

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>LEAGUE OF UNITED LATIN AMERICAN CITIZENS OF IOWA,</p> <p>Petitioner,</p> <p>v.</p> <p>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 STEPHANIE BURKE, in her official capacity,</p> <p>Respondents.</p>	<p>Case No. CVCV062715</p> <p>Respondents’ Motion to Dismiss</p>
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COME NOW Respondents Iowa Secretary of State Paul Pate, the Iowa Voter Registration Commission, Buena Vista County Auditor Sue Lloyd, Calhoun County Auditor Robin Bats, Jefferson County Auditor Scott Reneker, and Montgomery County Auditor Stephanie Burke and move to dismiss this case under Rule 1.421 of the Iowa Rules of Civil Procedure. In support, Respondents state:

1. Petitioner League of United Latin American Citizens of Iowa (“LULAC”) seeks an “Injunction on a Judgment or Final Order” under Rule 1.1510 to “dissolve” the permanent injunction issued in *King v. Mauro*, Polk County Case No. CV006739 (Iowa Dist. Ct. Mar. 31, 2008). *See* Pet. ¶¶ 44–47, B; *see also* Attached Ex. A (Corrected *King v. Mauro* order). In that case, the court permanently enjoined the Secretary of State and the Voter Registration

Commission from using languages other than English on Iowa’s official voter registration forms based on the Iowa English Language Reaffirmation Act of 2001.

2. LULAC also seeks a declaratory judgment that the Act doesn’t prohibit providing voter registration forms—or other voting materials like ballots or voting notices—in languages other than English. *See* Pet. ¶¶ 40–43, A.

3. LULAC’s petition must be dismissed because it suffers from two fatal defects.

4. First, Rule 1.1510 doesn’t provide authority to dissolve or enjoin a permanent injunction in a prior proceeding.

5. Second, LULAC lacks standing because its requested declaratory judgment is a mere advisory opinion that won’t redress any alleged injury to LULAC or its members.

6. Respondents have filed a brief in support of this motion.

WHEREFORE, Respondents respectfully request that the Court dismiss this case, assess all costs to LULAC, and award any other appropriate relief under the circumstances.

Respectfully submitted,

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SCOTT RENEKER, AND MONT-
GOMERY COUNTY AUDITOR
STEPHANIE BURKE

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties of record by delivery in the following manner on December 22, 2021:

- | | |
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| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> FAX |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> EDMS | |

Signature: /s/ Samuel P. Langholz