or the corresponding provision of any future United States Internal Revenue Law), or otherwise as

Signatures of all incorporators:

Susan E. Buxton

_____ 1

_____ -

_____ -

_____ 1

Customer Acct #:

(If using pre-paid account)

Secretary of State use only

g:\corp\form\corp form\articles\incprofit.p65
Revised 07/2002

IDAHO SECRETARY OF STATE
08/16/2012 05:00
CK: 1851 CT: 273355 BH: 1336172
1 @ 38.00 = 38.00 INC HOMP # 2

Web Form

C195682

EXHIBIT B

Verified Complaint

Secretary of State v. Education Voters of Idaho, Inc. et al



CAMPAIGN FINANCIAL DISCLOSURE REPORT
SUMMARY PAGE
(Please Print or Type)

C-2
Rev. 5/11

12 OCT -9 AM 10:16

Section I

| | | | |
|--|------------------------------------|---|-------------------------------------|
| Name of Candidate or Political Committee and Chairperson PARENTS FOR EDUCATION REFORM / DEBBIE FIELD | | Office Sought (if candidate) STATE OF IDAHO | |
| Mailing Address PO BOX 9925 | City and Zip BOISE 83707 | Home Phone (208) 867-5555 | Work Phone |
| Name of Political Treasurer CORDELL CHIGBROW | | | |
| Mailing Address PO BOX 9925 | City and Zip BOISE 83707 | Home Phone (208) 384-1040 | Work Phone (208) 384-1040 |

Change of address for: Candidate or Political Committee ☐ Political Treasurer ☐

Section II

TYPE OF REPORT

This filing is an: ☒ Original ☐ Amendment

This report is for the period from 05 / 26 / 2012 through 09 / 30 / 2012

- ☐ 7 Day Pre-Primary Report ☐ 30 Day Post-Primary Report ☒ October 10 Pre-General Report
- ☐ 7 Day Pre-General Report ☐ 30 Day Post-General Report ☐ Annual Report
- ☐ Semi-Annual Report (Statewide Candidates Only)

Is this a Termination Report: ☐ Yes ☒ No

Section III

STATEMENT OF NO CONTRIBUTIONS OR EXPENDITURES

Directions: If you had no contributions or expenditures during this reporting period, check the box next to the statement below and sign this report. Be sure to carry forward the appropriate "Calendar Year to Date" figures in Column II, Section IV.

☐ I hereby certify that I have received no contributions and have made no expenditures during this reporting period.

Section IV

SUMMARY

To reach your Calendar Year to Date figure: Add this report's Column I figures to the Column II figures of your previous report (except on line 6).

| | COLUMN I This Period | COLUMN II Calendar Year to Date |
|--|-------------------------|---------------------------------------|
| Line 1: Cash on Hand January 1, This Calendar Year* | \$ XXXXXX | \$ 0.00 |
| Line 2: Enter Beginning Cash Balance** | \$ 0.00 | \$ XXXXXX |
| Line 3: Total Contributions (Enter amount from line 5, page 2) | \$ 200,350.00 | \$ 200,350.00 |
| Line 4: Subtotal (Add lines 1, 2 and 3) | \$ 200,350.00 | \$ 200,350.00 |
| Line 5: Total Expenditures (Enter amount from line 11, page 2) | \$ 200,318.00 | \$ 200,318.00 |
| Line 6: Enter Ending Cash Balance (Subtract line 5 from line 4) | \$ 32.00 | \$ 32.00 |
| Line 7: Outstanding Debt to Date (Enter amount from line 18, page 2) | \$ | |

*This same figure should be entered on line 1 of all reports filed this calendar year.

**This is the figure on line 6 of the last Campaign Financial Disclosure Report filed. If this is your first report, this amount is 0.

Note: The closing cash balance for the current reporting period appears on the next report as the beginning cash on hand.

Section V

Return This Report To:
Ben Yursa
Secretary of State
PO Box 83720
Boise ID 83720-0080
Phone: (208) 334-2852
Fax: (208) 334-2282

I, CORDELL CHIGBROW, hereby certify that the information in this
Name of Political Treasurer
report is a true, complete and correct Campaign Financial Disclosure Report as required by law.

CordeLL Chigbrow

Signature of Political Treasurer

DETAILED SUMMARY

Name of Candidate or Committee: PARENTS FOR EDUCATION REFORM

| | | | Total This Period |
|---------------|--|-------------------------|-------------------|
| Contributions | | | |
| ① | Unitemized Contributions (\$50 and less) | # of Contributors _____ | + \$ |
| ② | Itemized Contributions (Total of all Schedule A sheets) | | + \$ 200,350.00 |
| ③ | In-Kind Contributions (Total of all Contribution amounts from Schedule C sheets) | | + \$ |
| ④ | Loans (Total of all New Loan amounts from Schedule D sheets) | | + \$ |
| ⑤ | Total Contributions (Transfer this figure to page 1, Section IV, Line 3) | | = \$ |

| | | | |
|--------------|---|-------------------------|-----------------|
| Expenditures | | | |
| ⑥ | Unitemized Expenditures (Less than \$25) | # of Expenditures _____ | + \$ |
| ⑦ | Itemized Expenditures (Total of all Schedule B sheets) | | + \$ 200,318.00 |
| ⑧ | In-Kind Expenditures (Total of all Expenditure amounts from Schedule C sheets) | | + \$ |
| ⑨ | Loan Repayments (Total of all Loan Repayment amounts from Schedule D sheets) | | + \$ |
| ⑩ | Credit Card and Debt Repayments (Total of all Repayment amounts from Schedule E sheets) | | + \$ |
| ⑪ | Total Expenditures (Transfer this figure to page 1, Section IV, Line 5) | | = \$ |

| | | | |
|------------------------------|---|--|------|
| Loans, Credit Cards and Debt | | | |
| ⑫ | Outstanding Balance from previous reporting period | | + \$ |
| ⑬ | New Loans received during this reporting period (Total of all New Loan amounts plus Accrued Interest from Schedule D sheets) | | + \$ |
| ⑭ | New Credit Card and Debt incurred this reporting period (Total of all New Incurred Debt amounts from Schedule E sheets) | | + \$ |
| ⑮ | Subtotal | | = \$ |
| ⑯ | Repayments of Loans made during this reporting period (Total of all Loan Repayment amounts from Schedule D sheets) | | - \$ |
| ⑰ | Repayments of Credit Card and Debt this reporting period (Total of all Debt Repayment amounts from Schedule E sheets) | | - \$ |
| ⑱ | Total Outstanding Balance at close of this period (Transfer this figure to page 1, Section IV, Line 7) | | = \$ |

| | | | |
|-----------------------|---|--------------------|------|
| Pledged Contributions | | | |
| ⑲ | Unitemized Pledged Contributions (\$50 and less) | # of Pledges _____ | + \$ |
| ⑳ | Itemized Pledged Contributions this Period (Total of all Schedule F sheets) | | + \$ |
| ㉑ | Total Pledged Contributions this period | | = \$ |

SCHEDULE A
ITEMIZED CONTRIBUTIONS
 of more than Fifty Dollars (\$50.00) this period

| | |
|------|----|
| Page | of |
| 1 | 1 |

Name of Candidate or Committee: PARENTS FOR EDUCATION REFORM

| Date Received | Full Name, Mailing Address and Zip Code of Contributor | Cash or Check |
|---|--|--|
| 09 / 25 / 12 | 1. EDUCATION VOTERS OF IDAHO PO BOX 9925 BOISE, ID 83707 | \$ 200,350.00 |
| <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General | | \$ 200,350.00 Calendar Year-To-Date |
| / / | 2. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| / / | 3. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| / / | 4. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| / / | 5. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| / / | 6. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| / / | 7. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| / / | 8. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| / / | 9. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| / / | 10. | \$ |
| <input type="checkbox"/> Primary <input type="checkbox"/> General | | \$ Calendar Year-To-Date |
| Total This Page: | | \$ 200,350.00 |

Transfer the combined total of all Schedule A pages to the Detailed Summary on page 2 line 2.

SCHEDULE B **ITEMIZED EXPENDITURES**

Twenty-Five Dollars (\$25.00) or more this period

| | |
|------|----|
| Page | of |
| 1 | 1 |

Name of Candidate or Committee: **PARENTS FOR EDUCATION REFORM**

Purpose Codes

- | | |
|--|---|
| A All Travel Expenses (Airfare, Fuel, Lodging & Mileage) | N Newspaper & Other Periodical Advertising |
| B Broadcast Advertising (Radio, TV & Internet) | O Other Advertising (Yard Signs, Buttons, etc.) |
| C Contributions to Candidates & PAC's | P Postage |
| D Donations & Gifts | S Surveys & Polls |
| E Event Expenses | T Tickets (Events) |
| F Food & Refreshments | U Utilities |
| G General Operational Expenses | W Wages, Salaries, Benefits & Bonuses |
| L Literature, Brochures, Printing | Y Petition Circulators |
| M Management Services | Z Preparation & Production of Advertising |

| Date Spent | Full Name, Mailing Address and Zip Code of Recipient | Purpose Code | Cash or Check |
|------------------|---|--------------|---------------|
| 09 / 25 / 12 | 1. SANDLER-INNOGENZI INC 705 PRINCE STREET ALEXANDRIA, VA 22314 | B | \$ 200,318.00 |
| | 2. | | \$ |
| | 3. | | \$ |
| | 4. | | \$ |
| | 5. | | \$ |
| | 6. | | \$ |
| | 7. | | \$ |
| | 8. | | \$ |
| | 9. | | \$ |
| | 10. | | \$ |
| Total This Page: | | | \$ 200,318.00 |

Transfer the combined total of all Schedule B pages to the Detailed Summary on page 2 line 7.