

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LEAGUE OF UNITED LATIN AMERICAN CITIZENS OF IOWA, Petitioner, v. IOWA SECRETARY OF STATE PAUL PATE, in his official capacity, et al., Respondents.	Case No. CVCV062715 Respondents' Statement of Undisputed Material Facts in Support of Motion for Summary Judgment
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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 under Rule 1.981(2) and (8) of the Iowa Rules of Civil Procedure submit this Statement of Undisputed Material Facts in support of their Motion for Summary Judgment:

1. This Court issued a permanent injunction in *King v. Mauro*, Polk County Case No. CV006739 (Iowa Dist. Ct. Mar. 31, 2008), permanently enjoining 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. *See* Am. Pet. Ex. 1, at 31.

2. The Iowa English Language Reaffirmation Act of 2001, now codified at Iowa Code section 1.18 provides with certain exceptions that "the English language shall be the language of government in Iowa" and that "[a]ll official documents, regulations, orders, transactions, proceedings, programs, meetings, publications, or actions taken or issued, which are conducted or regulated

by, or on behalf of, or representing the state and all of its political subdivisions shall be in the English language.” Iowa Code § 1.18(3) (2021).

3. One of the exceptions in the Act is for “Any language usage required by or necessary to secure the rights guaranteed by the Constitution and laws of the United States of America or the Constitution of the State of Iowa.” Iowa Code § 1.18(5)(h).

4. In Count II, 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.

5. In Count I, 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 to any voters or to voters “with limited English-language proficiency” because they are exempt from the Act under section 1.18(5)(h). *See* Am. Pet. ¶¶ 43–46, A.

6. Neither Iowa nor any political subdivision in Iowa is a “covered State or political subdivision” under section 203 of the Voting Right Act, 52 U.S.C. § 10503(b)(2)(A). *See Voting Rights Act Amendments of 2006, Determinations Under Section 203*, 86 Fed. Reg. 69611, 69614 (Dec. 8, 2021), available at <https://perma.cc/CRS7-ZBPY>.

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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| <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