

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, et al.,</p> <p>Respondents.</p>	<p>Case No. CVCV062715</p> <p><b>Respondents’ Motion for Summary Judgment</b></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 Batz, Jefferson County Auditor Scott Reneker, and Montgomery County Auditor Jill Ozuna and move for summary judgment under Rule 1.981(2) 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” to “dissolve” the permanent injunction issued in *King v. Mauro*, Polk County Case No. CV006739 (Iowa Dist. Ct. Mar. 31, 2008). *See* Am. Pet. ¶¶ 47–50, B. 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* Am. Pet. ¶¶ 43–46, A.

3. Both claims fail as a matter of law and do not require resolution of any material factual dispute.

4. First, both claims suffer from procedural defects that should prevent the Court from reaching the merits. LULAC cannot collaterally attack a permanent injunction in this new proceeding. Even looking past that fundamental defect, there has been no change in facts or law as required to dissolve a permanent injunction. And the Court's ruling in *King v. Mauro* is preclusive here as to whether providing voter registration forms in languages others than English is prohibited by the Act. LULAC also lacks standing to seek its declaratory judgment because it is a mere advisory opinion that won't redress any alleged injury to LULAC or its members. And the Court should exercise its discretion to decline to issue a declaratory judgment because it wouldn't resolve any real dispute between the parties and because of the concerns about standing and the propriety of this collateral attack.

5. Second, on the merits of both claims, LULAC's interpretation of the statute is wrong. It doesn't permit voter registration forms or other voting materials to be provided by Respondents in a language other than English unless that language usage "required by or necessary to secure the rights guaranteed by" the United States or Iowa constitutions or federal law. Iowa Code § 1.18(5)(h). And this language usage is not. So the exception of section 1.18(5)(h) does not apply to the language usage enjoined by the permanent injunction or referenced in the proposed declaratory judgment for all voting materials or only those materials provided to voters "with limited English-language proficiency." Am. Pet. ¶ 46; *see also id.* at 16 ¶ A.

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

WHEREFORE, Respondents respectfully request that the Court grant summary judgment in their favor, dismiss the case, assess all costs to LULAC, and award any other appropriate relief under the circumstances.

Respectfully submitted,

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**PROOF OF SERVICE**

The undersigned certifies that this instrument was served on all parties of record by delivery in the following manner on October 19, 2022:

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Signature: /s/ Samuel P. Langholz

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