

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS OF IOWA,

No. CVCV061476

Plaintiff,

v.

**AMENDED PETITION IN LAW
AND EQUITY**

IOWA SECRETARY OF STATE
PAUL PATE, in his official capacity, and
IOWA ATTORNEY GENERAL
THOMAS MILLER, in his official capacity,

Defendants.

COMES NOW Plaintiff League of United Latin American Citizens (“LULAC”) of Iowa praying for permanent injunctive relief restraining Defendants Iowa Secretary of State Paul Pate (the “Secretary”) and Iowa Attorney General Thomas Miller (the “Attorney General”) from enforcing and implementing various provisions of Senate File 413 (2021) (“SF 413”) and Senate File 568 (2021) (“SF 568,” and together with SF 413, the “Voter Suppression Bills” or the “Bills”), as well as a declaratory judgment that implementing the challenged provisions of the Bills violates the Iowa Constitution. In support thereof, Plaintiff states the following:

STATEMENT OF THE CASE

1. Last year, voter turnout broke records in Iowa. Over 1.7 million Iowans—more than 75 percent of all registered voters—participated in the 2020 general election. More than 1 million of those voters cast absentee ballots, setting another record. Each of Iowa’s 99 counties had voter turnout rates that surpassed the national average of 66 percent, and voter turnout surpassed 80 percent in six counties. The record turnout was reflected across many demographics but was

especially notable among the 15 percent of Iowans who are members of minority groups, including Iowa's Latino community, which constitutes around 6 percent of the state's population.

2. These historic levels of direct engagement in the democratic process should be lauded. Yet one of the Iowa Legislature's top post-election priorities was to pass omnibus election bills that restrict nearly every form of voting that Iowans—particularly minority voters—relied on in 2020. Among their provisions, the Voter Suppression Bills:

- Reduce the opportunities for voters to register before elections (Section 22 of SF 413);
- Significantly reduce the number of days when voters can request absentee ballots (Sections 43 and 45 of SF 413);
- Shorten the absentee voting period by more than one week (Section 47 of SF 413);
- Reduce the number of days when county auditors can send out absentee ballots (Sections 45 and 47 of SF 413);
- Reduce the number of days for most voters to return their absentee ballots and apply ballot-receipt deadlines unequally (Sections 1, 52, 54, and 66 of SF 413);
- Inhibit or eliminate the ability of election officials to establish convenient opportunities for absentee voting at satellite voting stations, county auditors' offices, and drop boxes (Sections 50–51 and 53 of SF 413 and Section 40 of SF 568);
- Criminalize the act of assisting voters with returning their absentee ballots and prevent voters from using a person of their choice to return their ballots (Section 43 of SF 568);

- Shorten the length of time when polls are open on election day (Section 36 of SF 413); and
- Reduce the amount of time that employers must provide to certain employees on election day so they can vote (Section 41 of SF 413).

3. What makes the Bills baffling—and fatally unconstitutional—is that they lack any cognizable justification for these burdensome effects on the franchise. The Bills are largely a grab-bag of amendments and new restrictions that lack any unifying theme other than making both absentee *and* election day voting more difficult for lawful Iowa voters.

4. The Bills’ sponsors have emphatically and repeatedly asserted that these new laws are not meant to combat voter fraud, which has been virtually nonexistent in Iowa. Instead, their stated purpose is only to “ensure election integrity.” But according to the Secretary—Iowa’s chief election official—and prominent Republican officials, Iowa’s elections are already secure; there is nothing inherent in the system that would call the integrity of the state’s elections into question or require remedial action from the Legislature, let alone these extreme measures that will impose significant burdens on voters.

5. The Bills’ sponsors do not deny that Iowa’s elections are secure. Instead, they have asserted that additional measures are necessary to *reassure* Iowans—who turned out in record numbers in 2020—that this is the case. But to the extent any Iowans are concerned about the security of the state’s elections, it is the result of efforts to plant and sow baseless mistrust, not because there is any evidence that the integrity of the state’s elections is legitimately in doubt.

6. Moreover, none of the Bills’ challenged provisions will actually serve to make elections more secure or increase the public’s confidence in the electoral process. Instead, they will impose undue and unjustified burdens on a wide range of lawful voters, including some of the

state's most vulnerable and underrepresented citizens: minority voters, elderly voters, disabled voters, voters with chronic health conditions, voters who work multiple jobs, and voters who lack access to reliable transportation or consistent mail service. If the concept of "election integrity" encompasses secure elections in which *all* voters have fair opportunities to participate so that the results accurately reflect the will of Iowa's electorate, then the Voter Suppression Bills directly hinder that goal.

7. This is because the Bills are exercises in voter suppression, disguised as a solution to a problem that exists only in the fertile imaginations of their creators. The Bills are not a response to voter fraud; their sponsors have said as much, and at any rate, there is no evidence of widespread fraud in Iowa's elections that requires a response (much less as draconian a response as this). Nor are the Bills a remedy for diminished confidence in elections; the state's elections are secure, and a record number of Iowans were able to make their voices heard in last year's election.

8. Instead, the Voter Suppression Bills are cynical manipulations of the electoral process that *create* problems—burdens for both absentee and in-person voters that do not serve any articulable state interests—without solving any.

9. Because these unnecessary voting restrictions independently and collectively impose an undue burden on the fundamental right to vote and violate multiple provisions of the Iowa Constitution, they should be declared unconstitutional and permanently enjoined.

JURISDICTION AND VENUE

10. This Court has jurisdiction under Iowa Code § 602.6101.

11. Venue in Polk County is proper under Iowa Code § 616.3(2) because the cause or some part thereof arose in the county.

PARTIES

12. League of United Latin American Citizens of Iowa is part of LULAC, an organization that has approximately 150,000 members throughout the United States and Puerto Rico and more than 600 members in Iowa. LULAC is the largest and oldest Latino civil rights organization in the United States. It advances the economic condition, educational attainment, political influence, health, housing, and civil rights of all Hispanic nationality groups through community-based programs operating at more than 1,000 LULAC councils nationwide. LULAC of Iowa is comprised of 22 councils located throughout the state. Its members and constituents and each of its councils include voting-age Latino citizens of Iowa who are disproportionately burdened by the Voter Suppression Bills. LULAC of Iowa must also divert substantial resources and attention from other critical missions to address the adverse impacts the challenged provisions will have on its members and constituents and assist them in attempting to surmount these new barriers to voting. Moreover, but for the Voter Suppression Bills' criminalization of most forms of assistance for absentee voters, LULAC of Iowa would support programs to help voters return their absentee ballots. The criminalization of that activity effectively forecloses an additional opportunity for LULAC of Iowa to engage in one-on-one communication with voters about the importance of voting and further undermines its ability to effectively associate with its members and constituents. Because of the Voter Suppression Bills, LULAC of Iowa has suffered and will continue to suffer irreparable harm. Unless set aside, the state's enforcement of the challenged provisions will inflict injuries for which LULAC of Iowa has no adequate remedy at law.

13. Iowa Secretary of State Paul Pate is named as a Defendant in his official capacity. He is Iowa's chief state election official, state commissioner of elections, and state registrar of voters and, as such, is responsible for the administration of elections. *See* Iowa Code §§ 47.1(1)–

(3), 47.7(1). His responsibilities include, but are not limited to, setting forth “uniform election practices and procedures” and supervising local election officials regarding the proper methods of conducting elections. *Id.* § 47.1(1)–(3).

14. Iowa Attorney General Thomas Miller is named as a Defendant in his official capacity. He is Iowa’s chief legal officer and, among other duties, “[s]upervise[s] county attorneys in all matters pertaining to the duties of their offices” and “[i]nform[s] prosecuting attorneys and assistant prosecuting attorneys to the state of all changes in law and matters pertaining to their office.” *Id.* § 13.2(1). In this capacity, he supervises prosecutions of violations of the Voter Suppression Bills.

FACTUAL ALLEGATIONS

I. Iowa has a long history of secure elections with robust voter participation.

15. For decades, Iowa’s voter turnout rate has consistently been higher than the national average. The citizens of this state have a strong tradition of direct participation in the democratic process, and since Iowa enacted no-excuse absentee voting in 1990, voters have increasingly demonstrated their preference to vote absentee.

16. Under Iowa law, any registered voter may vote absentee, either in person or by mail.

17. Voters who wish to vote absentee in person may do so by requesting and casting an absentee ballot at the county auditor’s office or at a satellite absentee voting station.

18. Voters who prefer to vote absentee by mail must first request that an absentee ballot be mailed to them. These voters can then return their absentee ballots in one of several ways. They can (1) mail their ballots back to county auditors’ offices; (2) return their ballots to county

auditors' offices in person; (3) place their ballots in drop boxes, where available; or (4) return their ballots in person to satellite absentee voting stations.

19. Between 2000 and 2020, Iowans' use of absentee ballots rose from 21.2 percent of all voters to *63 percent*. This phenomenon preceded the widely observed uptick in absentee voting during the 2020 general election: in 2016 and 2018, more than 40 percent of Iowa voters cast their ballots absentee.

20. Although many Iowans have opted to use the state's no-excuse absentee voting, in-person voting on election day also remains an option.

21. Both methods of voting—absentee and election day in-person—have helped facilitate increasing rates of electoral participation. Indeed, Iowa's 76 percent voter turnout rate in 2020 was among the highest in the nation. More than *1.7 million* Iowans voted in the 2020 presidential election, which broke all previous state records for voter participation.

22. In the wake of this historic turnout, the Secretary—the state election commissioner—proclaimed that “the [voting] process went very smoothly in Iowa” and that the state was able to “provide safe and secure elections.”

23. The Secretary's approbation echoed statements made by other election administrators and elected officials, like Senator Chuck Grassley's glowing endorsement of Iowa's election system: “I have confidence in Iowa's ability to conduct a fair, secure and free election. Our state takes election integrity seriously, earning credibility among the electorate for its absentee ballot system, including service members in the military. Whether voting by absentee ballot or in person, Iowa's Secretary of State and 99 county auditors have a proven track record that Iowans trust.”

24. Iowa's media outlets concurred: according to *The Dispatch-Argus*, the 2020 election produced "record-breaking turnout with no reported cases of election fraud."

II. The Iowa Legislature enacts sweeping restrictions designed to impede access to the franchise.

25. The record-breaking turnout among voters and the testimonials of the Secretary, Senator Grassley, and other officials make clear that Iowa's elections are secure and inspire confidence in the Hawkeye State.

26. But even though Iowa's laws created an environment for secure elections and record turnout, the Legislature hurriedly voted to pass fast-tracked bills that curtail or eliminate many of the provisions that made it possible for Iowans to exercise their fundamental right to vote.

27. First, Republican lawmakers introduced SF 413, which is responsible for most of the Voter Suppression Bills' provisions challenged in this lawsuit, on February 18, 2021.

28. County auditors—who are charged with implementing Iowa's election laws in their respective counties—quickly announced their opposition to various provisions of SF 413, including the restrictions it places on their discretion to set up satellite absentee voting stations.

29. The Iowa State Association of County Auditors opposed SF 413, with its president, Sioux County Auditor Ryan Dokter, explaining, "Not being able to plan ahead for satellites, and being under the pressure of a shortened absentee window of 18 days creates that potential to create errors, because there's just so much more people coming to your building all at once versus a little more spread out."

30. Linn County Auditor Joel Miller called the legislation—particularly the new penalties it imposes on election officials—"[a]n affront to every county auditor in the state with a passion for creativity, election integrity and increasing voter turnout."

31. And, at the public hearing on SF 413, Adams County Auditor Becky Bissell testified that “[s]maller rural counties have a large elderly population who typically choose to vote absentee because of weather or health concerns. Why are we making it harder for them to vote?” Auditor Bissell further remarked—in reference to the elimination of the postmark deadline for absentee ballots in favor of a strict election day receipt deadline—that “[t]o rely solely on the postal system puts our voters at risk.”

32. Faith leaders opposed SF 413, questioning whether limiting accessibility to voting opportunities serves the interests of a democratic society.

33. Public opposition also ran strong. Of the more than 1,200 public comments lodged in response to the House iteration of SF 413, fewer than three dozen expressed support for its enactment.

34. At the public hearing on SF 413, representatives from organizations dedicated to elderly, disabled, and minority voters spoke out against many of the challenged provisions.

35. Iowa City Councilor Janice Weiner—a former U.S. Foreign Service officer who, when serving abroad, had pointed to Iowa as a shining example of democratic opportunity—observed that reducing the window for absentee voting will disadvantage the elderly, snowbirds, victims of domestic violence, and rural voters. She also noted that she had previously assisted voters with returning their signed and sealed absentee ballots to election officials because these voters had no one else to help them, and that she will now be prohibited from doing so.

36. Despite this opposition, SF 413 passed the Iowa Senate and House of Representatives along strict party lines within days of its introduction: the Senate passed the legislation on February 23, with the House following on February 24.

37. Governor Kim Reynolds signed SF 413 into law on March 8, 2021. It took effect immediately. *See* SF 413 § 73.

38. On May 19, 2021—the final day of the Iowa Legislature’s 2021 session—SF 568 passed the Iowa Senate and House of Representatives with an amendment that was introduced that same day. SF 568, in relevant part, introduces additional restrictions on the establishment of satellite absentee voting stations and the ability of Iowans to assist other voters with their absentee ballots. Governor Reynolds signed SF 568 into law on June 8, 2021.

39. The Voter Suppression Bills impose unjustified burdens on lawful Iowa voters at every step of the voting process, reducing their opportunities to register, vote absentee, and vote in person on election day.

A. Voter Registration Restrictions

40. Prior to the enactment of the Voter Suppression Bills, new voters had until ten days before a general election (and 11 days before other elections) to register to vote using various means. Although in-person registration is still possible at certain locations before election day, *see* Iowa Code § 48A.7A(3), and on election day itself at polling places, *see id.* § 48A.7A(1), the Bills now require that all other methods of registration be closed 15 days before any election. *See* SF 413 § 22 (amending Iowa Code § 48A.9(1)); *see also id.* §§ 24, 45.

B. Absentee Voting Restrictions

41. The Voter Suppression Bills drastically reduce the time period during which voters can request absentee ballots. Under the prior law, Iowans could request an absentee ballot up to 120 days before an election. Now, they can request absentee ballots only 70 days before an election. *See id.* § 43 (amending Iowa Code § 53.2(1)). Because the Bills also require county auditors to stop processing mailed absentee ballot requests 15 days before election day—as

opposed to the previous requirement that they stop ten days before general elections—it reduces the amount of time voters have to request absentee ballots by mail from 110 days to 55 days. *See id.* § 45 (adding Iowa Code § 53.2(11)).

42. The Voter Suppression Bills shorten the absentee voting period. Under the prior law, Iowans had up to 29 days to cast an absentee ballot, either in person or by mail. The Voter Suppression Bills reduce this period to only 20 days. *See id.* § 47 (amending Iowa Code § 53.8(1)(a)).

43. The Voter Suppression Bills reduce the number of days allotted for election administrators to distribute absentee ballots. Previously, county auditors could mail absentee ballots beginning 29 days before an election and ending ten days before election day, giving county auditors a total of 19 days to mail ballots. But the Bills leave county auditors with just five days to complete the same process: now, absentee ballots can only be mailed during the period starting 20 days before election day and ending 15 days before election day. *See id.* §§ 45, 47 (adding Iowa Code § 53.2(11) and amending Iowa Code § 53.8(1)(a)).

44. Not only do the Voter Suppression Bills significantly reduce the amount of time voters have to obtain absentee ballots, they also make it more difficult for voters to return those ballots by mail. In previous elections, absentee ballots returned by mail were considered timely if they were received by officials before the polls closed on election day *or* if they were postmarked by the day before the election and delivered to officials by the Monday following election day. Accordingly, absentee voters could mail their ballots at any point up until the day before the election and trust that they would be counted.

45. The Voter Suppression Bills, by contrast, provide that most absentee ballots will be counted *only* if they are received before the polls close on election day. *See id.* § 54 (amending

Iowa Code § 53.17(2)); *see also id.* §§ 52, 55. According to lawmakers, if this election day receipt deadline had been in place for the 2020 general election, over 6,500 *Iowans* would have been disenfranchised.

46. The former postmark deadline for absentee ballots still applies, however, to ballots submitted by Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) voters and voters participating in the Secretary’s Safe at Home address secrecy program—but not to any other absentee voters. *See id.* §§ 1, 66.

47. Voters who cast their absentee ballots in person are also burdened by the Voter Suppression Bills.

48. Previously, county auditors could exercise their discretion and apply their specialized knowledge of their communities to set up satellite absentee voting stations at senior centers and other high-traffic locations. *Iowans* could also petition county auditors to open satellite voting sites in certain areas. Satellite absentee voting stations were used throughout Iowa during the 2020 general election, with some counties establishing multiple locations.

49. The Voter Suppression Bills eliminate county auditors’ discretion to open satellite voting stations based on their expertise; instead, SF 413 mandates that such locations can be established *only* “upon receipt of a petition signed by not less than one hundred eligible electors requesting that a satellite absentee voting station be established at a location to be described on the petition.” *Id.* § 51 (amending Iowa Code § 53.11(1)).

50. SF 568, in turn, makes it more difficult to successfully petition for satellite absentee voting stations: under the new law, county auditors may decline to open these locations for various standardless reasons, *even if* they receive petitions with adequate numbers of signatures. *See* SF 568 § 40 (amending Iowa Code § 53.11(1)).

51. Restricting the authority of county auditors to open satellite offices in convenient locations means that absentee voters will either need to drive farther to vote in person at county auditors' offices or cast their absentee ballots by mail—which, as discussed above, now runs the risk that the ballots will not be received in time to be counted.

52. The Bills also restrict in-person absentee voting by limiting the number of days that satellite absentee voting stations can be open—from 29 days to only 20 days. *See* SF 413 § 50 (amending Iowa Code § 53.10(1)).

53. Finally, the Voter Suppression Bills restrict the use of ballot drop boxes, another vehicle that Iowa voters used to safely and securely return their absentee ballots during the 2020 general election. Specifically, the Bills permit each county auditor to establish only *one* drop box—regardless of the county's size or population—and only at the auditor's office. *See id.* § 53 (adding Iowa Code § 53.17(1)(c)). Previously, Iowa law did not expressly limit the number of drop boxes that auditors could establish.

54. The burdens the Bills impose on absentee voting are compounded by their new restrictions on voter assistance. Previously, voters could enlist anyone of their choosing, from friends and members of their churches to colleagues and neighbors, to return their absentee ballots to election officials. Such assistance was particularly useful for vulnerable voters like elderly Iowans, victims of domestic violence, and voters who live alone. The Bills, by striking contrast, prohibit all but a limited set of individuals—family members and housemates—from providing such assistance to most voters (the “Voter Assistance Ban”). *See* SF 413 §§ 48, 53, 56, 62; SF 568 § 43.

55. And while blind and physically disabled voters may designate delivery agents to return their absentee ballots, such delivery agents are limited to returning only *two* ballots per election. *See* SF 568 § 43 (amending Iowa Code § 53.33(3)–(4)).

56. Anyone who assists another voter by returning the voter’s absentee ballot in violation of the new laws is now guilty of election misconduct in the third degree, *see* SF 413 § 8—a serious misdemeanor under Iowa law. *See* Iowa Code § 39A.4(2).

C. Election Day Voting Restrictions

57. The Voter Suppression Bills also target Iowans who vote in person on election day.

58. Previously, polling places stayed open from 7:00 a.m. until 9:00 p.m. on election day during general elections. But the Voter Suppression Bills now mandate a closing time of 8:00 p.m. for *all* elections. *See* SF 413 § 36 (amending Iowa Code § 49.73(2)).

59. The Bills also cut back on protections for workers who need to take time off to vote on election day. Previously, voters who did not have three consecutive non-working hours to vote when polls were open were entitled to take time off, without fear of penalty. Under the Voter Suppression Bills, however, that protection extends only to voters who do not have *two* consecutive non-working hours to vote when the polls are open. *See id.* § 41 (amending Iowa Code § 49.109).

D. Other Provisions

60. Other provisions of the Voter Suppression Bills are designed, in ways big and small, to make the voting process more difficult and less accessible for Iowans.

61. Previously, Iowa voters were marked “inactive,” and thus put at risk that their registrations would be canceled, if postage paid preaddressed return cards sent by county auditors—“on which the registered voter may state the registered voter’s current address”—were

returned as either undeliverable or indicating that the voters no longer lived at the addresses on record. Iowa Code § 48A.29. A voter's registration would then be canceled if the voter remained inactive for two successive general elections. *See id.* § 48A.30(1)(g).

62. Under the Voter Suppression Bills, this process is accelerated and puts voters at greater risk of unwarranted cancelation. Voters who do not vote in even a *single* general election are automatically marked "inactive," kickstarting a process that may ultimately result in their removal from the voter rolls. SF 413 § 25 (amending Iowa Code § 48A.28(1)–(2)).

63. The Voter Suppression Bills also prohibit county auditors from proactively sending absentee ballot applications to voters. Now, absentee ballot applications can be distributed only in response to a voter's request, *see id.* § 43 (amending Iowa Code § 53.2(1))—a restriction that serves no purpose other than to inhibit county auditors' attempts to expand access to the franchise in their communities.

64. Historically, county auditors and organizations have prefilled certain background sections of absentee ballot applications—by entering the voter's name and address, for example—to streamline the application process. But the Bills bar that practice and permit only the types and dates of elections to be prefilled. *See id.* § 44 (adding Iowa Code § 53.2(2)(d)).

65. The Voter Suppression Bills' burdens extend to election officials as well. Upon the Secretary's notice of a *technical infraction* committed by a county auditor—which could be *any* "apparent technical violation of a provision of" the state's election code, no matter how minor, Iowa Code § 39A.6(1)—the auditor must pay a fine of up to \$10,000, and the matter is referred to the Attorney General for potential criminal proceedings. *See* SF 413 §§ 9–10 (amending Iowa Code § 39A.6(3) and adding Iowa Code § 39A.6(4)).

66. Moreover, it is now a serious misdemeanor for an election official to interfere with poll watchers and other partisan challengers, *see id.* § 7 (adding Iowa Code § 39A.4(1)(b)), even if those individuals attempt to disrupt or otherwise impede the electoral process.

67. Finally—and ominously—the Voter Suppression Bills now deputize law enforcement agencies and the state patrol to “prevent” violations of the election code. *Id.* § 42 (adding Iowa Code § 50.52). By moving beyond investigation and enforcement and into prevention, the Bills implicitly sanction the use of voter intimidation tactics by law enforcement.

III. The Legislature’s justifications for the Voter Suppression Bills lack any support, are pretextual, and are insufficient to justify burdens on the fundamental right to vote.

68. Each provision of the Voter Suppression Bills challenged in this lawsuit burdens Iowa voters, making the voting process more difficult and making it less likely that every vote will be counted. Taken as a whole, the Bills target and restrict virtually *every aspect* of the voting process—registering to vote, requesting and submitting absentee ballots, and even in-person voting on election day.

69. These burdens are not justified by any legitimate, much less compelling, state interests.

70. According to SF 413’s House sponsor, “[t]his bill has never had nor does it have anything to do with fraud.” The purpose of the bill, its supporters claim instead, is to ensure election integrity; prevent voters from casting early votes they later regret; and reduce the length of each election season because their constituents are purportedly tired of being contacted by candidates.

71. But nothing in the challenged provisions of the Bills actually serves any of these ostensible interests. Instead, the Bills simply make it harder for Iowans to cast ballots and have those ballots counted.

72. There is no evidence of widespread unlawful voting in Iowa, and certainly no evidence of fraud attributable to the voting procedures targeted by the Voter Suppression Bills.

73. Nor do any of the challenged provisions actually address Iowans' purported weariness with campaigns or reduce the amount of unwanted interaction between voters and candidates. And even if this justification were genuine, the fact that some voters are tired of politicians does not justify imposing a burden on Iowans' opportunities to vote and make their voices heard.

74. Because the Iowa Constitution safeguards the right to vote and the freedom to engage in political expression, it prohibits the enforcement of laws—like the Voter Suppression Bills—that attempt to impede the exercise of these sacred constitutional rights.

CAUSES OF ACTION

COUNT I

Violation of Article II, Section 1 of the Iowa Constitution (Right to Vote):

75. Plaintiff realleges and incorporates by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

76. Article II, Section 1 of the Iowa Constitution mandates that all adult residents “shall be entitled to vote at all elections,” except those otherwise disqualified by Article II, Section 5. “Voting is a fundamental right in Iowa,” and “regulatory measures abridging the right to vote ‘must be carefully and meticulously scrutinized.’” *Chiodo v. Section 43.24 Panel*, 846 N.W.2d 845, 848, 856 (Iowa 2014) (quoting *Devine v. Wonderlich*, 268 N.W.2d 620, 623 (Iowa 1978)).

77. The challenged provisions of the Voter Suppression Bills impose burdens on voters generally, with particularly severe impacts on the right to vote for minority voters, elderly voters,

rural voters, young voters, poor voters, new voters, and voters with disabilities. These voters are more likely to vote absentee or lack flexible schedules that allow them to vote on election day.

78. These burdens are not justified by correspondingly weighty interests.

79. The impact of the Voter Suppression Bills is substantial, severe, and unnecessary. The Iowa Legislature gutted the well-functioning absentee voting system that facilitated record turnout in 2020, when—for the first time in a general election—more Iowans voted absentee than in person on election day. Iowa’s election system had consistently received bipartisan plaudits for its integrity and security, and that did not change in the run up to the 2020 general election or during its aftermath.

80. Instead of restoring faith in the integrity of Iowa’s elections, the Voter Suppression Bills destroy confidence in the openness, accessibility, and fairness of the state’s elections.

81. Shortening the absentee ballot request and voting timeframes reduces Iowans’ opportunities to vote absentee and places additional, unnecessary strains on voters and election administrators. Moreover, these challenged provisions provide even less time for voters and election officials to address voter or administrative errors.

82. These burdens are not theoretical; if the Voter Suppression Bills’ requirement that all but two narrow categories of absentee ballots be received by county officials by the close of polls on election day had been in place during the 2020 general election, thousands of Iowans who voted absentee would have been disenfranchised because their ballots—which were indisputably cast before election day—arrived at county auditors’ offices after the polls closed.

83. Restricting the number of drop boxes and the ability of county auditors to establish opportunities for absentee voting at their offices and satellite absentee voting stations places undue

burdens on voters who wish to cast their absentee ballots in person to avoid the uncertainties of mail delivery.

84. Iowans who vote on election day now have less time to do so—not only because the polls will close earlier, but also because they are guaranteed fewer hours off of work to cast their ballots.

85. Many Iowans have traditionally relied on individuals they trust to return their absentee ballots, but the Voter Suppression Bills now criminalize such assistance when provided by all but a limited group of people, severely restricting the ability of most absentee voters to return their ballots. Individuals who live alone and away from immediate family members are especially impacted by the Voter Assistance Ban. This hardship is compounded by the reductions in the absentee ballot request and voting timeframes, as well as the elimination of the postmark receipt deadline for most voters. In short, voters who had previously relied on assistance from individuals other than the limited categories listed in the Bills now have even less opportunity to receive absentee ballots and ensure that their ballots are returned in time to be counted.

86. The individual and collective impacts of the challenged provisions of the Voter Suppression Bills are severe and will substantially burden Iowa voters, including Plaintiff's members.

87. None of these provisions serves a compelling or even a legitimate government interest.

88. Absent relief from this Court, the Voter Suppression Bills will burden Iowans' right to vote, which violates Article II, Section 1 of the Iowa Constitution.

COUNT II

Violation of Article I, Section 7 of the Iowa Constitution (Free Speech and Association):

89. Plaintiff realleges and incorporates by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

90. Article I, Section 7 of the Iowa Constitution protects “the liberty of speech.” The Supreme Court of Iowa has “said that ‘the Iowa Constitution generally imposes the same restrictions on the regulation of speech as does the federal constitution.’” *Bierman v. Weier*, 826 N.W.2d 436, 451 (Iowa 2013) (quoting *State v. Milner*, 571 N.W.2d 7, 12 (Iowa 1997)).

91. The Voter Assistance Ban violates the free speech and association guarantees of the Iowa Constitution.

92. The Voter Assistance Ban prohibits core political expression. Efforts to encourage and aid Iowa voters are “the type of interactive communication concerning political change that is appropriately described as ‘core political speech.’” *Meyer v. Grant*, 486 U.S. 414, 421–22 (1988); *see also NAACP v. Button*, 371 U.S. 415, 437 (1963) (“‘Free trade in ideas’ means free trade in the opportunity to persuade to action” (quoting *Thomas v. Collins*, 323 U.S. 516, 537 (1945))).

93. The Voter Assistance Ban violates the Iowa Constitution because it infringes on the rights of free speech and free expression and is not justified by any compelling state interest. In particular, other Iowa laws already criminalize any undue influence or voter fraud that the Voter Assistance Ban might be intended to address. *See* Iowa Code § 39A.2–4.

94. Absent relief from this Court, the Voter Assistance Ban will prevent Plaintiff and its members from engaging in constitutionally protected conduct, which violates Article I, Section 7 of the Iowa Constitution.

COUNT III

Violation of Article I, Section 6 of the Iowa Constitution (Equal Protection):

95. Plaintiff realleges and incorporates by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

96. “The foundational principle of equal protection is expressed in article I, section 6 of the Iowa Constitution,” *Varnum v. Brien*, 763 N.W.2d 862, 878 (Iowa 2009), which provides that “[a]ll laws of a general nature shall have a uniform operation.” “The essential promise of equal protection is that ‘all persons similarly situated should be treated alike.’” *Clayton v. Iowa Dist. Ct.*, 907 N.W.2d 824, 827 (Iowa Ct. App. 2017) (quoting *Racing Ass’n of Cent. Iowa v. Fitzgerald*, 675 N.W.2d 1, 7 (Iowa 2004)).

97. The Voter Suppression Bills subject Iowa’s absentee voters to arbitrary and disparate treatment because they mandate that ballots cast under identical circumstances will not be counted on equal terms. They require county auditors to reject most—but not all—absentee ballots that arrive after 8:00 p.m. on election day. But some absentee ballots will be counted if they arrive at county auditors’ offices by the Monday following election day so long as their envelopes bear adequate postmarks.

98. The Voter Suppression Bills thus treat ballots cast by similarly situated Iowans differently, denying some their fundamental right to vote.

99. Under the Bills, if two Iowa voters—one of whom is a Safe at Home voter, the other of whom is not—live next door to each other and mail their absentee ballots at the same time on the day *before* election day, and the ballots arrive at their county auditor’s office at the same time on the day *after* election day, only one of those absentee ballots would be counted.

100. In a similar vein, UOCAVA voters who reside on the other side of the Canadian border, and whose properly postmarked absentee ballots arrive at their county auditors' offices by the Monday after election day, would have their votes counted. But Iowans who spend the winter months in locations like Florida or Arizona—or who are abroad during the voting period but ineligible for UOCAVA—would be disenfranchised if they returned their ballots under identical circumstances. This also holds true for college students voting absentee from out-of-state schools.

101. Absent relief from this Court, the Voter Suppression Bills will impose an arbitrary and disparate mechanism for determining whether Iowans' votes—including the votes of Plaintiff's members—will be counted, which violates Article I, Section 6 of the Iowa Constitution.

COUNT IV

Violation of Article I, Sections 6 and 7 of the Iowa Constitution (Viewpoint Discrimination):

102. Plaintiff realleges and incorporates by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

103. Equal protection forbids “[f]encing out’ from the franchise a sector of the population because of the way they may vote.” *Carrington v. Rash*, 380 U.S. 89, 94 (1965); *see also Adams v. Fort Madison Cmty. Sch. Dist.*, 182 N.W.2d 132, 134 (1970) (“[T]he voting power of an individual voter or group of voters may not be cut down or eliminated by [] irrelevant factors . . .”).

104. Likewise, constitutional guarantees of free speech protect citizens against “a law that has the purpose and effect of subjecting a group of voters or their party to disfavored treatment by reason of their views.” *Vieth v. Jubelirer*, 541 U.S. 267, 314 (2004) (Kennedy, J., concurring); *see also Bierman*, 826 N.W.2d at 451 (noting that Iowa Constitution’s free speech protections mirror First Amendment’s).

105. The Voter Suppression Bills target individuals who are more likely to vote for Democratic Party candidates, including Latino voters and other voters of color. The Iowa Legislature, with intent to achieve a partisan advantage, has manipulated the state's election mechanics in ways that restrict or eliminate methods of voting that are disproportionately used by Plaintiff's members and the communities they serve because of their perceived political views—and, in doing so, imposed unjustified barriers on Plaintiff's members' ability to participate in the political process.

106. Absent relief from this Court, the Voter Suppression Bills will serve to impermissibly target and burden voters—including Plaintiff's members—because of their political beliefs, which violates Article I, Sections 6 and 7 of the Iowa Constitution

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter the following relief against the Defendants:

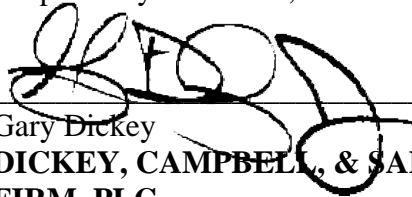
- A. An order declaring that Sections 1, 22, 36, 41, 43, 45, 47, 50–53, 54, and 66 of SF 413, Sections 40 and 43 of SF 568, and all other sections incorporating these and the other challenged provisions into the Iowa election laws violate the Iowa Constitution;
- B. An order enjoining Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them from implementing, enforcing, or giving any effect to the challenged provisions;
- C. An order awarding Plaintiff its costs, disbursements, and reasonable attorneys' fees incurred in bringing this action; and

D. Such other and further relief as the Court deems just and proper.

Dated this 9th day of June, 2021.

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Respectfully submitted,



Gary Dickey
**DICKEY, CAMPBELL, & SAHAG LAW
FIRM, PLC**

301 East Walnut Street, Suite 1
Des Moines, Iowa 50309
Telephone: (515) 288-5008
Facsimile: (515) 288-5010
gary@iowajustice.com

Shayla McCormally
McCORMALLY & COSGROVE, PLLC
4508 Fleur Drive
Des Moines, Iowa 50321
Telephone: (515) 218-9878
Facsimile: (515) 218-9879
shayla@mciorwalaw.com

Uzoma N. Nkwonta*
John M. Geise*
Christopher J. Bryant*
PERKINS COIE LLP
700 Thirteenth Street NW, Suite 600
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-6211
unkwonta@perkinscoie.com
jgeise@perkinscoie.com
cbryant@perkinscoie.com

Jonathan P. Hawley*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
jhawley@perkinscoie.com

Counsel for Plaintiff

**Admitted pro hac vice*