

Gregory L. Collett
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Caldwell, ID 83697
208-505-1951

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CANYON COUNTY CLERK
J HEIDEMAN, DEPUTY

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

Gregory L. Collett
21255 Lonkey Ln
Caldwell, ID 83607,
Plaintiff,

vs.

Patti Anne Lodge
18500 Symms Rd
Caldwell, ID 83607,
Defendant.

Case No. CV14-5504

AFFIDAVIT AND NOTICE OF CONTEST

I, Gregory L. Collett, being duly sworn, hereby declare and give notice that I do contest the 2014 primary election nomination of Patti Anne Lodge for the office of state senator representing Legislative District 11 for the reasons and on the grounds listed below:

1. The former residence of Patti Anne Lodge, located at 18500 Symms Road Caldwell ID 83607, was removed from her property in 2011;
2. Patti Anne Lodge moved to 703 East Logan Street Caldwell ID 83605, located in District 10, at that time, and has lived there to this date;
3. The homeowner's exemption for 18500 Symms Road Caldwell ID 83607 was revoked on

March 1, 2012 for the following reason, "Home has been dismantled and no longer qualifies for the Homeowners Exemption", with the following note, "NO HOME ON THIS SITE";

4. On August 27, 2013, reacting to public pressure, Patti Anne Lodge told Mike Butts, a reporter with the Idaho Press-Tribune, that she would move a mobile home to the site and live in it; however, there is no evidence that Patti Anne Lodge ever lived in a mobile home at that site, nor has she claimed to have lived in one since making that statement;

5. A building permit was issued in April 2014 to start construction on a new home located at 18500 Symms Road Caldwell ID 83607;

6. Patti Anne Lodge has willfully chosen not to live in District 11 since 2011;

7. Patti Anne Lodge has willfully chosen not to re-register since moving to District 10;

8. Patti Anne Lodge filed as a candidate for state senator representing Legislative District 11, using her address at 18500 Symms Road Caldwell ID 83607 as her claimed residence, despite the fact that no home exists on the site;

9. Chris Yamamoto, Canyon County Clerk, with full knowledge of the foregoing facts, has refused to cancel the registration of Patti Anne Lodge;

10. Ben Ysursa, Idaho Secretary of State, with full knowledge of the foregoing facts, has certified the candidacy of Patti Anne Lodge to the county clerk;

11. The foregoing facts are not under dispute by the county clerk nor the secretary of state based on personal meetings between myself and those officials;

12. The property located at 18500 Symms Road Caldwell ID 83607 does not have a home or place of abode and therefore does not meet the definition of "Residence" as defined in Idaho Code 34-107. "Residence" defined. **"(1) "Residence," for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless**

of the duration of absence.”

13. Patti Anne Lodge does not meet the criteria for the loss or gain or residency as per the Idaho Constitution, Article VI, Section 5. Residence for voting purposes not lost or gained. “For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this state, or of the United States, nor while engaged in the navigation of the waters of this state or of the United States, nor while a student of any institution of learning, nor while kept at any alms house or other asylum at the public expense.”

14. The foregoing facts demonstrate that Patti Anne Lodge did not qualify to be on the ballot as a candidate for state senator representing District 11, pursuant to the Idaho Constitution, Article III, Section 6. Qualifications of members. **“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.”**

15. The foregoing facts also demonstrate that Patti Anne Lodge has violated Idaho Code 18-2322. Illegal registration by voter. **“Any person who shall willfully cause, or endeavor to cause, his name to be registered in any other election district than that in which he resides,** or will reside prior to the day of the next ensuing election, except as herein otherwise provided, and any person who shall cause, or endeavor to cause, his name to be registered, knowing that he is not a qualified elector, and will not be a qualified elector on or before the day of the next ensuing election, in the election district in which he causes or endeavors to cause such registry to be made, and any person who shall induce, aid or abet anyone in the commission of either of the acts in this section enumerated and described, shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or be confined in the county jail for not less than one (1) month nor more than six (6) months, or both.”

16. As a qualified elector in District 11, and as a certified candidate in the 2014 primary election for the office of state senator representing Legislative District 11, I have standing under Idaho Code 34-2122 to contest the election.

17. I do contest the election pursuant to Idaho Code 34-2101. Grounds of contest. (2) "When the incumbent was not eligible to the office at the time of the election;"

18. I do also contest the election pursuant to Idaho Code 34-2101. Grounds of contest. (4) "When the incumbent has given or offered to any elector, or any judge, clerk, or canvasser of the election, any bribe or reward in money or property, for the purpose of procuring his election, or has committed any violation as set out in chapter 23, title 18, Idaho Code;"

Date: 5-30-2014

Signature

STATE OF IDAHO)
) ss.
County of Canyon)

SUBSCRIBED AND SWORN before me on this 30th day of May 2014

Notary Public for Idaho

Residing at Nampa Id

SHAUNA RAE HOGE
Notary Public
State of Idaho

Commission expires 2/23/16