

SUMMARY STATEMENT

BABE VOTE/League of Women Voters of Idaho v. McGrane
Docket No. 51227

This appeal concerns the people’s right of suffrage and the constitutionality of two recent amendments to Idaho’s election laws. Since 2010, Idaho law has required all electors to provide (1) proof of identity *and* Idaho residency when registering to vote, Idaho Code section 34-411, and (2) proof of identity before voting at the polls. Idaho Code §§ 34-1113 and -1114. During the 2023 legislative session, the legislature passed House Bills 124 and 340 (collectively “the House Bills”), which modified the forms of identification electors can use to prove their identity in both situations.

House Bill 124 amended Idaho Code section 34-1113 by removing student identification cards (issued by local high schools and accredited institutions of higher education) as accepted forms of identification for registered voters when voting at the polls. House Bill 340 amended Idaho Code section 34-411 by (1) eliminating the option to prove identity by providing the last four digits of the registrant’s social security number when registering to vote, and (2) adding new methods for a registrant to prove identity, including: a current Idaho driver’s license or identification card (previously only the number was required); a United States passport or other federal identification card; a tribal identification card; or an Idaho license to carry a concealed weapon. House Bill 340 also amended Idaho Code section 49-2444 to provide a no-fee identification card to any individual who is eighteen years of age or older, “who has not possessed a current driver’s license in the preceding six months,” and who needs an identification card to comply with “voter registration or voting requirements.” H.B. 340 § 8, 67th Leg., 1st Reg. Sess., 2023 Idaho Sess. Laws 886, 895.

BABE VOTE and the League of Women Voters of Idaho (the “League”) filed suit against Phil McGrane, the Idaho Secretary of State (the “Secretary”), alleging that both bills violate the Idaho Constitution’s guarantee of equal protection under Article I, section 2, and unduly burden the right of suffrage under Article I, section 19. In response, the Secretary counterclaimed, seeking a judgment declaring that the bills do not violate these rights under either the Idaho or the United States Constitutions. The Secretary subsequently filed motions for judgment on the pleadings and for summary judgment on his counterclaim.

The district court granted the Secretary’s motions and entered judgment in favor of the Secretary. The district court explained that the central issue was whether House Bills 124 and 340 were subject to strict scrutiny or rational basis review. Ultimately, the district court determined that (1) rational basis review was the applicable standard, and (2) the House Bills were rationally related to their stated purpose: to clarify and create uniformity, by requiring only generally accepted, authentic and reliable forms of identification as a reasonable condition to exercise the right of suffrage. BABE VOTE and the League timely appealed.

The Idaho Supreme Court unanimously affirmed the decision of the district court. The Court held that rational basis review was the appropriate legal standard because (1) Article VI, section 4 of the Idaho Constitution specifically permits the legislature to enact additional “qualifications, limitations and conditions” on the right of suffrage, and (2) the House Bills did not discriminate against a suspect class. The Court further held the House Bills were rationally related to the government’s legitimate interest in preserving the integrity of its election process.

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