

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **REFERENDA - UTAH**

### **League of Women Voters of Utah v. Utah State Legislature**

**Supreme Court of Utah - July 11, 2024 - P.3d - 2024 WL 3367145 - 2024 UT 21**

Nonprofit nonpartisan voter advocacy group brought suit against the Utah State Legislature and other state entities and officers, alleging inter alia that the Legislature violated the Utah Constitution when it repealed and replaced initiative enacted by voters aimed at ending partisan gerrymandering and its resulting map of Congressional districts, and that the Legislature's replacement map was likewise unconstitutional.

The Third District Court, Salt Lake County granted defendants' motion to dismiss the claim regarding the initiative's repeal and replacement, and denied defendants' motion to dismiss the claims regarding the replacement map.

The Supreme Court granted the parties' cross-petitions for interlocutory appeal.

The Supreme Court held that:

- As a matter of first impression, Utahns' exercise of their right to reform government through citizen initiative is protected from government infringement;
- As a matter of first impression, to prove that legislative action violated the people's right to reform the government through initiative requires two elements: (1) that the people exercised their initiative power to implement government reforms; and (2) the legislature infringed the exercise of these rights;
- As a matter of first impression, legislative action that impairs the people's right to reform the government is unconstitutional unless narrowly tailored to advance a compelling government interest;
- Legislature did not have unlimited authority to amend or repeal citizen initiative; abrogating *Carter v. Lehi City*, 269 P.3d 141;
- Advocacy group's challenge implicated enforceable rights under the Initiative Provision;
- Advocacy group brought a legally cognizable claim on which relief could be granted;
- Legislature's repeal and replacement of legislation enacted through initiative was not an exercise of the people's constitutional right to alter or reform the government; and
- Strict scrutiny was the appropriate level of review for advocacy group's claim.