

FILED
UTAH APPELLATE COURTS

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IN THE UTAH STATE SUPREME COURT

STEVEN G. MAXFIELD (*pro se*)
DANIEL NEWBY (*pro se*)
BART GRANT (*pro se*)

Petitioner vs.

GOVERNOR GARY R. HEBERT
LT. GOVERNOR SPENCER COX
DIRECTOR OF ELECTIONS JUSTIN LEE
SENATE PRESIDENT WAYNE L.
NIEDERHAUSER
SEN. LUZ ESCAMILLA
SEN. JIM DABAKIS
SEN. GENE DAVIS

:
: Motion for
: Emergency Relief
:
:
: Case: 20180997-SC
:
:

SEN. JANI IWAMOTO
SEN. KAREN MAYNE
SEN. WAYNE A. HARPER
SEN. DEIDRE M. HENDERSON
SEN. BRIAN ZEHNDER
SEN. LINCOLN FILLMORE
SEN. HOWARD A. STEPHENSON
SEN. DANIEL W. THATCHER
SEN. JACOB L. ANDEREGG
SEN. DANIEL HEMMERT
SEN. KEITH GROVER
SEN. CURTIS S. BRAMBLE
SEN. PETER C. KNUDSON
SEN. ANN MILLNER
SEN. ALLEN M. CHRISTENSEN
SEN. DAVID G. BUXTON
SEN. JERRY W. STEVENSON
SEN. J. STUART ADAMS
SEN. TODD WEILER
SEN. RALPH OKERLUND
SEN. LYLE W. HILLYARD
SEN. KEVIN T. VAN TASSELL
SEN. DAVID P. HINKINS
SEN. EVAN J. VICKERS
SEN. DON L. IPSON
SPEAKER OF THE HOUSE GREGORY H.
HUGHES
REP. SCOTT D. SANDALL
REP. JEFFERSON MOSS
REP. VAL K. POTTER
REP. EDWARD H. REDD
REP. CASEY SNIDER
REP. A. CORY MALOY
REP. KYLE R. ANDERSEN
REP. GAGE FROERER
REP. JEREMY A. PETERSON
REP. DIXON M. PITCHER
REP. KELLY B. MILES
REP. MIKE SCHULTZ
REP. PAUL RAY

REP. KARIANNE LISONBEE
REP. BRAD R. WILSON
REP. STEPHEN G. HANDY
REP. STEWART E. BARLOW
REP. TIMOTHY D. HAWKES
REP. RAYMOND P. WARD
REP. REBECCA P. EDWARDS
REP. DOUGLAS V. SAGERS
REP. SUSAN DUCKWORTH
REP. SANDRA HOLLINS
REP. REBECCA CHAVEZ-HOUCK
REP. JOEL K. BRISCOE
REP. ANGELA ROMERO
REP. MICHAEL S. KENNEDY
REP. BRIAN S. KING
REP. LEE B. PERRY
REP. MIKE WINDER
REP. ELIZABETH WEIGHT
REP. LAVAR CHRISTENSEN
REP. CRAIG HALL
REP. KAREN KWAN
REP. MARK A. WHEATLEY
REP. PATRICE M. ARENT
REP. CAROL SPACKMAN MOSS
REP. ERIC K. HUTCHINGS
REP. JAMES A. DUNNIGAN
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REP. MARC K. ROBERTS
REP. MERRILL F. NELSON
REP. CHRISTINE F WATKINS
REP. CARL R. ALBRECHT
REP. BRADLEY G. LAST
REP. JOHN R. WESTWOOD
REP. MICHAEL E. NOEL
REP. V. LOWRY SNOW
REP. WALT BROOKS

Respondents.

1. Comes now Steven G. Maxfield, Daniel Newby, Bart Grant Utah registered voters, and hereby complains against Respondents, who are elected officials in the State of Utah, responsible for executive and legislative functions including safeguarding the peoples co equal right to legislate under Article VI, Section 1 of the Utah State Constitution and seeks the extraordinary emergency relief as stated below.

STATUTORY BASIS

2. This action is brought pursuant to URAP 8A and 23C, in that Respondents as state officers have failed to comply with multiple provisions of the Utah Constitution and UCA 20A Chapter 7.
3. The legislative scheme only allows 5 days for petitioners to submit a completed application to the Lieutenant Governor (“LG”). The Application was submitted on December 3, 2018, and Rejected December 4, 2018.
4. If this Court eventually finds the application was improperly rejected, and orders the LG to accept it, Petitioners only have 40 days from December 4, 2018, to garner over 114,000 verified signatures to place the referendum on the November 2020 ballot.
5. This action is separate from the Petition for Extraordinary Relief (Grant v Herbert ??) et al Utah Supreme Court case No. _____. While the underlying cause of action remains the same, this action is specifically filled under URAP 8A and 23C (emergency relief). All arguments for cause of relief, as well as any applicable exhibits from above mentioned separate Petition for extraordinary relief, are hereby incorporated as they apply to this Petition for Emergency Relief.
6. Under URAP 8A and 23C, Petitioners requests that the Respondents file all responses in compliance with subpart (d) within three days, and that this court make its decision as early as possible.

JURISDICTIONAL BASIS

5. This action is appropriately brought before the Utah Supreme Court pursuant to URAP 8A and 23C (emergency relief), based on Respondents’ failure to act on the application for referendum as required under UCA 20A-7-302, which also violates Utah State Constitution Article 1, Sections 1 and 17, Article VI, Section 1, the First Amendment to the Bill of Rights

included in the United States Constitution, specifically the right to free elections and the right to petition government for a redress of grievances. As a registered voter, no other means is available to the Petitioners other than through an Extraordinary Writ before this Court.

6. Under URAP 8A and 23C, Petitioners request that the Respondents file all responses in compliance with subpart (d) within three days and that this court make its decision as early as possible.
7. Petitioners hereby state all respondents were served via electronic communication.

RELIEF SOUGHT

8. Petitioners request this court for all equitable relief as soon as possible URAP 8A and 23C, including, but not limited to, ordering Respondents to answer the complaint within 3 days, and hearing and deciding the case as soon as possible.

9. Declaratory judgment and order that the special session violated a constitutionally-protected right of the people.

10. Order vacating HB 3001 6S.

11. Order restoring Proposition 2, Utah Medical Cannabis Act, into full effect.

12. Declaratory judgement that neither 20A-7-102(2) nor Utah Constitution Article VI, Section 1(2)(a)(i)(B) prohibits a referendum in response to a successful initiative.

13. Order the LG to accept Petitioner's application for referendum.

DECLARATION PURSUANT TO SECTION 78B-5-705

I declare under criminal penalty of the State of Utah that the foregoing is true and

accurate to the best of my understanding and recollection, and do so swear.

/S/ Bart Grant Date: 12-10-2018

Bart Grant, Petitioner

/S/ Daniel Newby Date: 12-10-2018

Daniel Newby, Petitioner

/S/ Steven G. Maxiield Date: 12-10-2018

Steven G. Maxfield, Petitioner

Certificate of Service

I hereby certify that I, Steven G. Maxfield, hand delivered a true and correct copy of the above petition for an extraordinary writ of relief along with all exhibits to the following this 10th day of December, 2018.

/S/ Daniel Newby Date: 12-10-2018

Daniel Newby, Petitioner

Respondents Served:

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