

Dallin B. Holt (Utah Bar No. 18210)
HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIAK
250 E 200 S, Suite 1609
Salt Lake City, UT 84111
(Tel.) (385) 313-9893
dholt@holtzmanvogel.com

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

Case No. 20260168-SC

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

<p>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</p>	
---	--

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 *Peard 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]hensoever 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

Dallin B. Holt (Utah Bar No. 18210)

HOLTZMAN VOGEL BARAN

TORCHINSKY & JOSEFIK

250 E 200 S, Suite 1609

Salt Lake City, UT 84111

(Tel.) (385) 313-9893

dholt@holtzmanvogel.com

Counsel for Petitioner

Utahns for Representative Government

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
Dallin B. Holt

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:

Counsel for Respondent Lieutenant Governor Henderson:

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

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

Ginger McMullin
Beaver County Clerk/Auditor
P.O Box 392
Beaver, UT 84713
gingermcmullin@beaver.utah.gov

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

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

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

Bryson J. Behm
Cache County Clerk
179 N. Main Street
Suite 102
Logan, UT 84321
clerk@cachecounty.gov

Seth Marsing
Carbon County Clerk
751 East 100 North
Suite #1100
Price UT, 84501
seth.marsing@carbon.utah.gov

Larinda Isaacson
Daggett County Clerk
PO Box 400
Manila, UT 84046
larindai@daggettcountry.gov

Brian McKenzie
Davis County Clerk
PO Box 618
Farmington, UT 84025
clerk@daviscountyutah.org

Chelise Curtis
Duchesne County Clerk
PO Box 270
Duchesne, Utah 84021
cstewart@duchesne.utah.gov

Brenda Tuttle, CPA
Emery County Clerk
P.O. Box 907 Castle
Dale, UT 84513
brendat@emery.utah.gov

Lannie K. Chapman
Salt Lake County Clerk
2001 South State Street
Ste S1-200
PO Box 144575
Salt Lake City, Utah 84114
vote@saltlakecounty.gov

Lyman W. Duncan
San Juan County Clerk
P. O. Box 338
Monticello, Utah 84535
lduncan@sanjuancountyut.gov

Linda Christiansen
Sanpete County Clerk
160 North Main
Suite 202
Manti, UT 84642
lchristiansen@sanpetecountyutah.gov

Steven C. Wall
Sevier County Clerk
250 N. Main St.
Suite 100
Richfield, UT 84701
elections@sevier.utah.gov

Evelyn Furse
Summit County Clerk
60 N. Main Street
P.O. Box 128
Coalville, UT 84017
efurse@summitcountyutah.gov

Camille Moore
Garfield County Clerk/Auditor
PO Box 77
Panguitch, UT 84759-0077
camille.moore@garfield.utah.gov

Gabriel Woytek
Grand County Clerk
125 E. Center St.
Moab, UT 84532
gwoytek@grandcountyutah.gov

Jon Whittaker
Iron County Clerk
PO Box 429
Parowan, UT 84761
jwhittaker@ironcounty.gov

Tanielle Callaway
Juab County Clerk/Auditor
160 N Main Street
Office #115
Nephi, Utah 84648
taniellec@juabcounty.gov

Chameill Lamb
Kane County Clerk
76 North Main Street
Kanab, UT 84741
clamb@kane.utah.gov

Marki Rowley
Millard County Clerk
765 S. Hwy 99
Ste. 6
Fillmore, UT 84631
mrowley@millardcounty.gov

Tracy Shaw
Tooele County Clerk
47 S. Main St.
Tooele, UT 84074
tracy.shaw@tooeleco.gov

Michael Wilkins
Uintah County Clerk
152 E 100 N
Vernal, UT 84078
clerk-auditor@uintah.utah.gov

Aaron R. Davidson
Utah County Clerk
100 E Center
St # 3100
Provo, UT 84606
elections@utahcounty.gov

Joey D. Granger
Wasatch County Clerk
25 N. Main
Heber City, Utah 84032
ClerkAuditor@wasatch.utah.gov

Genna Goodwin
Washington County Clerk
111 East Tabernacle St.
St. George, UT 84770
genna.goodwin@washco.utah.gov

Felicia Snow
Wayne County Clerk
PO Box 189
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