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**Admitted Pro Hac Vice*

**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

LEAGUE OF WOMEN VOTERS OF UTAH,
MORMON WOMEN FOR ETHICAL
GOVERNMENT, STEFANIE CONDIE,
MALCOLM REID, VICTORIA REID,
WENDY MARTIN, ELEANOR
SUNDWALL, and JACK MARKMAN,

Plaintiffs,
v.

UTAH STATE LEGISLATURE, UTAH
LEGISLATIVE REDISTRICTING
COMMITTEE; SENATOR SCOTT
SANDALL, in his official capacity;
REPRESENTATIVE MIKE SCHULTZ, in his
official capacity; SENATOR J. STUART
ADAMS, in his official capacity; and
LIEUTENANT GOVERNOR DEIDRE
HENDERSON, in her official capacity,

Defendants.

**PLAINTIFFS' FOURTH
SUPPLEMENTAL COMPLAINT**

Case No. 220901712

Honorable Dianna Gibson

Pursuant to Rule 15(d) of the Utah Rules of Civil Procedure, Plaintiffs file this Fourth Supplemental Complaint against Defendant Lt. Gov. Henderson setting forth events that occurred after the filing of this action and pleading additional claims based on those events. This Fourth Supplemental Complaint is filed in addition to, not in replacement of, Plaintiffs’ First Amended Complaint and Plaintiffs’ First, Second, or Third Supplemental Complaints. Plaintiffs allege as follows:

INTRODUCTION

1. On October 14, 2025, six individuals—Utah Attorney General Derek Brown, former Congressman Rob Bishop, Brad Bonham, Cody Stewart, Carolyn Phippen, and Rob Axson—filed an application with Lieutenant Governor Henderson to gather signatures for an “indirect initiative” to be submitted to the Legislature to repeal Proposition 4.¹

2. In a television interview with ABC 4, Mr. Axson, who chairs Utah’s Republican Party, said “[i]t’s the process that [the courts] wanted us to go by, we will go by their process, we will play the games that the state Supreme Court and now our judiciary wants us to engage in. We’re up to the challenge, and the people of Utah will weigh in.”

3. Utahns’ constitutional right to have Proposition 4 implemented and to end gerrymandering is not a “game,” and this latest effort to undo their governmental reform is as unconstitutional as the prior efforts.

4. As this Court ruled on August 25, 2025, following the Utah Supreme Court’s July 2024 decision, the People exercised their constitutional right to alter and reform their government

¹ See Utah Lt. Gov, Statewide Initiative and Referendum Information, Repeal of Independent Redistricting Commission Initiative, <https://vote.utah.gov/wp-content/uploads/2025/10/Repeal-of-Independent-Redistricting-Commission-Initiative.pdf>.

by adopting Proposition 4 by majority vote in 2018, and the Legislature violated their constitutional rights by repealing it via S.B. 200.

5. Two constitutional rights were at play: (1) the People's Article I, Section 2 right to alter or reform their government, and (2) their Article VI, Section 1 right to "initiate any desired legislation and cause it to be submitted to the people for adoption upon a majority vote of those voting."

6. While the Constitution creates just one form of initiative—legislation adopted by the People by majority vote of those voting—the Legislature has also enacted by statute a second form—the "indirect initiative."

7. Under the "indirect initiative," a law is proposed to the Legislature, rather than the People, for adoption. This statutory form of initiative stands in contrast to the Constitution's initiative right, which involves a law adopted by the People by majority vote.

8. The legislatively-created indirect initiative requires half as many signatures (4% of active voters) to be referred to the Legislature as the constitutionally-created initiative to be referred to the People (8% of active voters).

9. But an indirect initiative, which is solely statutory in nature, cannot request that the Legislature enact an unconstitutional law.

10. The Legislature cannot repeal Proposition 4 absent a compelling justification advanced by narrowly tailored means. The People's constitutional right to alter or reform their government via the *Constitution's* initiative process—a majority vote of the People—likewise cannot be infringed by the Legislature through the statutory "indirect initiative" process.

11. A statutory procedure cannot subvert the People's constitutional rights. Four percent of the public, together with the Legislature, cannot repeal a government reform initiative

adopted by majority vote pursuant to the People's fundamental Article I Section 2 and Article VI Section 1 constitutional rights. A small minority of voters cannot permit the Legislature, using a statutory mechanism, to violate the constitutional rights of a majority of Utah voters who enacted Proposition 4.

12. Under Utah law, "[t]he Lieutenant Governor *shall reject* an initiative application . . . and not issue signature sheets if [] the proposed law [] is unconstitutional." Utah Code § 20A-7-202(5) (emphasis added). Because the Legislature may not enact pursuant to "indirect initiative" that which the Constitution forbids it from otherwise enacting, the Lieutenant Governor must be enjoined from approving the application, issuing signature sheets, and/or submitting the measure to the Legislature. If the Lieutenant Governor were to interpret the indirect initiative statutes as permitting the acceptance of the pending application, that action would be premised on an interpretation that, as applied, violates Plaintiffs' Article I, Section 2 and Article VI, Section 1 rights.

PARTIES

13. The League of Women Voters of Utah ("LWVUT") has members who are registered voters in the State of Utah and who will vote in future elections.

14. LWVUT's membership includes Utah registered voters who voted for and support Proposition 4.

15. LWVUT and its membership are harmed by the proposed indirect initiative to repeal Proposition 4. The proposal would violate their right to alter and reform their government via the Constitution's initiative process by replacing the will of a majority of Utah Voters, including LWVUT's members, with the will of just 4% of voters plus a majority of the Legislature. Acceptance of the pending application by the Lieutenant Governor, issuance of the signature pages, and submission of the measure to the Legislature would be premised on an interpretation of the

indirect initiative statute that, as applied, violates Plaintiffs' Article I, Section 2 and Article VI, Section 1 rights and thus causes imminent, concrete, and particularized harm traceable to the Lieutenant Governor's dispensation of the pending application.

16. LWVUT has standing on its own behalf and on behalf of its members, who, on their own, would have standing to seek an injunction preventing the acceptance of the indirect initiative application, issuance of signature sheets, and/or submission of the measure to the Legislature.

17. Mormon Women for Ethical Government ("MWEG") has members who are registered voters in the State of Utah and who will vote in future elections.

18. MWEG's membership includes Utah registered voters who voted for and support Proposition 4.

19. MWEG and its membership are harmed by the proposed indirect initiative to repeal Proposition 4. The proposal would violate their right to alter and reform their government via the Constitution's initiative process by replacing the will of a majority of Utah Voters, including MWEG's members, with the will of just 4% of voters plus a majority of the Legislature. Acceptance of the pending application by the Lieutenant Governor, issuance of the signature pages, and submission of the measure to the Legislature would be premised on an interpretation of the indirect initiative statute that, as applied, violates Plaintiffs' Article I Section 2 and Article VI, Section 1 rights and thus causes imminent, concrete, and particularized harm traceable to the Lieutenant Governor's dispensation of the pending application.

20. MWEG has standing on its own behalf and on behalf of its members, who, on their own, would have standing to seek an injunction preventing the acceptance of the indirect initiative application and issuance of signature sheets.

21. Plaintiff Stefanie Condie is a registered voter who supports Proposition 4 and intends to vote in future Utah elections.

22. Plaintiff Condie will be injured by the proposed indirect initiative to repeal Proposition 4. The proposal would violate her right to alter and reform the government via the Constitution's initiative process by replacing the will of a majority of Utah Voters with the will of just 4% of voters plus a majority of the Legislature. Acceptance of the pending application by the Lieutenant Governor, issuance of the signature pages, and submission of the measure to the Legislature would be premised on an interpretation of the indirect initiative statute that, as applied, violates Plaintiffs' Article I Section 2 and Article VI, Section 1 rights and thus causes imminent, concrete, and particularized harm traceable to the Lieutenant Governor's dispensation of the pending application.

23. Plaintiff Wendy Martin is a registered voter who supports Proposition 4 and intends to vote in future Utah elections.

24. Plaintiff Martin will be injured by the proposed indirect initiative to repeal Proposition 4. The proposal would violate her right to alter and reform the government via the Constitution's initiative process by replacing the will of a majority of Utah Voters with the will of just 4% of voters plus a majority of the Legislature. Acceptance of the pending application by the Lieutenant Governor, issuance of the signature pages, and submission of the measure to the Legislature would be premised on an interpretation of the indirect initiative statute that, as applied, violates Plaintiffs' Article I Section 2 and Article VI, Section 1 rights and thus causes imminent, concrete, and particularized harm traceable to the Lieutenant Governor's dispensation of the pending application.

25. Plaintiff Malcom Reid is a registered voter who supports Proposition 4 and intends to vote in future Utah elections.

26. Plaintiff Malcolm Reid will be injured by the proposed indirect initiative to repeal Proposition 4. The proposal would violate his right to alter and reform the government via the Constitution's initiative process by replacing the will of a majority of Utah Voters with the will of just 4% of voters plus a majority of the Legislature. Acceptance of the pending application by the Lieutenant Governor, issuance of the signature pages, and submission of the measure to the Legislature would be premised on an interpretation of the indirect initiative statute that, as applied, violates Plaintiffs' Article I Section 2 and Article VI, Section 1 rights and thus causes imminent, concrete, and particularized harm traceable to the Lieutenant Governor's dispensation of the pending application.

27. Plaintiff Victoria Reid is a registered voter who supports Proposition 4 and intends to vote in future Utah elections.

28. Plaintiff Victoria Reid will be injured by the proposed indirect initiative to repeal Proposition 4. The proposal would violate her right to alter and reform the government via the Constitution's initiative process by replacing the will of a majority of Utah Voters with the will of just 4% of voters plus a majority of the Legislature. Acceptance of the pending application by the Lieutenant Governor, issuance of the signature pages, and submission of the measure to the Legislature would be premised on an interpretation of the indirect initiative statute that, as applied, violates Plaintiffs' Article I Section 2 and Article VI, Section 1 rights and thus causes imminent, concrete, and particularized harm traceable to the Lieutenant Governor's dispensation of the pending application.

29. Plaintiff Jack Markman is a registered voter who supports Proposition 4 and intends to vote in future Utah elections.

30. Plaintiff Markman will be injured by the proposed indirect initiative to repeal Proposition 4. The proposal would violate his right to alter and reform the government via the Constitution's initiative process by replacing the will of a majority of Utah Voters with the will of just 4% of voters plus a majority of the Legislature. Acceptance of the pending application by the Lieutenant Governor, issuance of the signature pages, and submission of the measure to the Legislature would be premised on an interpretation of the indirect initiative statute that, as applied, violates Plaintiffs' Article I Section 2 and Article VI, Section 1 rights and thus causes imminent, concrete, and particularized harm traceable to the Lieutenant Governor's dispensation of the pending application.

31. Plaintiff Eleanor Sundwall is a registered voter who supports Proposition 4 and intends to vote in future Utah elections.

32. Plaintiff Sundwall will be injured by the proposed indirect initiative to repeal Proposition 4. The proposal would violate her right to alter and reform the government via the Constitution's initiative process by replacing the will of a majority of Utah Voters with the will of just 4% of voters plus a majority of the Legislature. Acceptance of the pending application by the Lieutenant Governor, issuance of the signature pages, and submission of the measure to the Legislature would be premised on an interpretation of the indirect initiative statute that, as applied, violates Plaintiffs' Article I Section 2 and Article VI, Section 1 rights and thus causes imminent, concrete, and particularized harm traceable to the Lieutenant Governor's dispensation of the pending application.

33. Defendant Lt. Governor Henderson, in her official capacity as Utah's Chief Election Officer, exercises direct authority "over the conduct of elections for . . . statewide or multicounty ballot propositions," Utah Code § 67-1a-2(2)(a)(ii), and has the obligation to receive and review applications for initiatives, including indirect initiatives seeking action by the Legislature, Utah Code §§ 20A-7-201 & -202. Specifically, Defendant Henderson has an obligation to reject any initiative application, and decline to issue signature sheets, if the proposed law is unconstitutional. Utah Code § 20A-7-202(5)(a)(i). The Lieutenant Governor receives verified initiative packets from the county clerks, Utah Code § 20A-7-206.1(3)(c), and is responsible for submitting them to the Legislature as part of the indirect initiative process, Utah Code § 20A-7-208(1).

SUPPLEMENTAL FACTUAL ALLEGATIONS

The Utah Supreme Court Reaffirms Utahns' Right to Alter or Reform Their Government via Initiative and the District Court Reinstates Proposition 4's Reforms

34. On July 11, 2024, the Utah Supreme Court remanded this case, with instructions to reinstate Count V of Plaintiffs' complaint, which asserts that the Legislature's repeal of Proposition 4 violated Plaintiffs' right to alter or reform their government under Article I, Section 2 and Article VI, Section 1 of the Utah Constitution. *LWVUT v. Utah State Legislature*, 2024 UT 21, 554 P.3d 872.

35. In its July 11 decision, the Supreme Court held that the people's right to alter or reform their government via citizen initiatives is protected from government infringement. *LWVUT*, 2024 UT 21, ¶¶ 8, 10-11. Specifically, the Court held that "government-reform initiatives are constitutionally protected from unfettered legislative amendment, repeal, or replacement," which "limits the Legislature's authority to amend or repeal the initiative." *Id.* ¶ 11.

36. The Court held that “[l]egislative changes that do impair the reforms enacted by the people” are subject to strict scrutiny and survive a constitutional challenge only if “the Legislature shows that they were narrowly tailored to advance a compelling government interest.” *Id.*

37. On August 25, 2025, the District Court found that in enacting Proposition 4, “the people exercised their initiative power to propose redistricting legislation within the alter or reform clause in the Utah Constitution.” Order Granting MSJ on Count V at 61.

38. The District Court further found that by replacing Proposition 4 with S.B. 200, the Legislature “infringed on the people’s exercise of their right to propose and enact legislation to alter or reform their government and impaired the core redistricting reform” of Proposition 4. *Id.*

39. The District Court found that the justifications offered by the Legislature for its impairment of Proposition 4 did not satisfy strict scrutiny and “fail[ed] to justify overriding the will of the people of Utah.” *Id.* at 62.

40. As a result of these findings, the District Court ruled that the Legislature’s repeal and replacement of Proposition 4 was void *ab initio* and that Proposition 4 “stands as the only valid law on redistricting.” *Id.* at 69.

Six Voters Apply to Gather Signatures for an Indirect Initiative to Repeal Proposition 4

41. On October 14, 2025, six voters filed an application with Lieutenant Governor Henderson to gather signatures for an “indirect initiative” seeking to repeal Proposition 4.

42. Rather than invoke their constitutional right to alter or reform their government under Article I, Section 2 via their Article VI, Section 1 right to pose an initiative to the people for adoption by majority vote, the proponents instead invoked their *statutory* ability to present a proposed law to the Legislature for enactment. *Compare* Utah Const. art. VI, § 1 (providing People the right to initiative legislation adopted by majority vote) *with* Utah Code § 20A-7-102(1)

(authorizing initiative that proposed legislation to the Legislature); *see also* Utah Code § 20A-7-201(1) and (2).

43. The Lieutenant Governor cannot approve an initiative application, issue signature sheets, or submit the measure to the Legislature for consideration if the proposed law is unconstitutional. *See* Utah Code § 20A-7-202(5)(a)(i).

44. Under Utah Code § 20A-7-201(1), once an initiative application is approved by the Lieutenant Governor and signature sheets are issued, proponents of an indirect initiative must gather signatures equal to 4% of active voters (as of January 1 preceding the last general election), meeting that threshold as well in at least 26 state senate districts. By contrast, proponents of an initiative submitted to the voters—the version created by the Constitution—must obtain signatures from 8% of active voters (likewise in at least 26 state senate districts).

45. The required number of signatures for the “indirect initiative” to the Legislature is 70,374. By contrast, Proposition 4 was approved by 512,218 voters in 2018.

46. Initiative packets for an indirect initiative seeking approval of a law by the Legislature must be submitted to county clerks for signature verification before 5 p.m. no later than November 15, 2025. *See* Utah Code § 20A-7-206.1(2). The Lieutenant Governor submits verified initiatives to the Legislature for consideration. *See* Utah Code § 20A-7-208(1).

CAUSES OF ACTION

Count XXII

***Violation of the Utah Constitution’s Alter or Reform Clause and Initiative Right – Article I,
Section 2 and Article XI, Section 1
(Against Defendant Lt. Gov. Henderson)***

47. Plaintiffs restate and incorporate by reference all allegations in this complaint as though fully set forth in this paragraph.

48. Article I, Section 2 protects Utahns' right to alter or reform their government. Article VI, Section 1 protects their right to do so by an initiative adopted by a majority of voters.

49. Proposition 4 was enacted pursuant to those constitutional rights with a core goal of ending partisan gerrymandering in Utah.

50. The Legislature had no compelling governmental interest advanced through narrowly tailored means for repealing Proposition 4 via S.B. 200. The Court has thus enjoined S.B. 200 as void *ab initio* and reinstated Proposition 4 as the governing law for redistricting in Utah.

51. The October 14, 2025, indirect initiative application submitted to the Lieutenant Governor proposes an unconstitutional law—the repeal of Proposition 4 by the Legislature in violation of Plaintiffs' Article I, Section 2 and Article VI, Section 1 rights.

52. The *statutorily-created* indirect initiative process does not provide a mechanism for the Legislature to infringe the People's *constitutional* right to alter or reform their government via an initiative passed by a majority of voters. A legislative repeal of such an initiative does not transform from unconstitutional to constitutional merely because it is supported by the signatures of 4% of voters through a process devised by the Legislature and not the Constitution.

53. Proponents of an indirect initiative cannot submit to the Legislature an unconstitutional proposed law. Were it otherwise, the legislatively created indirect initiative process would itself violate the People's Article I, Section 2 and Article VI, Section 1 powers.

54. Utah law recognizes as much. Under Utah Code § 20A-7-202(5)(a)(i), “[t]he lieutenant governor shall reject an initiative application . . . and not issue signature sheets if [] the proposed law [] is unconstitutional.”

55. Here, the proposed law is unconstitutional because it violates Plaintiffs' Article I, Section 2 and Article VI, Section 1 rights, for the same reasons this Court has already so concluded with respect to S.B. 200.

56. Acceptance of the application and issuance of the signature sheets would thus violate Plaintiffs' Article I, Section 2 and Article VI, Section 1 rights. It would construe the indirect initiative statutory scheme in a manner that, as applied, violates the People's Article I, Section 2 right to reform their government via an initiative adopted by the majority of voters under Article VI, Section 1.

RELIEF SOUGHT

For the foregoing reasons, and in addition to relief sought in Plaintiffs' First Amended Complaint, Plaintiffs request that this Court:

- a. Declare that the proposed indirect initiative violates Article I, Section 2 and Article VI, Section 1 of the Utah Constitution;
- b. Declare that a governmental action taken pursuant to the indirect initiative statutes to accept the application, issue the signature sheets, or submit the proposed measure to the Legislature would render the indirect initiative statutory scheme unconstitutional as applied as violative of Plaintiffs' Article I, Section 2 and Article VI, Section 1 rights in adopting Proposition 4;
- c. Preliminarily and permanently enjoin Defendant Henderson from approving the indirect initiative application, issuing signatures sheets in support thereof, and submitting the proposed measure to the Legislature;
- d. Retain jurisdiction of this action to render any further orders that this Court may deem appropriate;

- e. Award Plaintiffs their reasonable attorneys' fees and costs as available, including under Utah Code § 20A-19-301(5); and
- f. Grant such other and further relief as the Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 15th day of October 2025.

/s/ David C. Reymann

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