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Independent Voters Appeal U.S. District Court Decision Ruling Idaho's Open Primary System Unconstitutional

New York, NY—Independents have taken an appeal from the decision of U.S. District Judge B. Lynn Winmill ruling Idaho's open primary system unconstitutional.

In August of 2008, a group of 11 independent Idaho voters and two organizations representing independents—the American Independent Movement of Idaho founded by Mitch Campbell of Twin Falls and the New York-based CUIP (d/b/a IndependentVoting.org)—a national association of independents—were granted the right to participate in the case as intervenors-defendants. As such, the independents have standing to appeal.

"A third of Idaho voters have lost their right to vote in the state's primaries as a result of this decision," said Harry Kresky, general counsel for CUIP and co-counsel for the intervenors. "As a result of our intervention in the litigation, independents are able to take the necessary legal steps to protect their interests, regardless of what the State of Idaho decides to do in the courts or in the legislature in response to the decision."

The notice of appeal was filed by attorney Gary Allen of Boise, who stated:

"I look forward to representing independent voters' interests on the appeal. It is important for independents to have a voice in this matter. In Idaho, the Republican primary is often the only election that counts, and independents who wish to affiliate with the Republican Party for purposes of that primary should be able to do so. Partisan interests should not take precedence when it comes to participation in the democratic process."