IN THE

SUPREME COURT OF THE STATE OF UTAH

UTAHNS FOR REPRESENTATIVE GOVERNMENT,
Petitioner,

v.

DEIDRE HENDERSON, ET AL.,
Respondents.

No. 20260168

ORDER[1]

This matter is before the court on Utahns for Representative Government's (UFRG) petition for extraordinary relief.[2] UFRG seeks relief relating to its efforts to collect and submit signatures in support of its initiative that seeks to repeal 2018's Proposition 4.

INTRODUCTION

UFRG is a political issues committee that is sponsoring an initiative to repeal the Utah Independent Redistricting Commission and Standards Act, colloquially referred to as Proposition 4. Based on deadlines set by the Legislature in statute, UFRG has two and a half more days to gather the signatures required to qualify for placement on the November 2026 ballot. Yesterday morning, UFRG petitioned this court to extend the statutory deadline and give it three additional days to gather the necessary signatures. It asked that we order the respondents to the petition to respond within eight hours, and that we rule on its petition by 5 p.m. today. But UFRG asks for the extension based on events that occurred from one to three weeks ago. The timing of the petition has left the respondents with little time to respond. Most importantly, however, UFRG has not persuaded us that suspending the statutory deadline falls within this court's extraordinary writ power. Accordingly, we deny the petition.

---

[1] This petition is before this court's law and motion panel, composed of Chief Justice Durrant, Justice Petersen, and Associate Chief Justice Pohlman.

[2] UFRG has also filed a Motion for Expedited Review of its petition for extraordinary relief.

BACKGROUND

UFRG is gathering signatures across Utah Senate districts to get its initiative seeking to repeal 2018's Proposition 4 on the ballot for the upcoming November election. By statute, to get a statewide initiative on the ballot this November, a proposed initiative must collect signatures "equal to 8% of the number of active voters in the state" as of January 1, 2026. UTAH CODE § 20A-7-201(2)(a)(i). And these signatures must come from "at least 26 Utah State Senate districts . . . equal to 8% of the number of active voters in that district" as of January 1, 2026. *Id.* § 20A-7-201(2)(a)(ii). As UFRG recognizes, the deadline for a proposed initiative to submit its required signatures is "the February 15 immediately before the next regular general election." *Id.* § 20A-7-105(5)(a)(i)(C). So to get its proposed initiative on the ballot for the November 2026 general election, the governing statute requires UFRG to collect and submit its signatures by February 15, 2026.

UFRG petitions this court "to invoke its authority to grant extraordinary relief" in the face of the impending February 15 deadline. UFRG requests that we grant it a three-day extension of the statewide submission deadline or, as an alternative, a two-day extension to submit signatures in Salt Lake County, Davis County, Utah County, Wasatch County, Summit County, and Weber County. In support of those requests, UFRG points to two primary reasons for us to exercise our writ power.

The first reason is what UFRG describes as "a sustained campaign of violence, intimidation, and theft" against its signature gatherers. UFRG informs us of alleged incidents, supported by declarations, detailing harassment and threats against signature gatherers, physical altercations, and theft or destruction of petition books that contained signatures. These incidents span from January 23 in American Fork and January 24 in Logan to the most recent on February 7 outside of Bountiful. UFRG declares that these incidents "cost it an untold number of signatures" and led to difficulty retaining its signature gatherers.

The second reason is what UFRG identifies as "a typographical error on the Utah Elections website that . . . led to confusion regarding the total number of signatures needed in Senate District 8 and 9."[3] The Elections Coordinator for the Office of the Lieutenant Governor emailed UFRG to inform it of an error in the required signature numbers for Senate District 8 and 9 on the Utah Elections website. Senate District 8 had its threshold updated from 4,890 to 4,910. And Senate District 9 updated

[3] The Utah Code requires the Lieutenant Governor to provide "the number of active voters in the state" and "for each Utah State Senate district, the number of active voters in that district." UTAH CODE § 20A-7-201(3).

from 4,431 to 4,805. UFRG was informed of these corrections on February 5, 2026. UFRG states that this error "exacerbated the issues [it] faces."

On the morning of Thursday, February 12, 2026,[4] UFRG filed with this court an Emergency Petition for Extraordinary Relief and an accompanying Motion for Expedited Review of that petition.[5] Under the Utah Rules of Appellate Procedure, a respondent to a petition for extraordinary relief is typically afforded thirty days to file a response. UTAH R. APP. P. 19(g)(1). And where a petitioner moves for expedited review, any party is by rule afforded "three days after service of the motion" to file a response to the motion. *Id.* R. 23C(c). But UFRG requested that we require responses to its petition by no later than 5:00 p.m. on February 12. UFRG's request did not account for response time to its motion. UFRG also asked us to grant or deny its petition by no later than 5:00 pm Friday, February 13, 2026. Shortly before 5:00 p.m. on February 12, we sent out an order inviting responses to the motion and petition by 2:00 p.m. on February 13. The Lieutenant Governor and Salt Lake County Clerk Lannie Chapman filed timely responses. UFRG filed a reply at 3:38 p.m. on February 13.[6] In our effort to meet UFRG's request, we have expedited our review.

ANALYSIS

Our rules provide that a party may petition an appellate court for the extraordinary relief referred to in rule 65B of the Utah Rules of Civil Procedure "[w]hen no other plain, speedy, or adequate remedy is available." *League of Women Voters of Utah v. Utah State Legislature* (*LWV*), 2025 UT 39, ¶ 14, 579 P.3d 287 (quoting UTAH R. APP. P. 19(a)). "We have observed that "the more extraordinary the relief the petitioner seeks, the more compelling the showing of an entitlement to that relief should be." *Lyman v. Cox*, 2024 UT 35, ¶ 3, 556 P.3d 49 (per curiam) (cleaned up); *see*

---

[4] UFRG represents that it attempted to file its petition and accompanying motion during the night on February 11, 2026, but was unsuccessful due to an error with the filing system. Based on this representation, we accepted the petition as filed on February 11, 2026.

[5] UFRG named as respondents to its petition the Lieutenant Governor and each of the County Clerks of Utah's 29 counties.

[6] In its reply, UFRG advances a new argument, asserting that because February 15 falls on a Sunday, there is some confusion surrounding the signature packet submission deadline. But UFRG expressed no confusion in its petition, and its requested relief was premised on its understanding that its packet must be submitted by that date. Because this contention was not raised until reply, we do not address it further.

also State v. Barrett, 2005 UT 88, ¶ 23, 127 P.3d 682 (describing extraordinary relief as "difficult to obtain").

Although UFRG characterizes the relief it seeks as "narrow," the relief it seeks is extraordinary. It asks that we exercise our equitable authority to suspend a statutory deadline set by the Legislature to allow UFRG additional time to submit initiative petition signatures. *See* UTAH CODE § 20A-7-105(5)(a)(i)(C). And while we strongly condemn the threats and violence described in the petition, we conclude, for several reasons, that UFRG has not shown entitlement to the relief it seeks.[7]

First, UFRG's petition was untimely under the circumstances. A petitioner seeking extraordinary relief "must demonstrate the timeliness of the petition." *Utah Democratic Party v. Henderson*, 2022 UT 41, ¶ 10, 523 P.3d 180 (per curiam). UFRG's petition is based on violence that it contends occurred on January 23, 24, 27, and February 3. It also states that the Lieutenant Governor informed it of the mistakes in the posted signature thresholds on February 5. To be sure, UFRG has had to operate under a compressed timeline. Still, as argued by the Lieutenant Governor, UFRG has not explained why it waited until the night of February 11—more than two weeks after most of the alleged events took place and nearly a week after it learned of the threshold calculation error—to file its motion and petition. This delay left respondents with less than one day to respond to the motion and petition and this court with only hours to decide UFRG's request. Under these circumstances, UFRG has not shown that its petition was timely.

Second, UFRG's petition is not well suited for expedited extraordinary relief given that it is fact dependent.

UFRG's delay is also problematic because it left no time to address important factual questions raised by its petition, and "ordinarily, we will not grant relief unless the request is based on uncontroverted facts." *Marin v. Utah State Bar*, 2025 UT 18, ¶ 10, 572 P.3d 367. We appreciate UFRG filing declarations to support its petition. But by not filing sooner (and in the district court), UFRG left no opportunity for those allegations—including those based on hearsay[8]—to be tested in an adversarial

---

[7] The Salt Lake County Clerk's response raises questions about UFRG's standing to bring this petition for extraordinary relief, including whether it has traditional and public interest standing. These are important questions we'd have to resolve before we could grant UFRG relief. But we will not resolve them here given the short deadline and because we deny the petition for other reasons.

[8] The declarants represent, for example, that "at least 50 signature gatherers have understandably decided to stop exercising their right to

(continued . . .)

proceeding. For example, while we have no reason to doubt the veracity of the first-hand reports of incidents involving threats and violence, UFRG has not shown that those incidents constitute "a sustained *campaign* of violence, intimidation, and theft"—a repeated allegation that serves as the factual basis for its requested relief. (Emphasis added.) Further, as noted by the Lieutenant Governor, Rob Axson, one of the initiative's sponsors stated earlier this week that UFRG has "not actually struggled to gain signatures" for the initiative. RADIOWEST: *The Battle Over Prop 4 Being Fought on Utah's Streets*, at 26:10 (Spotify, Feb. 12, 2026). Where these (and perhaps other) important factual questions remain untested, UFRG has not shown that it is entitled to extraordinary relief. *See Carpenter v. Riverton City*, 2004 UT 68, ¶ 4, 103 P.3d 127 (per curiam) (explaining that this court is not positioned "to arrive at a legal ruling that is dependent on the resolution of disputed facts").

Third, UFRG has not properly invoked this court's writ authority.

Ordinarily, a party petitioning for extraordinary relief with this court must invoke rule 19 of the Utah Rules of Appellate Procedure. Rule 19 requires such requests to comply with the requirements of rule 65B of the Utah Rules of Civil Procedure. And rule 65B sets forth grounds on which we may grant extraordinary relief. UTAH R. CIV. P. 65B(b)–(d).

But UFRG doesn't seek the type of relief rule 65B ordinarily allows. Because UFRG asks us to suspend a statute, it doesn't argue from any of the grounds outlined in rule 65B. Indeed, suspending a statutory deadline is not an enumerated ground under the rule. *See id.* R. 65B(b)–(d). Instead, UFRG asks us to "invoke [our] traditional constitutional authority to grant equitable relief." It draws from our decision in *Erda Community Association v. Baugh*, 2025 UT 56, to argue that we aren't limited to rule 65B and may exercise our writ authority under article VIII, section 3 of the Utah Constitution. And UFRG cites to cases it believes to represent "the authority to use [our] equitable powers to toll or extend deadlines when strict enforcement would lead to injustice."[9] The Lieutenant Governor,

---

participate in the initiative process altogether rather than face the continued violence, abuse, and harassment," but UFRG has not submitted a declaration from any signature gatherers to substantiate the claim.

[9] UFRG cites to three cases to support that we have the constitutional authority to grant its requested relief. See *Utah Coal & Lumber Rest., Inc v. Outdoor Endeavors Unlimited*, 2001 UT 100, ¶ 18, 40 P.3d 581 (deciding, on a direct appeal, to equitably excuse the failure to comply to a lease's terms); *Bissland v. Bankhead*, 2007 UT 86, ¶¶ 7, 18, 171 P.3d 430 (declining to treat a referendum submission as timely in the absence of a due process violation and on an expedited appeal); and *Spackman ex rel. Spackman v. Board of Educ.*, 2000 UT 87, ¶ 27, 16 P.3d 533 (answering certified questions about Utah's due process clause and open education clause).

however, argues that UFRG has failed to "make the required showing" that it is entitled to relief under our constitutional authority to issue extraordinary writs. We agree.

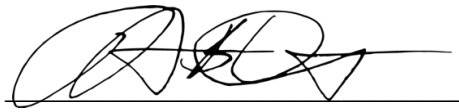
In *Erda*, we recognized that "the judiciary's constitutional writ authority may well be broader than what is reflect in our rules." *Id.* ¶ 39. So we left the door open for petitioners, whose relief falls outside of rule 65B, "to show that the writ authority enshrined in our constitution would permit such relief." *Id.* But it is incumbent on any petitioners arguing for this authority "to address whether the relief they seek was available at common law when the people of Utah constitutionalized the judiciary's writ power in 1895" and whether that relief is encompassed by the original public understanding of our since-updated constitutional language in 1984. *Id.* ¶ 40. To give us the "tools necessary" to find constitutional authority for the relief, we expect a petitioner to "delve[] into the historical record" of our writ power and "engage[] with the original understanding of our constitutional language." *Id.* (cleaned up).

Here, because UFRG doesn't invoke any of the grounds enumerated in rule 65B, it needed to show that suspending a statutory deadline is relief we may grant under our constitutional writ authority. It failed to do so. UFRG fails to argue that the judiciary's historical writ power encompassed its requested relief at common law. It also fails to engage with the original understanding of the language of article VIII, section 3. And UFRG's cited caselaw is of no help in understanding our writ authority under the Utah Constitution. UFRG simply hasn't shown the relief it seeks falls within our writ authority. Because of its failure to "demonstrate . . . the availability of the relief requested," *Utah Democratic Party v. Henderson*, 2022 UT 41, ¶ 10, we must reject its petition.

CONCLUSION

We grant UFRG's motion for expedited review of its petition. But we ultimately deny UFRG's petition for extraordinary relief because it is untimely under the circumstances, it is not well suited expedited extraordinary relief, and UFRG has not properly invoked this court's writ authority.

FOR THE COURT on this
13th day of February, 2026



Matthew B. Durrant
Chief Justice

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2026, a true and correct copy of the foregoing ORDER was sent by electronic mail to be delivered to:

UTAHNS FOR REPRESENTATIVE GOVERNMENT
lcharette@holtzmanvogel.com

DALLIN BROCKBANK HOLT
dholt@holtzmanvogel.com

DEIDRE HENDERSON
jwelsh@agutah.gov

DAVID N. WOLF
dnwolf@agutah.gov

LANCE F. SORENSON
lancesorenson@agutah.gov

SARAH E. GOLDBERG
sgoldberg@agutah.gov

GINGER MCMULLIN
gingermcmullin@beaver.utah.gov

MARLA YOUNG
myoung@boxeldercountyut.gov

BRYSON J. BEHM
clerk@cachecounty.gov

SETH MARSING
seth.marsing@carbon.utah.gov

LARINDA ISAACSON
larindai@daggettcounty.gov

BRIAN MCKENZIE
clerk@daviscountyutah.gov

CHELISE CURTIS
cstewart@duchesne.utah.gov

BRENDA TUTTLE
brendat@emery.utah.gov

CAMILLE MOORE
camille.moore@garfield.utah.gov

GABRIEL WOYTEK
gwoytek@grandcountyutah.gov

JON WHITTAKER
jwhittaker@ironcounty.gov

TANIELLE CALLAWAY
taniellec@juabcounty.gov

CHAMEILL LAMB
clamb@kane.utah.gov

MARKI ROWLEY
mrowley@millardcounty.gov

LESLIE HYDE
lhyde@morgancountyutah.gov

KALI GLEAVE
kgleave@piute.utah.gov

ANNELIESA PEART
apeart@richcounty.gov

LANNIE K. CHAPMAN
vote@saltlakecounty.gov

LYMAN W. DUNCAN
lduncan@sanjuancountyut.gov

LINDA CHRISTIANSEN
lchristiansen@sanpetecountyutah.gov

STEVEN C. WALL
elections@sevier.utah.gov

EVELYN FURSE
efurse@summitcountyutah.gov

TRACY SHAW
tracy.shaw@tooeleco.gov

MICHAEL WILKINS
clerkauditor@uintah.utah.gov

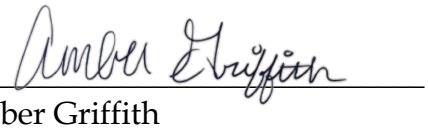
AARON R. DAVIDSON
elections@utahcounty.gov

JOEY D. GRANGER
ClerkAuditor@wasatch.utah.gov

GENNA GOODWIN
genna.goodwin@washco.utah.gov

FELICIA SNOW
felicia@wayne.utah.gov

RICKY HATCH
elections@weberelections.gov

By 
Amber Griffith
Legal Secretary

Case No. 20260168