IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 54406-2026

Verified Petition for Writ of Mandamus, Certiorari, and Prohibition.

IDAHOANS UNITED FOR WOMEN AND FAMILIES,

Petitioner,

v.

PHIL McGRANE, in his official capacity as SECRETARY OF STATE OF THE STATE OF IDAHO; and RAUL LABRADOR, in his official capacity as ATTORNEY GENERAL OF THE STATE OF IDAHO,

Respondents.

Boise, September 2026 Term

Opinion filed: September 4, 2026

Melanie Gagnepain, Clerk

Original proceeding in the Idaho Supreme Court seeking writs of mandamus, certiorari, and prohibition.

Petitioner's request for a writ of prohibition and a writ of mandamus is granted.

Holland & Hart LLP, Boise, for Petitioner. Jennifer M. Aiko argued.

Office of Idaho Attorney General, Boise, for Respondent Phil McGrane. Yvonne Dunbar argued.

Office of Idaho Attorney General, Boise, for Respondent Raúl R. Labrador. James E. M. Craig argued.

MOELLER, Justice.

This original action concerns the ballot statements that will appear on the November 3, 2026, general election ballot describing the effect of a "yes" or "no" vote on Proposition One, the Reproductive Freedom and Privacy Act ("Proposition One"). Idahoans United for Women and Families ("Idahoans United") filed its petition as an original action in the Idaho Supreme Court seeking writs of mandamus, certiorari, and prohibition against Secretary of State Phil McGrane and Idaho Attorney General Raúl Labrador (collectively, "Respondents"). Idahoans United

challenges the ballot statements Respondents jointly prepared pursuant to Idaho Code section 34-1810(1)(b) describing the effect of a "yes" or "no" vote on Proposition One ("Yes/No Effect Statements"). Idahoans United asks this Court to prohibit use of the challenged statements and to order Respondents either to prepare new statements that comply with Idaho law or to adopt Idahoans United's proposed statements. The parties filed competing motions to expedite this matter, supported by various declarations. After considering the motions, the Court agreed to hear this matter on an expedited basis.

For the reasons explained below, we grant Idahoans United's requests for writs of prohibition and mandamus because the Yes/No Effect Statements fail to clearly and concisely convey the effect of a "yes" or "no" vote on Proposition One, as required by Idaho Code section 34-1810(1)(b). Because a writ of mandamus and writ of prohibition provide complete relief, we deny Idahoans United's duplicative request for a writ of certiorari.

I. FACTUAL AND PROCEDURAL BACKGROUND

This is the second original action before this Court concerning ballot materials for the Reproductive Freedom and Privacy Act (the "Initiative"), a citizens' initiative authorized by Article III, section 1 of the Idaho Constitution and title 34, chapter 18 of the Idaho Code. In the first case, we described the Initiative and the proceedings leading to circulation of the initiative petition at length. *See Idahoans United for Women & Families v. Labrador* (*Idahoans United I*), 175 Idaho 708, 570 P.3d 1137 (2025). We will only recount here the facts that are necessary to resolve this action. In *Idahoans United I*, we held that the Attorney General's short ballot title and the Idaho Division of Financial Management's fiscal impact statement did not substantially comply with their governing statutes, while the long ballot title did. *Id.* at 713, 570 P.3d at 1142. We granted writs of mandamus directing revision of the short ballot title and fiscal impact statement, retained jurisdiction, and later concluded that the revised materials substantially complied with their governing statutes. *Id.* at 731–33, 570 P.3d at 1160–62.

After we approved the revised short ballot title and fiscal impact statement, Idahoans United conducted its signature campaign and gathered enough valid signatures to satisfy the statutory requirements for ballot qualification. On July 13, 2026, the Secretary of State certified that the Initiative qualified for the ballot and would appear on the November 3, 2026, general election ballot as Proposition One.

Idaho Code section 34-1810(1)(b) states that the official ballot for a qualifying initiative must include "a clear and concise statement as to the effect of a 'yes' or 'no' vote, prepared jointly by the attorney general and secretary of state." I.C. § 34-1810(1)(b). In an effort to comply with this statutory mandate, Respondents conferred and jointly prepared the following statements for Proposition One:

> YES: A YES vote would create reproductive rights, including a right to abortion before a fetus's ability to survive and after a fetus's ability to survive in cases of a medical emergency, and provide liability protections for healthcare providers.
>
> NO: A NO vote would make no change to Idaho's current law, which protects the life of the unborn while allowing abortion in reported cases of rape or incest, or when necessary to protect the life of the mother.

On August 24, 2026, the Secretary of State provided the Yes/No Effect Statements to Idahoans United. By that time, the voter pamphlet, which included the Yes/No Effect Statements, had already been sent to the printer and the final ballot language had been distributed to Idaho's 44 county clerks. Idahoans United objected to the prepared Yes/No Effect Statements and asked Respondents to replace them with the following statements:

> *A YES vote means Proposition One will become state law.*
>
> *A NO vote means state law regarding abortion will remain unchanged.*

(Italics in original.) Respondents declined to adopt Idahoans United's proposed statements. The parties later met but were unable to resolve their dispute. Idahoans United then filed this original action on August 27, 2026.

In its Verified Petition, Idahoans United alleges that Respondents exceeded the authority granted by section 34-1810(1)(b) by using the Yes/No Effect Statements to characterize the substance of both Proposition One and existing Idaho law, rather than to merely state the effect of a "yes" or "no" vote. It also alleges that neither challenged statement satisfies the statute's "clear and concise" requirement. Respondents contend that the statute does not authorize judicial review of the statements and, alternatively, that the statements substantially comply with the statute. They also argue that Idahoans United lacks standing to bring this original action, that sovereign immunity bars relief, and that this Court's consideration of the petition violates the Idaho Constitution's separation of powers provision. All parties seek attorney fees. Because of the looming deadlines for printing the ballots, we set an accelerated briefing and oral argument schedule and now issue this opinion on an expedited basis.

II. ANALYSIS

A. Idahoans United has standing to bring this original action.

"It is a fundamental tenet of American jurisprudence that a person wishing to invoke a court's jurisdiction must have standing." *Young v. City of Ketchum*, 137 Idaho 102, 104, 44 P.3d 1157, 1159 (2002) (citing *Van Valkenburgh v. Citizens for Term Limits*, 135 Idaho 121, 124, 15 P.3d 1129, 1132 (2000)). Although the Idaho Constitution contains no "case or controversy" requirement, this Court has adopted standing as a "self-imposed constraint" to avoid issuing advisory opinions. *BABE VOTE v. McGrane*, 173 Idaho 682, 691, 546 P.3d 694, 703 (2024) (quoting *Planned Parenthood Great Nw. v. State*, 171 Idaho 374, 401, 522 P.3d 1132, 1159 (2023)).

An entity may establish standing in its own right or may assert associational standing on behalf of its members. *Idahoans for Open Primaries v. Labrador* ("*Open Primaries I*"), 172 Idaho 466, 476, 533 P.3d 1262, 1272 (2023). The Attorney General argues that Idahoans United can satisfy neither traditional organizational nor associational standing because, now that Proposition One has qualified for the ballot, any injury from the challenged Yes/No Effect Statements is shared equally by all voters and any claim of prejudice is speculative.

We need not decide whether Idahoans United satisfies the traditional requirements for organizational or associational standing because we conclude it satisfies our test for relaxed standing. This Court has historically relaxed traditional standing principles in cases "involving alleged constitutional violations that would otherwise go unaddressed because no one could satisfy traditional standing requirements." *Reclaim Idaho v. Denney*, 169 Idaho 406, 422, 497 P.3d 160, 176 (2021); *see also BABE VOTE*, 173 Idaho at 691–92, 546 P.3d at 703–04. As we have explained, relaxed standing applies when a party alleges sufficient facts concerning a possible constitutional violation of an urgent nature. *Reclaim Idaho*, 169 Idaho at 422, 497 P.3d at 176 (citations omitted). Based on the circumstances explained below, we conclude that relaxed standing applies.

In Article III, section 1 of the Idaho Constitution, the people of Idaho "reserved to themselves" the power to legislate through the initiative process, subject to the conditions established by the legislature. *Id.* at 437, 497 P.3d at 191. This dispute concerns the language voters will see on the official ballot for a citizen initiative that has already qualified for the November 2026 general election; therefore, it implicates the people's "fundamental right" to legislate through

that process. *Id*. at 428, 497 P.3d at 182. Based on the representations contained in the Verified Answer of Respondent McGrane, this dispute is urgent because the Secretary of State needs to send the voter pamphlet to the printer and needs to distribute the ballot language to Idaho's 44 counties within the next week.

The Attorney General's argument that any injury from noncompliant language in a ballot that is shared by voters generally underscores why relaxed standing is appropriate. If Idahoans United—the proponent that qualified Proposition One for the ballot—cannot obtain review because the alleged injury is common to the electorate, it is difficult to identify who could obtain meaningful review. Therefore, we conclude that Idahoans United has standing under our relaxed standing doctrine.

B. Idahoans United has properly invoked this Court's original jurisdiction to issue writs of mandamus and prohibition.

This Court has original jurisdiction to issue writs of mandamus, certiorari, and prohibition. Idaho Const. art. V, § 9. However, before we may exercise that jurisdiction, the petitioning party must establish the requirements for the writ sought. *See Labrador v. Idahoans for Open Primaries* ("*Open Primaries II*"), 174 Idaho 1034, 1039, 554 P.3d 85, 90 (2024). A writ of mandamus may issue "to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station." I.C. § 7-302. A writ of prohibition, the counterpart of mandamus, "arrests the proceedings of any tribunal, corporation, board or person" acting "without or in excess" of its jurisdiction. I.C. § 7-401. A writ of certiorari, also referred to as a writ of review, may be granted only where an inferior tribunal, board, or officer exercising judicial functions has exceeded its jurisdiction or authority. I.C. § 7-202. None of these writs, often referred to as extraordinary writs, issues as a matter of right, and none is available when there exists a plain, speedy, and adequate remedy in the ordinary course of law. I.C. §§ 7-202, 7-303, 7-402.

Having reviewed the parties' arguments and the text of Idaho Code section 34-1810(1)(b), we conclude that Idahoans United has properly invoked this Court's jurisdiction to issue writs of mandamus and prohibition. As Idahoans United correctly observes, the plain language of section 34-1810(1)(b) imposes on Respondents a clear legal duty: they must jointly prepare, for inclusion on the ballot, a statement that is "clear and concise" and that states "the effect" of a "yes" or "no" vote. I.C. § 34-1810(1)(b). Respondents retain discretion over the particular words they choose to carry out that duty, but they have no discretion to disregard the statutory directives. *See Idahoans*

United I, 175 Idaho at 718, 570 P.3d at 1147 ("[O]ur caselaw is clear that in instances where there is a clear legal duty for an officer to act but the details of those actions are left to an officer's discretion, mandamus may still be proper." (citations omitted)). Idahoans United contends that Respondents did just that—instead of preparing statements that clearly and concisely state the effect of a vote, Respondents improperly used the Yes/No Effect Statements to mischaracterize Proposition One and existing law. Whether that contention is correct concerns the merits and we will take that up below. For purposes of invoking our jurisdiction, it is enough that the statute imposes a clear, mandatory duty, and mandamus and prohibition are appropriate vehicles to test whether Respondents complied with it. *See id.* at 717–18, 570 P.3d at 1146–47.

Idahoans United has also demonstrated that it lacks a plain, speedy, and adequate remedy in the ordinary course of law. The statutory timetable for preparing and distributing ballot materials is compressed: Idahoans United received the challenged statements only after the voter pamphlet had gone to the printer and the ballot language had reached Idaho's 44 county clerks, and it filed this action three days later. According to the Verified Answer of Respondent McGrane, "there are upcoming deadlines for preparing ballots" and "at least one county must have final ballots completed by September 8." Given these representations, we agree with Idahoans United that it would be unable to obtain a plain, speedy, and adequate remedy within this compressed timeframe.

Our jurisdiction to issue a writ of prohibition lies for the same reasons. Idahoans United contends that if Respondents place the noncomplying language on the ballot, they will exceed the authority section 34-1810(1)(b) confers. Action taken in excess of statutory authority is precisely what a writ of prohibition bars or "arrests," I.C. § 7-401, and because the same compressed timetable leaves no adequate remedy in the ordinary course of law, prohibition is available as the counterpart to mandamus to prevent use of noncompliant statements, *see* I.C. §§ 7-401, 7-402.

Respondents' arguments to the contrary do not alter these conclusions. Respondents first contend that this Court lacks jurisdiction to decide the issues raised in the Verified Petition because, unlike other statutes governing the initiative and referendum process, section 34-1810(1)(b) affords no express right of judicial review. *See* I.C. §§ 34-1808 (permitting a citizen to apply for a writ of mandamus to compel the Secretary of State to accept and file an initiative or referendum petition bearing the requisite number of qualified signatures); 34-1809(3) (permitting any person dissatisfied with a ballot title prepared by the Attorney General to petition this Court

for judicial review). This argument misapprehends the source of this Court's authority to issue the writs Idahoans United seeks.

This is not an ordinary case of judicial review. Our authority derives from Article V, section 9 of the Idaho Constitution, not from any statute. Indeed, we exercised that same authority earlier in *Idahoans United I* to review a fiscal impact statement prepared under section 34-1812—a provision equally silent on judicial review. 175 Idaho at 717–19, 570 P.3d at 1146–48. Just as the statute's silence there did not foreclose review, section 34-1810's silence withholds nothing that the Idaho Constitution has already conferred on this Court.

Respondents' separation of powers argument fares no better. Respondents contend that reviewing the Yes/No Effect Statements would substitute this Court's judgment for the discretion the legislature entrusted to them, two executive branch officials. But that argument confuses the exercise of discretion with the limits on it. Respondents may choose how to word the statements, but they enjoy no discretion to disregard the requirements section 34-1810(1)(b) imposes. *Id.* at 718, 570 P.3d at 1147. The question we decide is only whether the language they selected stays within those statutory bounds—not whether we would have drafted it differently. Answering that question is a quintessentially judicial task, not an intrusion on executive prerogative.

Finally, the Attorney General invokes sovereign immunity, but that doctrine has no application here. Sovereign immunity generally protects the State and its governmental units from suit absent consent. *See Ware v. City of Kendrick*, 168 Idaho 795, 799, 487 P.3d 730, 734 (2021). However, Idahoans United does not seek damages against the State. It invokes this Court's constitutionally conferred original jurisdiction to obtain extraordinary relief directing public officers to comply with duties imposed by law. *See* Idaho Const. art. V, § 9; I.C. §§ 7-302, 7-401. Nothing in these provisions exempts the State from writs of mandamus or prohibition, thus indicating that state actors are subject to these actions. Accepting the Attorney General's position would bar extraordinary writ relief against state officers in nearly every case of this kind—a result that cannot be reconciled with our precedent or common sense. For the reasons we have already discussed, Idahoans United has properly invoked our original jurisdiction to issue writs of mandamus and prohibition.

Idahoans United has also sought a writ of certiorari, but the relief it seeks adds nothing here. Review on certiorari determines whether an officer exercising judicial functions regularly pursued its authority, I.C. § 7-208, and the relief Idahoans United seeks—preventing use of the

noncompliant statements and directing preparation of compliant ones—is already fully available through prohibition and mandamus. As in *Idahoans United I*, we decline to analyze certiorari separately, because mandamus and prohibition fully resolve the challenge and provide all the relief we conclude is appropriate. *See* 175 Idaho at 718–19, 570 P.3d at 1147–48. Accordingly, although Idahoans United has properly invoked our original jurisdiction to grant extraordinary relief via writs of mandamus and prohibition, we deny the request for a writ of certiorari as duplicative.

C. Because section 34-1810(1)(b) requires a "clear and concise" statement of the "effect" of a vote, a statement that does not accurately convey the effect of a "yes" or "no" vote does not substantially comply with the statute.

Respondents do not contest that section 34-1810(1)(b) imposes on them a duty to prepare a "clear and concise statement as to the effect of a 'yes' or 'no' vote" on Proposition One. The dispute focuses on whether Respondents substantially complied with that duty. Idahoans United reads the statute narrowly, contending that the "effect" of a vote means only its formal consequence—that a "yes" vote enacts Proposition One and a "no" vote leaves existing law unchanged—so that any substantive description of Proposition One or existing law exceeds Respondents' authority. Respondents read the statute to require a substantive description of the legal consequences of each vote. We conclude that the plain language of the statute falls somewhere in the middle. While the statute permits a substantive statement of effect, it does not mandate a substantive statement, and the statute constrains how that effect may be described.

The statutory text and its purpose tell Respondents what their statements must accomplish: explain, clearly and concisely, the effect of a "yes" or "no" vote—that is, what the vote will accomplish. The "effect" of voting to approve or disapprove a measure can reasonably include telling the voter the substantive legal change that will result if that measure becomes law or not. The statute does not confine Respondents to stating only whether the measure will formally take effect because such a statement would fail to comply with the statutory directive. A single "yes" vote does not automatically mean an initiative will become law, just as a single "no" vote does not automatically mean the initiative is defeated. Rather, the plain language of the statute directs the preparation of a statement "as to the effect of a 'yes' or 'no' vote[.]" *See* I.C. § 34-1810(1)(b). This requires advising the voter what the voter is supporting by casting such a vote.

At the same time, section 34-1810(1)(b) does not contain an express provision requiring neutrality. Still, the absence of an express provision does not give Respondents license to obscure the very effect the statement is meant to convey to voters. The words the legislature did use—

"clear," "concise," and "effect"—impose their own requirements. A statement is not "clear" if it leaves voters uncertain about a principal legal consequence of their choice, and it does not describe "the effect" of a vote if it materially misstates that consequence. Conciseness permits Respondents to omit unnecessary detail; it does not permit them to convey an inaccurate picture of the effect of a specific vote. When Respondents elect to describe the substance of a measure or of existing law, the description must not materially misstate or obscure the principal legal consequences of either a yes or no vote. We must assess the challenged statements against those statutory requirements.

Starting with the governing legal standard, in *Idahoans United I* we held that substantial compliance is the appropriate standard for reviewing the fiscal impact statement and ballot titles prepared for the Initiative. 175 Idaho at 719, 570 P.3d at 1148. We derived that standard from our decision in *Open Primaries I*, where we concluded that substantial compliance was appropriate in reviewing ballot titles because we had applied it in other contexts in which the critical inquiry was whether a party had satisfied statutory requirements. *Idahoans United I*, 175 Idaho at 719, 570 P.3d at 1148; *Open Primaries I*, 172 Idaho at 479, 533 P.3d at 1275. Because Idahoans United's challenges to the fiscal impact statements likewise required us to determine whether the applicable statutory requirements had been met, we concluded that substantial compliance was the appropriate standard of review. *Idahoans United I*, 175 Idaho at 719, 570 P.3d at 1148.

For the same reasons, we apply the substantial compliance standard here. The challenge to the Yes/No Effect Statements presents the same critical inquiry—whether Respondents met the mandatory requirements of section 34-1810(1)(b). The question is not whether this Court would choose different words or draft a better statement. Rather, we ask whether Respondents substantially complied with their duty to provide clear and concise statements of the effect of a "yes" vote and a "no" vote.

1. The Yes Statement does not substantially comply with section 34-1810(1)(b).

Idahoans United raises two principal objections to the Yes Statement. First, it contends that the statement fails to convey the full scope of what a "yes" vote would create—describing only abortion rights and "liability protections" while omitting Proposition One's independent right to reproductive freedom and privacy, and its relief from civil and criminal liability and professional discipline. Second, it contends that the statement is neither clear nor concise because it abandons the defined term "fetus viability"—the very language this Court certified in the short ballot title after the Attorney General litigated to retain it. In its place, the Yes Statement uses the awkward,

two-part paraphrase "before a fetus's ability to survive and after a fetus's ability to survive," adding yet another way of describing a threshold already stated more simply elsewhere in the ballot materials. As explained below, we conclude that the Yes Statement does not substantially comply, largely for the reasons Idahoans United advances.

In *Idahoans United I*, we identified four distinctive characteristics of the Initiative: it would (1) establish a statutory right to abortion before fetal viability; (2) establish a statutory right to abortion after viability to protect the health of the mother; (3) establish statutory protections against professional discipline and civil and criminal liability for healthcare providers and others acting within the proposed right; and (4) establish a statutory right to reproductive freedom and privacy in making reproductive healthcare decisions. 175 Idaho at 728, 570 P.3d at 1157. Those characteristics accurately described the principal changes Proposition One would make to existing Idaho law. *See id.*

Notwithstanding that clear holding, the Yes Statement that Respondents prepared for the ballot tells voters that a "yes" vote would "create reproductive rights," then identifies abortion rights and "liability protections for healthcare providers." It does not convey that Proposition One would create an independent right to reproductive freedom and privacy governing reproductive healthcare decisions beyond abortion.

Likewise, informing voters that healthcare providers would receive "liability protections" does not clearly convey the actual change: Proposition One would prevent healthcare providers from being subjected to professional discipline, civil liability, and criminal liability for providing healthcare consistent with the reproductive and privacy rights authorized by the initiative. That the revised short title used the phrase "healthcare provider liability protections," *see Idahoans United I*, 175 Idaho at 732, 570 P.3d at 1161, does not resolve the problem. A ballot title and an effect statement serve different functions and are measured against different standards. A short ballot title is a compressed, word-limited label identifying the measure's subject and purpose. *See* I.C. § 34-1809(2)(d)(i) and (e). An effect statement, on the other hand, must inform voters of the effect of a "yes" vote, in other words what they are supporting if they vote "yes." *See* I.C. § 34-1810(1)(b). The Yes Statement here fails to clearly convey what a voter is supporting with a yes vote.

For these reasons, the Yes Statement does not substantially comply with the statute's requirement of a clear and concise statement of the effect of a "yes" vote.

2. The No Statement does not substantially comply with section 34-1810(1)(b).

Idahoans United objects to the No Statement on several related grounds. It argues that the statement, having gone beyond stating that a "no" vote leaves existing law unchanged, describes current law inaccurately. It recharacterizes the language of the current statutory scheme, "to prevent the death of the pregnant woman" to "protect the life of the mother." It describes the rape and incest exception as available "in reported cases," without mentioning the first trimester and documentation limits the statute imposes, and it casts a narrow exception to a felony crime as conduct the law simply "allow[s]." Idahoans United further objects that the phrase "protects the life of the unborn" is argumentative rather than descriptive, especially since the words "fetus" or "fetal" were used by the State in its earlier proposals for the initiative titles. We agree that the language of the No Statement is unclear concerning the effect of a "no" vote, and on that basis we conclude the No Statement does not substantially comply.

The No Statement begins by stating that a "no" vote "would make no change to Idaho's current law." This language accurately identifies the immediate legal consequence of the measure not passing but fails to include language concerning what the voter is supporting with a "no" vote. Respondents then describe the current abortion law that would remain in place. Having elected to describe existing law rather than simply state that a "no" vote would leave it unchanged, Respondents' description must be sufficiently clear to satisfy the statute's purpose. It is not.

As Idahoans United emphasizes, the No Statement tells voters that existing law permits abortion "when necessary to protect the life of the mother." However, Idaho Code section 18-622(2)(a)(i) provides an exception only when the physician determines that an abortion is "necessary to prevent the death of the pregnant woman." I.C. § 18-622(2)(a)(i). The choice of phraseology matters: "protect the life" reasonably communicates a broader circumstance than "prevent the death." Because it misstates current Idaho law, the No Statement fails to give voters a clear statement of the effect of a "no" vote.

The statement also says that current law "allow[s] abortion in reported cases of rape or incest," without conveying that those exceptions are subject to a first-trimester limitation and significant statutory documentation requirements. *See* I.C. § 18-622(2)(b). Section 34-1810(1)(b) does not require the No Statement to catalog every feature of existing law; however, once Respondents elected to explain current law, rather than simply stating that a "no" vote would leave it unchanged, the explanation must be clear about the exceptions it described. By presenting these

conditional carve-outs from a criminal prohibition as circumstances in which the law affirmatively "allow[s]" abortion, the statement inaccurately enlarges the exceptions and understates the prohibition they qualify.

Respondents' phraseology reinforces the problem. As we explained above, section 34-1810(1)(b) imposes no neutrality requirement, and we do not hold that Respondents must use the statutory terminology verbatim. But terminology still matters to the extent it affects whether the statement clearly conveys the effect of the vote. Here, the non-statutory phrases "protects the life of the unborn" and "protect the life of the mother" do not clarify the effect and misstate the existing law Respondents chose to describe; in context, they further obscure the scope of the prohibition and its exceptions. Taken together with the inaccuracies identified above, these terminology choices leave voters with an unclear picture of the law that a "no" vote would preserve. Therefore, the No Statement does not substantially comply with section 34-1810(1)(b).

E. We retain jurisdiction and direct Respondents to prepare new Yes/No Effect Statements.

Having concluded that the challenged statements fail to substantially comply with Idaho law, we turn to the remedy. Idahoans United asks us either to adopt its proposed statements or to direct Respondents to prepare new ones. As we explained in *Idahoans United I*, "[it] is not appropriate at this stage for the Court to dictate the details" of ballot materials when the legislature assigned the drafting responsibility to executive officers. 175 Idaho at 730, 570 P.3d at 1159. Our role is to determine whether the language selected substantially complies with the statute, not to select the wording ourselves.

Therefore, we grant a writ of prohibition preventing Respondents from using the challenged Yes/No Effect Statements and issue a writ of mandamus directing them to prepare new statements that substantially comply with section 34-1810(1)(b). To be clear, we do not hold that the revised statements must reproduce every provision of Proposition One or every feature of current abortion law. Respondents retain discretion to choose concise language, and nothing in this opinion requires them to describe the substance of Proposition One or existing law at all. Should they elect not to fully set forth the effects of either a "yes" vote or a "no" vote, then a simple formulation would suffice. For example, a statement explaining that "A 'yes' vote means the voter supports enacting the provisions of Proposition One as state law," and that "A 'no' vote means the voter supports leaving Idaho's current abortion laws unchanged" is permissible. Again, to be clear, we do not dictate the form of the statement; Respondents remain free to accurately describe the

substantive consequences of each vote. But if they choose that course, the description they provide must clearly and concisely communicate the effect of each vote rather than obscure or misstate it.

Given the approaching election deadlines, we will retain jurisdiction to ensure timely compliance. Respondents shall submit revised Yes/No Effect Statements to this Court by no later than Saturday, September 5, 2026, at 5:00 PM. Following submission, we will review the revised statements for substantial compliance with section 34-1810(1)(b).

F. No party is entitled to attorney fees.

Idahoans United seeks attorney fees under Idaho Code section 12-117. Respondents seek fees under sections 12-117 and 12-121. Because Respondents are not the prevailing parties, we deny their requests. Although Idahoans United prevails on the principal relief sought, we also decline to award fees under section 12-117. The application of section 34-1810(1)(b) to these jointly prepared Yes/No Effect Statements presents an issue of first impression, and Respondents' arguments were not without a reasonable basis in fact or law. *See Idahoans United I*, 175 Idaho at 731, 570 P.3d at 1160.

III. CONCLUSION

For the reasons discussed above, we grant in part and deny in part Idahoans United's Verified Petition for Writs of Mandamus, Certiorari, and Prohibition. We grant writs of prohibition and mandamus because the Yes/No Effect Statements do not substantially comply with Idaho Code section 34-1810(1)(b); however, we deny the requested writ of certiorari as duplicative.

Respondents are prohibited from using the challenged Yes/No Effect Statements on the November 3, 2026, general election ballot and are directed to submit revised statements that substantially comply with section 34-1810(1)(b) by no later than Saturday, September 5, 2026, at 5:00 PM. We retain jurisdiction to review the revised statements. No party is awarded costs or attorney fees.

Chief Justice BEVAN, Justices BRODY, ZAHN, and MEYER CONCUR.