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Attorneys for Petitioners

IN THE SUPREME COURT FOR THE STATE OF IDAHO

IDAHOANS FOR OPEN PRIMARIES
and RECLAIM IDAHO,
Petitioners,

v.

RAÚL R. LABRADOR, in his official
capacity as the Idaho Attorney General ,
and PHIL McGRANE, in his official
capacity as the Idaho Secretary of State,

Respondents.

Case No. **50940-2023**

**MOTION TO EXPEDITE
UNDER I.A.R. 5**

Petitioners Idahoans for Open Primaries and Reclaim Idaho move this Court to expedite briefing, argument, and decision on their Verified Petition for Writs of Certiorari and Mandamus, filed on today's date. Extraordinary circumstances support this request.

Petitioners are the proponents of the Idaho Open Primaries Initiative. As required by statute, they waited to begin collecting signatures in support of the Initiative until the Idaho Attorney General had an opportunity to draft short and long ballot titles. The Attorney General used the full time allotted to him only to prepare titles that are inaccurate, argumentative, and prejudicial to the Initiative. This has forced Petitioners to come to this Court to seek a remedy before they start their initiative drive.

Time is of the essence. As Reclaim Idaho's co-founder, Luke Mayville, states in his declaration, this litigation has already required proponents of the Initiative to miss critical signature-gathering opportunities. For instance, they could not collect signatures during recent Independence Day festivities, which is "one of the largest single-day opportunities of the year for volunteer signature drives." Mayville Decl. ¶ 10. Reclaim Idaho has also had to postpone kick-off events in 30 Idaho communities – large and small – which are vital to train and motivate volunteers. *Id.* at ¶ 11. These kick-off events must be scheduled early enough in the election cycle for volunteers to have enough time to collect signatures in their geographic area. *Id.* And each additional week of delay will further prejudice Petitioners. If the calendar moves through the summer without a resolution, they will be forced to miss state fairs, county fairs, and late-summer community events all over the state. *Id.* at ¶ 12. This delay alone may doom the possibility of the Initiative having any opportunity to reach the ballot.

Exceptional circumstances warrant the Court expediting the typical schedule. The Petitioners therefore move the Court to issue an order allowing for a turnaround time of a week for the Respondents to file their answer and a brief, three days for the Petitioner's reply, an expedited date for oral argument and certification of ballot titles to the Secretary of State.

Respectfully submitted on this 10th day of July, 2023.

/s/Deborah A. Ferguson
Deborah A. Ferguson

/s/Craig H. Durham
Craig H. Durham

Attorneys for Petitioners.

CERTIFICATE OF SERVICE

This Motion has been served on the following on this 10th day of July, 2023, by filing through the Court's e-filing and serve system to

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Attorney for Respondents Phil McGrane and Raúl Labrador

/s/Deborah A. Ferguson

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