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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

Case No. 20260168-SC

**REPLY IN SUPPORT OF
EMERGENCY PETITION FOR
EXTRAORDINARY RELIEF**

her 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

INTRODUCTION

In her Response to Petitioner’s (“UFRG”) Emergency Petition for Extraordinary Relief, the Lieutenant Governor (the “LG”), in a needlessly aggressive manner, presents an opposition largely unsupported by statute or case law. Further, the LG, without legal support, claims that Utah law unambiguously supports her position that the initiative signature packet deadline is 5:00 p.m. on February 15, 2026—despite this falling on a Sunday evening and the next day, Monday, February 16, being a Utah state holiday. As demonstrated below, the LG’s position is far from unambiguous and runs contrary to established principles of statutory construction. This deadline confusion, along with providing incorrect signature numbers, combined with the coordinated acts of violence against signature gatherers, supports this Court’s authority to extend the deadline to submit signature packets to Wednesday, February 18, 2026. The Reply primarily serves to respond to the LG’s incomplete time computation arguments.

ARGUMENT

I. The Confusion That Surrounds the Signature Packet Submission Deadline Warrants Clarity from This Court

A. The Statutory Framework and the Problem

Utah Code Section 20A-7-105(5)(a) provides that sponsors of a statewide initiative must submit signed and verified signature packets to the county clerk “before 5 p.m. no later than . . . the February 15 immediately before the next regular

general election immediately after the application is filed.” Utah Code Section 20A-7-217(2)(b) imposes the same February 15 deadline for the electronic initiative process.

This year, February 15 falls on a Sunday. The following day, February 16, 2026, is Presidents Day—a legal holiday under Utah Code Section 63G-1-301(1)(b)(iii). County clerk offices will therefore be closed both Sunday, February 15, and Monday, February 16. The next day county offices will be open for regular business is Tuesday, February 17, 2026.

B. General Principles of Statutory Time Computation in Utah

Utah Code Section 68-3-7 establishes the general rule for computing time under Utah law, providing that if the last day of a period “is a legal holiday, a Saturday, or a Sunday,” a person shall exclude that day and “compute the period of time to include the end of the next day that is not a legal holiday, a Saturday, or a Sunday.”

The Utah Court of Appeals has squarely addressed how Section 68-3-7 applies when a statute does not specify its own method for computing time. In *Pead v. Ephraim City*, 2020 UT App 113, the court held that where a statute “does not instruct how to compute” the applicable time period and “does not state how the time is computed when the [last] day falls on a weekend or a legal holiday,” Section 68-3-7 provides the governing methodology. *Id.* ¶¶ 23-24. The court emphasized that

“the fact that [a statute] does not answer these questions does not mean that the legislature has left us without guidance. Indeed, the legislature has adopted a statutory provision instructing on this very issue.” *Id.* ¶ 24. Applying Section 68-3-7, the *Pead* court concluded that when a deadline falls on a Sunday followed by a legal holiday (Monday), both days must be excluded, and the deadline extends to the next regular business day. *Id.* ¶ 32. This holding directly controls the present dispute.

Utah Code Section 68-3-8 further provides that “[w]henever any act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a legal holiday, such act may be performed upon the next succeeding business day with the same effect as if it had been performed upon the day appointed.” Utah Rule of Civil Procedure 6(a)(1)(C) follows a substantially similar approach, providing that if the last day of a period “is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.”

C. The LG’s Reliance on Section 20A-1-104 Is Misplaced

In her Response, the LG relies heavily, albeit in a footnote, on the claim that 2025’s S.B. 164 enacted Section 20A-1-104 and repealed a prior version that extended deadlines falling on weekends or holidays to the next business day. Resp. at 5-6 n.3. This argument fails for two reasons.

First, the LG’s position proves too much. The referenced rules do not displace Section 68-3-7 where Title 20A is silent on a particular issue. As *Pead* instructs, Section 68-3-7 applies where a statute “does not instruct how to compute” the applicable time period. 2020 UT App 113, ¶ 23. Section 20A-7-105(5)(a)(i)(C) specifies a calendar date but says nothing about what happens when that date falls on a weekend and is followed by a legal holiday. Section 68-3-7 fills that gap.

Second, and more fundamentally, the legislature’s repeal of the prior version of Section 20A-1-104 actually undermines the LG’s argument. The prior version of the statute provided that “Sundays, Saturdays, and legal holidays shall be included in all computations of days made under this title” unless the period was specifically designated as “business days.” By repealing this provision, the legislature removed the explicit language that would have required counting Sundays and holidays. If the legislature felt as strongly about enforcing deadlines on Sundays as the LG now suggests, it would have retained that provision rather than eliminating it. The repeal signals legislative intent to allow general time-computation principles—including Section 68-3-7—to govern where Title 20A is silent.

D. The Ambiguity Warrants Clarity from This Court

At minimum, the question whether Utah Code Sections 68-3-7 and 68-3-8 apply to the February 15 deadline in Utah Code Title 20A, Chapter 7, or whether the statute’s use of a specific calendar date creates an absolute deadline, is ambiguous.

The statute refers to “the February 15” rather than a period of days computed from another event, creating uncertainty as to whether the general rules apply. If the general rules apply, the deadline extends to 5:00 p.m. on Tuesday, February 17, 2026. If they do not apply, the statute would require submission on Sunday, February 15—a day when county offices are closed and unavailable to receive in-person filings.

II. Additional Arguments Support a Deadline Extension

A. The LG’s Mistaken Guidance, and Late Correction, Caused Confusion

The LG attempts to gloss-over her mistake, especially in Senate District 9, in noting (until it was corrected Friday, February 6, 2026) that 374 less signatures were required in that district. This was a huge mistake regarding a district that is entirely located within Salt Lake County. This was an error rate of nearly 8%, and, assuming a signature removal rate of 1% (the removal rate state-wide is actually less than 1%), taking into account an average verification rejection rate, along with an average amount of 27 signatures per packet—the LG’s mistaken calculation is requiring an additional 22 packets of signatures. This amount, combined with the amount that has been stolen or destroyed through coordinated acts of violence, is not as inconsequential as the LG argues.

B. The LG’s Arguments Surrounding Sunday Reach Too Far

While it may be true that the county clerks have made plans for working on Sunday to receive packets, it is absurd to think there is a single county clerk or staff

member who would complain if those plans to work on Sunday were changed, even if they were notified as late as on Sunday morning that they could attend their worship services and spend time with their families. The LG's position assumes an argument with no presented data from the county clerks.

CONCLUSION

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

DATED: February 13, 2026

Respectfully submitted,

/s/ Dallin B. Holt
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CERTIFICATE OF COMPLIANCE

1. This reply does not exceed 10 pages or 3,500 words, excluding any tables or attachments, in compliance with Utah Rule of Appellate Procedure 19(i).

2. This reply 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 reply contains no non-public information and complies with Utah Rule of Appellate Procedure 21.

/s/ Dallin B. Holt
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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2026, a true, correct and complete copy of the foregoing document was filed with the Court and served via electronic transmission to the following:

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