

Victoria Ashby (12248)
Christine R. Gilbert (13840)
Alan R. Houston (14206)
OFFICE OF LEGISLATIVE RESEARCH
AND GENERAL COUNSEL
Utah State Capitol Complex,
House Building, Suite W210
Salt Lake City, UT 84114-5210
Telephone: 801-538-1032
vashby@le.utah.gov
cgilbert@le.utah.gov
ahouston@le.utah.gov

Attorneys for Legislative Defendants-Petitioners

Tyler R. Green (10660)
CONSOVOY MCCARTHY PLLC
222 S. Main Street, 5th Floor
Salt Lake City, UT 84101
(703) 243-9423
tyler@consovoymccarthy.com
Taylor A.R. Meehan*
Frank H. Chang*
Marie E. Sayer*
CONSOVOY MCCARTHY PLLC
1600 Wilson Boulevard, Suite 700
Arlington, VA 22209
(703) 243-9423
taylor@consovoymccarthy.com
frank@consovoymccarthy.com
mari@consovoymccarthy.com

**Pro hac vice*

In the Supreme Court of the State of Utah

League of Women Voters of Utah,
Mormon Women for Ethical Government,
Stefanie Condie, Malcom Reid, Victoria Reid,
Wendy Martin, Eleanor Sundwall,
Jack Markman

Plaintiffs-Respondents,

v.

Utah State Legislature, Utah Legislative
Redistricting Committee, Sen. Scott Sandall,
Rep. Mike Schultz, Sen. J. Stuart Adams,
Lt. Gov. Deidre Henderson,

Defendants-Petitioners.

No. _____

**Rule 23C Emergency Motion for Expedited
Consideration of Emergency Petition for Extraordinary Relief**

On application for administrative stay
from the Third Judicial District Court
Honorable Dianna M. Gibson
No. 220901712

Legislative Defendants file this Rule 23C emergency motion for expedited consideration of its contemporaneously filed emergency petition for extraordinary relief. Legislative Defendants seek a stay of the district court’s August 25, 2025, order permanently enjoining any use of the 2021 Congressional Map (H.B. 2004). Legislative Defendants expressly disagree with the district court’s merits ruling and reserve the right to seek plenary appellate review following the remedial proceedings and final judgment. The emergency petition for extraordinary relief, however, concerns only the district court’s remedial order.

The district court enjoined the 2021 Congressional Map and directed the Legislature to draw a remedial map by September 25 using a process that contravenes core elements of Proposition 4. The remedial order contravenes Proposition 4 because an Independent Redistricting Commission need not be constituted or propose maps, the Legislature need not take an up-or-down vote on the commission’s recommendations, and the Legislature need not explain why its map better satisfies Proposition 4’s standards than the commission’s proposed maps. **Exhibit B-26:25-27:6**. The district court said Legislature must follow only the substantive redistricting standards in Utah Code §20A-19-103(2) and the 10-day public comment period. **Exhibit B-27:7-17; Exhibit A-76**. The district court’s pick-and-choose remedial prescriptions are inconsistent with its merits conclusions that Proposition 4 is the law that the Legislature must follow when redistricting. As the accompanying petition explains, the district court abused its discretion in crafting a remedy that itself violates Proposition 4—all to achieve Plaintiffs’ goal of running the 2026 congressional elections under a new map. And that process leaves the Legislature without any assurance that any alternative remedial map it ultimately adopts—after a laborious effort of convening a special session—will be free from yet another challenge under Proposition 4 by a different group of plaintiffs.

Legislative Defendants respectfully request that this Court grant or deny Legislative Defendants’ emergency petition for extraordinary relief **by no later than September 15**. Legislative Defendants ask the Court to require any responses to this petition be filed by no later than September 9 and permit Legislative Defendants to submit a reply, if any, by no later than September 11. Relief obtained after September 15 will effectively be no relief at all, and a de facto denial of this petition, in light of steps the Legislature must take by then to comply with the district court’s September 25 publication deadline. *See Exhibit A-76; Exhibit B-78:11-16; see also* D.Ct. Doc. 500. In short, the press of time makes resolving this petition by September 15 the only feasible way to accord Legislative Defendants relief. And an order staying the district court’s injunction will allow the Legislature to prepare new congressional maps using a process that complies with all of Proposition 4 while allowing the 2026 election to run in an orderly fashion under H.B. 2004.

1. In July 2024, this Court remanded Plaintiffs’ Count V back to the district court for further proceedings. *LWV v. Utah State Legislature*, 2024 UT 21, ¶227. Count V alleges that the Legislature improperly repealed Proposition 4 by enacting S.B. 200.

2. On remand, Plaintiffs moved for summary judgment only on Count V—their constitutional challenge to S.B. 200. *See* D.Ct. Doc. 293. Legislative Defendants cross-moved for summary judgment. The district court heard oral argument on the motions in January 2025. *See* D.Ct. Doc. 449.

3. On August 25, the district court issued its decision. The district court granted summary judgment for Plaintiffs on Count V. **Exhibit A-62.**

4. As a remedy, it enjoined the use of the 2021 Congressional Plan in future elections, even though Count V did not challenge any district lines. **Exhibit A-69-76.** The court “ordered” and “directed” the Legislature “to design and enact a remedial congressional

redistricting map in conformity with Proposition 4’s mandatory redistricting standards and requirements,” and to share that map with “Plaintiffs and the Court” by September 24, 2025.

Exhibit A-76. Proposition 4’s requirements include establishing and funding an independent redistricting commission, public hearings, proposed commission plans, a legislative vote on those plans, a legislative report on any commission plan voted down, 10 days of advance public notice of any map proposed by the Legislature, public comment, public access to redistricting data, and more. **Exhibit A-43** (confirming these as “mandatory standards and procedures”).

5. On August 28, Legislative Defendants asked the district court to clarify its order. *See* D.Ct. Doc. 476. They asked the district court: (1) whether a new commission must be convened under Proposition 4; (2) whether the Legislature needs to take an up-or-down vote on the maps proposed by the commission in 2021 under S.B. 200; (3) whether the Legislature needs to comply with Proposition 4’s requirement to issue a written report explaining why its alternative remedial map satisfies Proposition 4’s standards better than the 2021 commission’s recommendations under S.B. 200; (4) whether the Legislature must make its proposed remedial map available online for at least 10 calendar days before enacting it; (5) whether the Legislature must make the remedial map’s data available; and (6) whether the Legislature may submit objections to any maps proposed by Plaintiffs or any other third parties. The next morning, Plaintiffs filed a brief stating their positions on each of Legislative Defendants’ questions. D.Ct. Doc. 486.

6. On August 29, the district court held a status conference. There, the court orally clarified its order. The court adopted each of Plaintiffs’ proposed answers to Legislative Defendants’ questions and ordered that the Legislature need not convene a new commission, take an up-or-down vote on the 2021 commission’s recommendations or a new commission’s recommendations, or issue a report. **Exhibit B-26:25-27-6**; *see also* D.Ct. Doc. 486. The court

also adopted Plaintiffs’ reading that the Legislature *does* need to make its map available online for at least 10 calendar days and make the map data available, and that the Legislature may submit its objections to Plaintiffs’ proposed maps. **Exhibit B-27:7-17.**

7. Before the status conference, Legislative Defendants also moved the district court to stay the permanent injunction pending remedial proceedings and subsequent appeals. *See* D.Ct. Doc. 482. The parties argued the motion during the status conference. **Exhibit B-57:1-75:19.**

8. On September 2, the district court denied the motion for stay. The court acknowledged “the importance of legal issues and the consequential nature of the” permanent injunction. **Exhibit C-2.** The court also recognized that the “timelines here are short,” but that redistricting has been accomplished in other states “under tighter timelines.” *Id.* As examples, the district court cited Texas and California. *Id.* Those examples and others, according to the district court, “suggest[]” that “there is time to redistrict and comply with Proposition 4.” *Id.* And as the district court saw it, because the 2026 election was “more than a year away” and because election deadlines “can be moved without impacting the 2026 elections,” it was “not impossible for the parties to have a final decision from the Utah Supreme Court in time for and without impacting the 2026 midterm elections.” **Exhibit C-3.** The court also stated that the 2026 election should proceed “with a lawful congressional plan designed in compliance with Proposition 4’s traditional redistricting standards and its prohibition on partisan gerrymandering.” *Id.*

9. Because the district court refused to stay its permanent injunction, **Exhibit C,** the Legislature must take steps *right now* to plan and conduct a special session in time to publish an alternative map by September 25 using a process that does not fully comply with Proposition 4.

10. Any relief that arrives after the Legislature has taken those groundwork steps is effectively no relief at all; the harm will be irreversible well before September 25. As a result, requiring additional briefing (beyond obtaining a response and reply to this petition) or argument in this Court would effectively deny this petition.

11. Rule 23C allows parties to seek emergency relief from this Court in extraordinary circumstances. Utah R. App. P. 23C(a). A “single justice” may “act upon” this emergency motion for expedited consideration. Utah R. App. P. 23C(g).

12. Rule 2 further contemplates suspension of ordinary rules. “In the interest of expediting a decision,” this Court may “suspend the requirements or provisions of any of [the] rules ... and order proceedings in that case in accordance with its direction.” Utah R. App. P. 2.

13. Given the extraordinary and exigent circumstances, and given the significant separation-of-powers concerns at issue, Legislative Defendants respectfully request that this Court grant or deny the petition for extraordinary relief by **September 15, 2025**. The Court should order any responses to be filed by September 9 and permit Legislative Defendants to submit a reply by September 11.

Dated: September 5, 2025

Victoria Ashby (12248)
Christine R. Gilbert (13840)
Alan R. Houston (14206)
OFFICE OF LEGISLATIVE RESEARCH
AND GENERAL COUNSEL
Utah State Capitol Complex,
House Building, Suite W210
Salt Lake City, UT 84114-5210
Telephone: 801-538-1032
vashby@le.utah.gov
cgilbert@le.utah.gov
ahouston@le.utah.gov

Respectfully submitted,

/s/ Tyler R. Green
Tyler R. Green (10660)
CONSOVOY MCCARTHY PLLC
222 S. Main Street, 5th Floor
Salt Lake City, UT 84101
(703) 243-9423
tyler@consovoymccarthy.com

Taylor A.R. Meehan*
Frank H. Chang*
Marie E. Sayer*
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd. Suite 700
Arlington, VA 22209
(703) 243-9423

**pro hac vice*

Counsel for Legislative Defendants-Petitioners

CERTIFICATE OF COMPLIANCE

1. This petition does not exceed 5 pages, excluding any tables or attachments, in compliance with Utah Rule of Appellate Procedure 23C(b).
2. This petition has been prepared in a proportionally spaced typeface using Microsoft Word in 13-point Garamond font in compliance with the typeface requirements of Utah Rule of Appellate Procedure 27(a).
3. This brief contains no non-public information and complies with Utah Rule of Appellate Procedure 21(h).

/s/ Tyler R. Green

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2025, a true, correct and complete copy of the foregoing Rule 23C Emergency Motion for Expedited Consideration of Emergency Petition for Extraordinary Relief was filed with the Court and served via electronic mail on the following:

David C. Reymann (Utah Bar No. 8495)
Kade N. Olsen (Utah Bar No. 17775)
Tammy Frisby (Utah Bar No. 17992)
Parr Brown Gee & Loveless
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
(801) 532-7840
dreymann@parrbrown.com
kolsen@parrbrown.com
tfrisby@parrbrown.com

Mark Gaber
Aseem Mulji
Benjamin Phillips
Isaac DeSanto
Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, D.C. 20005
(202) 736-2200
mgaber@campaignlegalcenter.org
amulji@campaignlegalcenter.org
bphillips@campaignlegalcenter.org
idesanto@campaignlegalcenter.org

Annabelle Harless
Campaign Legal Center
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegalcenter.org

Counsel for Plaintiffs

Troy L. Booher (Utah Bar No. 9419)
J. Frederic Voros, Jr. (Utah Bar No. 3340)
Caroline Olsen (Utah Bar No. 18070)
Zimmerman Booher
341 South Main Street
Salt Lake City, Utah 84111
(801) 924-0200
tbooher@zbbappeals.com
fvoros@zjbappeals.com
colsen@zbbappeals.com

Counsel for Plaintiffs

David N. Wolf
Lance Sorenson
Office of the Attorney General
160 East 300 South, Sixth Floor
P.O. Box 140856
Salt Lake City, Utah 84114-0856
dnwolf@agutah.gov
lancesorenson@agutah.gov

*Counsel for Defendant,
Lieutenant Governor Henderson*

Keisa Williams
General Counsel
Administrative Office of the Courts
keisaw@utcourts.gov

/s/ Tyler R. Green