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*Attorneys for Plaintiffs BABE VOTE
and League of Women Voters of Idaho*

** Pro hac vice applications forthcoming*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

BABE VOTE and LEAGUE OF WOMEN
VOTERS OF IDAHO,

Plaintiffs,

v.

PHIL MCGRANE, in his official capacity as
Secretary of State,

Defendant.

Case No. CV01-23-04534

**AMENDED COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF**

INTRODUCTION

1. In the wake of dramatically increased young voter participation in the 2020 and 2022 elections, which was credited for helping Democratic candidates achieve victories nationwide, the Idaho legislature passed—on strictly partisan lines—a law targeting young voters and making it harder for them to vote by eliminating the long-standing use of student IDs at the polls. There is no legitimate justification for this restriction, much less any sufficiently weighty state interest to justify its burden on the fundamental right to vote. The Court should invalidate the new restriction, described further below, as violative of multiple provisions of the Idaho Constitution.

2. On March 9, 2023, the legislature passed, and on March 15, the governor signed into law, a surgical attack on Idaho’s youngest voters: House Bill 124 (“HB 124”) eliminates the use of student ID cards—and only student IDs—for voting. HB 124 amends Idaho’s voter ID laws that for more than a decade had permitted student voters to use a current student photo ID card issued by an Idaho high school or accredited institution of higher education to vote. Under HB 124, an Idaho high school or higher education ID can no longer be used to vote at the polls.

3. The proponents of HB 124 justified its restriction on the franchise with vague allusions to election integrity, claiming that student IDs are a source of voter fraud. But they unearthed no evidence of any voter fraud in Idaho associated with the use of student IDs. In fact, the Secretary of State admitted in testimony to the legislature that he was unaware of any such fraud.

4. Making matters worse, on March 28, 2023, the legislature passed, and on April 6, 2023, the governor signed into law, another surgical attack on Idaho’s youngest voters: House Bill 340 (“HB 340”) imposes unnecessary restrictions on voter registration requirements. HB 340

amends Idaho's voter registration laws to limit the valid forms of personal ID and proof of residency and expressly eliminates the use of student IDs for registration. Under HB 340, a new resident of Idaho will face barriers registering to vote.

5. HB 124 and HB 340 were not driven by any legitimate or credible concerns about the "integrity" of the state's elections. Instead, they are part of a broader effort to roll back voting rights, particularly for young voters, by weaponizing imaginary threats to election integrity stoked by false accusations of election fraud orchestrated by those who sought (and still seek) to overturn the results of the 2020 presidential election.

6. Because the legislature's pretextual justifications are insufficient to justify the burdens that HB 124 and HB 340 impose on Idaho voters (and particularly on young voters, housing insecure voters, houseless voters, and voters with disabilities.), HB 124 and HB 340 violate, and should be held invalid pursuant to, the Idaho Constitution's guarantees of the right to vote, equal protection, and due process.

PARTIES

7. Plaintiff BABE VOTE is a nonpartisan, nonprofit organization with a forthcoming application for tax exempt status under section 501(c)(4) of the Internal Revenue Code.

8. BABE VOTE's mission is to encourage people, specifically young people, to register to vote and vote. BABE VOTE specifically focuses on engaging young people in their local, state, and federal voting process. To achieve its mission, BABE VOTE conducts voter registration drives at high schools, colleges and community events. BABE VOTE volunteers also organize students and other young people to knock on doors to remind people to vote leading up to and during elections. BABE VOTE provides educational materials to students who wish to table at their schools to provide voting information and to help students register to vote. In addition, BABE VOTE conducts testimony training for students of all ages who wish to testify in front of

legislative committees to defend voting rights and advocate for increased access to voting. BABE VOTE also educates students, young adults and community members about voting rights and facilitates voting through non-partisan voter information efforts. BABE VOTE engages heavily in voter education and training efforts and devotes substantial time, effort, and resources to achieve its mission of encouraging young and marginalized people to register to vote, vote and participate in their governance. BABE VOTE works to expand informed access to voting for legally eligible young and marginalized citizens. Recognizing that young people will inherit the consequences of political policy, BABE VOTE focuses on, but is not limited to, increasing voter participation among legally eligible 18-34 year olds. Additionally, BABE VOTE teaches people who are too young to vote how to help legally-eligible voters register and vote and teaches young constituents how to directly participate in their governance. In these efforts, BABE VOTE encounters legally-eligible voters who have no form of legal identification other than their Student IDs.

9. HB 124 and HB 340 impede BABE VOTE's mission. By making it harder for young voters to register and vote, HB 124 and HB 340 limit the effectiveness of BABE VOTE's get out the vote efforts and make it more difficult for BABE VOTE to achieve its mission of ensuring all eligible young voters in Idaho successfully vote. As a result of HB 124 and HB 340, BABE VOTE will be forced to divert scarce resources, including volunteers and funds, away from existing registration and engagement efforts toward re-educating voters and volunteers about the available options for voter ID at the polls and registration and helping voters navigate the burdens HB 124 and HB 340 impose to ensure they can access the franchise. Eliminating Student IDs for voting and registration impedes BABE VOTE's efforts to expand the electorate and disenfranchises legally-eligible voters.

10. BABE VOTE's members include students at Idaho high schools, colleges, and universities who possess student IDs from those educational institutions and who, as a result of HB 340 and HB 124, will be unable to use such identification cards to register and vote in Idaho elections.

11. Plaintiff The League of Women Voters of Idaho (the "League") is a nonpartisan, nonprofit membership organization formed under section 501(c)(4) of the Internal Revenue Code that encourages informed and active participation in the political process as part of its mission.

12. To achieve its mission, the League devotes substantial time, effort, and resources to helping Idaho voters ensure their ballots are properly cast and counted. Among other activities, the League educates citizens about voting rights and the electoral processes and facilitates voting through voter registration activities and non-partisan voter information efforts. The League engages heavily in voter education and training efforts and devotes substantial time, effort, and resources to achieve its mission of ensuring the lawful voters are able to successfully access the franchise, and practice self-governance, by making their preferences known through the ballot box. Central to the League's mission is expanding informed voter access and ensuring that all eligible citizens are fully enfranchised and able to exercise their right to vote. The League seeks to increase voter participation and make elections more free, fair, and accessible for all Idahoans, regardless of race, age, and disability status.

13. For more than 75 years, the League has served the voters of Idaho, including comprehensive programs involving students and other youth designed to encourage their early and ongoing participation in voting. Activities have included: conducting mock elections in grades 9-12, hosting on-campus voter registration in high schools and all public colleges and universities, providing high school scholarships, co-sponsoring candidate forums, funding student

memberships, and providing voting information and resources to BABE VOTE, on-campus student groups, and new and young citizens.

14. HB 124 and HB 340 impede the League's mission. By making it harder for young people to register and vote, HB 124 and HB 340 impede the League's mission of increasing voter turnout and making elections more free, fair, and accessible to Idahoans regardless of age. HB 340 also impedes the League's mission by making registration harder for voters who are housing insecure, who are houseless, and who have disabilities. Altering the proof of residency requirements in this manner will disproportionately affect these populations. This will force the League to divert resources toward re-training its volunteers, which includes spending money and time updating training materials and literature. The League will also have to spend significant time and money re-educating voters about HB 124 and HB 340. These efforts must occur in the coming months because of the time it takes to create and distribute training materials, as well as develop training, in time for the next election.

15. Defendant Phil McGrane, the Secretary of State, is Idaho's chief election officer and is responsible for obtaining and maintaining uniformity in the application, operation, and interpretation of election laws. Idaho Code § 34-201. In carrying out these responsibilities, Secretary McGrane has the duty of preparing and delivering to election administrators written directives and instructions relating to election law. *Id.* § 34-202. Secretary McGrane is named as a Defendant solely in his official capacity.

JURISDICTION AND VENUE

16. Plaintiffs bring this action under the Idaho Constitution. As a court of general jurisdiction, this Court has authority to hear these claims. *Id.* § 1-705.

17. This Court has jurisdiction to enter declaratory relief under Idaho Code § 10-1201. It also has jurisdiction to enter injunctive relief. *See* Idaho R. Civ. P. 65.

18. Venue is proper in this Court, as the legislature passed HB 124 in Ada County. *See* Idaho Code § 5-402(2).

FACTUAL ALLEGATIONS

19. Young voters have long voted at lower rates than older Americans, but that has begun to change recently, especially in Idaho. In 2016, only 38% of Idahoans aged 18 to 29 cast ballots in the general election, but in 2020, that number jumped by more than 25%, and nearly half of young voters voted. Registration also spiked in recent years among younger voters, particularly among the youngest eligible Idahoans. Registration among Idahoans aged 18 to 24 increased 16% from 2018-2022—among the top ten increases in the country—and it increased 81% among Idahoans aged 18 to 19, by far the biggest jump among all states.

20. Increases in young voter participation in Idaho mirror similar increases nationwide. In the 2020 and 2022 elections, young voters turned out at historic or near-historic rates. *E.g.*, *Election Week 2020: Young People Increase Turnout, Lead Biden to Victory*, TUFTS U.: CTR.FOR INFO. & RESEARCH ON CIVIC LEARNING & ENGAGEMENT (Nov. 25, 2020), <https://circle.tufts.edu/latest-research/election-week-2020#youth-voter-turnout-increased-in-2020>; Michelle Ye Hee Lee, *Youth voter turnout in Georgia runoffs shows signs of sustained enthusiasm post-November*, WASH. POST (Dec. 30, 2020), https://www.washingtonpost.com/politics/georgia-runoff-youth-vote/2020/12/30/8104720c-4605-11eb-b0e4-0f182923a025_story.html; Ashley Lopez, *Turnout among young voters was the second highest for a midterm in the past 30 years*, NPR (Nov. 10, 2022), <https://www.npr.org/2022/11/10/1135810302/turnout-among-young-voters-was-the-second-highest-for-a-midterm-in-past-30-years>.

21. But rather than celebrate this surge in voter participation, Republican-controlled legislatures across the country have used the false specter of voter fraud to make it harder for

young people to vote. In Montana, for example, the legislature passed a bill downgrading student IDs from primary identification at the polls—a law struck down as unconstitutional under the Montana Constitution’s equal protection guarantees in 2022. *Montana Democratic Party v. Jacobsen*, No. DV 21-0451, 2022 WL 16735253, at *36, 44-48, 77-78 (Mont. Dist. Ct. Sept. 30, 2022). And Texas imposed strict residency requirements on voters, a move held to unlawfully burden college students.¹ *Texas State LULAC v. Elfant*, Cause No. 1:21-CV-546-LY, 2022 WL 14803780, at *12 (Sept. 21, 2022). These recent efforts are consistent with long-standing strategies to discourage student voting or to exclude students from what Republican lawmakers define as the “legitimate” electorate. Richard G. Niemi et al., *Where Can College Students Vote? A Legal and Empirical Perspective*. 8 ELECTION L.J. 327 (2009).

22. Regrettably, Idaho has now joined this list. The Idaho legislature reacted to increased young voter turnout and engagement by making it harder for young voters to vote, passing HB 124 to eliminate the use of student IDs at the polls and HB 340 to limit the ability of students who moved from other states to attend school to register to vote. Neither bill is necessary to secure voting in Idaho, which already imposes safeguards that have successfully operated for decades to prevent voter fraud, and both were passed despite the lack of any evidence of problems with using student IDs to register or vote.

23. Idaho has required some form of voter ID for in-person voting since 2010, but the law as it existed for more than a decade (until HB 124) allowed voters to present a photo ID issued by an Idaho high school or accredited institutions of higher education.

¹ The case was overturned on appeal on standing grounds. *Texas State LULAC v. Elfant*, 52 F.4th 248 (5th Cir. 2022).

24. With HB 124, the legislature abruptly reversed course, suddenly eliminating the ability to use student IDs to vote.

25. Idaho for years has allowed eligible residents to provide a variety of different forms of identification, including student IDs, for registration.

26. With HB 340, the legislature abruptly reversed course, eliminating the ability to use student IDs to register and requiring instead one of only four specified forms of identification.

1. Idaho's prior voter ID and voter registration regime did not lead to voter fraud.

27. Idaho has had a voter ID law since 2010. Before HB 124, voters could prove their identity and vote in person by presenting one of the following forms of identification:

- (1) An Idaho driver's license or identification card issued by the Idaho transportation department;
- (2) A passport or an identification card, including a photograph, issued by an agency of the United States government;
- (3) a tribal identification card, including a photograph;
- (4) A current student identification card, including a photograph, issued by a high school or an accredited institution of higher education, including a university, college or technical school, located within the state of Idaho; or
- (5) A license to carry concealed weapons issued under section 18-3302, Idaho Code, or an enhanced license to carry concealed weapons issued under section 18-3302K, Idaho Code.

Idaho Code § 34-1113 (2017).²

28. Before HB 340, would-be voters in Idaho could show a student ID in connection with registering to vote on election day. Idaho Code § 34-408A (2016). Voters registering in person before election day were not required to show any identification, Idaho Code § 34-407, and voters

² The voter ID law was initially passed in 2010. The initial law permitted voters to use all of the above categories of identification at the polls, with the exception of concealed carry permits, which were added as an approved form of voter ID in 2017. *Id.* § 34-1113 (2010); *id.* § 34-1113 (2017).

and registering by mail could show “current and valid photo identification.” Idaho Code § 34-410 (2003).

29. HB 340 changed all that, requiring that registrants show one of only four particular forms of photo ID:

- (a) A current driver’s license or identification card issued pursuant to title 49, Idaho Code;
- (b) A current passport or other identification card issued by an agency of the United States government;
- (c) A current tribal identification card; or
- (d) A current license or enhanced license to carry concealed weapons issued under section 18-3302, Idaho Code, or section 18-3302K, Idaho Code.

2023 Idaho H.B. 340 § 5.

30. Moreover, unless a voter has one of three forms of photo ID—a driver’s license or state ID card, tribal ID card, or concealed carry license—that displays their “current Idaho physical address” they must also show another document for proof of residency:

- (ii) A current proof of insurance;
- (iii) A deed of trust, mortgage, or lease or rental agreement;
- (iv) A property tax assessment, bill, or receipt;
- (v) A utility bill, excluding a cellular telephone bill;
- (vi) A bank or credit card statement;
- (vii) A paystub, paycheck, or government-issued check;
- (viii) An intake document from a residential care or assisted living facility licensed pursuant to the provisions of chapter 33, title 39, Idaho Code;

(ix) Enrollment papers issued for the current school year by a high school or an accredited institution of higher education located within the state of Idaho; or

(x) A communication on letterhead from a public or private social service agency registered with the secretary of state verifying the applicant is homeless and attesting to the applicant's residence for registration purposes.

2023 Idaho H.B. 340 § 5.

31. In elections under these longstanding registration and voter ID regimes, voter fraud in Idaho was virtually non-existent because Idaho's existing fraud prevention measures are sufficiently protective. As the Secretary admitted during legislative hearings, voter fraud in general is exceedingly rare in Idaho, and there have been no instances of voter fraud linked to the use of student IDs to vote in Idaho. Indeed, the Heritage Foundation's database of voter fraud lists only 6 instances of voter fraud in Idaho between 2010 and 2023, and none of those instances appear related to the use of student IDs to vote.

32. Yet through HB 124, the legislature imposed more stringent voting ID requirements that make voting less accessible and more difficult for young voters and specifically for Idaho students whose school IDs are no longer sufficient for voting.

33. Likewise, through HB 340, the legislature imposed ID requirements for registering to vote that will make registration harder, particularly for students whose school IDs are no longer sufficient for registration and for new residents of Idaho.

2. HB 124 burdens young voters.

34. Young voters want to be involved in their democracy more than ever, as shown by the national surge in participation and increased youth voter registration in Idaho. These voters have been able to use their student IDs to vote at the polls in Idaho for more than a decade. *Id.* § 34-1113 (2010).

35. HB 124 removed the option for voters to use their student IDs. *Id.* § 34-1113. Now, voters can vote in person only if they can present an Idaho drivers' license or ID card, a U.S. passport or other identification issued by a federal agency, a tribal photo ID, or a concealed carry permit. *Id.*

36. Notably, each of the now-permissible forms of voter ID cost the ID holder money to obtain; upon information and belief, student IDs were the only form of free photo ID that could be used to vote at the polls. And even though HB 340 includes a provision to create no-fee voter ID, it does not apply to everybody: voters who have or previously had, within the last six months, a current driver's license are ineligible, as are individuals under the age of 18. As a result, new residents of Idaho with driver's licenses from other states—which, under HB 124, cannot be used at the polls—may be unable to access the no-fee state ID. The limitation of the no-fee voter ID makes little sense in light of the proof of residency requirement and is unjustified and serves no purpose other than to make it more difficult for people who have moved to Idaho from other states to register to vote.

37. Young people may face higher barriers to obtaining the forms of voter ID that remain permissible after HB 124. For example, young voters without access to vehicles may have little reason to obtain a driver's license and may lack either the funds or time required to obtain a license or an appropriate person in their life to assist them in obtaining the required supervised driving hours necessary to obtain a license. Moreover, young people across the country are getting their driver's licenses at lower rates than previous generations. Shannon Osaka, *'I'll Call an Uber or 911': Why Gen Z doesn't want to drive*, Wash. Post (Feb. 13, 2023), <https://www.washingtonpost.com/climate-solutions/2023/02/13/gen-z-driving-less-uber/>. And

students attending Idaho universities from other states who have drivers' licenses are more likely to have an out-of-state license, a form of ID not permitted for voting in Idaho.

38. Likewise, young people without the intent or resources to travel internationally are less likely to obtain passports. In 2022, less than half of the U.S. population possessed a valid passport. *Compare Reports and Statistics*, U.S. Dep't of State, <https://travel.state.gov/content/travel/en/about-us/reports-and-statistics.html> (last visited Feb. 23, 2023) (listing the number of valid U.S. passports in circulation as approximately 150 million) *with U.S. Population Estimated at 332,403,650 on Jan. 1, 2022*, U.S. Dep't of Commerce (Jan. 6, 2022), <https://www.commerce.gov/news/blog/2022/01/us-population-estimated-332403650-jan-1-2022> (noting that U.S. population in January 2022 was 332,403,650 people).

39. Voters who are not members of tribes cannot obtain tribal IDs, and those who do not wish to carry a firearm have no reason to obtain a concealed carry permit. And in any event, as with driver's licenses, young people may lack the necessary funds to obtain these forms of ID.

40. Overall, HB 124 will only make it more difficult for Idahoans and particularly young voters to cast their ballots, which, based on the forms of ID targeted and the absence of any associated voter fraud, appears to be precisely the reason behind the voter ID restriction.

3. HB 340 burdens young people and other communities, such those experiencing housing insecurity, houseless people, people with disabilities, rural communities, tribal communities, and other racial and ethnic minority communities.

41. HB 340 fundamentally changed the requirements for registering to vote in Idaho by requiring that all new voters show one of a limited number of forms of photo ID. And it particularly made it harder for certain groups disfavored by the legislative majority—young voters and new Idaho residents.

42. HB 340 particularly affects college students coming from other states to attend school in Idaho. The no-fee ID created by the bill is available only to those voters who do not have *any* current driver’s license within the last six months—excluding college students who attend school in Idaho but who still have valid driver’s licenses from their prior home state and leaving those without other qualifying forms of ID with no way to register to vote. 2023 Idaho H.B. 340 § 8. Although this potentially affects all recent Idaho transplants, the bill’s Statement of Purpose indicates that the no-fee ID is expressly intended to be an “alternative” to student IDs, suggesting that excluding individuals with out of state driver’s licenses from eligibility for HB 340’s no-fee ID was meant to target out of state students attending college or university in Idaho. 2023 Idaho H.B. 340, Statement of Purpose.

43. HB 340’s limits on the forms of acceptable proof of identity and residency will also disproportionately affect communities who already lack access to government-issued ID because some in these communities cannot afford or do not have access to the necessary documents to request the ID. This disproportionate effect will inevitably be borne by those experiencing housing insecurity, houseless people, people with disabilities, rural communities, tribal communities, and other racial and ethnic minority communities.

4. HB 124 and HB 340’s burdens are not justified by any state interest sufficient to outweigh the injury they impose on voting rights.

44. In support of HB 124, the bill’s chief sponsor, Representative Lambert, claimed that student IDs are not secure and that eliminating their use as a voter ID is necessary to protect the integrity of Idaho’s elections and prevent voter fraud—a nod to false accusations of voter fraud and ongoing misinformation campaigns to undermine the results of the 2020 presidential election.

45. In truth, the 2020 presidential election—and the 2022 midterm election—were highly secure, and HB 124 and HB 340 will do nothing to make Idaho’s elections any more secure.

Idaho students have used student IDs to vote since 2010. Idaho Code § 34-1113 (2010). In that time, existing protections against voter fraud have been entirely effective at preventing any instances of known voter fraud related to the use of student IDs, as the Secretary himself admitted.

46. Indeed, even the bill’s primary sponsor could speak to only hypothetical concerns about voter fraud when introducing HB 54, an earlier version of HB 124 that also would have eliminated the use of student IDs to vote. Representative Lambert gave no specific examples of any instances of fraud linked to student IDs—and nor could she, given the absence of any such fraud—and merely said that unidentified and unspecified “constituents” have expressed “concern[] that students, maybe from a state like Washington or Oregon where they vote by mail, may come over here with their student ID and vote in person and then fill out their ballot in another state, thereby voting twice.” No known instances of such fraud have occurred in Idaho, and existing laws already make such conduct illegal.

47. Given the absence of voter fraud, and particularly voter fraud linked to the use of student IDs, the legislature’s reliance on false accusations of fraud is suspect. The legislation is premised on the notion that the use of student IDs to vote constitutes a source of election fraud, but the Secretary himself admits that there have been *no* instances of voter fraud connected to the use of student IDs. So HB 124 and HB 340 cannot serve their claimed purposes. But they will have an entirely predictable—and very likely intended—consequence: it will become harder for Idaho voters, particularly young voters, to exercise their most fundamental right.

CLAIMS FOR RELIEF

COUNT I

Idaho Constitution, Article I, § 2

Equal Protection Violations, Discrimination Based on Age

48. Plaintiffs reallege and reincorporate by reference all prior paragraphs and the paragraphs in the counts below as though fully set forth herein.

49. Article I, § 2 of the Idaho Constitution guarantees Idahoans equal protection under the law.

50. HB 124 violates the Equal Protection Clause by imposing heightened and unequal burdens on the fundamental right to vote, particularly for Idaho's youngest voters.

51. HB 340 violates the Equal Protection Clause by imposing heightened and unequal burdens on the fundamental right to vote, particularly for Idaho's youngest voters, including out of state students residing in Idaho to attend college or university who are eligible to vote in Idaho.

52. HB 124 and HB 340's prohibitions on the use of student ID cards—a form of ID which had been accepted for years without resulting in a single known instance of fraud—will disproportionately and disparately abridge the right to vote of young Idaho voters by making it more difficult for them to participate in our democracy.

53. Indeed, that was the legislature's intent. The Idaho legislature was fully aware of the heightened burdens HB 124 and HB 340 impose on young voters: it heard from multiple student voters and advocacy organizations that HB 124 and HB 340 would impose barriers on the franchise for young voters. The legislature passed the bill anyway, in direct contravention to Idaho's equal protection guarantees.

54. The Secretary cannot show that HB 124 or HB 340 advances a compelling or even legitimate state interest or that the prohibition on student IDs is the least onerous path the state can take to ensure electoral integrity—to the extent the Secretary maintains that electoral integrity was the motivating purpose behind HB 124 and HB 340. To the contrary, there is no evidence of any kind of voter fraud perpetuated by young voters using their student IDs to vote in Idaho.

55. For these reasons, HB 124 and HB 340 violate young Idahoans' constitutional right to equal protection under the law.

COUNT II
Idaho Constitution, Article I, § 19
Undue Burden on the Right of Suffrage

56. Plaintiffs reallege and reincorporate by reference all prior paragraphs and the paragraphs in the counts below as though fully set forth herein.

57. The right to vote is a fundamental right, under the Idaho Constitution, one “we hold dear in Idaho.” *Simpson v. Cenarrusa*, 130 Idaho 609, 615, 944 P.2d 1372, 1378 (1997) (Silak, J., concurring). Indeed, the Idaho Constitution “expressly guarantees the right of suffrage.” *Van Valkenburgh v. Citizens for Term Limits*, 135 Idaho 121, 126, 15 P.3d 1129, 1134 (2000). And it “provides protections for the right of suffrage in two places. First, Article I, § 19 of the Idaho Constitution provides, ‘[n]o power, civil or military shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.’ Additionally, all of Article VI of the Idaho Constitution is dedicated to suffrage and elections.” *Id.*

58. HB 124’s exclusion of photo ID cards issued by Idaho high schools and higher education institutions as acceptable forms of voter ID burdens the right to vote, particularly for young voters.

59. HB 124 is not necessary to promote any state interest, let alone a compelling one; accepting photo ID cards from Idaho high schools and higher education institutions has not resulted in a *single* known instance of voter fraud.

60. HB 340’s limitations on the forms of ID and residency for voter registration burdens the right to vote, particular for young voters and out of state students residing in Idaho to attend college or university and who are eligible to vote in Idaho.

61. HB 340 is not necessary to promote any state interest, let alone a compelling one.

62. HB 124 and HB 340 therefore unconstitutionally violate the right to suffrage under the Idaho Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment:

- A. Declaring that HB 124 violates the Idaho Constitution;
- B. Declaring that HB 340 violates the Idaho Constitution;
- C. Permanently enjoining the Secretary and his agents, officers, employees, successors, and all persons acting in concert with each or any of them, from enforcing HB 124;
- D. Permanently enjoining the Secretary and his agents, officers, employees, successors, and all persons acting in concert with each or any of them, from enforcing HB 340; and
- E. Granting Plaintiffs such other and further relief that the Court deems necessary and proper.

DATED: April 26, 2023.

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** Pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2023, 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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