

IN THE SUPREME COURT OF IOWA

SENATOR ROBY SMITH,  
SENATOR JIM CARLIN, SEN-  
ATOR CHRIS COURNOYER,  
SENATOR ADRIAN DICKEY,  
SENATOR JASON SCHULTZ,  
SENATOR DAN ZUMBACH,  
FORMER SENATOR ZACH  
WHITING, REPRESENTATIVE  
BROOKE BODEN, REPRESENTATIVE  
BOBBY KAUF-  
MANN, REPRESENTATIVE  
CARTER NORDMAN, and  
REPRESENTATIVE JEFF  
SHIPLEY,

Plaintiffs,

v.

IOWA DISTRICT COURT FOR  
POLK COUNTY,

Defendant.

Sup. Ct. No. 22-0401

Polk County No. CVCV061476

**League of Latin American  
Citizens of Iowa's Motion to  
Shorten Appellate Deadlines**

League of United Latin American Citizens of Iowa (“LULAC”) is the Plaintiff in the above-referenced district court action. LULAC, by and through its undersigned counsel, respectfully submits this Motion to Shorten the appellate deadlines pursuant to Iowa Rule of Appellate Procedure 6.1003 and set this matter for an expedited hearing. Given the need for prompt resolution

of the underlying district court action with sufficient time to conduct the trial and implement any relief before the November 2022 general election, LULAC requests a shortened briefing schedule with the opening brief of Senators Roby Smith, Jim Carlin, Chris Cournoyer, Adrian Dickey, Jason Schultz, Dan Zumbach, former Senator Zach Whiting, and Representatives Brook Boden, Bobby Kaufman, Carter Nordman, and Jeff Shipley (the “Legislators”) due on or before April 8, 2022, LULAC’s opposition brief due on or before April 18, 2022, the Legislators’ reply due on April 22, 2022, and oral argument to follow shortly thereafter. The Legislators oppose this request.

### **ARGUMENT**

This case involves a constitutional challenge to Senate File 413 (2021) and Senate File 568 (2021), two omnibus election bills passed in the 2021 legislative session. LULAC contends that the challenged bills violate the Iowa Constitution by imposing unjustified burdens on the right to vote and intentionally discriminating against Iowa voters based on their political views or affiliations, among other constitutional defects. Since LULAC filed this case on March 9, 2021, the original parties to the underlying district court case have moved expeditiously to ensure a trial and resolution of this matter in advance of the November 2022 general election. To that end, the Polk County District Court originally set trial in this matter to begin on March 14, 2022,

and for the last eight months the original parties to the underlying district court case proceeded under an abbreviated discovery schedule to prepare this matter for the March trial. Despite the parties' efforts to litigate this matter expeditiously, the Legislators have resisted critical discovery; as a result, the parties cannot conduct trial on a full record until this appeal is resolved.

The district court has offered new trial dates in 2022 that would allow the court to issue a ruling in advance of the November 2022 general election. However, this appeal must be expedited in order to permit a trial with all of the evidence to which the district court has held LULAC is entitled.

Further delay threatens irreparable harm to LULAC, its members, and voters across the State. The underlying litigation implicates the fundamental constitutional rights of Iowans and the voting rules that will govern the November election. Expedited briefing of the narrow legislative privilege dispute before this Court—and timely resolution of the important constitutional questions before the district court—is critical to ensure that all eligible voters can exercise their constitutional rights come November. Similar concerns have led this Court repeatedly to expedite appeals in election-related matters, and on significantly faster timelines than what LULAC seeks here. *See, e.g., LULAC v. Pate*, No. 18-1276 (Iowa 2018) (granting interlocutory appeal in voter identification dispute on August 1, and

ordering briefing to be completed by August 7 and oral argument on August 9); *Chiodo v. Section 43.24 Panel*, No. 14-0553, 846 N.W.2d 845 (Iowa 2014) (granting expedited appeal in ballot access dispute on April 3, and ordering appellant's brief to be filed by April 4 and oral argument on April 9).

Finally, this appeal is well suited for expedited consideration. It presents narrow legal questions, a scant record, and no significant factual disputes. A more traditional schedule could extend this appeal for several months, which is significantly more time than the parties need to brief the limited issues before the Court. *See* Iowa R. App. P. 6.1501.<sup>1</sup> In sum, good cause supports LULAC's Motion, and, as a practical matter, the legal issues raised in the Legislators' appeal can be adequately presented and considered by this Court on an expedited basis.

### **CONCLUSION**

For these reasons, LULAC requests that this Court grant its Motion and order the Legislators to file their opening brief by April 8, 2022, with LULAC's opposition brief due on or before April 18, 2022, the Legislator's reply due on April 22, 2022, and oral argument to follow shortly thereafter.

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<sup>1</sup> Indeed, this Court already recognized the need for expedited consideration in this matter by shortening the briefing deadlines for the Legislators' petition for a writ of certiorari, *see* Order (March 9, 2022), and granting certiorari two days after the parties completed briefing, *see* Order (March 16, 2022).

Dated: March 22, 2022

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Respectfully Submitted,

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