

IN THE SUPREME COURT OF THE STATE OF IDAHO

IDAHOANS UNITED FOR WOMEN
AND FAMILIES,

Petitioner,

vs.

RAÚL R. LABRADOR, in his official
capacity as the Idaho Attorney General;
PHIL MCGRANE, in his official capacity
as the Idaho Secretary of State; LORI
WOLFF, in her official capacity as the
Administrator of the Idaho Division of
Financial Management; and the IDAHO
DIVISION OF FINANCIAL
MANAGEMENT,

Respondents.

Docket No. 52636-2025

**VERIFIED ANSWER OF LORI WOLFF AND
IDAHO DIVISION OF FINANCIAL MANAGEMENT**

RAÚL R. LABRADOR
ATTORNEY GENERAL

Alan M. Hurst, ISB #12425
Solicitor General

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 83720
Boise, ID 83720-0010
(208) 334-2400
alan.hurst@ag.idaho.gov
michael.zarian@ag.idaho.gov
jack.corkery@ag.idaho.gov

Michael A. Zarian, ISB #12418
Deputy Solicitor General

Sean M. Corkery, ISB #12350
Assistant Solicitor General

Attorneys for Respondents Lori Wolff and Idaho Division of Financial Management

Respondents Lori Wolff, in her official capacity as the Administrator of the Idaho Division of Financial Management, and the Idaho Division of Financial Management, hereby respond to the Petition, and assert affirmative defenses in this matter as follows:

RESPONSE

Respondents deny every allegation contained in the Petition unless expressly admitted herein.

RESPONSE TO “INTRODUCTION”

1. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 1 and therefore deny same, except that the cited case speaks for itself.
2. Respondents are without knowledge or information sufficient to form a belief as to the truth of the first sentence of paragraph 2 and therefore deny same. Respondents deny the remaining allegations of paragraph 2, except that the initiative petition speaks for itself.
3. To the extent paragraph 3 states the relief that Petitioner seeks, no response is required. To the extent paragraph 3 states otherwise, Respondents deny the allegations of paragraph 3.
4. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 4 and therefore deny same.
5. Respondents deny the allegations of paragraph 5.

6. To the extent paragraph 6 states the relief that Petitioner seeks, no response is required. To the extent paragraph 6 states otherwise, Respondents deny the allegations of paragraph 6.

RESPONSE TO “PARTIES”

7. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 7 and therefore deny same.

8. Respondents admit that Petitioner names Respondent Raúl Labrador in his official capacity as the Attorney General of Idaho.

9. Respondents admit that Petitioner names Respondent Phil McGrane in his official capacity as Secretary of State of Idaho.

10. Respondents admit that Petitioner names Respondent Lori Wolff in her official capacity as the Administrator of the Idaho Division of Financial Management.

11. Respondents deny the allegations of paragraph 11, except that they admit that Idaho Division of Financial Management is named and that the cited statutes speak for themselves.

RESPONSE TO “JURISDICTION”

12. Respondents admit that this Court has jurisdiction over the portion of the Petition relating to the deficient ballot titles. Respondents otherwise deny the allegations of paragraph 12.

13. Respondents deny the allegations of paragraph 13, except that the cited statute speaks for itself.

14. Respondents deny the allegations of paragraph 14, except that the cited statutes speak for themselves.

15. Respondents admit that this Court has jurisdiction over the portion of the Petition relating to the deficient ballot titles. Respondents otherwise deny the allegations of paragraph 15, except that the cited case speaks for itself.

16. To the extent paragraph 16 states the relief that Petitioner seeks, no response is required. To the extent paragraph 16 states otherwise, Respondents deny the allegations of paragraph 16.

17. Respondents admit that the Division's actions are not subject to judicial review under the IAPA unless there is a statute invoking the judicial review provisions of the IAPA. Respondents otherwise deny the allegations of paragraph 17, except that the cited statute and case speak for themselves.

18. To the extent paragraph 18 states the relief that Petitioner seeks, no response is required. To the extent paragraph 18 states otherwise, Respondents deny the allegations of paragraph 18.

RESPONSE TO "STANDING"

19. Respondents deny the allegations of paragraph 19.

20. Respondents deny the allegations of paragraph 20.

21. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 21 and therefore deny same.

22. To the extent paragraph 22 states the relief that Petitioner seeks, no response is required. To the extent paragraph 22 states otherwise, Respondents deny the allegations of paragraph 22.

RESPONSE TO “STATUTORY FRAMEWORK”

23. Respondents deny the allegations of paragraph 23, except that the cited section of the Idaho Constitution speaks for itself.

24. Respondents deny the allegations of paragraph 24, except that the cited section of the Idaho Constitution speaks for itself.

25. Respondents deny the allegations of paragraph 25, except that the cited case speaks for itself.

26. Respondents admit that the Idaho Legislature has codified certain procedures and duties of public officials pertaining to ballot initiatives under Title 34, Chapter 18 of the Idaho Code.

27. Respondents admit that Idaho Code sections 34-1809 and 34-1812 establish some of the procedures by which citizen initiatives are assigned ballot titles and a fiscal impact statement.

28. Respondents admit that Idaho Code section 34-1809(2)(d) states:

(d) The ballot title shall contain:

(i) Distinctive short title not exceeding twenty (20) words by which the measure is commonly referred to or spoken of and which shall

be printed in the foot margin of each signature sheet of the petition.

(ii) A general title expressing in not more than two hundred (200) words the purpose of the measure.

(iii) The ballot title shall be printed with the numbers of the measure on the official ballot.

29. Respondents admit that Idaho Code section 34-1809(2)(e) states, “In making the ballot title, the attorney general shall, to the best of his ability, give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be intentionally an argument or likely to create prejudice either for or against the measure.”

30. Respondents admit that Idaho Code section 34-1809(3) states:

(3) Any person dissatisfied with the ballot title or the short title provided by the attorney general for any measure may appeal to the supreme court by petition, praying for a different title and setting forth the reason why the title prepared by the attorney general is insufficient or unfair.

(a) No appeal shall be allowed from the decision of the attorney general on a ballot title unless made within twenty (20) days after the ballot title is filed in the office of the secretary of state; provided however, that this section shall not prevent any later judicial proceeding to determine the

sufficiency of such title, nor shall it prevent any judicial decision upon the sufficiency of such title.

(b) A copy of every such ballot title shall be served by the secretary of state upon the person offering or filing such initiative or referendum petition, or appeal. The service of the ballot title may be by mail or electronic transmission and shall be made forthwith when it is received from the attorney general by the secretary of state.

(c) The supreme court shall thereupon examine said measure, hear argument, and in its decision thereon certify to the secretary of state a ballot title and a short title for the measure in accord with the intent of this section. The secretary of state shall print on the official ballot the title thus certified to him.

31. Respondents deny the allegations in paragraph 31, except that the cited statute speaks for itself.

32. Respondents admit that Idaho Code section 34-1809(2) states, “A fiscal impact statement shall describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure is approved by the voters. The fiscal impact statement shall include both immediate expected fiscal impacts and an estimate of any state or local government long-term financial implications. A fiscal impact statement must be written in clear and concise language and shall avoid legal and technical terms

whenever possible. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context.”

33. Respondents deny the allegations in paragraph 33, except that the cited statute speaks for itself.

34. Respondents deny the allegations in paragraph 34, except that the cited statute speaks for itself.

35. Respondents admit that Idaho Code § 34-1812(3) states, “A fiscal impact statement must include both a summary of the fiscal impact statement, not to exceed one hundred (100) words, and a more detailed statement of fiscal impact that includes the assumptions that were made to develop the fiscal impact. When collecting signatures, a signature gatherer shall offer a copy of the fiscal impact statement summary, along with a copy of the initiative and the sponsor’s proposed funding source information, to the elector for review before signing. The fiscal impact statement summary and the sponsor’s proposed funding source information shall also be published in the state voters’ pamphlet and on the official ballot. The fiscal impact statement summary, the detailed fiscal impact statement, and the sponsor’s proposed funding source information shall be made available to the public on the secretary of state’s website no later than August 1.”

RESPONSE TO “FACTUAL BACKGROUND”

36. Respondents deny the allegations of paragraph 36, except that the initiative petition speaks for itself.

37. Respondents deny the allegations of paragraph 37, except that the initiative petition speaks for itself.

38. Respondents admit that Idahoans United submitted the initiative petition to Secretary McGrane on November 20, 2024. Respondents otherwise deny the allegations of paragraph 38, except that the proposed initiative petition speaks for itself.

39. Respondents admit that Secretary McGrane returned a fiscal impact statement to Idahoans United on December 20, 2024. Respondents otherwise deny the allegations of paragraph 39, except that Secretary McGrane’s letter speaks for itself.

40. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 40 and therefore deny same.

41. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 41 and therefore deny same.

42. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 42 and therefore deny same.

43. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 43 and therefore deny same.

44. Respondents admit the Fiscal Impact Statement Summary states:

The laws affected by the initiative would not impact income, sales, or product taxes. There is no revenue impact to the General Fund found.

The initiative could change state expenditures in minor ways. Costs associated with the Medicaid and prisoner populations may occur; see Idaho Codes 20-237B and 56-255 and the Medicaid references from Health and Welfare.

Passage of this initiative is likely to cost less than \$20,000 per year. The Medicaid budget for providing services was about \$850 million in FY2024. If passed, nominal costs in the context of the affected total budget are insignificant to the state.

45. Respondents admit the Fiscal Impact Statement's Assumptions section states:

Changes in costs associated with the ballot initiative could impact state funding expenditures for Corrections and Medicaid budgets. The amount of those costs would be dependent on the frequency of need for reproductive services within the agencies. The manner of the budget impacts would be different for Corrections due to the health care provisions used by the agency; there is no expected changes to the Corrections health care budget. Billing history prior to the Dobbs decision suggests that \$20,000 per year is a conservative over-estimate of the costs. Neither of these agencies reverted funding when the Dobbs

decision was made in 2022 (and already established legislation in Idaho code took effect). It is assumed that any additional costs due to the passage of this ballot initiative could be absorbed in the Corrections and Health and Welfare budgets should the ballot initiative pass.

46. Respondents deny the allegations of paragraph 46.

RESPONSE TO FIRST CLAIM FOR RELIEF

47. Responding to paragraph 47, Respondents incorporate their responses to the preceding paragraphs.

48. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 48 and therefore deny same.

49. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 49 and therefore deny same.

50. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 50 and therefore deny same.

51. To the extent paragraph 51 states the relief that Petitioner seeks, no response is required. To the extent paragraph 51 states otherwise, Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 51 and therefore deny same.

52. To the extent paragraph 52 states the relief that Petitioner seeks, no response is required. To the extent paragraph 52 states otherwise, Respondents are without

knowledge or information sufficient to form a belief as to the truth of paragraph 52 and therefore deny same.

RESPONSE TO SECOND CLAIM FOR RELIEF

53. Responding to paragraph 53, Respondents incorporate their responses to the preceding paragraphs.

54. Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 54 and therefore deny same.

55. To the extent paragraph 55 states the relief that Petitioner seeks, no response is required. To the extent paragraph 55 states otherwise, Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 55 and therefore deny same.

56. To the extent paragraph 56 states the relief that Petitioner seeks, no response is required. To the extent paragraph 56 states otherwise, Respondents are without knowledge or information sufficient to form a belief as to the truth of paragraph 56 and therefore deny same.

RESPONSE TO THIRD CLAIM FOR RELIEF

57. Responding to paragraph 57, Respondents incorporate their responses to the preceding paragraphs.

58. Respondents admit that the Idaho law includes certain mandates regarding the issuance of fiscal impact statements.

59. Respondents deny the allegations in paragraph 59.

60. Respondents deny the allegations in paragraph 60.
61. Respondents deny the allegations in paragraph 61.
62. Respondents deny the allegations in paragraph 62.
63. Respondents deny the allegations in paragraph 63.

AFFIRMATIVE AND OTHER DEFENSES

The following are defenses that Respondents assert based on the facts alleged in the action. In disclosing these defenses, Respondents do not assume any burden of proof not otherwise required by law. Moreover, Respondents undertake the burden of proof only as to those defenses deemed “affirmative” defenses by law, regardless of how such defenses are denominated herein.

FIRST AFFIRMATIVE DEFENSE

The Petition fails to state a claim upon which relief may be granted.

PRAYER FOR RELIEF

Respondents request judgment and pray for relief as follows:

1. That Petitioner’s petition be dismissed and that the Petitioner take nothing thereby;
2. For any other relief that the Court deems just and equitable under the circumstances of this action.

Respectfully submitted.

DATED: March 4, 2025

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: /s/ Alan M. Hurst

Alan M. Hurst
Solicitor General

Michael A. Zarian
Deputy Solicitor General

Sean M. Corkery
Assistant Solicitor General


VERIFICATION

STATE OF IDAHO)
) ss.
County of Ada)

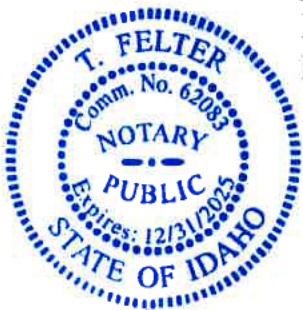
Lori Wolff, Administrator of the Idaho Division of Financial Management,
being first duly sworn, deposes and says:

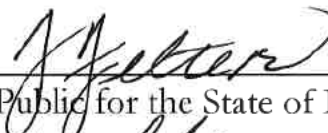
I have read the foregoing Verified Response to Petition and know the contents
thereof, and the same are true to the best of my knowledge and belief.

DATED: March 4, 2025


Lori Wolff

SUBSCRIBED AND SWORN to before me this 4th day of March, 2025




Notary Public for the State of Idaho
Residing at: Ada
My Commission Expires: 12/31/25

CERTIFICATE OF SERVICE

I certify that on March 4, 2025, I filed the foregoing electronically through the iCourt E-File system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notification of Service:

Jennifer M. Jensen
jmjensen@hollandhart.com

Anne Herderson Haws
ahhaws@hollandhart.com

Attorneys for Petitioner

/s/ Alan M. Hurst
Alan M. Hurst