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IN THE SUPREME COURT
OF THE STATE OF UTAH

UTAHNS FOR REPRESENTATIVE GOVERNMENT, *Petitioner*, v. DEIDRE HENDERSON et al., *Respondents*.	**RESPONSE OF RESPONDENT LANNIE CHAPMAN, SALT LAKE COUNTY CLERK, TO PETITIONER'S EMERGENCY PETITION FOR EXTRAORDINARY RELIEF** Supreme Court Case No. 20260168-SC

Pursuant to Utah Rule of Appellate Procedure 19, Lannie Chapman, Salt Lake County Clerk, by and through counsel, submits the following Response to Petitioner Utahns for Representative Government as follows:

INTRODUCTION

Petitioner states that "[t]he People of the State of Utah have a sacrosanct and fundamental right to legislate through statewide initiative." Petition for Extraordinary Relief at 1 ("Petition"). Respondent agrees. In fact, when, as here,

the people exercise power, Utah's elected county clerks have a well-defined, statutory role in that process. If Petitioner's Petition is granted, it would upend that process and have serious ramifications for future Court decisions. For the reasons set forth below, Respondent Lannie Chapman respectfully urges this Court to deny Petitioner's Petition.

BACKGROUND

In 2018, a citizen's initiative designed to end partisan gerrymandering qualified for placement on the November 2018 general election ballot.[1] Officially named "The Utah Independent Redistricting Commission and Standards Act," the initiative came to be called "Proposition 4."[2] Utah voters agreed with the initiative's sponsors and passed Proposition 4, which went into effect on November 6, 2018.[3]

Despite Proposition 4's apparent public popularity,[4] Petitioner, a "political issues committee," filed a ballot initiative of its own seeking to overturn Proposition 4. *See* Petition, Ex. A, at ¶ 2. The Lieutenant Governor deemed the

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[1] These background facts are drawn, in part, from the prior decision of this Court in *League of Women Voters of Utah, et al. v. Utah State Legislature, et al.*, 2024 UT 21.

[2] *See Proposition 4*, VOTE.UTAH.GOV, https://vote.utah.gov/wp-content/uploads/2023/09/Proposition-4.pdf (last visited Feb. 13, 2026).

[3] Utah Code Ann. § 20A-19-101 et seq.

[4] Bridger Beal-Cvetko, *Nearly 2/3 of Utahns support Proposition 4, new polling shows*, KSL.COM, (Jan. 26, 2026), https://www.ksl.com/article/51438543/nearly--of-utahns-support-proposition-4-new-polling-shows (last visited Feb. 13, 2026).

measure referrable, and since early December 2025, Petitioner has been gathering signatures to put the question of whether to repeal Proposition 4 on the November 2026 ballot. *See* Petition at 5, ¶ 7.

Now, on the eve of the signature-gathering cutoff, Petitioner apparently has failed to reach the required number of signatures.[5] Rather than abide by the statutory process applicable to all propositions, Petitioner seeks extraordinary relief from this Court in the form of an order extending its signature gathering by three days for all counties, or alternatively, extending its signature gathering by two additional days in five of Utah's six most populous counties: Salt Lake, Davis, Wasatch, Summit, and Weber Counties. Never citing to the rigors of Utah's Election statute, nor acknowledging the substantial burden this request places on the twenty-nine Respondent County Clerks, Petitioner contends this extraordinary relief is warranted because it alleges that a campaign of "coordinated violence" has led to the loss of 300 signatures that otherwise could have been used as part of the signature gathering initiative, and discourages volunteers from continuing to gather signatures. Petition at 12. Petitioner further contends that its signature-gathering efforts were unduly compromised by a typographical error on the LG's website. *Id.*

[5] As of February 13, the total number of verified registered voters that have signed the referendum has reached 88,948. *See Repeal of the Independent Redistricting Commission and Standards Act Direct Initiative List of Signers*, VOTE.UTAH.GOV, https://vote.utah.gov/repeal-of-the-independent-redistricting-commission-and-standards-act-direct-initiative-list-of-signers (last visited Feb. 13, 2026).

Doing so, however, Petitioner fails to demonstrate that "no other plain, speedy, or adequate remedy is available." Utah Rule of Appellate Procedure 19(a). Further, Petitioner has not alleged nor shown that it—a "political issues committee"--possesses standing to seek a remedy here. Accordingly, the Court should deny Petitioner's Petition.

ARGUMENT

I. Petitioner does not demonstrate that "no other plain, speedy, or adequate remedy exists."

Under Rule 19(a) of the Utah Rules of Appellate Procedure, a party may petition an appellate court for extraordinary relief "when no other plain, speedy, or adequate remedy exists." Utah R. App. P. 19(a). As suggested by its name, relief under Rule 19 is both extraordinary and "difficult to obtain." *State v.* Barrett, 2005 UT 88, ¶ 23, 127 P.3d 682. Further, even when shown to be meritorious, this Court retains broad discretion to grant or deny the relief in question. *See, e.g., Marin v. Utah State Bar*, 2025 UT 128, ¶ 10, 572 P.3d 367.

When deciding the merits of a petition for extraordinary relief, this Court "limits itself to addressing only those petitions that cannot be decided in another forum." *Carpenter v. Riverton City*, 2004 UT 68, ¶ 4, 103 P.3d 127 (per curiam). Before this Court exercises its original jurisdiction, Petitioner must first meet its burden to show (1) why the relief sought is not available through any other plain, speedy, and adequate means, and (2) why a district court is an inappropriate forum

for its claims. *See e.g.*, Utah Rule of Appellate Procedure 19(a), (e)(4), (6). Petitioner has not met its burden on either count.

First, Petitioner's argument about the time-sensitive nature of its claims is a problem of its own making. "It is fundamental that equity aids the vigilant, not the one who sleeps on his rights." *In re Cook*, 882 P.2d 656, 659 (Utah 1994) (internal quotation marks and citation omitted). This is especially true in the election context. Indeed, "one who seeks to challenge the election process must do so at the earliest possible opportunity." *Id*.

In *Cook*, ballot initiative sponsors filed a petition to change a ballot title pamphlet that they claimed did not comply with the Election Code. The *Cook* sponsors had known about the alleged issue since August 31, 1994, and had notified the Lieutenant Governor on September 5, 1994, but did not file their petition seeking to enjoin dissemination of the pamphlets until September 29, 1994, after they knew ballot pamphlets had been sent to be printed. The Court agreed that the ballot title did not comply with Utah law but still found that "petitioners failed to act with reasonable diligence in prosecuting [their] petition" and denied the writ. *Id.* at 659. *See also Clegg v. Bennion*, 247 P.2d 614, 616 (Utah 1952) (holding that a nominee who waited thirty-two days after the filing deadline to remove a non-compliant opposition candidate from the ballot came "to [the Supreme Court] too late").

Petitioner cites the imminent statutory deadline to explain why it can only seek relief through an extraordinary writ. But like the sponsors in *Cook* and *Clegg*, Petitioner waited far too long. The Petition states that both paid signature gatherers and volunteers began gathering signatures for the referendum in early December 2025—over two months ago. Petition at 5, ¶ 7. Significant portions of the conduct Petitioner alleges led to uncountable signatures occurred weeks before filing its Petition, on January 23 and January 24. *See e.g., id.*, Ex. C; Ex. E. Similarly, Petition knew about minor discrepancies for two senate districts[6] on February 5, a week before it filed its Petition. Although Petitioner alleges that it could not have filed its petition any earlier "because the most egregious acts of lawlessness . . . did not occur until the past *several weeks*," Petitioner does not explain why it had to wait until after the "most egregious acts" occurred to file, nor why it had to wait an

[6] The difference between the totals originally required is marginal: the total change for Senate District 8, previously listed as 4,890 signatures required, was updated to only 20 more signatures required: 4,910 total. Senate District 9, previously listed as 4,431, was corrected to 4,805. Exhibit H-1. Petitioner and the corporate entity it hired to gather signatures on a national basis must be aware that collecting the exact number of required signatures is insufficient. One well-known online resource looked at 187 initiatives across the last eight years and found an average signature validity rate of 78.8%. In other words, any reasonable signature gatherer should plan to gather over 20% more signatures than required or face a high likelihood having insufficient numbers due to invalidated signatures. https://ballotpedia.org/Initiative_petition_signature_validity_rates (last checked February 13, 2026). UFRG is already aware of this, having had large numbers of fraudulent signatures rejected. *See* n. 8.

additional week after knowing about the count requirements for the senate districts. *Id.* at 18 (emphasis added).

Second, Petitioner could have brought its action in district court. As discussed above, if a claim could have been brought in district court, it must be. *See Carpenter*, 2004 UT 68, ¶ 4. In *Zonts v. Pleasant Grove City*, a group of sponsors for a ballot initiative properly placed the initiative on the ballot but were dissatisfied with the City Attorney's version of the final ballot title. 2017 UT 71, 416 P.3d 360. After the sponsors brought multiple petitions for extraordinary relief, the Court requested supplemental briefing on why the sponsors could not seek relief at the district court level. Even though the sponsors' briefing cited tight deadlines for ballot initiatives, the supplemental brief "provided no further discussion or elucidation of any practical obstacles to filing in the district court" and the issues raised by the sponsors "were predicated on factual assumptions that were not adequately supported by affidavit and that were disputed." *Id.* ¶¶ 5-6.

So too here. Although Petitioner states that because the push for signatures is a state-wide initiative and a "single, authoritative ruling" from this Court is thus required, it does not support its assertion that such a decision can only be made by this Court. Petition at 19. Indeed, a district court can make decisions that are enforceable throughout the entire state. *See League of Women Voters of Utah v. Utah State Legislature*, 2024 UT 21, 554 P.3d 872. Further, it is beyond this

Court's power to make fact determinations on a writ when the record is unclear. *See Fundamentalist Church of Jesus Christ of Latter-Day Saints v. Horne*, 2012 UT 66, ¶ 41, 289 P.3d 502, 513 (holding that the Supreme Court is "not in a position to arrive at a legal ruling that is dependent on the resolution of disputed facts") (internal quotation marks and citation omitted). The affidavits included with the Petition do not indicate any organized effort or show an ongoing violent campaign against Petitioner, its employees, and its volunteers.[7] As for the alleged loss of 300 signatures, Petitioner further fails to support this assertion with any evidence. The lack of a clear factual record makes a judgment in Petitioner's favor by this Court inappropriate and premature.

Finally, a last-minute change to a statutory deadline is not Petitioner's sole means for relief, but it is one that would upend a settled and orderly election process and have dire precedential effects. Indeed, rather than intrude on the settled provisions of Utah law, Petitioner could simply prepare better for next year's signature-gathering period and try their hand again. Further, to address the problem going forward, the legislature could enact legislation that balances the present

[7] In one anecdote accounting for the loss of approximately 6-8 signatures, a woman pushing a child in a stroller allegedly took a signature packet, pushed the stroller to her car, placed the child and stroller in, and drove away, apparently without personnel even getting her license plate. This hardly seems like the "coordinated" campaign of violence alleged and raises questions about Petitioner's diligence in protecting or recovering signature packets.

concerns of the Petitioner with the interest of the voters in having a timely and orderly process of signature gathering.

Because Petitioner has not demonstrated that "no other plain, speedy, or adequate remedy exists," the Court should deny its Petition.

II. Petitioner lacks standing.

Although extraordinary writs are typically brought pursuant to Rule 65B of the Utah Rules of Civil Procedure, Petitioner does not request "extraordinary relief" under Rule 65B. It instead brings its Petition pursuant to the Court's "traditional constitutional authority to grant equitable relief." *Id.* at 15 n.5. This Court has recently recognized that constitutional claims alone can be a basis for an extraordinary writ. *See Erda Cmty. Ass'n, Inc. v. Baugh*, 2025 UT 56 *Erda Cmty. Ass'n*, 2025 UT 56 (citing UTAH CONST. Art. VIII, § 3).

"[I]n Utah, as in the federal system, standing is a jurisdictional requirement." *Brown v. Div. of Water Rights of the Dep't of Natural Res.*, 2010 UT 14, ¶ 12, 228 P.3d 747. "A petitioner for extraordinary relief must have standing, just as any other litigant must have." *Terracor v. Utah Bd. of State Lands & Forestry*, 716 P.2d 796, 798 (Utah 1986). Organizations like Petitioner can have standing if the organization's "individual members have standing and the participation of the individual members is not necessary to the resolution of the case." *Utah Chapter of the Sierra Club v. Utah Air Quality Board*, 2006 UT 74, ¶ 21, 148 P.3d 960.

A. Petitioner does not show that its members have traditional standing.

To show traditional standing, a party must assert that (1) "it has been or will be adversely affected by the challenged actions"; (2) "a causal relationship between the injury to the party, the challenged actions and the relief requested"; and (3) "the relief requested must be substantially likely to redress the injury claimed." *Sierra Club*, 2006 UT 74, ¶ 19. And as discussed above, Petitioner must show that one or more of its members has traditional standing. *Id.* at ¶ 21.

The Petition is brought pursuant to Utahns' constitutional right to "govern themselves." *Id.* at 10 (quoting *Gallivan v. Walker*, 2002 UT 89, ¶ 22, 54 P.3d 1069). Indeed, "[f]unctionally, the initiative process acts as the people's check on the legislature's otherwise exclusive power to legislate." *County My Vote, Inc. v. Cox*, 2019 UT 60, ¶ 81, 452 P.3d 1109. Although Utahns themselves have standing to enforce a right to self-government, including the right to directly legislate through referenda and to vote in elections, Petitioner is a "political issues committee." Petition, Ex. A, at 2 ¶1. The Petition includes affidavits from its political sponsor, CEO, COO, Executive Director, and employees alleging specific harms. *See generally* Petition Exhibits. However, none of the affidavits set forth show that any affiant has standing pursuant to the Utah Constitution. Thus, Petitioner has not met its burden to show its members have traditional standing.

B. Petitioner does not show that it qualifies for public interest standing.

Although Petitioner's lack of traditional standing should end the inquiry, Utah courts have allowed organizations to proceed if they show they have "public interest" standing. However, this Court has cautioned that a party seeking to establish standing under this alternative does so at its peril. *See Haik v. Jones*, 108 UT 39, ¶ 23 n.5, 427 P.3d 1155 (noting that members of the court "have expressed serious doubt about the intellectual underpinnings of the [public interest standing] doctrine").

To establish public interest standing, the organization must "first establish that it is an appropriate party to raise the issue in dispute before the court" which entails "demonstrating that it has the 'interest necessary to effectively assist the court in developing and reviewing all relevant legal and factual questions' and that the issues are 'unlikely to be raised' if the party is denied standing." *Sierra Club*, 2006 UT 74, ¶ 36 (quoting *Jenkins*, 675 P.2d at 1150).

Not so here. Petitioner is not the only party that can bring its Petition enforcing Utahn's constitutional right to a referendum: indeed, individual Utahns who claim to have suffered adversely from the statutory deadline are the true interested parties. Petitioner's Petition is not the only way to vindicate the rights of Utahns were those rights at issue. Accordingly, Petitioner also lacks public interest standing.

III. The law requires the Court to deny the Petition.

Anyone seeking to place an initiative on the ballot is constrained by the same deadlines imposed by law. *See* Utah Code Ann. § 20A-7-105(5)(a)(i)(C). Any variation from the statute for a single party significantly impacts officials charged with implementing elections, erodes the rule of law, and unfairly prejudices those who have been diligently working to meet legal deadlines.

Petitioner seeks three extra days of signature gathering to compensate for the 300 signatures it claims have been rendered uncountable by the alleged actions of third parties. However, Petitioner must abide by the law: adding three days erodes the rule of law and makes the statutory deadline meaningless. Further, the remedy sought is not proportional to any alleged harm. And the serious precedential implications granting such a writ and overriding a statutory deadline are not outweighed by the marginal chance of success Petitioner would have in gathering over 50,000 signatures.

IV. Adherence to statutory deadlines is essential for the fair and predictable administration of elections.

The election code contains dozens of timeframes and deadlines that must be followed by election officers, candidates, parties, and voters. Strict adherence to these timelines is essential to ensure basic fairness and predictability in the election process, which is inherently contentious. Allowing for flexibility in deadlines on a

case-by-case basis would make the Election Code impossible for Respondent to administer in a fair and predictable manner.

In this matter, fraud has been admitted in the collection of some signatures, further increasing the burden on Respondent and other County Clerks to verify signatures.[8] Do constitutional protections permit the clerk to extend its deadlines to further investigate fraud? Can voters who feel they may have been misled by signature collectors seek an extension to have their names removed? Without clearer expectations or guidance, Respondents are left in the dark. Indeed, orderly administration of laws requires a fixed petition process. Presumably the legislature contemplated issues such as weather, labor strikes, demonstrations, or other impediments to signature gathering by setting the current statutory rules.

CONCLUSION

Petitioner has not met its burden to show that there is no other "plain, speedy, or adequate relief" besides a writ from this Court. This issue could have and should have been brought much sooner, and in a court that could actually render a meaningful decision, rather than burden the electoral process at the last moment and counteract Utah law.

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[8] Jeremy Tombs, *Bogus efforts used to gain Prop 4 repeal signatures called "most extensive fraud that we've seen,"* FOX 13 SALT LAKE CITY (Feb. 3, 2026) https://www.fox13now.com/news/politics/bogus-efforts-used-to-gain-prop-4-repeal-signatures-called-most-extensive-fraud-that-weve-seen (accessed Feb. 13, 2026)

DATED this 13th day of February, 2026.

SIM GILL
Salt Lake County Attorney

/s/ *Tim Bodily*
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February 2026, a true and correct copy of the foregoing Response to Petitioner's Emergency Petition for Extraordinary Relief was electronically filed with the clerk of the court, which automatically sent notification of such filing to the following:

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CERTIFICATE OF COMPLIANCE

1. This Response 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 Response 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 Response contains no non-public information in compliance with Utah Rule of Appellate Procedure 19(j)(2).