

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 RAÚL R. LABRADOR

RAÚL R. LABRADOR
ATTORNEY GENERAL

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Solicitor General

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Attorneys for Respondent Raúl R. Labrador

Respondent Raúl R. Labrador, in his official capacity as Attorney General for the State of Idaho, hereby responds to the Petition, and asserts affirmative defenses in this matter as follows:

RESPONSE

Respondent denies every allegation contained in the Petition unless expressly admitted herein.

RESPONSE TO “INTRODUCTION”

1. Respondent denies the allegations of paragraph 1, except that the cited case speaks for itself.
2. Respondent is without knowledge or information sufficient to form a belief as to the truth of the first sentence of paragraph 2 and therefore denies same. Respondent denies the remaining allegations of paragraph 2.
3. To the extent paragraph 3 states the relief that Petitioner seeks, no response is required. To the extent paragraph 3 states otherwise, Respondent denies the allegations of paragraph 3.
4. Respondent denies the allegations of paragraph 4.
5. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 5 and therefore denies same.
6. To the extent paragraph 6 states the relief that Petitioner seeks, no response is required. To the extent paragraph 6 states otherwise, Respondent denies the allegations of paragraph 6.

RESPONSE TO “PARTIES”

7. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 7 and therefore denies same.
8. Respondent admits that Petitioner names Respondent Raúl Labrador in his official capacity as the Attorney General of Idaho.
9. Respondent admits that Petitioner names Respondent Phil McGrane in his official capacity as Secretary of State of Idaho.
10. Respondent admits that Petitioner names Respondent Lori Wolff in her official capacity as the Administrator of the Idaho Division of Financial Management.
11. Respondent denies the allegations of paragraph 11, except that he admits that Idaho Division of Financial Management is named and that the cited statutes speak for themselves.

RESPONSE TO “JURISDICTION”

12. Respondent admits that this Court has jurisdiction over the portion of the Petition relating to the deficient ballot titles. Respondent otherwise denies the allegations of paragraph 12.
13. Respondent denies the allegations of paragraph 13, except that the cited statute speaks for itself.
14. Respondent denies 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. Respondent otherwise denies 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, Respondent denies the allegations of paragraph 16.

17. Respondent admits 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. Respondent otherwise denies 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, Respondent denies the allegations of paragraph 18.

RESPONSE TO "STANDING"

19. Respondent denies the allegations of paragraph 19.

20. Respondent denies the allegations of paragraph 20.

21. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 21 and therefore denies same.

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

RESPONSE TO “STATUTORY FRAMEWORK”

23. Respondent denies the allegations of paragraph 23, except that the cited section of the Idaho Constitution speaks for itself.
24. Respondent denies the allegations of paragraph 24, except that the cited section of the Idaho Constitution speaks for itself.
25. Respondent denies the allegations of paragraph 25, except that the cited case speaks for itself.
26. Respondent admits 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. Respondent admits 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. Respondent admits 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. Respondent admits 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. Respondent denies the allegations in paragraph 31, except that the cited statute speaks for itself.

32. Respondent admits that Idaho Code section 34-1812(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. Respondent denies the allegations in paragraph 33, except that the cited statute speaks for itself.

34. Respondent denies 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. Respondent denies the allegations of paragraph 36, except that the initiative petition speaks for itself.

37. Respondent denies the allegations of paragraph 37, except that the initiative petition speaks for itself.

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

39. Respondent admits that Idahoans United submitted the initiative petition to Secretary McGrane on November 20, 2024. Respondent otherwise denies the allegations of paragraph 39, except that Secretary McGrane’s letter and the cited statutes speak for themselves.

40. Respondent admits that Idahoans United requested ballot titles for its proposed initiative on December 26, 2024.

41. Respondent admits that the Attorney General timely provided the Respondent ballot titles.

42. Respondent admits the Attorney General’s short ballot title reads, “Measure establishing a right to abortion up to fetus viability and to make reproductive decisions regarding one’s own body.”

43. Respondent admits the Attorney General’s long ballot title reads:

The measure seeks to change Idaho’s laws by introducing a right to reproductive freedom and privacy including a right to abortion up to the point of the fetus’s ability to survive outside the womb. After fetal viability, there would be no general right to abortion except in cases of “medical emergency.” The “medical emergency” exception would expand Idaho’s current life exception and allow abortions when pregnant women face

complicating physical conditions that threaten their life or health, “including serious impairment to a bodily function” or “serious dysfunction of any bodily organ or part.” The proposed measure codifies a right to make reproductive decisions, including contraception, fertility treatment, and prenatal and postpartum care. This includes a “right of privacy” in making these decisions. The measure seeks to prevent the state from enforcing certain abortion laws protecting the life of the unborn child. It would also impose a requirement that any restrictions on reproductive decisions, including abortion prior to fetus viability, must be “narrowly tailored to improve or maintain the health of the person seeking reproductive health care.” The measure would also prevent the state from penalizing patients, healthcare providers, or anyone who assists in exercising the proposed right.

44. Respondent admits 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. Respondent is without knowledge or information sufficient to form a belief as to how the Fiscal Impact Statement was developed and therefore denies paragraph 45, except that the Fiscal Impact Statement speaks for itself.

46. Respondent denies the allegations of the first sentence of paragraph 46, except that the cited statute speaks for itself. Respondent is without knowledge or information sufficient to form a belief as to the truth of the second sentence of paragraph 46 and therefore denies same.

RESPONSE TO FIRST CLAIM FOR RELIEF

47. Responding to paragraph 47, Respondent incorporates his responses to the preceding paragraphs.

48. Respondent denies the allegations of paragraph 48.

49. Respondent denies the allegations in paragraph 49, except that the cited statute and short ballot title speak for themselves.

50. Respondent denies the allegations in paragraph 50, except that the cited statute and short ballot titles speak for themselves.

51. To the extent paragraph 51 states the relief that Petitioner seeks, no response is required. To the extent paragraph 51 states otherwise, Respondent denies the allegations of paragraph 51.

52. To the extent paragraph 52 states the relief that Petitioner seeks, no response is required. To the extent paragraph 52 states otherwise, Respondent denies the allegations of paragraph 52, except that the cited statute and case speak for themselves.

RESPONSE TO SECOND CLAIM FOR RELIEF

53. Responding to paragraph 53, Respondent incorporates his responses to the preceding paragraphs.

54. Respondent denies the allegations in paragraph 54.

55. To the extent paragraph 55 states the relief that Petitioner seeks, no response is required. To the extent paragraph 55 states otherwise, Respondent denies the allegations of paragraph 55.

56. To the extent paragraph 56 states the relief that Petitioner seeks, no response is required. To the extent paragraph 56 states otherwise, Respondent denies the allegations of paragraph 55.

RESPONSE TO THIRD CLAIM FOR RELIEF

57. Responding to paragraph 57, Respondent incorporates his responses to the preceding paragraphs.

58. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 58 and therefore denies same.

59. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 59 and therefore denies same, except that the cited statute and case speak for themselves.

60. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 60 and therefore denies same, except that the cited statute speaks for itself.

61. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 61 and therefore denies same.

62. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 62 and therefore denies same.

63. Respondent is without knowledge or information sufficient to form a belief as to the truth of paragraph 63 and therefore denies same.

AFFIRMATIVE AND OTHER DEFENSES

The following are defenses that Respondent asserts based on the facts alleged in the action. In disclosing these defenses, Respondent does not assume any burden of proof not otherwise required by law. Moreover, Respondent undertakes 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

Respondent requests judgment and prays 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

Under Idaho Code § 9-1406, I, PHIL BROADBENT, Chief Deputy Attorney General of the Office of the Attorney General, declare that I have read this ANSWER and believe the facts stated therein are true based upon my own information and belief.

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED: March 4, 2025

/s/ Phillip E. Broadbent
Phillip E. Broadbent
Chief Deputy
Idaho Office of the Attorney General

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:

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Attorneys for Petitioner

/s/ Alan M. Hurst
Alan M. Hurst