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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

RECLAIM IDAHO, and the  
COMMITTEE TO PROTECT AND  
DEFEND THE IDAHO  
CONSTITUTION, INC.,

Petitioners,

v.

LAWERENCE DENNEY, in his official  
capacity as the Idaho Secretary of State,  
and the STATE OF IDAHO,

Respondents.

Case No. 48784-2021

**OPPOSITION TO PETITION FOR  
LEAVE TO INTERVENE**

The Legislature has moved to intervene as a party in this original action, as well as the companion case pending before this Court, *Gilmore v. Denney*, No. 48760-2021. In its petition to intervene, it notes that Petitioners object to the Legislature’s intervention.<sup>1</sup>

Petitioners object to the Legislature’s intervention as a party, but do not oppose the Legislature’s filing of an amicus brief. There is no need for the Legislature to have the full rights of a party to this litigation. The Attorney General is vigorously representing the Respondents and defending the constitutionality of the statutes challenged here. It will protect whatever interests the Legislature may claim that it has in the litigation. *See, e.g., League of Women Voters of Michigan v. Sec’y of State*, 506 Mich. 561, 578-579 (2020) (where Legislature had standing only when the Attorney General refused to defend a statute against a constitutional challenge). The Legislature can provide its view in an amicus brief if the Court deems that route appropriate.

As a practical matter, the Legislature may be better served by having the Attorney General defend the statute since the Legislature appears to have a conflict by defending a statute that seriously compromises a constitutional right of the people that it is charged with safeguarding under Article III § 1 of the Idaho Constitution.

Accordingly, Petitioners object to the Legislature’s intervention as a party.

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<sup>1</sup> It also contradicts this statement and informs the Court that “neither Petitioners nor Respondents oppose the Legislature’s intervention in this matter.” (Petition for Leave to Intervene, p. 1). It then cites to an attached “Certificate of Uncontested Motion” which was not, in fact, attached. These statements are incorrect, as Petitioners oppose intervention and want to clear any confusion created by them.

Submitted on this 13th day of May, 2021.

/s/ Deborah A. Ferguson  
Deborah A. Ferguson

/s/ Craig H. Durham  
Craig H. Durham

Attorneys for Petitioners

**CERTIFICATE OF SERVICE**

This **OPPOSITION TO PETITION FOR LEAVE TO INTERVENE** has been served on the following on this 13th day of May, 2021, by filing through the Court's e-filing and serve system, and separately by email, to:

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