

## SUMMARY STATEMENT

*Idahoans for Open Primaries v. Labrador*

Docket No. 50940-2023

The Idaho Supreme Court granted Idahoans for Open Primaries' and Reclaim Idaho's petition for a writ of certiorari and held that Idaho Attorney General Raúl Labrador's ballot titles for their Initiative did not substantially comply with Idaho Code section 34-1809. The Court denied Petitioners' petition for a writ of mandamus.

On May 2, 2023, Petitioners filed the Initiative with Idaho Secretary of State Phil McGrane, who then transmitted it to the Attorney General for a certificate of review. That same day, the Attorney General and his Solicitor General posted statements on Twitter opposing the Initiative. On May 31, the Attorney General issued his certificate of review for the Initiative, opining that the Initiative contained multiple defects that rendered the Initiative unconstitutional. Petitioners revised the Initiative and filed it for issuance of ballot titles from the Attorney General. On June 30, the Attorney General hand-delivered "short" and "general" ballot titles to the Secretary of State, who then transmitted the titles to Petitioners.

Petitioners then filed a Verified Petition for Writ of Certiorari and Writ of Mandamus, arguing that the Attorney General's ballot titles did not comply with the requirements of Idaho Code section 34-1809 because the short title was not distinctive and failed to use the language by which the measure was commonly known or referred to; and because both the short and general titles used language that was argumentative and prejudicial against the Initiative. Petitioners requested that the Court declare the ballot titles deficient and directly certify Petitioners' proposed short and general ballot titles to the Secretary of State, or in the alternative, retain jurisdiction of this matter and order the Attorney General to immediately prepare new ballot titles and submit them to this Court for review. Petitioners also requested a writ of mandamus compelling the Secretary of State to extend the deadline for Petitioners to obtain signatures.

The Court granted Petitioners' request for a writ of certiorari and held that the short and general ballot titles failed to substantially comply with section 34-1809 in several respects. The Court retained jurisdiction over the matter and ordered the Attorney General to provide new ballot titles consistent with Idaho law and the opinions expressed in its decision. The Court denied Petitioners' request for a writ of mandamus because Petitioners failed to establish that the Secretary of State had a legal obligation to extend the deadline for signature collection.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*