

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

DONALD N. DAIEN,

Plaintiff,

vs.

BEN YSURSA, in his official capacity
as Secretary of State of Idaho,

Defendant.

CV 09-22-S-REB

JUDGMENT

In accordance with the Memorandum Decision and Order filed with this Judgment,

NOW THEREFORE IT IS HEREBY, ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Summary Judgment (Docket No.) is hereby GRANTED to the extent that the following Idaho statutory provisions are declared unconstitutional:

- (1) the requirement in *Idaho Code* § 34-1807 (2009) that individuals circulating petitions on behalf of independent presidential candidates be Idaho residents and
- (2) the requirement for the number of signatures to be contained in nominating petitions for independent presidential candidates, as contained in *Idaho Code* § 34-708A (2009), insofar as they are distinct from the number of nominating signatures required for independent candidates for statewide offices in *Idaho Code* § 34-708 (2009).



DATED: May 5, 2010

Honorable Ronald E. Bush
U. S. Magistrate Judge