IN THE 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 REPLY IN SUPPORT OF RESPONDENTS' MOTION FOR SUMMARY JUDGMENT

COME NOW Respondents Iowa Secretary of State Paul Pate, et al., and replies in support of their Motion for Summary Judgment pursuant to this Court's Order of November 8, 2022, stating as follows:

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ARGUMENT

LULAC filed a supplemental resistance to Respondents' Motion for Summary Judgment on March 1, 2023, in which it claims that Respondents "did not file a final summary judgment motion by February 1." Pet. Supp. Rest. P.2. It further claimed that it "interprets that silence to indicate that Respondents no longer intend to move for summary judgment in this matter." *Id.* LULAC is wrong on both counts. Respondents moved for summary judgment on October 19, 2022. That motion was set for hearing on April 21, 2023, by this Court's Order of November 14, 2022. The Iowa Rules of Civil Procedure permit a defending party to move for summary judgment "at any time" not less than sixty days before trial. Iowa R. Civ. P. 1.981(2), 1.981(3). This Court's Order of November 8, 2022, gave the parties additional time to file a motion for summary judgment until February 1, 2023, but Respondents' motion was already

on file.

I. Voting materials are not exempt from the English Language Reaffirmation Act because providing voter registration forms or other voting materials in a language other than English is not "required by or necessary to secure" state or federal constitutional rights.

LULAC argues that the turnout numbers from the 2022 general election in Buena Vista County demonstrate the necessity of non-English voting materials to secure the right to vote. But a decline in turnout in general does not support the specific claim that language minorities were unable to vote in Buena Vista County. In fact, the statistical reports that LULAC cites show a general decline in turnout from the 2018 general election to the 2022 general election across almost all counties. In Crawford County, which has a similar-size Latino population to Buena Vista County according to 2020 Census data,[1] voter turnout decreased almost identically from 2018 to 2022—from 54.5 percent in 2018 to 44.8 percent in 2022—despite no change in the availability of non-English language voting materials.[2]

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LULAC's other arguments in support of providing non-English voting materials—pointing out testimony from county auditors or other state officials who believe that non-English voting materials "should" be provided—suggest that providing such materials is good policy, not that it's necessary to secure the right to vote. Some Iowans undoubtedly agree with LULAC, and some may disagree. *See King*

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[1] *See* Latinos in Iowa: 2022, State Data Center of Iowa, at 4 available at: https://www.iowadatacenter.org/application/files/7016/6394/3773/Latinos2022.pdf (accessed March 13, 2023).

[2] See 2018 Election Results, "Statistical Reports by County" at 48, Iowa Sec'y of State, available at: https://sos.iowa.gov/elections/pdf/2018/general/countystats.pdf (accessed March 13, 2023), with 2022 Election Results, "Statistical Reports by County" at 30, Iowa Sec'y of State, available at: https://sos.iowa.gov/elections/pdf/2022/general/countystats.pdf (accessed March 13, 2023).

v. Mauro, Polk County No. CV6739, at 20, Attachment 1 to Amended Petition. But it is not for the courts to judge the wisdom of this or that policy decision. *See Exira Community School Dist. v. State*, 512 N.W.2d 787, 795 (Iowa 1994). "The proper forum for this debate is however not in the courts, but in the other branches of state government." *Id.* at 796.

CONCLUSION

For the reasons set forth in this reply and in Respondents' Motion for Summary Judgment and Brief in Support, Respondents are entitled to judgment as a matter of law on Petitioner's claims.

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Respectfully submitted,

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All parties served via EDMS.

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