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

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

**NOTICE OF APPEAL**

**Supreme Court No. 51227-2023**

TO: THE ABOVE-NAMED DEFENDANT PHIL MCGRANE

COUNSEL OF RECORD FOR DEFENDANT PHIL MCGRANE:

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THE CLERK OF THE ABOVE-ENTITLED COURT

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellants BABE VOTE and League of Women Voters of Idaho hereby appeal against the above-named Respondent Phil McGrane to the Idaho Supreme Court from the Memorandum Decision and Order (“Order”) and Judgment (“Judgment”) entered in the above-entitled proceedings on the 2nd of October 2023, the Honorable Samuel A. Hoagland presiding.

2. Appellants have a right to appeal to the Idaho Supreme Court, and the Order and Judgment are appealable under and pursuant to Idaho Appellate Rule 11(a)(1). A true and correct copy of the Order is attached hereto as Exhibit A. A true and correct copy of the final Judgment entered in this matter on October 2, 2023 is attached hereto as Exhibit B.

3. Preliminary Statement of Issues on Appeal:

a. Whether the District Court erred in applying rational basis scrutiny to Plaintiffs’ claims.

b. Whether the District Court erred in granting Defendant’s Motion for Judgment on the Pleadings.

c. Whether the District Court erred in denying Plaintiffs’ Motion for Preliminary Injunction.

4. Appellants request preparation in electronic format only of the transcript from the August 4, 2023 hearing in this matter.

5. Appellants request the following documents be included in the Clerk’s record in addition to those automatically included under Idaho Appellate Rule 28:

a. May 8, 2023 Defendant’s Motion for Judgment on Pleadings and Summary Judgment;

- b. May 8, 2023 Memorandum in Support of Motion for Judgment on Pleadings and for Summary Judgment;
  - c. July 5, 2023 Plaintiffs' Opposition to Motion for Judgment on the Pleadings;
  - d. July 5, 2023 Declaration of Kevin J. Hamilton;
  - e. July 6, 2023 Plaintiff's Memorandum in Support of Motion for Preliminary Injunction;
  - f. July 6, 2023 Declaration of Kevin J. Hamilton;
  - g. July 6, 2023 Declaration of Michael C. Herron;
  - h. July 6, 2023 Declaration of Elizabeth "Betsy" McBride;
  - i. July 6, 2023 Declaration of Kendal Shaber;
  - j. July 6, 2023 Declaration of Yvonne "Sam" Sandmire;
  - k. July 28, 2023 Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction;
  - l. July 28, 2023 Declaration of Gabe Osterhout;
  - m. July 28, 2023 Declaration of Brian Goeke;
  - n. July 28, 2023 Declaration of Guillermo Velasco;
  - o. July 28, 2023 Defendant's Reply in Support of Defendant's Motion for Judgment on the Pleadings and Summary Judgment;
  - p. August 1, 2023 Plaintiffs' Reply in Support of Motion for Preliminary Injunction; and
  - q. August 1, 2023 Second Declaration of Kendal Shaber.
6. No order has been entered sealing all or a portion of the record or transcript in this matter.

7. I certify:

- a. That a copy of this Notice of Appeal has been served on the reporter of the

August 4, 2023 hearing at the address set out below:

Dean Willis

200 W. Front Street  
Boise, ID 83702  
Email: dwillis@adacounty.id.gov

- b. That the Clerk of the District Court has been paid the estimated fees for preparation of the reporter's transcript.
- c. That the estimated fees for preparation of the clerk's record have been paid to the Clerk of the District Court.
- d. That all appellate filing fees have been paid.
- e. That service has been made upon all parties required to be served pursuant to Idaho Appellate Rule 20.

DATED: October 12, 2023.

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By: 

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2023, I served 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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**PERKINS COIE LLP**

By: 

Matthew P. Gordon

*Attorneys for Plaintiffs BABE VOTE and  
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