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**Petition Asks Utah Supreme Court
To Ensure Legal and Accurate School Choice Vote**

Salt Lake City, UT — May 24, 2007 — Utah legislators, parents and voters filed a petition today asking the Utah Supreme Court to end the legal confusion over Utah's school choice program. Specifically, the petition urges the court to revise the inaccurate and misleading ballot title prepared for the school choice referendum by Utah's Office of Legislative Research and General Counsel.

"This petition asks the Utah Supreme Court to uphold the rule of law and ensure that only a legal and accurate referendum goes before the voters," said Clark Waddoups, partner with Parr Waddoups Brown Gee & Loveless, which represents the petitioners. "As written, the ballot title is patently false, ignores clear Utah law and misleads voters."

The ballot title is false because it fails to accurately describe the law the referendum challenges, H.B. 148. The key provisions of that bill, including those that established the scholarship program, were superseded by a different bill, H.B. 174, before they ever took effect. H.B. 174, which has become law and cannot constitutionally be subject to a referendum, created a new and substantively different school choice program. In spite of this fact, the ballot title incorrectly states that the entirety of H.B. 148 is up for a vote, including the parts that were repealed and replaced

"With a false and misleading ballot title, it is impossible for the people of Utah to make an informed decision about what the referendum really means—or for their true preferences to be registered at the ballot box," said Senate Majority Leader Curtis Bramble, the Senate sponsor of H.B. 148, and one of the petitioners. "Only the Utah Supreme Court is in a position to fix the ballot title and protect the integrity of the referendum process."

Utah Supreme Court precedent and the Utah election laws prohibit referenda on repealed and superseded laws. A referendum is a specific process to address specific legislation that is scheduled to take effect. If a law has been superseded or repealed, there is no need for a referendum since the vote will not impact current law.

Because the ballot title fails to accurately describe the voucher law, it misleads voters about the true effects of the referendum. A legal and accurate ballot title would be limited to just those sections of H.B. 148 that have not been repealed, and today's petition asks the Utah Supreme Court to revise the ballot title accordingly.

"As written, the ballot title is a disservice to Utah voters' right to clear and accurate information about an issue of huge public importance" said Doug Holmes, chairman of Parents for Choice in Education, another petitioner. "Even those opposed to school choice have agreed that the courts must quickly resolve this issue. Thousands of Utah parents are eager to apply for the school choice program as soon as possible."

Indeed, Governor Huntsman, the Attorney General, and even school choice opponents such as State Board of Education Chairman Kim Burningham (a leader of the anti-voucher effort) agree that the courts must resolve this issue.

By making clear that the scholarship program established by H.B. 174 is not subject to a referendum, the Utah Supreme Court can also resolve the concerns that have caused the Board to delay implementing that law, even though it went into effect on April 30, 2007.

That is another reason it is essential for the Utah Supreme Court to act quickly to ensure an accurate and legal referendum.

“I am counting on vouchers so I can start my daughter in a new school this fall, but all this legal confusion keeps delaying the program,” said Laura Johnson, an Ogden mother and one of three parent and voter petitioners. “My child’s future is on the line and I cannot wait any longer. I hope the Utah Supreme Court will quickly set things right so the voucher program can go forward.”

Finally, because the flawed ballot title reflects similar problems with the referendum effort itself—both mistakenly attempt to place all of H.B. 148 on the ballot—the petition also asks the court to review whether the referendum as filed was similarly misleading to voters. The petition further notes that the referendum sponsors chose the wrong constitutional mechanism to challenge the school choice law. Because H.B. 174 passed by referendum-proof majorities, the proper avenue is a citizen initiative.

Rep. Steve Urquhart, the House sponsor of H.B. 148, also joined the petition.

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