



3rd EDITION



IMPACT REPORT



ACLU Utah
SUMMER 2026



Dear Friends,

I have spent much of my adult life working in the same spaces as the ACLU of Utah—on Capitol Hill, in community organizing, and in the fight for civil rights and liberties across our state. So when I say that this past year has been one of the most consequential I can remember, I want you to know I'm not saying it from a distance.

The attacks have been relentless—on our courts, our elections, our classrooms, and our immigrant and refugee neighbors. And yet, what I have witnessed from my role as Board President is an organization that has met every single one of these challenges without flinching. Our legal team took the State to court over unconstitutional book bans. They won relief for international students whose visas were revoked without due process. Our campaigns and legal staff have delivered countless Know Your Rights presentations to Utahns curious about immigrants' rights, protest rights, or student rights. And as a major election year arrives, the full team is ensuring every eligible Utahn can cast a ballot freely and without fear.

This report is a record of that work—and of yours. Every membership, every donation, every action taken makes all of it possible. It is my privilege to help steward this organization, and I am deeply proud of what we have built together.

Thank you for standing with us. "We the People" must include ALL the people.



Sophia Hawes-Tingey
Board President,
ACLU of Utah

TABLE OF CONTENTS

PAGE 2
Message from the
Board President

PAGE 3
Staff & Board

PAGE 4-5
Banned Books Lawsuit

PAGE 6-7
Q & A- Interns

PAGE 8
Protecting our
Immigrant Neighbors

PAGE 9
Awards

PAGE 10
Making Sure Every Utahn Can Vote

PAGE 12
When the Courts Become the Target

PAGE 14
Resources

PAGE 15
Staff in Action

PAGE 16
Donate

ACLU of Utah Staff 2026

Executive

Brittney Nystrom

Executive Director

Communications

Ulukeya Trawally

Senior Communications Strategist

Administration

Elizabeth Honey

Director of Finance

Siera Gomez

HR People & Culture Manager

Bailey Lewis

Office Manager & Executive
Assistant

Campaigns

Alison Griffith

Director of Community
Engagement

Ellie Menlove

Director of Policy

Malyssa Egge

Indigenous Justice
Organizer

Riley Arnold

Community Engagement Associate

Legal

Jason Groth

Legal Director

Thomas Ford

Staff Attorney

Abby Cook

Staff Attorney

Masami Kanegae

Staff Attorney

Molly Karasick

Immigrants' Rights
Legal Fellow

Sam Cypert

Paralegal

Development

Tyrell Aagard

Development Director

Eric Carlson

Administrative & Development
Specialist

ACLU of Utah Board of Directors 2026

Sophia Hawes-Tingey

President

Brianne Kramer

Vice-President

Jessica Nelson

Legal Panel Liaison

Barry Gomberg

Board Member

Grant Miller

Board Member

Charlene Lui

National Board Representative

Jensie Anderson

EDIB Committee Chair

James Morris

Board Member

Paul Shepherd

Board Member

Diane Ercanbrack

Secretary

Darlene McDonald

Strategic Planning Review Chair

Kris Campbell

Board Member

Tracy Vandeventer

Board Member

Emily Hase

Treasurer

Kevin Korous

Development Committee Chair

Clay Pearce

Board Member

Lisa Reese

Board Member

THE BANNED SHELF - A BREAKDOWN OF OUR LAWSUIT UPHOLDING THE FREEDOM TO READ

By Thomas Ford, Staff Attorney

Utah has been banning books from public school libraries for years. But the passage of two laws finally reached a tipping point that brought the ACLU of Utah to federal court.

It started in 2022 when the Utah Legislature passed HB 374, known as the “Sensitive Materials in Schools” Act. The law prohibited books containing “pornographic or indecent content” from K-12 public school libraries and classrooms. The effect was swift and significant: book bans in schools across Utah jumped from just 12 in the 2021-2022 school year to 281 the following year. The titles targeted were overwhelmingly those written by and about Black, Indigenous, and LGBTQ+ people.

Then in 2024, the Legislature went further. HB 29—sponsored again by Rep. Ken Ivory and signed into law by Gov. Spencer Cox—built on HB 374’s framework and created a sweeping new mechanism. If three school districts ban a book for containing “objective sensitive material,” that ban automatically triggers a statewide removal from every K-12 public school library in Utah. The decision of less than 10% of Utah’s districts and charters now dictates what 100% of Utah students are allowed to check out from a school library. HB 29 took effect July 1, 2024, with 13 books already on its list—retroactively banning them statewide under the new threshold. At the time of this writing, 36 titles have been banned statewide from every public school in Utah, making Utah the national leader in statewide school book bans. Among the casualties: “Slaughterhouse-Five” by Kurt Vonnegut, “The Bluest Eye” by Nobel Prize winner Toni Morrison, and “I Know Why the Caged Bird Sings” by Maya Angelou. These works that have shaped generations of readers and appear on countless school curricula and recommended reading lists across the country.

The ACLU of Utah had been fighting this legislation from the beginning, including work through the Let Utah Read Coalition, advocacy at the Capitol, and public education. But as the statewide ban list grew, the path forward required the courts. Working alongside pro bono law firms Parr Brown Gee & Loveless and Spencer Fane, LLC, the ACLU of Utah began assembling a coalition of plaintiffs whose voices could speak to the full scope of the harm.

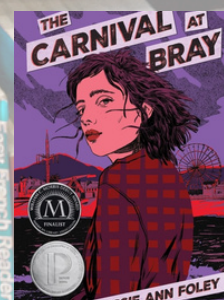
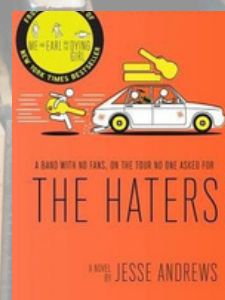
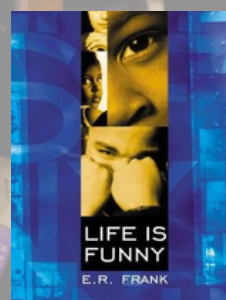
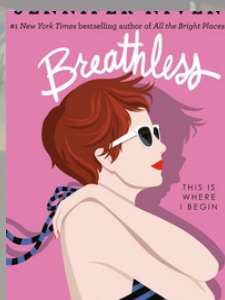
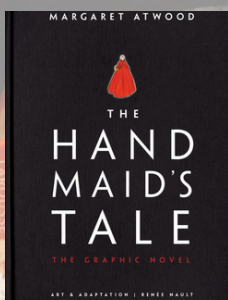
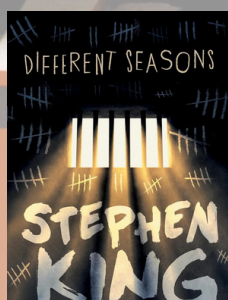
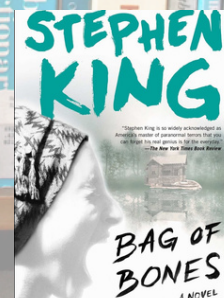
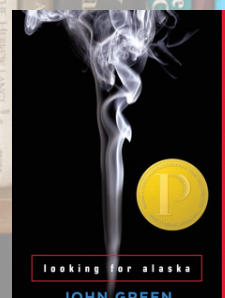
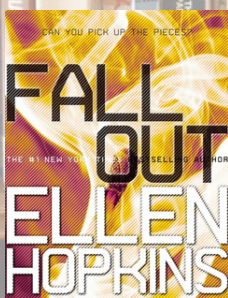
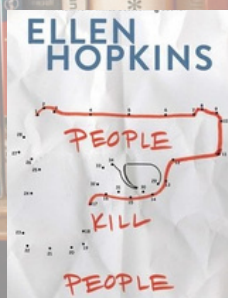
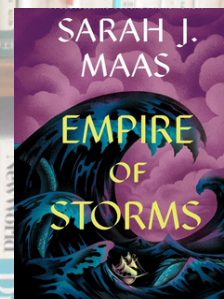
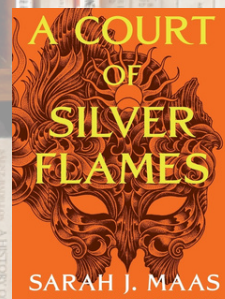
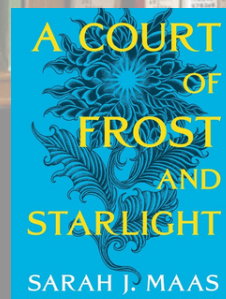
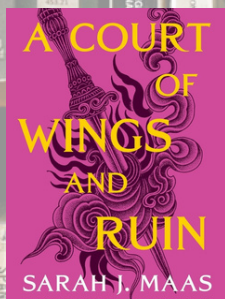
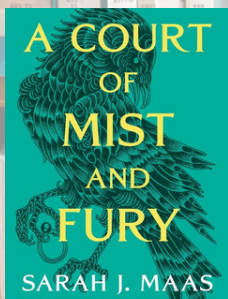
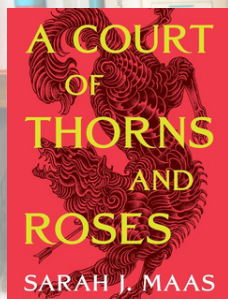
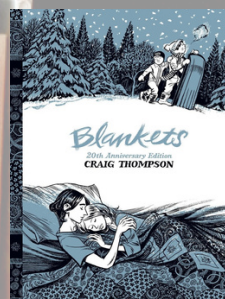
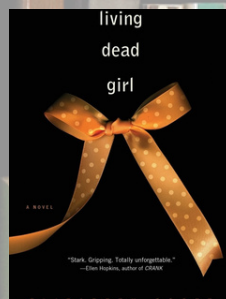
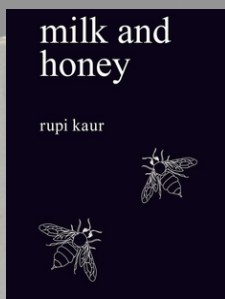
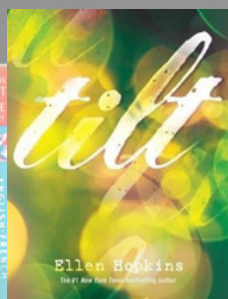
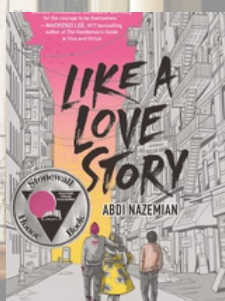
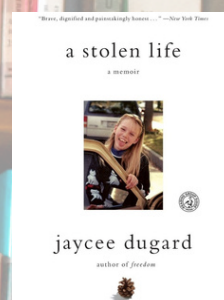
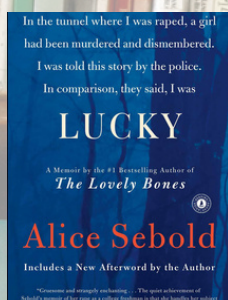
Penguin Random House’s Intellectual Freedom Taskforce facilitated the participation of the Kurt Vonnegut Estate, represented by Nanette Vonnegut—the late author’s daughter—who had watched Slaughterhouse-Five banned from school shelves once before, in a 1975 New York school district case that led to a landmark U.S. Supreme Court victory. Three acclaimed authors whose own works had been banned joined the suit: Elana K. Arnold, Ellen Hopkins, and Amy Reed. Two anonymous Utah public high school students, who could speak directly to what it means to walk into a library and find the shelves emptied of the stories that reflected their lives, rounded out the plaintiff group.

On January 6, 2026, the ACLU of Utah filed **Vonnegut v. Utah** in the U.S. District Court for the District of Utah. The complaint argues that HB 29’s statewide ban provisions are unconstitutionally overbroad in violation of the First Amendment—that by stripping books from shelves based solely on the presence of any sexual reference, without any consideration of literary value, context, or the age of the reader, Utah is censoring protected speech and silencing both students and authors. The defendants include the Utah State Board of Education, Utah Attorney General Derek Brown, and three school districts.

Less than a month later, the suit grew stronger. In early February 2026, the Maya Angelou Estate—stewarded by Caged Bird Legacy—joined as a plaintiff after “I Know Why the Caged Bird Sings” was banned by two Utah school districts. Dr. Angelou was one of the most frequently banned authors in American history during her lifetime. The lawsuit asks the court to declare the statewide ban provisions of HB 29 facially unconstitutional and to order every removed book immediately returned to school shelves.

The freedom to read is a First Amendment right, not a privilege. As long as Utah’s book ban continues to operate, pulling celebrated works of literature from the hands of students without regard for their value or their voice, the ACLU of Utah will be in court fighting to stop it. This fight is far from over, and we are fully committed to upholding the right to learn and the freedom to read for all Utahns.

36 Books Banned Statewide In Utah





Q & A WITH SUYAM POKHAREL, FORMER CAMPAIGNS INTERN

“WHAT DREW ME TO THE ACLU OF UTAH IS THE MISSION TO PROTECT AND ADVOCATE FOR CIVIL RIGHTS”

Tell us about yourself. Where are you attending university and what's your major? What drew you to the ACLU of Utah specifically?

I am a child of two Nepali immigrants who have taught me strong cultural and community values. Additionally, I am an Economics and Political Science major at the University of Utah. I am curious about several things in life, such as education, politics, and modern pop culture.

What drew me to the ACLU of Utah is the mission to protect and advocate for civil rights. Currently, we live in a tumultuous period of time. It is critical to have organizations that can advocate for people, especially in a conservative state like Utah. As a queer person of color, not only am I deeply affected by the issues the ACLU of Utah addresses, they are integral in my own activism and advocacy work.

Where do you hope to take your career after this, and how has the ACLU of Utah influenced that path?

I aspire to be not only a lawyer, but also a leader of true systemic change and to build a community of lawyers who act not only through their careers, but also outside of them. During my time with the ACLU of Utah, I was taught how to properly advocate for my values in well-established non-profit work and advocacy. This internship made me realize that I would love to be a part of the legal team of an ACLU state affiliate in the future. There is nothing that I am more passionate about than civil liberties and coming together to create large strides in advocacy.

I desire to be a lawyer and leader who does their job well and challenges systemic norms and values, reshaping them to be inviting and respectful to all. Law school will only be the first major steppingstone into a life of building movements and strongly advocating for individuals who are victims of the system. I also hope to be a bigger activist who can be a vessel of hope for communities. People deserve laws that are effective and movements that will cause tangible changes. Each day that goes by, I know I get closer to what I truly desire: rebuilding the volatile system and protecting the individuals who are susceptible to the violence of it. Justice for all, or for none.

Fun fact: I am an avid connoisseur of romantic comedy movies. My favorite one is The Holiday. If you haven't watched it, I highly recommend you do!

What's the most meaningful project or accomplishment here—the moment or outcome you're most proud of?

The most meaningful projects that I have worked on are creating a Know Your Voting Rights presentation for university students, as well as working on an op-ed that a newspaper can publish. As a student myself, it is so disheartening to see that students are not voting and that they feel like there is no hope within our political system. While I think voting is not the only way to get involved, it is often one of the most critical ways to send a message about what you support. Being able to go on campus and discuss students' voting rights and hear about their experiences has really opened my eyes to a new wave of advocacy. Additionally, being able to challenge myself and write an op-ed has become one of the most rewarding things I have been able to do.

You've been involved in community outreach work beyond the University of Utah—can you walk us through what that looked like in practice and what surprised you about that process?

I have been heavily involved in community outreach since I was in high school, however, much of my advocacy came from campus organizations like College Democrats or student government. I gained a lot of experience and important information from organizations on campus and am extremely grateful for the experiences. In the past, I have worked with Salt Lake County Democrats on the fight for fair maps and election awareness. However, as I continued my work in my internship, I realized that I would like to do more. I'm currently trying to get involved in several other organizations, such as Comunidades Unidas, which is an active ACLU of Utah community partner. For me, I see what is happening on the news and can't wait to see what will be improved; right now action is necessary. The way I frame my community outreach work is through the areas that are important to me: immigration, environmental issues, and criminal justice.

What would you tell a student who is considering applying for this type of internship?

You will learn so much about advocacy. Not only is the team one of the most wonderful, but they have truly established a cohesive system for advocating and protecting civil rights. Be ready to challenge yourself in your capacity as an intern and stay open to all the opportunities that come before you. One of the most exciting things I did was participate in diverse community events across the state and hear directly from the community about their concerns and needs. This is such a fulfilling and incredibly rewarding experience; I truly can't recommend the ACLU of Utah more.

Q & A WITH SAMANTHA REAGAN, FORMER CAMPAIGNS INTERN

“WHAT DREW ME TO THE ACLU OF UTAH IS THE MISSION TO PROTECT AND ADVOCATE FOR CIVIL RIGHTS”

Tell us about yourself. Where are you attending university and what's your major? What drew you to the ACLU of Utah specifically?

I am a rising senior at the University of Utah, double majoring in Sociology and Psychology, with hopes to one day practice as a civil rights attorney. I am deeply committed to an ethic of equity and social justice, and these values are what first pushed me toward considering a legal career and eventually steered me toward the ACLU. I first became a dues-paying member of the ACLU when I was fifteen, as it gave me a way to be involved in advocacy when my options were quite limited. Having the opportunity to intern at the ACLU of Utah was absolutely a dream come true; I cannot imagine a more fulfilling area of work for me, and the experience has been a tremendous honor.

This has been a long-term, year-round internship rather than a single semester. How has that continuity shaped your experience compared to a more traditional internship?

The length of this internship has allowed me to truly develop as an individual and an advocate. I think back to where I was at the beginning of this school year and it is almost shocking how different a person I was. I had almost no knowledge of where to get started in grassroots advocacy work, no idea of how to approach immigration issues or resisting ICE, and felt out of my depth when I spoke to seasoned activists. Now, activism has become the center of my life, and I could not feel happier and more at one with my values. My time at the ACLU taught me to be highly adaptive, proactive, and have a high standard of quality in all work I produce. Had the internship been shorter, I truly would not have been able to achieve as much development in this area and likely would not have been able to have my projects expand out in the way they did.

Most importantly, through a year-long internship I feel I have had the opportunity to cultivate real relationships with my supervisor and our community partners, which establishes the trust essential to effectively organizing together. I have learned a tremendous amount through this internship, which would not be possible without the exceptional guidance and mentorship of my supervisor, Alison, and of the entire ACLU of Utah team.

Fun fact: I am on the board of Backcountry Squatters, a women's outdoors group at the U! Through BCS, I've gone on my first backpacking, rafting, and outdoor climbing trips, and fallen completely in love with Utah's natural environment.



What's the most meaningful project or accomplishment here—the moment or outcome you're most proud of?

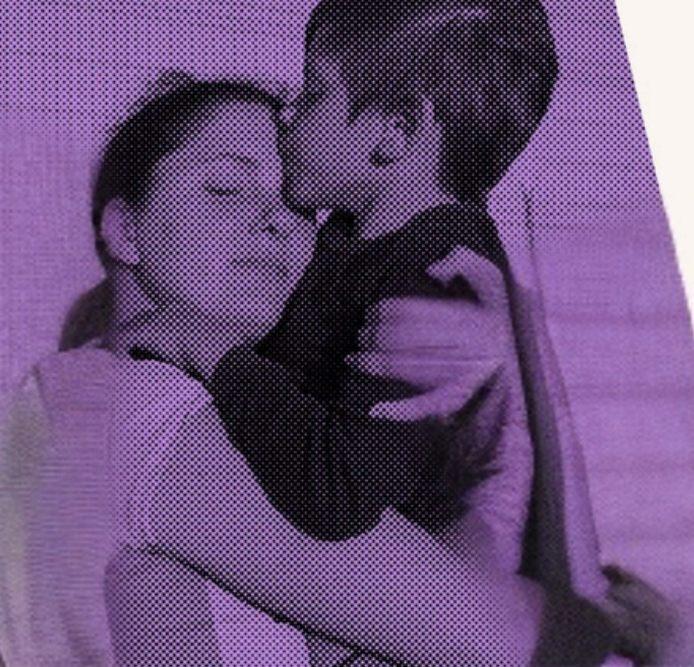
The project I'm most proud of from my time at the ACLU of Utah is creating and facilitating my **Know Your Rights When Interacting with ICE Training** for university students. Before joining the ACLU, I noticed the fear ICE instilled in many students, especially those from immigrant backgrounds involved in advocacy. There was a significant gap in understanding university policies, legal/immigration resources, speech regulations, and what to do during ICE interactions.

I adapted the ACLU of Utah's existing KYR presentation to cover topics like public vs. private campus areas, free speech limits, and a list of free/low-cost immigration resources. I coordinated a training night with the Legacy Alliance, an alliance of identity-based student organizations at the U, including the Latiné Student Union, Black Student Union, and others. I've since expanded the training to more student organizations and hope it can inspire similar KYR trainings at other universities in the state.

How has this experience shaped or changed your perspective on civil rights and liberties or social justice work?

More than anything, this experience has strengthened my commitment to civil rights work and affirmed that I am truly on the right path. I have had the privilege to see firsthand how much the ACLU of Utah has done for my community; organizers I work with talk to me about how grateful they have been for Know Your Rights information or legal help, or for the ACLU's ability to connect them with essential resources. I have learned so much about how the ACLU works, and just how many of our civil liberties still exist in Utah only because the ACLU is fighting for them.

Since starting this internship, many of my peers have reached out to me with specific questions about the ACLU of Utah, navigating ICE interactions, or for help being referred to legal services. I have been incredibly honored to know that my community sees me as a resource in this way, and that those around me trust me enough to ask for help navigating these issues. This is how I want the rest of my life to be led. To do work that is this aligned with my values is a massive privilege. The fight for civil rights is more essential now than it has been in a very long time in the United States, and I want to do everything in my power to be a part of that fight.



PROTECTING OUR IMMIGRANT NEIGHBORS

When President Trump returned to office, he immediately issued an executive order directing federal agents to expand immigration enforcement to the maximum extent the law allows. In the time since, this has reshaped daily life for immigrant and refugee Utahns, including a surge in ICE activity, local police pressed into federal enforcement, and a climate of fear that touches all Utahns. We've met that moment on every front: in the courts, at the Capitol, and in the community.

Much of this runs through 287(g) agreements, which are voluntary contracts that deputize local police and sheriffs to act as ICE agents. These deals fuel racial profiling and make immigrant families afraid to report crimes or come forward as witnesses. A dozen Utah law enforcement agencies have now signed a version of these agreements, often with little public notice. In response, we built and maintain a public tracker of every Utah 287(g) agreement, launched our Stop ICE Takeover petition, and are pressing local agencies to end this program that turns neighbors into targets and deflects local law enforcement from public safety needs.

We've also refused to let immigration detention expand in the shadows. When federal officials moved to convert a Salt Lake City warehouse into a massive immigration detention facility (without public notice or community input) we spoke out, demanding transparency and oversight. And when the government abruptly stripped the visa records of international students enrolled in Utah universities, throwing their studies and futures into limbo, our legal team went to federal court and won their reinstatement.

Equally as vital as any lawsuit is making sure Utahns know their rights before ever interacting with ICE. Our Know Your Rights (KYR) presentations and materials are plain-language guides—delivered in person and online—that explain what rights the Constitution guarantees to everyone in this country, regardless of immigration status. Since January 2025, we have held nearly 30 unique Know Your Rights presentations, providing many schools, faith communities, food pantries, and fellow nonprofits with the tools to stay safe and informed.

Our message is simple and empowering: **you have rights, and you can use them.** You have the right to remain silent—and to say out loud that you are exercising this right. You don't have to open your door to an immigration officer unless they show a warrant signed by a judge; an ICE-issued administrative warrant is not enough. You have the right to a lawyer, and the right to decline to sign anything without one. You even have the right to record immigration enforcement happening in public. Our growing KYR library now covers what to do when interacting with ICE at home, at school, at a place of worship, and as a bystander witnessing an enforcement action.

Utah's immigrant and refugee communities have a fear that is real—but so is the response from organizations like the ACLU of Utah that are committed to upholding rights and safeguarding freedoms. As long as Utahns' rights are under threat, the ACLU of Utah will keep showing up in court, in the community, and in the fight to ensure “We the People” means all of us.

KNOW YOUR RIGHTS WHEN INTERACTING WITH IMMIGRATION AGENTS

3 THINGS TO REMEMBER

- **Don't sign anything.** You have the right to a lawyer. Never sign a document without speaking to an attorney first.
- **Stay silent.** You have the right to remain silent. Say clearly, “I wish to remain silent,” and stop there.
- **Don't open the door.** ICE cannot enter your home without a warrant signed by a judge—not an ICE-issued one. Ask immigration officers to slide a warrant under the door or hold it up to the window so you can inspect it. Clearly state you do not consent to them entering.





UTAH IMMIGRANT ADVOCACY COALITION

The Torch of Freedom Award recognizes individuals or organizations for their outstanding contributions to the cause of civil liberties and social justice in Utah.



DAVID W. TUFTS

The Mickey Duncan Award is given to individuals and law firms who share a commitment to civil liberties and the protection of individual freedoms and work to defend and promote them in Utah.

2026

Torch of Freedom & Mickey Duncan Awards



MAKING SURE EVERY UTAHN CAN VOTE

Voting is the cornerstone of our democracy and the foundation on which every other civil liberty rests. Democracy only works if every eligible voter who wants to cast a ballot can actually do so easily, freely, and with confidence that their vote will count. Ensuring access to vote is the entire purpose of the ACLU of Utah's nonpartisan Election Protection program, and in 2026 it is bigger than ever. As Utahns head toward November's General Election, our goal is simple: every eligible voter in Utah can register and cast a ballot without encountering unnecessary or unconstitutional roadblocks.

Attaining this goal now takes more work because the rules keep changing. Over the past two legislative sessions, Utah lawmakers reshaped how Utahns vote. A new law passed in 2026, HB209, requires that, beginning with the 2026 General Election, only voters whose U.S. citizenship has been verified will automatically receive a ballot.

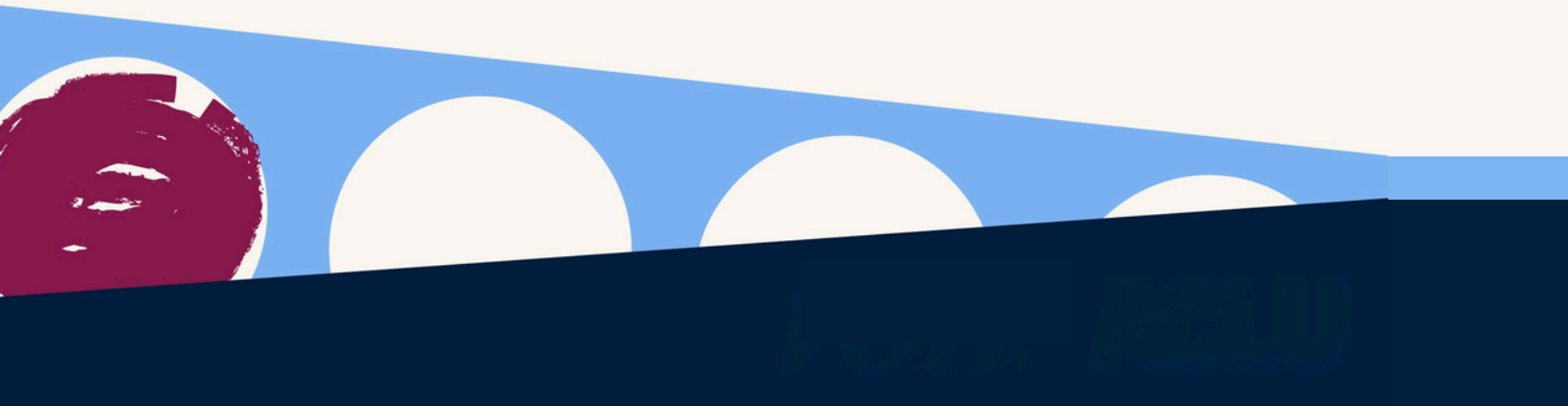


Utahns whose status can't be confirmed in state records will receive a notice asking for verification documents, while those who don't respond in time will receive a ballot with only federal elections included, and will be required to cast a provisional ballot for any state and local races. Another new law, HB300, began the process of phasing out Utah's popular automatic vote-by-mail system, sowing confusion about deadlines and what is now required to receive and cast a mail ballot.

The ACLU of Utah opposes all legislation that makes voting harder, and where we couldn't stop a change, we are working to make sure voters understand the change. Additional roadblocks facing voters have come from outside the state. In early 2026, the U.S. Department of Justice sued the State of Utah to obtain the complete, unredacted voter list, a file containing Social Security numbers, birthdates, and driver's license data that Utahns handed over in good faith to the state simply to register as voters. The ACLU of Utah, together with the League of Women Voters of Utah and the ACLU's national Voting Rights Project, went to court to block this effort. We here at the ACLU of Utah believe that when people fear their personal information will be exposed or misused, they stop participating; protecting voter data is protecting the vote itself.

But litigation is only one layer of this campaign. The heart of Election Protection is a statewide, on-the-ground, volunteer-driven operation that swings into gear months before the primary or general election. At its center is the Election Protection Hotline, 1-866-OUR-VOTE, run in partnership with the Lawyers' Committee for Civil Rights Under Law. Trained volunteers answer the calls of Utah voters using a Utah-specific guide, while the ACLU of Utah tracks every call so we can move quickly on problems as they surface, responding to a jammed drop box, a polling place turning away voters, or a confusing mailer. As part of a coordinated effort nationwide, the hotline is advertised on hundreds of signs near polling places and drop boxes, and across radio, print, & digital ads.

Our vote is *our power*



On Election Day and during early voting, the program fields a corps of dozens of trained volunteer poll watchers—backed by volunteer attorneys versed in Utah election law—stationed at polling places across the state and concentrated in communities where election concerns have been previously noted. Poll watchers look for the issues that quietly cost people their vote: illegal electioneering near polling places, voter intimidation, unscheduled drop box closures, ballot shortages, malfunctioning machines, and accessibility barriers for voters with disabilities. Year-round, our Election Protection team and partners across the Let Utah Vote Coalition also review the information County Clerks and the Lieutenant Governor's Office post about elections, from signage to websites to mailers, and advocate to correct errors before they mislead anyone. We will also be sending plain-language deadline reminders to targeted voters.

In San Juan County, where the right to a ballot in one's own language was a hard-won and staunchly defended right, the program sustains a dedicated effort, including local poll watchers and in-person voter education, all as part of enforcing the county's language-access settlement agreement. Language access is voter access, as we pointed out in a recent, detailed report available on our website.

Fortunately, there are multiple organizations protecting the right to vote in Utah. The ACLU of Utah anchors this work within the Let Utah Vote Coalition and plugs into the national ACLU's largest-ever election safeguarding effort, which has mapped responses to 25 different election-threat scenarios and stands ready with rapid-response organizing and litigation from now through the final certification of results.

You can be a part of securing the right to vote. Free and fair elections are not a partisan cause, they belong to all of us. Whether you vote by mail or in person, early or on November 3, the ACLU of Utah is working to keep the ballot box open to every eligible Utahn, and you can help. Volunteers are the backbone of Election Protection, as poll watchers, sign distributors, and educated voters.

All voters who encounter
questions or difficulty voting
can call **1-866-OUR-VOTE.**



**Scan the QR code to sign up
and join us in making sure that
every eligible Utahn who
wants to vote, can.**

WHEN THE COURTS BECOME THE TARGET

By Brittney Nystrom, Executive Director

At the ACLU of Utah, we do our work in three places: in the courts, at the Capitol, and with the people. Two of those forums run on politics—swayed by who has the most votes, the loudest microphone, the biggest majority. The third is designed to run on processes and standards with a goal of delivering justice. In a courtroom, a single Utahn with the Constitution on their side can stand toe-to-toe with the full power of the state and be heard as an equal. That promise only holds if the judge presiding over the case answers to the law, and not to politicians in the Legislature or the Governor's Office. Over the past two years, I have watched Utah's elected leaders work methodically to weaken the Judiciary and delegitimize this branch of our government. Honestly, these ongoing attacks should alarm all of us.

The first wave of these attacks on the Courts began after Utah's Supreme Court justices simply did their job of applying our state constitution to the set of facts before them. In the summer of 2024, the Court ruled unanimously that the Legislature could not unilaterally gut an anti-gerrymandering law that Utah voters had passed as a ballot initiative. Around the same time, judges hearing cases brought by the ACLU of Utah paused Utah laws creating a near-total abortion ban and a total ban on transgender girls competing in K-12 school sports. These rulings were not anomalies but instead demonstrated that the Judiciary was functioning exactly as designed—utilizing the processes of judicial independence and court review to uphold rights guaranteed by our state constitution. In other words, the Court provided a dispassionate check on power in cases in which the Legislature and Executive branches were very passionate about winning.

Our political leaders' response was not to accept those rulings as a product of our democracy. Instead, they opted to attack the institution and individual judges who issued them.

One of the most visible retorts was to change the size of the Judiciary. In January 2026, the Legislature voted to expand the Utah Supreme Court from five justices to seven (SB134). The Governor rushed to sign this bill into law that very weekend. Supporters insisted this wasn't "court packing," but the timing and context told a different story. Further, when combined with a resignation and a retirement I'll come to shortly, the expansion handed a single governor the chance to appoint five of the Court's seven justices in roughly a year. This marks a significant amount of influence by the Legislature and the Executive branches over the Judiciary in a consequential, heavily debated mid-term election year. Subsequently, Utahns now see a Supreme Court substantially reconfigured, while politically explosive lawsuits that have angered lawmakers, e.g., redistricting and abortion access, are still working their way toward the Court.

Also in early 2026, the Legislature passed HB392, a law that lets state elected officials—the Legislature, the Governor, or the Attorney General—transfer lawsuits suing the state out of the ordinary court system to be heard by a special three-judge panel. This transfer to a unique three-judge panel could be initiated even in cases already underway. The state's decision to change courts cannot be reviewed or overturned, and the Utahns on the other side of the litigation have no corresponding power. It is, quite simply, giving the government special treatment in a system that was premised on impartiality and the principle of blind justice.

Because the ACLU of Utah repeatedly litigates to defeat state laws that infringe on Utahns' rights and freedoms, we fully expected to be ensnared in this attempt to remake the judicial system in favor of the politicians in power. For years, the ACLU of Utah has represented Planned Parenthood Association of Utah in a legal challenge to the state's near-total abortion ban under the Utah Constitution. This ban was put on hold by a district court judge while its constitutionality is decided by the courts. Only weeks before a scheduled trial in April 2026, the state invoked the new law and pulled the case away from the presiding judge, reassigning it to the newly created panel. On behalf of Planned Parenthood, we objected, asking the Utah Supreme Court to declare the panel and the new process unconstitutional. We are now joined by the plaintiffs in similarly high-profile cases with political ramifications (legislative redistricting, and environmental conservation), whose lawsuits the state had redirected the same way. Each of these lawsuits argues that this novel judicial process is flawed and violates the state constitution; these arguments will be heard by the newly expanded Utah Supreme Court in September.

After objections opposing this new process were filed by us and similarly situated plaintiffs, the Legislature passed a backup plan, HB366. This alternative law provides that if the panel is struck down, an even more tailored "Constitutional Court", with judges chosen by the Governor and confirmed by the State Senate, will rise to take its place and wield exclusive power over constitutional challenges.

Next came the scrutiny of the judges who work within the Judiciary. Lawmakers in 2026 floated three proposals (each of which ultimately failed) that aimed to take power away from individual judges. The first was to raise the share of votes a judge needs to keep their job in a retention election to two-thirds (HB451)—the highest bar in the nation. Another idea was to let a committee of hand-picked legislators grade judges and print the politicians' verdict right next to the judge's name on your ballot (HB512). And, finally, a proposed constitutional amendment would have let the Legislature itself call a special election to remove any judge it decides is "unfit" (HJR13). Unfortunately, a fourth proposal did pass into law: it stripped the Justices of their long-held power to choose their own Chief and handed that choice to the Governor (SB296). When Third District Judge Dianna Gibson issued a redistricting map as part of ongoing litigation that lawmakers disliked, they branded her an "activist," passed a resolution condemning the courts, and one legislator even moved to impeach her.

The next attacks on judges turned personal. As two sitting justices came up for routine retention votes, confidential records about one of them, Justice Diana Hagen, were released to the public. Despite the allegations having already been reviewed and dismissed by the judicial conduct commission (which includes members of the Legislature) as unmeritorious, top officials demanded a fresh investigation anyway. The Governor mused that he might vote to remove her himself, adding that if you want your private life to stay private, "then don't be a judge." In May 2026, Justice Hagen resigned. She cited her desire to spare her family and to protect the independence of a judiciary she did not want to see dragged through the mud on her account.

Now, reasonable people can debate the specifics of what a functioning Judiciary looks like, e.g., how many judges a state needs, or the mechanics of how courts should be run. But when viewed together, these changes—enlarging the court, altering the court process for some cases, lowering the bar to remove judges, and intensively and publicly scrutinizing individual judges presiding over politically charged cases—weaken rather than strengthen the Judiciary. This meddling by the political branches into the non-elected and non-partisan Judiciary sends a message to every judge in Utah: rule against us at your own professional and personal peril.

An independent Judiciary is not a partisan luxury. It is, by design, the backstop that protects all of us, of every party and of none, on the day the government comes for our rights. It is why the ACLU of Utah fought these bills at the Capitol, why we went to court to defend the neutral forum our clients were promised, and why we stood with the legal community that rose up alongside us.

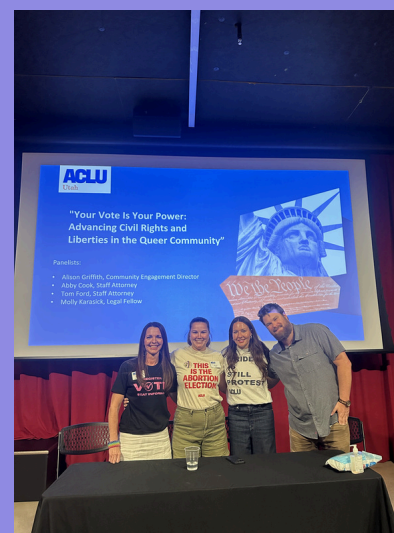
The courts were created by the people of Utah as enshrined in our state constitution, and we do not intend to let anyone forget it.

TIMELINE: THE ATTACK ON UTAH'S COURTS

- **Summer 2024:** The Utah Supreme Court rules unanimously that the Legislature cannot repeal the voters' independent-redistricting law (ACLU of Utah joins this challenge as a friend of the court).
- **Fall 2024:** Lawmakers rush the proposed "Amendment D" onto the ballot to seize power over citizen initiatives; a court voids it for heavily misleading language.
- **2025 Spring/Fall legislative session:** A wave of bills targets the Judiciary; Chief Justice Durrant calls it "a broad attack on the independence of the Judiciary." Most stall after a truce—but one law strips the court of its power to choose its own Chief Justice, handing that power to the Governor (SB296).
- **Fall 2025:** After Third District Judge Gibson orders a new congressional map, lawmakers condemn the courts and threaten to impeach her.
- **Jan 2026:** The Governor signs SB134, expanding the Utah Supreme Court from five justices to seven.
- **Feb 2026:** The Governor signs HB392, letting the state redirect lawsuits against it—including the ACLU of Utah's abortion-ban case—to a new three-judge panel; HB366 follows as a backstop.
- **Feb–Apr 2026:** The state reassigns several high-profile lawsuits to the new three-judge panel, including the abortion-ban case weeks before trial; the ACLU of Utah legally objects on Planned Parenthood's behalf to have the panel declared unconstitutional, joined by the redistricting and environmental conservation plaintiffs. The trial is put on hold.
- **May 2026:** Justice Hagen resigns under scrutiny; Chief Justice Durrant also announces his retirement, giving the Governor the chance to appoint five of seven justices in a single year.
- **June 2026:** The Governor nominates two new justices, neither with prior judicial experience.
- **Sept 2026:** Oral arguments are scheduled before the Utah Supreme Court on the three-judge panel process created by HB392.



STAFF IN ACTION



Learn More!

Take Action



Our Cases

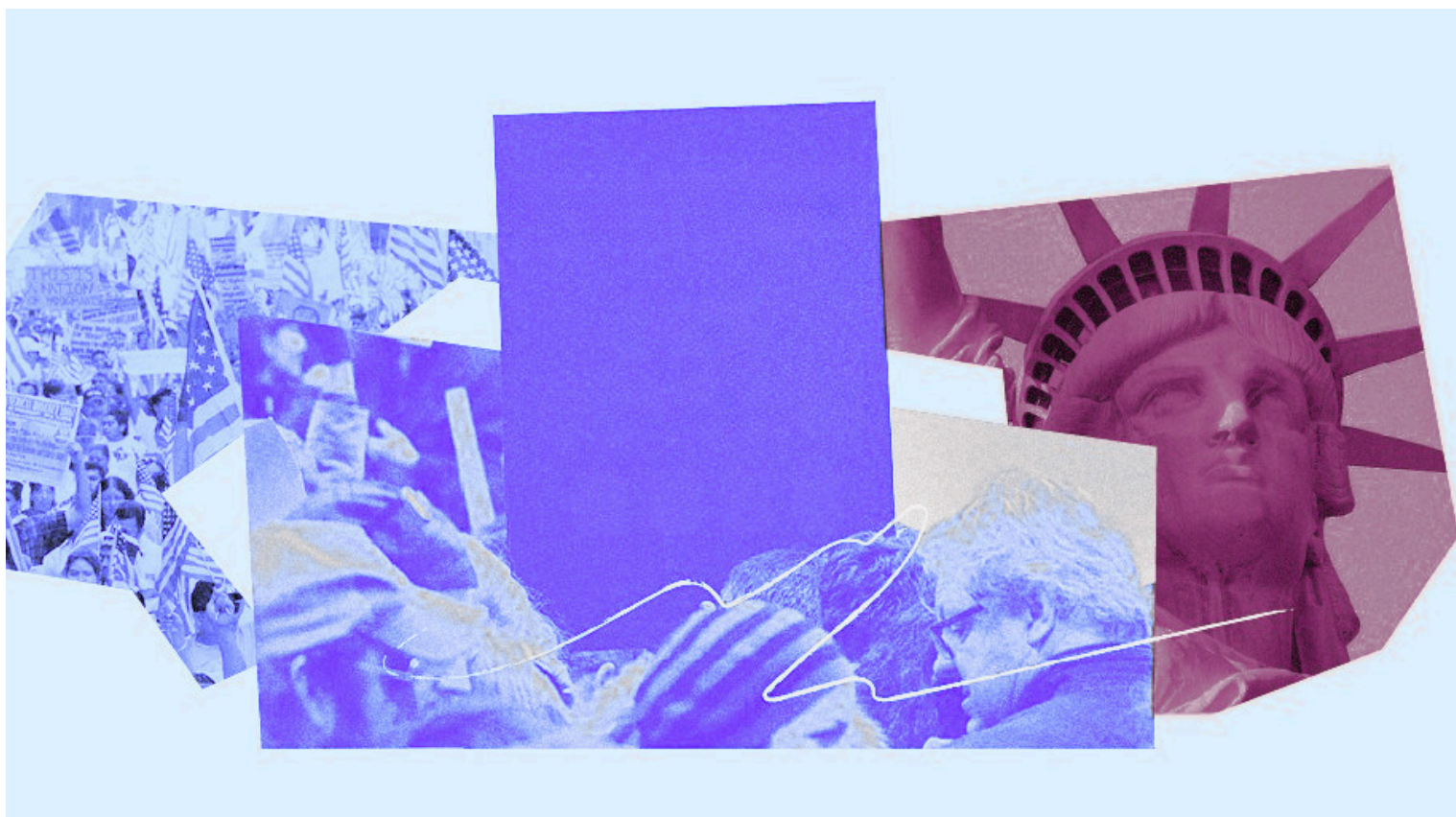


Press Releases



Donate





SUPPORT THE ACLU OF UTAH FOUNDATION

Over the past few years, the ACLU of Utah has fought against a resurgent wave of extremist laws and policies, which has increased the need for impact litigation to defend our civil rights and liberties. The ACLU of Utah defends your civil rights and liberties—in the courts, at the Capitol, and with the people.

Please make a tax-deductible gift today by scanning the QR code or by mailing a check to:

ACLU of Utah Foundation
311 S. State St., #310
Salt Lake City, UT 84111

All contributions will support our important work to enhance and defend the civil rights and freedoms of everyone living in or visiting Utah.

