

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS OF IOWA,

Case No. CVCV062715

Petitioner,

v.

**PETITIONER'S MOTION FOR
SUMMARY JUDGMENT**¹

IOWA SECRETARY OF STATE PAUL
PATE, in his official capacity; IOWA
VOTER REGISTRATION COMMISSION;
BUENA VISTA COUNTY AUDITOR SUE
LLOYD, in her official capacity; CALHOUN
COUNTY AUDITOR ROBIN BATZ, in her
official capacity; JEFFERSON COUNTY
AUDITOR SCOTT RENEKER, in his
official capacity; MONTGOMERY
COUNTY AUDITOR JILL OZUNA, in her
official capacity,

Respondents.

¹ On November 7, 2022 Petitioner League of United Latin American Citizens of Iowa filed a Motion in Opposition to Respondents' Motion for Summary Judgment and in Support of Petitioner's Proposed Cross-Motion for Summary Judgment. Prior to the filing of that motion, Petitioner had requested that this Court either continue the trial in this matter (then scheduled for January 17, 2023) and establish a schedule for cross-motions for summary judgment after the conclusion of all discovery, or alternatively permit Petitioner to cross move for summary judgment. Mot. to Continue Trial and Permit Mot. for Summ. J at 4–5. The Court held a hearing on Petitioner's motion on November 4, 2022, and took the matter under advisement. On November 8, 2022, the Court granted Petitioner's Motion, ordering that "[t]he parties shall have until February 1, 2023 in which to submit their cross-motions for summary judgment in final form, along with any supplemental supporting documentation or memoranda." Order (Nov. 8, 2022). Petitioner accordingly files this motion, a brief in support, and accompanying supporting documentation as its final motion for summary judgment, replacing the portion of it motion filed on November 7, 2022 which cross-moved for summary judgment. Petitioner intends to file a separate final resistance to Respondents' final motion for summary judgment by March 1, 2023 as contemplated by this Court's November 8, 2022 Order. *See* Order (Nov. 8, 2022). That motion will similarly replace the portion of LULAC's November 7, 2022 motion in opposition to Respondents' previously filed Motion for Summary Judgment.

COMES NOW Petitioner League of United Latin American Citizens of Iowa and moves for summary judgment under Rule 1.981(1) of the Iowa Rules of Civil Procedure. In support, Petitioner states:

1. Petitioner League of United Latin American Citizens of Iowa (“LULAC”) seeks a declaratory judgment interpreting the scope of Section 1 of the Iowa English Language Reaffirmation Act of 2001, now codified as Iowa Code § 1.18 (the “English-Only Law”). Specifically, Petitioner seeks an order declaring that voting materials—including ballots, registration and voting notices, forms, instructions, and other materials and information relating to the electoral process—are a form of language usage necessary to secure the right to vote and, therefore, are exempt from the English-only mandate under Iowa Code § 1.18(h)(5) (the “Rights Exception”). *See* Am. Pet. ¶ 45.

2. The English-Only Law and its Rights Exception cannot be reconciled with the injunction in *King v. Mauro*, which permanently enjoined the Secretary of State and the Voter Registration Commission from using languages other than English on Iowa’s official voter registration forms. *King v. Mauro*, Polk County Case No. CV006739 (Iowa Dist. Ct. Mar. 31, 2008). *See* Am. Pet. ¶¶ 49–50. Accordingly, LULAC also seeks an Injunction on a Judgment or Final Order to dissolve the permanent injunction issued in *King*. *Id.* ¶ 50.

3. Petitioner is entitled to judgment as a matter of law. It is undisputed that the right to vote is fundamental and guaranteed by the Iowa Constitution, the U.S. Constitution, and federal law. The straightforward application of the Rights Exception produces a clear result: voting materials are “language usage” and they are “necessary to secure rights guaranteed by” constitutional and federal law. Exempting such materials from the English-Only law is consistent with the structure of the statute, the legislature’s purpose, and analogous federal laws.

4. Petitioner has standing to bring this declaratory judgment action on behalf of its members and as an organization. LULAC has been forced to divert resources away from other mission-critical projects and its members are harmed by the lack of access to voting materials in other languages, and these injuries are redressable by a declaratory judgment from this Court. The record evidence shows that some Spanish-language forms will be made available if LULAC prevails. On the record before the court, LULAC has standing, and a declaratory judgment would resolve a real controversy under Iowa Rule 1.1105.

5. This action is procedurally proper. The Iowa Rules expressly permit injunctive relief with respect to a final order or judgment. *See* Iowa R. Civ. P. 1.1510. As this Court previously ruled, this action is a proper vehicle for challenging the *King* injunction.

6. Petitioner has filed a brief in support of this motion.

Dated this 1st day of February, 2023.

Respectfully submitted,

/s/ Shayla McCormally

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