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April 13, 2010

**Via Hand Delivery**

Ben Ysursa, Secretary of State  
State of Idaho  
State Capitol Building  
700 W. Jefferson, Rm. E205  
Boise, Idaho 83702

Re: Qualifications of Steven John Vick  
Candidate for Idaho State Senate, District 3

Dear Secretary Ysursa:

I correspond on behalf of a client who has retained me to address a concern regarding Steven John Vick, a District 3 candidate for Idaho State Senate.

After investigating my client's grievances I found that the facts of this matter reveal that Mr. Vick is not a registered voter in the State of Idaho. As you are aware, the Constitution of the State of Idaho states:

No person shall be a Senator or Representative who, at the time of his election, is not a citizen of the United States, and an elector of this state, **nor anyone who has not been for one year next preceding his election an elector of the county or district whence he may be chosen.** (Id. Const. art. III, § 6. Emphasis added.)

Further, Idaho Code § 34-104 defines who is a qualified elector:

Qualified elector means any person who is eighteen (18) years of age, is a United States citizen and who has resided in this state and in the county at least thirty (30) days next preceding the election at which he desires to vote, **and who is registered as required by law.** (Emphasis added.)

Enclosed with this correspondence marked as Exhibit "A" is a copy of Mr. Vick's Idaho *Voter Registration Card*, evidencing his registration in Kootenai County, Idaho on October 8, 2004. We have been advised by Kootenai County that this is the only registration information on file for Mr. Vick and that he has not registered at any time subsequent to October 8, 2004.

Mr. Ben Yursa, Secretary of State  
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At first blush Mr. Vick appears to be properly registered, however it is only after further investigation that the problem is revealed. Apparently Mr. Vick moved to Montana sometime in 2006 and registered to vote in that state. Attached hereto as

Exhibit "B" is a *Voter Registration Form* from Lewis and Clark County in Montana, dated March 20, 2006. In that document Mr. Vick states, under penalty of perjury, that he has or will have resided in Montana for thirty days prior to the next election, which in Montana was June 6, 2006. Further, Idaho Code § 34-405 states, "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."

Therefore, based upon a review of the facts from the various county election offices, Mr. Vick ceased being an Idaho registered voter sometime before, or in any event no later than, May 7, 2006. Couple this data with the information from the Kootenai County Clerk that Mr. Vick has not registered in Idaho since 2004, and it leads to the conclusion that Mr. Vick is not an elector of District 3, nor a qualified candidate thereof.

The purpose of this correspondence is to request your assistance as the Chief Election Officer of the State of Idaho to obtain an interpretation and ruling on the qualifications of Mr. Vick.

If you have any questions regarding this correspondence or the attachments hereto, please feel free to contact me at 345-9929.

Very truly yours,



JASON S. RISCH

JSR/lr  
Enclosures