

In the Supreme Court of the State of Idaho

RAÚL R. LABRADOR, in his official capacity as the Idaho Attorney General,

Petitioner,

v.

IDAHOANS FOR OPEN PRIMARIES, a coalition of community groups and civic organizations that includes: RECLAIM IDAHO, IDAHO CHAPTER OF MORMON WOMEN FOR ETHICAL GOVERNMENT, and VETERANS FOR IDAHO VOTERS,

Real Parties in Interest-
Respondents,

and

PHIL MCGRANE, in his official capacity as the Idaho Secretary of State,

Respondent.

Order to Attorney General Raúl Labrador to Show Cause as to Why He and the Deputy Attorneys General in his Office Should Not be Disqualified from Representing Secretary of State McGrane

Supreme Court Docket No. 52089-2024

This matter is before the Court on a Verified Petition for Writ of Prohibition or Mandate filed on July 24, 2024, by Attorney General Raúl R. Labrador in his official capacity. The Attorney General has named Phil McGrane in his official capacity as Secretary of State as a respondent and seeks a writ of prohibition ordering the Secretary of State not to include the ballot title and number for the initiative on the certified ballots he issues to the county clerks. Alternatively, he seeks a writ of mandate ordering the Secretary of State to declare all signatures supporting the initiative to be invalid, and to withdraw his acceptance and certification of the initiative so it does not appear on the final certified ballot. The Attorney General seeks an award of attorney fees, as well.

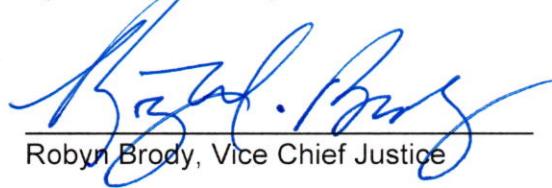
On July 25, 2024, at 8:08 p.m., the day after the Attorney General filed his Verified Petition, the Attorney General, acting in a representative capacity, filed a Motion to Expedite the proceeding on behalf of the Secretary of State.

On July 26, 2024, at 11:33 a.m., approximately 15 hours after the Attorney General filed the Motion to Expedite on behalf of the Secretary of State, the Attorney General filed a response objecting to the Secretary of State's motion, arguing that although the proceeding should be expedited, the Idaho Supreme Court should adopt a briefing schedule and issue a decision within six weeks and not on the schedule proposed by the Secretary of State.

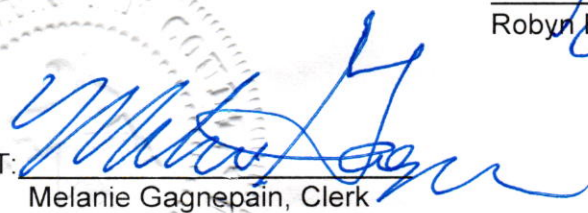
Given Attorney General Raúl R. Labrador's status as Petitioner and his concurrent representation of the Secretary of State, the Idaho Supreme Court ORDERS Attorney General Raúl R. Labrador to show cause as to why he and the Deputy Attorneys General in his office should not be disqualified from representing the Secretary of State under Idaho Rules of Professional Conduct 1.7(a), 1.7(b)(3), and 1.10(a), 1.11(d)(1). A brief shall be filed with the Clerk of the Court on July 30, 2024, by 12:00 p.m. The Idaho Supreme Court will not issue a decision on the Secretary of State's Motion to Expedite until this Order to Show Cause is decided.

Dated July 29, 2024.

By Order of the Supreme Court


Robyn Brody, Vice Chief Justice

ATTEST:


Melanie Gagnepain, Clerk

cc: Counsel of Record