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7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF NEVADA**
10 **UNLIMITED JURISDICTION**

11
12 GINA WILL, Contestant

13 vs.

14 ROB TRIBBLE, Defendant.
15

Case No.:

**VERIFIED STATEMENT OF
ELECTION CONTEST/AFFIDAVIT**

(California Elections Code sections
16000, et. seq.)

**PRIORITY ELECTION MATTER
PURSUANT TO CALIFORNIA CODE
OF CIVIL PROCEDURE SECTION
35(a) & CALIFORNIA ELECTIONS
CODE SECTION 16520**

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21 GREGORY DIAZ, in his official capacity
22 as Nevada County Registrar of Voters;
and ROES 1-25,

23
24 Real Parties in Interest.
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1 **TO THE CLERK OF THE NEVADA COUNTY SUPERIOR COURT:**

2 Pursuant to California Elections Code (“EC”) sections 16000 et. seq, Contestant
3
4 GINA WILL (“Contestant”) files this Verified Statement of Election Contest/Affidavit
5 (“Statement”) and brings this election contest in order to challenge the eligibility of
6 Defendant ROB TRIBBLE (“Defendant”) to run for the office of, or serve in the position
7 of, Nevada County Auditor-Controller.
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9 **PARTIES**

10 1. Contestant appeared on the June 7, 2022 Nevada County ballot as a
11 candidate for Auditor-Controller. She is a resident and registered voter in Nevada
12 County, has served as Assistant Auditor-Controller for 2 years, and served as Finance
13 Director for the Town of Paradise for the preceding 12 years.
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15 2. Contestant meets the statutory qualifications to run for the office of
16 Auditor-Controller under California Government Code sections 26945 and 26946 and
17 Nevada County Code section A-II 1.9 because she has held a senior fiscal management
18 position with governmental entities for all of the past five years.
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20 3. Defendant was also a candidate for Auditor-Controller on the June 7, 2022
21 Nevada County ballot. Upon information and belief, he is a resident and registered voter
22 in Nevada County. Upon further information and belief, Defendant does not meet the
23 statutory qualifications to run for Auditor-Controller.
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1 4. Real Party in Interest Gregory Diaz is the Registrar of Voters for Nevada
2 County (“Registrar”) and is responsible for overseeing and administering all elections in
3 the County, including the June 7, 2022 election for Auditor-Controller.
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5 5. The true names and capacities of ROE real parties 1-25 are unknown to
6 Contestant at this time, who therefore sues such real parties by fictitious names.
7 Contestant will seek leave to amend this Statement to provide the true names, capacities
8 and identities of ROE real parties 1-25 when the same have been ascertained.
9

10 **JUNE 7, 2022 ELECTION FOR COUNTY AUDITOR-CONTROLLER**

11 6. Contestant and Defendant were the only two candidates for Auditor-
12 Controller on the June 7, 2022 ballot. According to the official canvass of the vote
13 published by the Registrar on or about June 29, 2022 pursuant to EC section 15372,
14 Defendant garnered 16,929 votes or approximately 54.79 percent of the total votes cast
15 for this office, and Contestant garnered 13,969 votes or approximately 45.21 percent of
16 the total votes cast for this office. Upon information and belief, the Board of Supervisors
17 will officially certify the results of the election at an upcoming meeting pursuant to EC
18 section 15377.
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20 7. Because Contestant and Defendant were the only two candidates running
21 for this office, and because Defendant received more than 50 percent of the vote,
22 Defendant will, upon information and belief, be deemed the winner of this election and
23 will be sworn into the office in January 2023, unless the Court intervenes.
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1 ELECTION CONTEST

2 8. This Statement and election contest is being filed in a timely manner, within
3 five days of the certification of the election by the Registrar. (Elections Code section
4 16421.)

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6 9. This election contest is entitled to expedited review by the Court pursuant to
7 California Code of Civil Procedure section 35(a) [“Proceedings in cases involving . . .
8 election contests shall be placed on the calendar in the order of their date of filing and
9 shall be given precedence”] & Elections Code section 16520.

10
11 10. The grounds for this election contest are that Defendant is not eligible to
12 run for, or serve as, Auditor-Controller because he does not meet the statutory
13 qualifications for this office under state and County law. (See Elections Code section
14 16100(b): “Any elector of a county . . . may contest any election held therein, for any of
15 the following causes: . . . (b) That the person who has been declared elected to an office
16 was not, at the time of the election, eligible to that office.”; See also Elections Code
17 section 16101(a): “Any candidate at a primary election may contest the right of another
18 candidate to nomination to the same office by filing an affidavit alleging any of the
19 following grounds, that (a) The defendant is not eligible to the office in dispute.”)

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21
22 11. Government Code sections 26945 and 26946 require county auditor
23 candidates to meet certain, specific qualifications, and someone who does not possess at
24 least one of the qualifications may not run for, or be sworn in as, county auditor.
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1 Nevada County has explicitly adopted these qualification standards for its Auditor-
2 Controller. (County Code section A-II 1.9.)
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4 12. Upon information and belief, Defendant is not a licensed public accountant,
5 is not a certified professional internal auditor, and has not previously served as a county
6 auditor, chief deputy county auditor, or chief assistant county auditor, and therefore does
7 not meet the qualification standards set forth in Government Code section 26945 (a), (c)
8 or (d).
9

10 13. The provision of law applicable to this election contest is the second prong
11 of Government Code section 26945(b), which states that a county auditor must have
12 worked in a “senior fiscal management position” at either a governmental entity, private
13 firm or nonprofit organization for three of the five years preceding taking office.
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15 14. Upon information and belief, Defendant has not held a senior fiscal
16 management position with a governmental entity, private firm or nonprofit organization
17 for three of the last five years.
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19 15. According to the Statements of Economic Interests (Forms 700) which
20 Defendant filed with the County under penalty of perjury, he did not hold any jobs
21 between 2019 and March 2022. According to the Ballot Designation Worksheet which
22 Defendant submitted to the County in March 2022, he is “self-employed.” Defendant’s
23 LinkedIn profile, campaign Facebook page and other publicly available documents
24 regarding his professional experience do not list any jobs during the last five years.
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PRAYER

WHEREFORE, Contestant prays as follows:

1. That the Court hold a hearing at its earliest convenience and within the 10 to 20 day period of Elections Code section 16520 in order to set an expedited briefing schedule and hearing date in this matter;

2. That the Court set aside the results of the June 7, 2022 election for Nevada County Auditor-Controller, and declare that Contestant, and not Defendant, is the winner of this election, pursuant to the authority granted to the Court under Elections Code section 16720;

3. For Contestant's reasonable costs and attorneys' fees; and

4. For such other and further relief that the Court deems proper.

Dated: July 1, 2022


Bradley W. Hertz
The Sutton Law Firm
Attorneys for Contestant GINA WILL

VERIFICATION

COUNTY OF NEVADA, STATE OF CALIFORNIA

I, GINA WILL, am the Contestant in this action. I have read the foregoing VERIFIED STATEMENT OF ELECTION CONTEST/AFFIDAVIT and know its contents. The matters stated in the foregoing document are true and correct of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 1, 2022 at Auburn, California.



GINA WILL