

Tribe files legal challenge against Otter's veto

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PLUMMER, IDAHO – Today, the Coeur d'Alene Tribe filed a petition with the Idaho Supreme Court for a writ of mandamus to compel Secretary of State Lawrence Denney to certify Senate Bill 1011 into law as required by the Idaho Constitution.

A writ of mandamus is an extraordinary court-ordered remedy to require a government official to follow the law and fulfill their official duties. In this case, the Tribe is requesting that the Supreme Court review the laws and actions surrounding Governor Otter's attempt to veto S. 1011 to confirm that the veto was not valid and require Secretary of State Denney to perform his constitutional duties by certifying S. 1011 into law.

During the 2015 legislative session, S. 1011 was passed by a supermajority of both the Idaho Senate and House of Representatives. As a result, all instant racing machines in Idaho are required to be removed by July 1, 2015. Under the Idaho Constitution, Governor Otter had five days to veto the bill but instead he attempted to veto the bill two days past the time allowed by law.

"The Governor cannot enlarge his veto power under the Constitution," said Deborah Ferguson of the Boise law firm Ferguson Durham, PLLC, which filed the petition on the Tribe's behalf. "The Constitution was not created for the benefit of the Governor or the Legislature, but for the people, who have a right to have duly enacted laws enforced. This basic right goes to the heart of our democracy. The Secretary of State has refused his duty to certify S. 1011 as a law. Only the Idaho Supreme Court has the power to preserve the integrity of the lawmaking process at this point."

"The record clearly shows the Governor did not follow the constitutional requirements for a legal and valid veto. It's a shame the Secretary of State has chosen to waste taxpayer dollars by refusing to do his job. Unfortunately, we have no choice but to pursue this matter in court," said Coeur d'Alene Tribal Chairman Chief Allan. "We hope this issue can be resolved promptly and Secretary Denney takes the action he should have taken weeks ago and certify S. 1011 into law," he added.