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20260168-SC

Counsel for Petitioner
Utahns for Representative Government

**IN THE
SUPREME COURT OF THE STATE OF UTAH**

UTAHNS FOR REPRESENTATIVE
GOVERNMENT,

Petitioner,

v.

DEIDRE HENDERSON, in her official capacity as Lieutenant Governor of the State of Utah; GINGER McMULLIN, in her official capacity as Clerk of Beaver County; MARLA YOUNG, in her official capacity as Clerk of Box Elder County; BRYSON J. BEHM, in his official capacity as Clerk of Cache County; SETH MARSING, in his official capacity as Clerk of Carbon County; LARINDA ISAACSON, in her official capacity as Clerk of Daggett County; BRIAN MCKENZIE, in his official capacity as Clerk of Davis County; CHELISE CURTIS, in her

Case No. _____

**EMERGENCY PETITION FOR
EXTRAORDINARY RELIEF**

official capacity as Clerk of Duchesne County; BRENDA TUTTLE, in her official capacity as Clerk of Emery County; CAMILLE MOORE, in her official capacity as Clerk of Garfield County; GABRIEL WOYTEK, in his official capacity as Clerk of Grand County; JON WHITTAKER, in his official capacity as Clerk of Iron County; TANIELLE CALLAWAY, in her official capacity as Clerk of Juab County; CHAMEILL LAMB, in her official capacity as Clerk of Kane County; MARKI ROWLEY, in her official capacity as Clerk of Millard County; LESLIE HYDE, in her official capacity as Clerk of Morgan County; KALI GLEAVE, in her official capacity as Clerk of Piute County; ANNELIESA PEART, in her official capacity as Clerk of Rich County; LANNIE K. CHAPMAN, in her official capacity as Clerk of Salt Lake County; LYMAN W. DUNCAN, in his official capacity as Clerk of San Juan County; LINDA CHRISTIANSEN, in her official capacity as Clerk of Sanpete County; STEVEN C. WALL, in his official capacity as Clerk of Sevier County; EVELYN FURSE, in her official capacity as Clerk of Summit County; TRACY SHAW, in her official capacity as Clerk of Tooele County; MICHAEL WILKINS, in his official capacity as Clerk of Uintah County; AARON R. DAVIDSON, in his official capacity as Clerk of Utah County; JOEY D. GRANGER, in his official capacity as Clerk of Wasatch County; GENNA

GOODWIN, in her official capacity as Clerk of Washington County; FELICIA SNOW, in her official capacity as Clerk of Wayne County; and RICKY HATCH, in his official capacity as Clerk of Weber County,

*Respondents.*¹

¹ The Utah County Clerk consents to the relief requested in this Petition. The Rich County Clerk does not object to the relief requested in this Petition. While the remaining clerks were contacted, they did not provide a position before Petitioner filed this Petition. Lieutenant Governor Henderson declined to provide a position.

INTRODUCTION

The People of the State of Utah have a sacrosanct and fundamental right to legislate through statewide initiative. Petitioner, Utahns for Representative Government (“Petitioner” or “UFRG”—as well as thousands of supporters, volunteers, and passionate voters across the State—is actively seeking to exercise this right to repeal Proposition 4. However, this right is under attack: through a deliberate campaign of targeted violence, intimidation, harassment, and theft, lawless actors are doing everything they can to prevent UFRG from meeting the imminent February 15, 2026 deadline to submit enough signatures to proceed with the initiative. Moreover, UFRG was recently informed by a representative for Respondent, Deidre Henderson, in her official capacity as Lieutenant Governor of the State of Utah (“Respondent” or the “Lieutenant Governor”), that the Utah Elections website listed incorrect signature requirements for at least two Senate Districts. These numbers have since been increased, which only compounds the difficulties UFRG is facing in exercising the fundamental right to initiative.

Having no other options for a plain, speedy, or adequate solution, UFRG now comes before this Court for emergency relief. Although UFRG asks this Court to invoke its authority to grant extraordinary relief, the remedy UFRG seeks is modest—a three-day extension of the signature submission deadline statewide, or a two-day extension in the counties most affected by the targeted lawlessness. This

narrow relief would allow UFRG to complete its signature-gathering efforts without the shadow of violence that has plagued it and its supporters, and would further vindicate the constitutional rights of the thousands of Utahns who have already signed the petition and wish to see the measure on the ballot. Moreover, it would send a clear message that the initiative process cannot be hijacked by those willing to resort to violence. This Court should grant the requested relief.

STATEMENT OF ISSUES, RELIEF REQUESTED, AND PARTIES AFFECTED

Issue: Whether this Court should exercise its equitable authority to order a modest extension of the statutory deadline for submitting initiative petition signatures under Utah Code § 20A-7-105(5)(a)(i)(C), where a sustained campaign of violence, intimidation, and theft, combined with a typographical error on the Utah Elections website that was only recently identified and corrected and led to confusion regarding the total number of signatures needed in Senate Districts 8 and 9, has impeded the initiative sponsors' efforts to timely gather the required number of signatures.

Relief Requested: Petitioner seeks an order from this Court extending Petitioner's deadline for submitting initiative petition signatures under Utah Code § 20A-7-105(5)(a)(i)(C) by three days, from February 15, 2026, to February 18, 2026, statewide, and directing Respondents to accept all signatures submitted by the extended deadline; or, in the alternative, extending Petitioner's deadline by two days

in the counties of Salt Lake, Davis, Utah, Wasatch, Summit, and Weber, and directing Respondents to accept all signatures submitted by the extended deadline in those counties.

Parties Affected:

1. Petitioner, Utahns for Representative Government (“Petitioner” or “UFRG”), is a political issues committee that is sponsoring the initiative to repeal Proposition 4.

2. Respondent, Deidre Henderson, in her official capacity as Lieutenant Governor of the State of Utah (“Respondent” or the “Lieutenant Governor”), is the public official responsible for determining whether an initiative petition is “sufficient” or “insufficient” based on the total number of valid signatures. Utah Code § 20A-7-207.

3. Respondents, the County Clerks of all twenty-nine Utah counties (collectively, “Respondents”), are the local public officials responsible for receiving and accepting initiative petition signatures. Utah Code § 20A-7-105(5)(a). Each County Clerk is listed in the caption and the Certificate of Service attached to this Petition for Extraordinary Relief.

4. The People of the State of Utah are vested with the fundamental right to legislate directly through the initiative and referendum processes under Article

VI, Section 1 of the Constitution of the State of Utah. That right is now imminently threatened by a sustained campaign of violence, intimidation, and theft.

STATEMENT OF FACTS

1. Utahns for Representative Government (“UFRG”) is a political issues committee formed to defend Utah’s constitutional order and restore accountability in redistricting. Its mission is to return the power to draw Utah’s congressional maps to the Legislature—where the Constitution says it belongs. Ex. A, Axson Decl. ¶ 2.

2. UFRG seeks to accomplish this mission by repealing Proposition 4, a ballot initiative passed in 2018 that stripped Utahns’ elected representatives of the power to draw congressional district boundaries. *Id.* ¶ 3. The initiative, which was largely funded and supported by out-of-state activists and interest groups, placed that power in an unelected and unaccountable redistricting commission. *Id.* UFRG seeks to uphold the commonsense ideal that decisions about Utah’s future should be made by Utahns’ elected representatives, not unelected bureaucrats or outside interest groups. *Id.*

3. Accordingly, UFRG filed a direct initiative to repeal Proposition 4 and restore Utah’s constitutional order. *Id.* ¶ 4.

4. To get the initiative on the ballot so that Utahns can decide whether to repeal Proposition 4 in November, UFRG must collect signatures from eight percent of the total active voters in the State as of January 1, 2026. Utah Code § 20A-7-

201(2)(a). That means that UFRG must collect 140,748 signatures statewide. Axson Decl. ¶ 5. These signatures must also include eight percent of the active voters as of January 1, 2026, in each of 26 of the 29 Utah Senate districts. *Id.* UFRG must collect these signatures by February 15. Utah Code § 20A-7-105(5)(a)(i)(C).

5. By law, the Lieutenant Governor must provide “to any interested person . . . for each Utah State Senate district, the number of active voters in that district on January 1 immediately following the last regular general election.” Utah Code § 20A-7-201(3). To satisfy this requirement, the Lieutenant Governor generally posts the signature requirements on its website each year.²

6. To recruit signature gatherers and manage the overall signature gathering effort, UFRG contracted with the consulting and political operations firm Patriot Grassroots. Axson Decl. ¶ 7.

7. Together, Patriot Grassroots and UFRG organized a team of 500 paid signature gatherers and 1,000 volunteer signature gatherers to collect signatures across the State of Utah. Ex. B, Turner Decl. ¶ 4. Many of these signature gatherers are everyday Utahns concerned about the future of our State. Axson Decl. ¶ 6. They are mothers, fathers, students, and upstanding members of their communities. *Id.* Since early December 2025, these signature gatherers have gone door-to-door, stood

² See 2026 Signature Requirements for Statewide Petitions in Utah, VOTE.UTAH.GOV (last visited Feb. 10, 2026), <https://vote.utah.gov/wp-content/uploads/2025/01/2026-Petition-Sig-Requirements-1.pdf>.

outside of local businesses, and hosted events throughout their communities to gather signatures. *Id.*; Turner Decl. ¶ 5.

8. Tragically, as the deadline to gather signatures approaches and tensions rise, UFRG’s signature gatherers—both paid and volunteer—have been repeatedly subjected to physical violence, theft, threats, abuse, and harassment in what appears to be a concerted effort to prevent Utahns from voting on whether to restore constitutional order to Utah’s redistricting process. Turner Decl. ¶ 6.

9. Patriot Grassroots has received reports from at least 50 signature gatherers reporting incidents of violence, harassment, and abuse. *Id.*

10. In perhaps the most egregious, and certainly most publicized, example, on January 23, 2026, a signature gatherer in American Fork was assaulted by an individual who took the gatherer’s petition packets and ripped them. Ex. C, Weffer Decl. ¶¶ 1–3. The individual took the signature packets and entered a vehicle with them. *Id.* ¶ 3. When the gatherer tried to retrieve the packets, the individual repeatedly struck him on the side of the head. *Id.* Law enforcement responded and arrested the individual, who faces multiple charges, including assault. *Id.* ¶ 4. A spokesperson for the American Fork Police Department told *DeseretNews* that the department is receiving “so many complaints” from gatherers similar to this.³

³ Brigham Tomco, *Petition Politics Turns Violent in Utah as GOP Signature Gatherers Assaulted*, DESERETNEWS (Jan. 29, 2026),

11. On January 27, 2026, a signature gatherer in Centerville had his petition book containing 25 signatures stolen by a woman who pretended like she was interested in signing. Ex. D, Bertheau Decl. ¶¶ 1–5. She cursed at the signature gatherer, nabbed the petition book, and drove off in her Jeep Cherokee. *Id.* ¶¶ 3–4.

12. In another incident, a gatherer was assaulted while gathering signatures in his neighborhood. His assailant ripped the petition book from his hands, called him a racist, and told him to kill himself. The gatherer called the police and was thankfully unharmed.⁴

13. On January 24, 2026, an individual approached a signature gatherer at a tabling event outside of Hyrum Gibbons Mount Logan Park in Logan, Utah, and poured hot coffee on the signature gatherer and the petition book. Ex. E, Sevilla Decl. ¶¶ 1–3. As a result, approximately 40 to 50 signatures were damaged. *Id.* ¶ 4.

14. On February 3, 2026, a woman associated with the “Decline to Sign” group opposed to UFRG’s initiative stole two petition books from a tabling event in Orem. Ex. F, Hague Decl. ¶¶ 2–7. At the time, the petition books contained approximately 31 signatures. *Id.* ¶ 8. In another incident, on February 7, another women similarly stole a petition book containing 6–8 signatures. Axson Decl. ¶ 9.

<https://www.deseret.com/politics/2026/01/29/utah-republican-signature-gatherers-assaulted-as-national-activist-groups-aim-to-repeal-redistricting-law/>.

⁴ Kai Schwemmer (@kaiklips), INSTAGRAM (Jan. 31, 2026), <https://www.instagram.com/reel/DUKda6PjDjI/?igsh=OXN4bzFjbjAyMTI0>

15. People have also left threatening messages on UFRG offices, leading UFRG, out of an abundance of caution, to stop storing petitions there overnight. Axson Decl. ¶ 10; Turner Decl. ¶ 8.

16. According to Patriot Grassroots' Chief Operating Officer, Elijah Day, a Provo native who traveled the State to manage the signature gathering effort, these incidents of violence, threats, and intimidation have been commonplace throughout the State. Ex. G, Day Decl. ¶¶ 1, 4–6, 10. He observed signature gatherers being harassed and referred to using racial slurs and other obscenities. *Id.* ¶ 8. Day himself was followed in a threatening manner while going door-to-door in Springville. *Id.* ¶ 7. He received countless texts and had many conversations in which signature gatherers expressed they had never felt so afraid on a campaign. *Id.* ¶ 9.

17. As a result, Patriot Grassroots and UFRG have struggled to retain crucial paid and volunteer gatherers in the final days of signature gathering. Turner Decl. ¶ 10. At least 50 signature gatherers have understandably decided to stop exercising their right to participate in the initiative process altogether rather than face the continued violence, abuse, and harassment. *Id.* Patriot Grassroots estimates that another 50 potential signature gatherers never signed up, likely due to widespread reporting of the attacks on gatherers. *Id.*

18. The unlawful attacks on UFRG's signature gatherers have cost it an untold number of signatures. UFRG estimates that approximately 300 signatures

have been stolen or destroyed due to the acts of third parties. *Id.* ¶ 7. Because Utah law makes it unlawful for anyone to “knowingly sign the individual’s name more than once for the same initiative at one election,” Utah Code § 20A-7-512(1)(b), those signatures are likely gone for good.

19. According to Patriot Grassroots CEO, Chris Turner, “In my 30 years of experience managing and operating grassroots signature gathering campaigns, this is by far the most hostile environment I have seen.” Turner Decl. ¶ 11. Further, “Patriot Grassroots has never had such a difficult time recruiting and maintaining paid and volunteer signature gatherers due to violence, threats, and intimidation.”

Id.

20. To make matters worse, on February 5, 2025, the Elections Coordinator for the Office of the Lieutenant Governor informed UFRG that there was an “error in the previously posted required signature numbers on the Utah Elections website”—specifically, that the “posted number thresholds for Senate Districts 8 and 9 were incorrect.” Ex. H, Cox Decl. att. 1. Those thresholds have since been updated: for Senate District 8, the number previously listed as 4,890 was corrected to 4,910, and for Senate District 9, the number previously listed as 4,431 was corrected to 4,805. *Id.* This last-minute change has only exacerbated the issues UFRG faces, especially since Senate Districts 8 and 9 are in counties where UFRG has seen many of the most significant attacks on its efforts—Davis, Salt Lake, Summit, Utah,

Wasatch, and Weber counties. *See* Day Decl. ¶ 10; Turner Decl. ¶ 9. While the total number of required signatures was correctly listed, the required breakdown by Senate District was incorrect—thus leading to a mistaken belief that UFRG was several hundred signatures closer to the required number of signatures in Senate Districts 8 and 9 than they really were. *See* Cox Decl. att 1.

21. UFRG believes that a modest extension of the signature deadline will afford it with sufficient time to recruit additional signature gatherers and collect additional signatures to combat some of the damage caused by the repeated attacks on its signature gatherers. Axson Decl ¶ 11; Turner Decl. ¶ 12.

WHY RELIEF SHOULD BE GRANTED

I. This Court Should Protect the People’s Fundamental Right to Legislate Through Initiative and Referenda

A. The Right to Legislate Through Initiative Is a Fundamental Constitutional Right

“The government of the State of Utah was founded pursuant to the people’s organic authority to govern themselves.” *Gallivan v. Walker*, 2002 UT 89, ¶ 22. In recognition of this inherent authority, the Constitution of the State of Utah vests the People with the power to legislate directly, independent of the Legislature. Specifically, Article VI, Section 1 provides that “[t]he Legislative power of the State shall be vested” not only in the Legislature, but also in “the people of the State of Utah,” who are empowered to “initiate any desired legislation and cause it to be

submitted to the people for adoption.” Utah Const. art. VI, § 1(1)–(2)(a)(i)(A). As this Court has repeatedly recognized, this is not a mere privilege granted by legislative grace—rather, it is a constitutional right of the highest order. *See Gallivan*, 2002 UT 89, ¶ 27 (collecting cases); *County My Vote, Inc. v. Cox*, 2019 UT 60, ¶ 81 (“The right to initiative embodies the principle that the people should have the opportunity to govern themselves . . . Functionally, the initiative process acts as the people’s check on the legislature’s otherwise exclusive power to legislate.”).

Indeed, in *Gallivan*, this Court declared that the People’s “right to directly legislate through initiative and referenda is sacrosanct and a fundamental right.” 2002 UT 89, ¶ 27. The Court emphasized that this right lies “at the very core of our republican form of government,” *id.* (quoting *Urevich v. Woodard*, 667 P.2d 760, 762 (Colo. 1983)), and that “Utah courts must defend it against encroachment and maintain it inviolate.” *Id.* As a result, it is of “paramount importance” that any limitation on this right to initiative must be closely scrutinized to “ensur[e] that the right is not effectively abrogated, severely limited, or unduly burdened.” *Id.*; *see also id.* ¶ 40.

Critically, “[t]he voters’ right to initiative does not commence at the ballot box.” *Id.* ¶ 26. Instead, it “includes signing a petition to get the proposed initiative on the ballot”—an action that is “inextricably connected to the voters’ right to vote on an initiative because it serves a gatekeeping function” that determines whether

voters will have the opportunity to exercise their constitutional power. *Id.* Thus, interference with signature gathering is interference with the constitutional right to initiative itself. *See id.* (“The right to vote on an initiative cannot exist without the voters’ unfettered right to legislate through initiative, which necessarily begins with the circulating and signing process.”).

B. The Coordinated Violence Against Signature Gatherers Threatens to Nullify This Fundamental Right

UFRG’s fundamental right to initiative is under direct attack. As detailed in the Statement of Facts above, UFRG’s signature-gathering efforts have been targeted by a sustained campaign of violence, intimidation, and theft. Signature gatherers have been physically assaulted, Weffer Decl. ¶¶ 1–3, attacked with vile racial slurs, Day Decl. ¶ 8, and intimidated as they attempt to exercise their rights. Day Decl. ¶¶ 1, 4–6, 10. Petition books have been snatched from their hands, stolen, and destroyed. Axson Decl. ¶ 9; Weffer Decl. ¶ 3; Hague Decl. ¶¶ 2–7. Volunteers have feared for their lives for doing nothing more than what they believe is their civic duty to the People of Utah. Day Decl. ¶ 9.

The consequences of this violence have been devastating for UFRG and any Utah voter who wishes to exercise their fundamental right to initiative regarding Proposition 4. Approximately 300 signatures have been stolen or destroyed, with no chance of resuscitation because, under Utah law, voters may not “knowingly sign the individual’s name more than once for the same initiative at one election.” Utah

Code § 20A-7-512(1)(b); Turner Decl. ¶ 7. Many signature gatherers have abandoned the effort entirely, fearing for their safety and their lives, and UFRG has been unable to recruit replacements as word of the violence has spread. Turner Decl. ¶ 10. The result is that UFRG is struggling to gather sufficient signatures to meet the February 15 deadline—not because of any failure of diligence on its part, but because violent actors have made gather signatures nearly impossible. If UFRG is unable to gather enough signatures by the deadline, Respondent will have to declare the initiative petition insufficient, and UFRG will be unable to “submit additional signatures to qualify the initiative for the ballot.” Utah Code § 20A-7-207(3)–(5).

Accordingly, the stakes here are high for not just UFRG, but also for any and all Utahns who wish to vote on whether to repeal Proposition 4 and restore constitutional order to the redistricting process. Without this Court’s intervention, those who have resorted to violence in lieu of the constitutional process may very well defeat a lawful initiative through unlawful means. The People’s “sacrosanct” right in this regard will thus be nullified—not by the Legislature or by administrative action, but by lawlessness. The gravity of the precedent this would set—that the initiative process can be defeated by anyone willing to engage in sufficient violence and intimidation—is self-evident, as is the harm to Utah’s constitutional balance. Indeed, if the initiative power, which exists to protect the People’s inherent sovereignty over the laws that govern them, can be nullified by private violence, it

is no power at all. This is reason enough for this Court to follow through on its pledge to “defend [the initiative right] against encroachment and maintain it inviolate” by granting UFRG’s requested relief. *Gallivan*, 2002 UT 89, ¶ 27.

II. This Court Has the Constitutional Authority to Grant the Narrow Relief Petitioner Seeks

Despite these high stakes, the relief UFRG seeks—a brief extension of the signature submission deadline—is narrow and fits squarely within this Court’s traditional equitable powers to grant relief when it is necessary to prevent injustice. This Court may thus properly exercise its discretion to grant relief under Article VIII, Section 3 of the Constitution of the State of Utah and Utah Rule of Appellate Procedure 19. *See State v. Henriod*, 2006 UT 11, ¶ 20 (discussing the Court’s discretionary power to grant a petition for extraordinary relief); *State v. Barrett*, 2005 UT 88, ¶ 24 (same).

Indeed, courts in Utah “have broad authority to grant equitable relief as needed.” *Utah Coal & Lumber Rest. v. Outdoor Endeavors Unlimited*, 2001 UT 100, ¶ 12 (quoting *Jeffs v. Stubbs*, 970 P.2d 1234, 1243 (Utah 1998)). “Courts should invoke this authority whenever ‘appropriate and necessary to enforce rights or to prevent oppression and injustice,’” *id.* (quoting *Williamson v. Wanlass*, 545 P.2d 1145, 1148 (Utah 1976)), and especially when constitutional rights are at stake. *See Spackman ex rel. Spackman v. Bd. of Educ. of Box Elder Cnty. Sch. Dist.*, 2000 UT 87, ¶ 25. Further, under Article VIII, Section 3 of the Constitution of the State of

Utah, this Court has “original jurisdiction to issue all extraordinary writs.” Utah Const. art. VIII, § 3; *see also* Utah Code § 78A-3-102 (“The Supreme Court has original jurisdiction to issue all extraordinary writs and authority to issue all writs and process necessary to carry into effect the Supreme Court’s orders, judgments, and decrees or in aid of the jurisdiction of the Supreme Court.”). This power broadly includes all extraordinary writs that were “available at common law when the people of Utah constitutionalized the judiciary’s writ power in 1895,” *Erda Cnty. Ass’n v. Baugh*, 2025 UT 56, ¶ 40, and it may not be “diminish[ed]” or “restrict[ed]” by the Legislature. *Brown v. Cox*, 2017 UT 3, ¶ 14 (quoting *Petersen v. Utah Bd. of Pardons*, 907 P.2d 1148, 1152 (Utah 1995)).⁵

The relief UFRG requests here is within the bounds of that authority. Indeed, courts have long possessed the authority to use their equitable powers to toll or extend deadlines when strict enforcement would lead to injustice due to circumstances beyond a party’s control. *See, e.g., Utah Coal & Lumber Rest.*, 2001 UT 100, ¶¶ 12–14 (applying the “traditional[]” principles of equity expressed in

⁵ Although Utah Rule of Appellate Procedure 19 refers to Rule 65B of the Utah Rules of Civil Procedure, this Court has recognized that a petition for extraordinary relief need not be limited to “the plain terms” of that rule. *Erda Cnty. Ass’n*, 2025 UT 56, ¶ 39 (“Still, we have recognized that the judiciary’s constitutional writ authority may well be broader than what is reflected in our rules.” (citing *Patterson v. State*, 2021 UT 52)). Here, UFRG asks this Court to invoke its traditional constitutional authority to grant equitable relief. Moreover, even when a party does bring a petition for extraordinary relief under Rule 65B, it “need not show” each of the “multiple factors” this Court considers in its review. *State v. Henriod*, 2006 UT 11, ¶¶ 20–21.

decades of Utah caselaw to a lease dispute and noting that “equity should be invoked” when “it would be oppressive and unjust to require strict compliance”). Similarly, when applying “[n]otions of fundamental fairness” and due process in a case regarding “the statutory referendum requirements” of a different section of Utah’s Election Code, this Court has concluded that it can “[c]ertainly . . . imagine circumstances that might justify suspending the deadline imposed by [the statute].” *Bissland v. Bankhead*, 2007 UT 86, ¶¶ 13, 18. These principles can—and should—apply here, where a targeted campaign of violence and theft has frustrated UFRG’s statutory compliance efforts.

Moreover, there are no impediments to granting the narrow relief UFRG seeks. UFRG has acted diligently and in good faith, having deployed 1,500 signature gatherers across the State to gather enough signatures by the deadline. Turner Decl. ¶ 4. UFRG is not responsible for the lawlessness it is facing, *cf. Utah Coal & Lumber Rest.*, 2001 UT 100, ¶ 12 (“[E]quitable relief should not be used to ‘assist one in extricating himself from circumstances which he has created.’” (quoting *Battistone v. Am. Land & Dev. Co.*, 607 P.2d 837, 839 (Utah 1980))), nor is it responsible for the recently identified errors on the Utah Elections website. And—unlike in other election-related cases where this Court declined to grant relief that “would cause a serious disruption of the election process” and “interfere[] with the rights” of others, *Anderson v. Bates*, 2025 UT 51, ¶ 36 (quoting *In re Cook*, 882 P.2d 656, 659 (Utah

1994))—the narrow, context-specific relief UFRG requests would not prejudice any other individual or entity. Indeed, one county has consented and another does not object to the relief sought in this Petition.

Instead, granting relief would further—not frustrate—the purposes of the sacrosanct initiative process. The signature deadline exists to ensure orderly administration of elections, not to enable violent actors to defeat lawful initiatives. A brief extension would allow UFRG to complete its signature-gathering efforts, vindicate the constitutional rights of the thousands of Utahns who have already signed the petition, and preserve the integrity of the democratic process. By contrast, denying relief would impose irreversible consequences: UFRG’s initiative may well fail, extinguishing the People’s constitutional right to vote on this measure and rewarding violent actors for their lawlessness. These factors overwhelmingly counsel in favor of granting the requested relief under the traditional principles of justice and equity to which this Court has adhered for over one-hundred years.

III. No Other Plain, Speedy, or Adequate Remedy Exists, and It Is Impractical and Inappropriate to File This Petition in a Trial Court

Under Utah Rule of Appellate Procedure 19(a), a party may petition this Court for extraordinary relief “[w]hen no other plain, speedy, or adequate remedy is available.” Additionally, under Rule 19(e)(6), a petitioner filing directly in this Court must explain “why it is impractical or inappropriate to file the petition in the trial court.” Utah R. App. P. 19(e)(6). Both requirements are met here.

First, the statutory deadline is imminent. The deadline for submitting initiative petition signatures is February 15, 2026—just days away. Once that deadline passes, UFRG’s initiative will fail if it cannot submit enough signatures, and no remedy—judicial or otherwise—can restore the lost opportunity. *See* Utah Code § 20A-7-207(5) (when “an initiative petition is declared insufficient, a person may not submit additional signatures to qualify the initiative for the ballot”). Time is of the essence, and only this Court can act with sufficient speed to preserve UFRG’s rights. *See Walker v. Weber County*, 973 P.2d 927, 929 (Utah 1998) (exercising original jurisdiction and granting relief where impending election deadlines meant that requiring district court proceedings “would effectively preclude timely relief”), *overruled in part on alternate grounds by*, *Burr v. City of Orem*, 2013 UT 57, ¶ 7 n.5. And, unlike the petitioners in cases where this Court declined to grant relief, UFRG could not have filed this petition for relief any earlier because the most egregious acts of lawlessness against UFRG and its signature gatherers did not occur until the past several weeks, and UFRG did not know about the calculation errors for Senate Districts 8 and 9 until February 5, 2026. *Cf. In re Cook*, 882 P.2d 656, 659 (Utah 1994) (petitioners challenged ballots and voter information pamphlets after they were already printed and distributed); *Clegg v. Bennion*, 247 P.2d 614, 616 (Utah 1952) (per curiam) (petitioner waited until “after the convention had met,

accepted and nominated the declarants” to challenge a candidate who filed his declaration of candidacy one day late).

Second, no alternative administrative remedy exists. Neither the Lieutenant Governor nor any other executive official has the statutory authority to extend the deadline set forth in Utah Code § 20A-7-105(5)(a)(i)(C). Indeed, the Lieutenant Governor’s role is ministerial in nature, with duties in this regard limited to declaring whether the initiative petition is or is not sufficient. *Id.* § 20A-7-207(3). As such, the Lieutenant Governor will have no choice but to enforce the current deadline absent this Court’s intervention, and UFRG has no current or future administrative remedy to pursue.

Third, no alternative judicial remedy exists. This matter involves a statewide initiative, implicates the fundamental constitutional right to legislate through initiative, and raises critical questions about the protection of the democratic process from violent interference. These circumstances are even more ripe for a single, authoritative ruling from this Court others in which this Court has previously exercised its original jurisdiction to grant a petition for extraordinary relief. *See Anderson v. Bell*, 2010 UT 47, ¶ 3 n.1 (involving a single candidate’s inclusion on a primary election ballot). As such, even if UFRG could obtain plain, speedy, or adequate relief from a trial court (it cannot), it would be inappropriate to do so when the factors at play are uniquely suited for this Court’s ultimate determination.

Indeed, this Court has consistently recognized that “the nature of the issues and the procedural posture of th[e] case” inform whether extraordinary relief is the only plain, speedy, and adequate remedy. *F.L. v. Court of Appeal*, 2022 UT 32, ¶ 33. Here, the nature of the issues—protection of a fundamental constitutional right from violent interference—and the procedural posture—an imminent statutory deadline with no alternative recourse—compel the conclusion that extraordinary (albeit narrow) relief from this Court is UFRG’s only remedy.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this Emergency Petition for Extraordinary Relief.

DATED: February 11, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. This petition does not exceed 20 pages or 7,000 words, excluding any tables or attachments, in compliance with Utah Rule of Appellate Procedure 19(i).
2. This petition has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman 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.

/s/ Dallin B. Holt
Dallin B. Holt

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2026, a true, correct and complete copy of the foregoing Emergency Petition for Extraordinary Relief was filed with the Court and served via either overnight mail or electronic transmission to the following:

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The following Respondents, the County Clerks of Utah's 29 counties:

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P.O Box 392
Beaver, UT 84713
gingermcmullin@beaver.utah.gov

Marla Young
Box Elder County Clerk
1 S Main Street
Suite 10
Brigham City, UT 84302
myoung@boxeldercountyut.gov

Kali Gleave
Piute County Clerk
550 N Main
Junction, UT 84740
kgleave@piute.utah.gov

Anneliesa Peart
Rich County Clerk
P.O. Box 218
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Randolph, UT 84064
apeart@richcounty.gov

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clerk@cachecounty.gov

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Brian McKenzie
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cstewart@duchesne.utah.gov

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brendat@emery.utah.gov

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vote@saltlakecounty.gov

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Tanielle Callaway
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taniellec@juabcounty.gov

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clamb@kane.utah.gov

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Tracy Shaw
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tracy.shaw@tooeleco.gov

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St. George, UT 84770
genna.goodwin@washco.utah.gov

Felicia Snow
Wayne County Clerk
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Loa, UT 84747
felicia@wayne.utah.gov

Leslie Hyde
Morgan County Clerk
P.O. Box 886
Morgan, Utah 84050
lhyde@morgancountyutah.gov

Ricky Hatch, CPA
Weber County Clerk
2380 Washington Blvd
Suite #320
Ogden, UT 84401
elections@weberelections.gov

/s/ *Dallin B. Holt*
Dallin B. Holt

ATTACHMENTS

Exhibit A, Declaration of Robert Axson

Exhibit B, Declaration of Chris Turner

Exhibit C, Declaration of Wilmer Weffer

Exhibit D, Declaration of Hector Bertheau

Exhibit E, Declaration of Joseph Sevilla

Exhibit F, Declaration of Ryan Hague

Exhibit G, Declaration of Elijah Day

Exhibit H, Declaration of Austin Cox

EXHIBIT A

DECLARATION OF ROBERT AXSON

I, Robert Axson, being of lawful age and sound mind, hereby state that I have personal knowledge of the facts set forth in this affidavit, and if called as a witness would testify competently thereto.

1. I am the Chairman of the Utah Republican Party and a sponsor of Utahns for Representative Government (“UFRG”).
2. UFRG is a political issues committee formed to defend Utah’s constitutional order and restore accountability in redistricting. Its mission is to return the power to draw Utah’s congressional maps to the Legislature—where the Constitution says it belongs.
3. UFRG seeks to accomplish this mission by repealing Proposition 4, a ballot initiative passed in 2018 that stripped Utahns’ elected representatives of the power to draw congressional district boundaries. The initiative, which was largely funded and supported by out-of-state activists and interest groups, placed that power in an unelected and unaccountable redistricting commission. UFRG seeks to uphold the commonsense ideal that decisions about Utah’s future should be made by Utahns’ elected representatives, not unelected bureaucrats or outside interest groups.
4. Accordingly, UFRG filed a direct initiative to repeal Proposition 4 and restore Utah’s constitutional order.

5. UFRG must collect 140,748 signatures statewide to get the initiative on the ballot.

6. To do so, UFRG has relied on more than 1,000 volunteers and paid signature gatherers. These signature gatherers are everyday Utahns concerned about the future of our State. They are mothers, fathers, students, and upstanding members of their communities. Since early December 2025, these signature gatherers have gone door-to-door, stood outside of local businesses, and hosted events throughout their communities to gather signatures.

7. To recruit signature gatherers and manage the overall signature gathering effort, UFRG contracted with Patriot Grassroots, a consulting and grassroots operation firm.

8. UFRG's signature gatherers have been repeatedly subjected to physical violence, theft, threats, abuse, and harassment, and petition books have been destroyed and stolen, in what appears to be a concerted effort to prevent Utahns from voting on whether to restore constitutional order to Utah's redistricting process.

9. I have personally witnessed theft of UFRG's petition books. On February 7, 2026, I attended a signature gathering event outside of the Bountiful, Utah City Hall with State Senator Todd Weiler. While we were gathering signatures, a woman pushing a child in a stroller approached the table and appeared to be interested in signing. However, she quickly stole a packet of signatures, got into her

vehicle, and drove away with the packet. The packet contained between six and eight signatures at the time it was stolen.

10. People have also left threatening messages on UFRG offices, leading UFRG, out of an abundance of caution, to stop storing petitions there overnight.

11. A modest extension of the signature deadline from February 15 to February 18, 2026, would afford UFRG crucial time needed to gather signatures after its efforts have been substantially disrupted through no fault of our own.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

^{2/11/2026}
Signed on the _____ day of February, 2026.

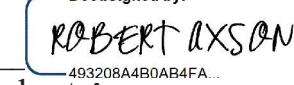
DocuSigned by:

Robert Axson
493208A4B0AB4FA...

EXHIBIT B

DECLARATION OF CHRIS TURNER

I, Chris Turner, being of lawful age and sound mind, hereby state that I have personal knowledge of the facts set forth in this affidavit, and if called as a witness would testify competently thereto.

1. I am the Chief Executive Officer of Patriot Grassroots.
2. Patriot Grassroots is a consulting and political operations firm that operationalizes canvassing programs, signature gathering, calling & texting, field team management, and runs special relationship marketing projects for our customers.
3. Utahns for Representative Government contracted with Patriot Grassroots to run signature gathering efforts for its initiative to repeal Proposition 4.
4. To do so, we organized a team of 500 paid signature gatherers and 1000 volunteer signature gatherers to collect signatures across the State of Utah.
5. For months, those signature gatherers have gone door-to-door, stood outside of local business, and hosted events in their communities to gather signatures.

6. However, these signature gatherers have recently been subjected to repeated physical violence, threats, abuse, and harassment. Indeed, Patriot Grassroots has received reports from at least 50 signature gatherers reporting incidents of violence, harassment, and abuse.

7. In many incidents, petition books have been stolen or destroyed. Patriot Grassroots estimates that approximately 300 signatures have been lost or destroyed due to the acts of third parties.

8. People have also left threatening messages on our local offices, leading us to stop storing petitions there overnight out of an abundance of caution.

9. While the attacks on signature gatherers have occurred across the State, based on reports from our signature gatherers, the incidents have been most prominent in Cache, Davis, Salt Lake, Summit, Utah, Wasatch, and Weber counties.

10. As a result of these attacks on our signature gatherers, we have struggled to retain crucial paid and volunteer gatherers in the final days of signature gathering. At least 50 signature gatherers have understandably decided to stop exercising their right to participate in the initiative process altogether rather than face the continued violence, abuse, and harassment. We estimate that approximately 50 potential signature gatherers never signed up, likely due to widespread reporting of the attacks on gatherers.

11. In my 30 years of experience managing and operating grassroots signature gathering campaigns, this is by far the most hostile environment I have seen. Patriot Grassroots has never had such a difficult time recruiting and maintaining paid and volunteer signature gatherers due to violence, threats, and intimidation.

12. Patriot Grassroots believes that a modest extension of the signature deadline to February 18, 2026, would afford us with sufficient time to recruit additional signature gatherers and collect additional signatures to combat some of the damage caused by the repeated attacks on our signature gatherers.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 12/10/2026 day of February, 2026 at _____.
(City/County, State)

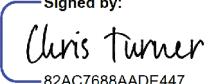
Signed by:

Chris Turner
82AC7688AADE447...

EXHIBIT C

DECLARATION OF WILMER WEFFER

I, Wilmer Weffer, being of lawful age and sound mind, hereby state that I have personal knowledge of the facts set forth in this affidavit, and if called as a witness would testify competently thereto.

1. On or about January 23, 2026, I was serving as a signature gatherer, gathering signatures for Utahns for Representative Government.

2. I was standing outside of Deseret Industries Thrift Store and Donation Center, located at 435 South 500 East, American Fork, UT 84003, to collect signatures.

3. While I was gathering signatures, an individual approached me, took my petition packets, and ripped them. The individual then entered a vehicle with the petition packets. When I attempted to retrieve the packets, the individual struck me repeatedly on the side of the head. I sustained visible injuries.

4. Law enforcement responded and arrested the individual. The incident was given the case number 26AF00618. It is my understanding that the individual faces multiple charges, including assault.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 2/10/2026 day of February 2026 at _____.
(City/County, State)

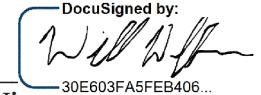
DocuSigned by:

Wilmer Wetter
30E603FA5FEB406...

EXHIBIT D

DECLARATION OF HECTOR BERTHEAU

I, Hector Bertheau, being of lawful age and sound mind, hereby state that I have personal knowledge of the facts set forth in this affidavit, and if called as a witness would testify competently thereto.

1. On or about January 27, 2026, I was serving as a signature gatherer, gathering signatures for Utahns for Representative Government.
2. I was standing outside of a business at 49 S Frontage Road, Centerville, UT 84014, in Davis County, Utah, gathering signatures.
3. A woman with short red hair approached me in a silver Jeep Cherokee, acting like she was interested in signing the petition book. However, she suddenly began cursing at me and using profanity.
4. She then stole my petition book and drove off with it in her silver Jeep Cherokee.
5. At the time, my petition book contained approximately 25 signatures.
6. I reported the incident to the Centerville Police Department on January 28, 2026, and received following case number as a reference: V26-01768.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 2/11/2026 day of February 2026 at _____.
(City/County, State)

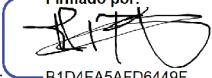

Firmado por:
B1D4FA5AFD6449F...
Hector Bertheau

EXHIBIT E

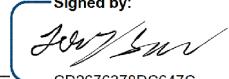
DECLARATION OF JOSEPH SEVILLA

I, Joseph Sevilla, being of lawful age and sound mind, hereby state that I have personal knowledge of the facts set forth in this affidavit, and if called as a witness would testify competently thereto.

1. On or about January 24, 2026, I was serving as a signature gatherer, gathering signatures for Utahns for Representative Government.
2. I was gathering signatures at a tabling event outside of Hyrum Gibbons Mount Logan Park in Logan, Utah.
3. While I was gathering signatures, an individual approached the table and poured hot coffee on me and the petition book.
4. As a result, approximately 40 to 50 signatures were damaged.
5. When I told her that pouring hot coffee on people was dangerous and amounted to assault, she simply stated, "Call the cops." She eventually walked away.
6. Another signature gatherer who was present recorded the incident.
7. I called the Logan City police, who responded to the scene and assigned the matter Incident No. 26L1138.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 2/10/2026 day of February, 2026 at _____.
(City/County, State)

Signed by:

Joseph Sevilla

CD2676378DC647C...

EXHIBIT F

DECLARATION OF RYAN HAGUE

I, Ryan Hague, being of lawful age and sound mind, hereby state that I have personal knowledge of the facts set forth in this affidavit, and if called as a witness would testify competently thereto.

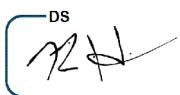
1. On or about Tuesday, February 3, 2026, I was serving as a signature gatherer, gathering signatures for Utahns for Representative Government.

2. I was gathering signatures at a tabling event outside of Palisade Park, 1313 E 80 N, Orem, Utah.

3. I normally maintain a table setup using four petition packets and two clipboards. I place two packets underneath the active signing packets primarily to serve as paperweights. I attach small American flags to the ends of the clipboards; without the additional weight of the bottom packets, the weight of the flags causes the clipboards to tip or fall to the ground.

4. During the event, I walked toward two patrons to discuss the petition with them. My attention was focused on engaging with these voters.

5. A woman associated with the “Decline to Sign” opposition group had been present at the location for some time that day. After I finished speaking with the patrons, I noticed her walking toward her vehicle. It appeared she had something

DS


behind the “Decline to Sign” signs she was carrying as she placed them into her vehicle and entered it.

6. I returned to my table and, at first glance, the setup appeared normal. However, a short while later, I conducted a count of the signatures and discovered a discrepancy; the total number of signatures was significantly lower than it should have been. I then realized that the two bottom packets were missing from the table.

7. I immediately began to search the area for the missing packets. As soon as my search became obvious, the woman I had observed earlier—who was still seated in her vehicle—immediately drove out of the park without speaking.

8. Two petition packets were stolen that contained approximately 31 signatures.

9. I immediately called the Orem Police Department. The incident was filed under report #26OR02138 Officer: B. Wells Badge: 3J320 Orem Police Department Patrol Division.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 2/10/2026 day of February, 2026 at _____.
(City/County, State)

DocuSigned by:

Ryan Hague
18A44BC6697C453...

EXHIBIT G

DECLARATION OF ELIJAH DAY

I, Elijah Day, being of lawful age and sound mind, hereby state that I have personal knowledge of the facts set forth in this affidavit, and if called as a witness would testify competently thereto.

1. I am the President and Chief Operating Officer of Patriot Grassroots.
2. Patriot Grassroots is a consulting and political operations firm that operationalizes canvassing programs, signature gathering, calling & texting, field team management, and runs special relationship marketing projects for our customers.
3. Utahns for Representative Government contracted with Patriot Grassroots to run signature gathering efforts for its initiative to repeal Proposition 4.
4. I was born in Provo, Utah, and was excited to return to my home state to assist with this important effort.
5. In addition to managing field operations for the signature gathering effort, I also traveled the State to collect signatures and interface with our paid and volunteer signature gatherers.

6. While in the field, I, like many other signature gatherers, was subjected to repeated incidents of harassment and abuse.

7. While I was going door-to-door in Springville, an individual followed me in a threatening manner. This individual screamed obscenities as I walked and expressed their desire that harm befall me.

8. I was repeatedly cursed at in multiple locations and also observed individuals referring to our signature gatherers using racial slurs and other obscenities.

9. I received countless texts, screenshots, and had many conversations in which canvassers and petition gatherers expressed that through many years of work, they had never felt so threatened or afraid on a campaign.

10. While these incidents were common throughout the State, they were most prominent in Cache, Davis, Salt Lake, Summit, Utah, Wasatch, and Weber counties.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 2/10/2026 day of February, 2026 at _____.
(City/County, State)

Signed by:

Elijah Day
CAF80DB2763540C...

EXHIBIT H

DECLARATION OF AUSTIN COX

I, Austin Cox, being of lawful age and sound mind, hereby state that I have personal knowledge of the facts set forth in this affidavit, and if called as a witness would testify competently thereto.

1. I am the Executive Director of Utahns for Representative Government (“UFRG”).
2. I am the designated point of contact between the Lieutenant Governor’s Office and UFRG.
3. Attached to this Declaration as Attachment 1 is a true and correct copy of an email I received from Kenna Stringam, the Elections Coordinator at the Office of the Lieutenant Governor, on February 5, 2026.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 2/11/2026 day of February, 2026.

Signed by:

Austin Cox
1C05959ED9674F2...

**EXHIBIT H -
ATTACHMENT 1**

Senate District Total Discrepancy

Kenna Stringam <kennastringam@utah.gov>

Thu, Feb 5 at 4:01PM

To: Austin Cox <R.AustinCox@gmail.com>

Cc: Ryan Cowley <ryancowley@utah.gov>, Madi Topik <mttopik@utah.gov>

Hi Austin,

We are writing to inform you of a correction to the signature requirements for certain Utah State Senate districts as you continue gathering signatures for your initiative.

While reviewing the signature thresholds required under Utah Code, our office identified an error in the previously posted required signature numbers on the Utah Elections website. While the total number of required signatures statewide remains unchanged, the posted number thresholds for Senate Districts 8 and 9 were incorrect.

The corrected requirements are as follows:

Senate District 8: previously listed as 4,890; corrected to 4,910

Senate District 9: previously listed as 4,431; corrected to 4,805

It appears this discrepancy resulted from an unintentional error in calculating the 8% threshold number for those two Districts. The threshold number for all other Districts, and the statewide total number are correct as posted. We appreciate your understanding as we work to ensure all requirements are accurately reflected.

As always, please feel free to contact our office if you have questions or concerns.

Best,

Kenna Stringam

[Quoted text hidden]