

RAÚL R. LABRADOR
ATTORNEY GENERAL

JAMES E. M. CRAIG, ISB #6365
Acting Division Chief, Civil Litigation
and Constitutional Defense

JOSHUA N. TURNER, ISB #12193
Acting Solicitor General
GREGORY E. WOODARD, ISB #11329
Deputy Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-2400
Facsimile: (208) 854-8073
james.craig@ag.idaho.gov
josh.turner@ag.idaho.gov
greg.woodard@ag.idaho.gov

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

MARCH FOR OUR LIVES IDAHO and
IDAHO ALLIANCE FOR RETIRED
AMERICANS,

Plaintiffs,

v.

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

Defendant.

Case No. 1:23-cv-00107-CWD

ANSWER

INTRODUCTION

Defendant Phil McGrane, in his official capacity as Idaho Secretary of State answers the Second Amended Complaint of Plaintiffs March For Our Lives Idaho and Idaho Alliance for Retired Americans as follows:

GENERAL RESPONSE

Unless specifically admitted herein, Defendant denies each and every allegation, claim, and request for relief contained in the Complaint.

SPECIFIC RESPONSES

1. Defendant admits Governor Little signed HB 124 and HB 340. Defendant denies all other allegations in this paragraph.
2. Defendant denies the allegations in paragraph 2.
3. Defendant denies the allegations in paragraph 3.
4. Defendant denies that House Bill 340 imposes an unconstitutional poll tax. For the remaining allegations, Defendant avers that the statutes speak for themselves.
5. Defendant denies the allegations in paragraph 5. The challenged statutes speak for themselves.
6. Defendant lacks sufficient information to admit or deny the reasons why Plaintiffs bring this action, but denies that they are entitled to the requested relief.

JURISDICTION AND VENUE

7. Defendant lacks sufficient information to admit or deny the reasons why Plaintiffs bring this action, but denies that they are entitled to the requested relief.
8. Defendant denies the allegations in paragraph 8. Defendant affirmatively alleges that Plaintiff lacks standing and that the court thereby lacks jurisdiction.
9. Defendant denies the allegations in paragraph 9. Defendant affirmatively alleges that Plaintiff lacks standing and that the court thereby lacks jurisdiction.
10. Defendant denies that the Court has the authority to enter the requested relief because Plaintiffs are not entitled to the relief they request.

PARTIES

11. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 11 and therefore denies the same.
12. Defendant denies the allegations in paragraph 12.
13. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 13 and therefore denies the same.
14. Defendant denies the allegations in paragraph 14.
15. Defendant denies the allegations in paragraph 15.
16. Defendant denies that Secretary McGrane is a proper Defendant. Defendant admits that the cited code sections are accurately cited by Plaintiffs and that they speak for themselves. Defendant denies any remaining allegations in paragraph 16.

STATEMENT OF FACTS AND LAW

17. Defendant admits the allegations of paragraph 17.
18. Defendant neither admits nor denies the allegations in paragraph 18, but avers that Idaho law speaks for itself.
19. Defendant neither admits nor denies the allegations in paragraph 19, but avers that Idaho law speaks for itself.
20. Defendant denies that HB 340 “fundamentally changes these requirements”. Defendant neither admits nor denies the remaining allegations in paragraph 20, but avers that Idaho law speaks for itself.
21. Defendant neither admits nor denies the allegations in paragraph 21, but avers that Idaho law speaks for itself.
22. Defendant neither admits nor denies the allegations in paragraph 22, but avers that Idaho law speaks for itself.
23. Defendant neither admits nor denies the allegations in paragraph 23, but avers that Idaho law speaks for itself.
24. Defendant denies the allegations of paragraph 24.
25. Defendant neither admits nor denies the allegations in paragraph 25, but avers that Idaho law speaks for itself.
26. Defendant neither admits nor denies the allegations in paragraph 26, but avers that Idaho law speaks for itself. Defendant denies that HB 340 unlawfully discriminates.

27. Defendant denies the first sentence in paragraph 27. Defendant admits that House Bill 137 was introduced in the Idaho House of Representatives, and avers that the content of the bill speaks for itself.

28. Defendant admits that House Bill 137 failed in the House on March 21, 2023. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant denies that the speeches and motives of one or more legislators can be imputed to the entire House of Representatives.

29. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant denies that the speeches and motives of one or more legislators can be imputed to the entire House of Representatives.

30. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant denies that the speeches and motives of one or more legislators can be imputed to the entire House of Representatives.

31. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant denies that the speeches and motives of one or more legislators can be imputed to the entire House of Representatives.

32. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant denies that the speeches

and motives of one or more legislators can be imputed to the entire House of Representatives.

33. Defendant admits that House Bill 137 failed and that House Bill 340 passed.

Defendant neither admits nor denies the remaining allegations in paragraph 33, but avers that Idaho law speaks for itself.

34. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant denies that there were any procedural irregularities.

35. Defendant neither admits nor denies the allegations in paragraph 35, but avers that Idaho law speaks for itself.

36. Defendant neither admits nor denies the allegations in paragraph 36 regarding the provisions of Idaho law, but avers that Idaho law speaks for itself. Defendant denies the remaining allegations in paragraph 36.

37. Defendant neither admits nor denies the allegations in paragraph 37, but avers that Idaho law speaks for itself.

38. Defendant admits that the provisions of House Bill 124 are set to take effect on January 1, 2024. Defendant neither admits nor denies the remaining allegations in paragraph 38, but avers that Idaho law speaks for itself.

39. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant denies that the speeches and motives of one or more legislators can be imputed to the entire House of Representatives.

40. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 40 and therefore denies the same.
41. Defendant denies the portion of paragraph 41 that alleges “the scenario of double voting that Representative Lambert conjured in order to justify excising student identification from the voter identification law.” Defendant neither admits nor denies the remaining allegations in paragraph 41, but avers that Idaho law speaks for itself.
42. Defendant admits that there is no widespread voter fraud in Idaho elections, but denies the allegations in paragraph 42 given their broad generalities and erroneous legal conclusions.
43. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.
44. Defendant denies the allegations of paragraph 44.
45. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.
46. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.
47. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant admits that student identification cards are not uniform and do not always require the same documentation and proof of residency requirements as state-issued identification cards. Defendant denies any other allegations of paragraph 47.

48. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.
49. Defendant admits that there were other options that could be considered, but avers that the legislature of the State of Idaho has the authority to decide among various options given the advantages and disadvantages of the various options, and therefore acted within its authority in passing HB 124 and HB 340.
50. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 50 and therefore denies the same.
51. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 51 and therefore denies the same.
52. Defendant admits the results of the 2022 Boise School board race. Defendant lacks sufficient information to form a belief regarding the truth of the remaining allegations of paragraph 52 and therefore denies the same.
53. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 53 and therefore denies the same.
54. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 54 and therefore denies the same.
55. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 55 and therefore denies the same.
56. Defendant lacks information sufficient to form a belief regarding the truth of the allegations of paragraph 56 and therefore denies the same.

57. Defendant denies the allegations of paragraph 57.

58. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.

59. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.

60. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.

61. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.

62. Defendant admits that Idaho's population is growing. Defendant lacks information sufficient to form a belief regarding the truth of the remaining allegations of paragraph 62 and therefore denies the same.

63. Defendant admits that Idaho's population is growing. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself. Defendant lacks information sufficient to form a belief regarding the truth of the remaining allegations of paragraph 63 and therefore denies the same.

64. Defendant denies the allegations of paragraph 64.

65. Defendant denies that the elimination of student identification specifically targets young voters. Defendant admits that high school students are generally 18 years old or younger. Defendant lacks information sufficient to form a belief

about the truth of the remaining allegations of paragraph 65 and therefore denies them.

66. Defendant neither admits nor denies the allegation in the last sentence in paragraph 66, but avers that Idaho law speaks for itself. Defendant lacks information sufficient to form a belief about the truth of the remaining allegations of paragraph 66 and therefore denies them.

FIRST CLAIM FOR RELIEF

67. Defendant denies that Idaho makes it difficult for people who move to Idaho from out of state to obtain an Idaho driver's license. Regarding the specific requirements to obtain an Idaho driver's license, Defendant avers that Idaho law speaks for itself on that issue.

68. Defendant reincorporates its responses to paragraphs 1 through 67 by reference as though fully set forth herein.

69. Defendant admits the existence of the Twenty-Sixth Amendment to the U.S. Constitution in full. Defendant denies any other allegation in paragraph 69.

70. Paragraph 70 is a legal conclusion and need not be answered. To the extent an answer is required, Defendant admits the contents of the Oxford English Dictionary, Third Edition as publicly available. Defendant denies any other allegation of paragraph 70. The Twenty-Sixth Amendment speaks for itself.

71. Paragraph 71 is a legal conclusion and need not be answered. To the extent an answer is required, the allegations of paragraph 71 are denied. The Twenty-Sixth Amendment speaks for itself.

72. Defendant admits the existence of the Congressional record as publicly available, and avers that the record speaks for itself.

73. Defendant admits the existence of the Congressional record as publicly available, and avers that the record speaks for itself.

74. Defendant admits the existence of the Congressional record as publicly available, and avers that the record speaks for itself. Defendant also admits the existence of publicly available caselaw and avers that the cases speak for themselves.

75. Defendant admits the existence of publicly available caselaw and avers that the cases speak for themselves.

76. Defendant admits the existence of publicly available caselaw and avers that the cases speak for themselves. Defendant admits the existence of the Twenty-Sixth Amendment and avers that it speaks for itself.

77. Defendant admits the existence of the legislative record as publicly available, and avers that the record speaks for itself.

78. Defendant denies paragraph 78.

SECOND CLAIM FOR RELIEF

79. Defendant reincorporates its responses to paragraphs 1 through 78 by reference as though fully set forth herein.

80. Defendant admits the existence of the Twenty-Fourth Amendment to the U.S. Constitution in full, and avers that it speaks for itself. Defendant denies any other allegation in paragraph 80.

81. Defendant admits the existence of publicly available caselaw and avers that the cases speak for themselves.

82. Defendant admits the existence of publicly available caselaw and avers that the cases speak for themselves.

83. Defendant admits the existence of publicly available caselaw and avers that the cases speak for themselves.

84. Defendant admits the existence of publicly available caselaw and avers that the cases speak for themselves.

85. Defendant denies that House Bill 340 imposes an unconstitutional poll tax. Regarding the specific provisions of House Bill 340, Defendant avers that Idaho law speaks for itself.

86. Defendant neither admits nor denies the allegations in paragraph 86, but avers that Idaho law speaks for itself.

THIRD CLAIM FOR RELIEF

87. Defendant reincorporates its responses to paragraphs 1 through 86 by reference as though fully set forth herein.

88. Defendant denies the allegations in paragraph 88.

89. Defendant denies the allegations in paragraph 89.

90. Defendant admits the existence of publicly available caselaw and avers that the cases speak for themselves.

91. Defendant admits the existence of publicly available caselaw and avers that the cases speak for themselves.

92. Defendant denies the allegations in paragraph 92.

93. Defendant denies the allegations of paragraph 93.

94. Defendant denies the allegations in paragraph 94.

95. Defendant denies the allegations in paragraph 95.

PRAYER FOR RELIEF

A. Paragraph A of the Prayer for Relief is a request for relief and no response is required. To the extent a response is required, it is denied.

B. Paragraph A of the Prayer for Relief is a request for relief and no response is required. To the extent a response is required, it is denied.

C. Paragraph A of the Prayer for Relief is a request for relief and no response is required. To the extent a response is required, it is denied.

D. Paragraph A of the Prayer for Relief is a request for relief and no response is required. To the extent a response is required, it is denied.

AFFIRMATIVE DEFENSES

Having fully answered Plaintiffs' complaint, Defendant alleges the following affirmative defenses:

First Affirmative Defense

That Plaintiffs' Complaint fails to state a cause of action against the Defendant upon which relief can be granted and should therefore be dismissed pursuant to F.R.C.P. 12(b)(6).

Second Affirmative Defense

That the allegations contained in the Plaintiffs' Complaint do not rise to the level of a deprivation of rights that are protected by the Constitution or any of the legal provisions referred to in the Complaint.

Third Affirmative Defense

Defendant in this matter is immune, or has qualified immunity, to the allegations contained in Plaintiffs' Complaint, including immunity under the 11th Amendment of the U.S. Constitution, which is not waived.

Fourth Affirmative Defense

Plaintiffs are not entitled to the extraordinary remedy of equitable relief.

Fifth Affirmative Defense

All general immunities statutory or otherwise applicable.

Sixth Affirmative Defense

Plaintiffs have failed to exhaust the available administrative remedies, and otherwise failed to comply with available administrative remedies.

Seventh Affirmative Defense

Plaintiffs have failed to join one or more parties that are indispensable to this proceeding.

Eighth Affirmative Defense

Plaintiffs' claims, and each of them, are barred because Plaintiffs do not have standing to bring the claims alleged in the Complaint.

DEFENDANT'S PRAYER FOR RELIEF

Having fully responded to the allegations in Plaintiffs' Complaint, Defendant prays for the following:

- 1) That Plaintiffs' Complaint should be dismissed with prejudice and that they should take nothing thereby.
- 2) For any other relief that the Court deems just and equitable under the circumstances of this action.

DATED: October 25, 2023

Respectfully submitted,

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: /s/ James E. M. Craig
JAMES E. M. CRAIG
Acting Division Chief,
Civil Litigation and
Constitutional Defense

GREGORY WOODARD
Deputy Attorney General

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

Terri R. Pickens
terri@pickenslawboise.com

Qizhou Ge
age@elias.law

Elisabeth Frost
efrost@elias.law

David R. Fox
dfox@elias.law

Justin Baxenberg
jbaxenberg@elias.law

Daniel Cohen
dcohen@elias.law

Attorneys for Plaintiffs

By: /s/ James E. M. Craig
JAMES E. M. CRAIG