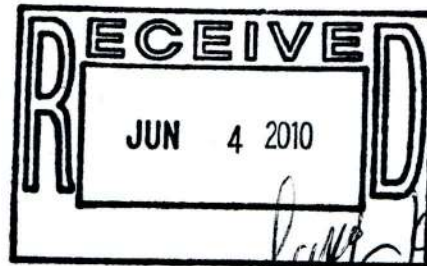


Gregory Nemitz,
Twin Falls Republican Central Committeeman
Precinct Outside Twin Falls 21
Mailing Address:
780 Falls Ave. #112
Twin Falls, Idaho 83301
Email: gregory@nemitz.net
Tel: 208-316-1802



04 June, 2010

Clerk of the District Court for Twin Falls County, Kristina Glascock
County Elections Director, Larry Haycock
425 Shoshone St. North 2nd Floor
P.O. Box 126
Twin Falls, ID 83301

Dear Ms. Glascock and Mr. Haycock,

I give to you this formal grievance in regards to the Republican Party Central Committee Organization Assembly and County Delegate Selection Meeting, hereinafter "Organization Assembly", that were held on June 2, 2010 in Twin Falls, Idaho.

Gretchen Clelland, the chairman of the Committee, secretly and illegally appointed Jim Fort as Committeeman for Twin Falls Precinct 12. The position was vacant and was not filled at the last election on 25 May, 2010. The Twin Falls County Recorder office and Elections office had no record of this appointment, thus Jim Fort was illegally impersonating a precinct committeeman at the Assembly.

I, Gregory Nemitz, hereby attest as a direct witness to these facts:

I learned of this illegal appointment while attending the Organization Assembly;
and I learned that the TF-12 committeeman position should be vacant;
and I saw that all the Committeepersons were seated in a specific order;
and I counted the seats to find the seat for TF-12 was directly in front of me;
and Jim Fort was sitting in that seat;
and I showed him my Credentials card, asking him to see his Credentials;
and he directly told me that he did not have a Credentials card;
and I asked him why he did not have one;
and he said Gretchen Clelland had appointed him as precinct committeeman for Twin Falls Precinct 12;
and after that Assembly was adjourned, I learned that appointment was illegal.

As a consequence of the above illegal appointment, the outcome of the Organization Assembly was most certainly affected. The vote for the Chairman position was tied at 22-22 for Gretchen Clelland and Rusty Satterwhite. Had there not been an illegal Committeeman appointment for Precinct TF-12, there would have been an odd number total of votes, there would not have been a tie, and Gretchen Clelland would not have been re-elected chairman via her own tie-breaking vote as Chairman.

During the course of the Assembly, votes for several other offices were tied, and were decided by the Chairman's vote. Had Jim Fort not been illegally appointed for Precinct TF-12, the outcomes of those other offices would have also been different.

Thus the Organization Assembly was illegal and improper; it must be invalidated, and a new Organization Assembly must be scheduled as soon as possible.

The state laws pertaining to this matter are

Idaho Statutes

34-624. At the primary election... a precinct committeeman for each political party shall be elected in every voting precinct within each county. The term of office of a precinct committeeman shall be from the eighth day following the primary election until the eighth day following the next succeeding primary election.

<http://legislature.idaho.gov/idstat/Title34/T34CH6SECT34-624.htm>

34-502. The county central committee of each political party in each county shall consist of the precinct committeemen representing the precincts within the county and the county chairman elected by the precinct committeemen. The precinct committeemen within each county shall meet at the county seat within ten (10) days after the primary election and at the time and date designated by the incumbent county chairman, and shall organize by electing a chairman, vice chairman, a secretary, a state committeeman, a state committeewoman, and such other officers as they may desire who shall hold office at the pleasure of the county central committee or until their successors are elected.

<http://legislature.idaho.gov/idstat/Title34/T34CH5SECT34-502.htm>

34-502, Para. #3. The county central committee shall fill by appointment all vacancies that occur or exist in the office of precinct committeeman who shall be a qualified elector of the precinct.

<http://legislature.idaho.gov/idstat/Title34/T34CH5SECT34-502.htm>

In the instance of this grievance, Idaho Statute 34-502, Para. #3 specifically states that the COMMITTEE shall fill vacancies by appointment. Gretchen Clelland acted illegally in secretly appointing Jim Fort, because she was not the county central committee, she was only the Chairman of that body, and thus held no lawful authority to act secretly, and to unilaterally appoint anyone to the TF-12 precinct committeeman position.

For your reference, I include the rules of the Idaho Republican party that pertain to this matter.

RULES OF THE IDAHO REPUBLICAN PARTY

http://www.idgop.org/Roots/06471e84-da96-4fd5-bf74-00ebodee9e22/Documents/IdahoGOPRules_AmendedJan2010.pdf

ARTICLE IV: THE COUNTY CENTRAL COMMITTEE

Section 3: The County Chairman shall assure the existence of a set of rules and by-laws for the county organization. These rules must be compatible with the Election Laws of the State of Idaho and the Rules of the Idaho Republican Party.

Section 8: The County Central Committee shall appoint by election Precinct Committeemen to fill all vacancies that occur or exist in the offices of Precinct Committeemen.

As you can easily see, Section 8 specifically mandates the County Central Committee shall appoint by election Precinct Committeemen to fill all vacancies. The Chairman is certainly not authorized to act in their stead, nor on their behalf.

For your reference, I include below the By-Laws of the Twin Falls County Republican party, Article IV, Section 1, which pertains to this matter. As you can see, they are in conflict with, and are thus superseded by Idaho law and the rules of the Idaho Republican Party. Thus the County Republican Central Committee By Laws, Article IV, Section 1; are absolutely invalidated and Gretchen Clelland's appointment of Jim Fort as precinct committeeman for Twin Falls Precinct 12 was illegal.

TWIN FALLS COUNTY REPUBLICAN CENTRAL COMMITTEE BY-LAWS ARTICLE IV – FILLING OF VACANCIES

* Section 1 – APPOINTMENT AND CONFIRMATION – When vacancies occur in the County Central Committee, the County Chairman may fill such vacancies by appointing qualified persons to act on a temporary basis until the next regular meeting of the Central Committee, at which time such appointments shall be submitted to the Committee for confirmation. Confirmation shall be determined by majority vote of the Precinct Committeepersons in attendance at the meeting. Precinct Committeepersons appointed and confirmed according to this Article shall have all of the authority and responsibility of regularly elected Precinct Committeepersons.

<http://www.twinfallsrepublicans.com/about-2/about/>

At the time of the Organization Assembly, John Fort was not “confirmed” according to Article IV, Section, and thus he had no right to vote at the Organization Assembly. The “authority and responsibility of regularly elected Precinct Committeepersons” is NOT conferred until after appointment AND confirmation by a meeting of the County Central Committee.

For your reference in regards to the Party Rules and the Grievance above, please consider:

Idaho Statutes

TITLE 34, ELECTIONS, CHAPTER 5, POLITICAL PARTIES - ORGANIZATION 34-505. Powers and duties of county central committee. The county central committee shall have all the powers and duties prescribed by state law and rules and regulations promulgated and adopted by the state conventions or the state central committee.

TITLE 34, ELECTIONS, CHAPTER 1, DEFINITIONS

34-113. "CANDIDATE" DEFINED. "Candidate" means and includes every person for whom it is contemplated or desired that votes be cast at any political convention, primary, general or special election, and who either tacitly

or expressly consents to be so considered, except candidates for president and vice-president of the United States.

TITLE 34, ELECTIONS, CHAPTER 20, ELECTION CONTESTS OTHER THAN LEGISLATIVE AND STATE EXECUTIVE OFFICES

34-2024. Election declared void. When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.

Thus it is in your purview and authority, as Clerk of the District Court and County Elections Director, to fully consider BOTH Idaho law and the "rules and regulations promulgated and adopted by the state conventions or the state central committee." and declare the Organization Assembly (a political convention) that was held June 2, 2010 void, when formulating your decision and action for this Grievance.

I demand that the Organization Assembly held on 2 June, 2010 be declared void, that Gretchen Clelland step down as chairman of the Committee, or be removed from office for cause, and that a new Organization Assembly be scheduled for 17 June, 2010 so that Officers of the Committee and Delegates to the State Convention may be lawfully and properly elected to represent the voters of Twin Falls County.

Furthermore, to discourage and prevent such outrageous behavior in the future, and prevent fraud upon the voters of Twin Falls County, I demand that Gretchen Clelland and Jim Fort be prosecuted to the fullest extent of the law for their illegal activities. Please consider your duty to bring such action, and refer to:

Idaho Statutes

TITLE 6, ACTIONS IN PARTICULAR CASES

CHAPTER 6, USURPATION OF OFFICE OR FRANCHISE

6-602. Actions for usurpation of office. An action may be brought in the name of the people of the state against any person who usurps, intrudes into, holds or exercises any office or franchise, real or pretended, within this state, without authority of law. Such action shall be brought by the prosecuting attorney of the proper county, when the office or franchise relates to a county, precinct or city, and when such office or franchise relates to the state, by the attorney general; and it shall be the duty of the proper officer, upon proper showing, to bring such action whenever he has reason to believe that any such office or franchise has been usurped, intruded into, held or exercised without authority of law. Any person rightfully entitled to an office or franchise may bring an action in his own name against the person who has usurped, intruded into, or who holds or exercises the same.

6-608. Judgment of ouster -- Fine. When a defendant against whom such action has been brought is adjudged guilty of usurping or intruding into or unlawfully holding any office, franchise or privilege, judgment must be rendered that such defendant be excluded from the office, franchise or privilege, and that he pay the costs of the action. The court may also, in its discretion, in actions to which the people of the state are a party, impose upon the defendant a fine not

exceeding five thousand dollars, which fine, when collected, must be paid into the treasury of the state.

This matter of Grievance is of the utmost importance and urgency. Time is of the essence. I require you to contact me by telephone and email immediately upon the completion of your determination in regard to this Grievance, and then subsequently send your formal determination on your office letterhead to my mailing address above.

Sincerely,



Gregory Nemitz,
Twin Falls Republican Central Committeeman
Precinct Outside Twin Falls 21

Liz Niccum
Liz Niccum
Precinct Committeewoman Twin Falls 5