

SUMMARY STATEMENT

Labrador v. Idahoans for Open Primaries, Docket No. 52089

Today the Idaho Supreme Court dismissed the Attorney General's Petition on procedural grounds. The Court explained that allegations of fraud in the gathering of signatures in the initiative process are serious, but they must be adjudicated in the district court in the first instance. Article V, section 9 of the Idaho Constitution vests the Idaho Supreme Court with limited original jurisdiction to issue writs of prohibition and mandamus. Those writs are proper only when a state actor like the Secretary of State has a clear legal duty to act. While the laws governing initiatives are clear that signatures obtained through fraud are null and void, the Court held that those same statutes do not create a clear legal duty on the part of the Secretary of State to make such a factual determination; that authority rests with the district court. As for the Attorney General's assertion that the Initiative violates the Idaho Constitution's one-subject rule, the Court held that the issue will not be ripe for judicial review, unless and until, Idaho voters approve the Initiative at the general election in November. The Court explained that its decision did not preclude the Attorney General from filing an action with the district court to adjudicate whether signatures on the petition should be declared null and void due to fraud.

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