

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS OF IOWA,

Case No. CVCV062715

Petitioner,

v.

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.

**PETITIONER'S PROPOSED CROSS-
MOTION FOR SUMMARY JUDGMENT**¹

COMES NOW Petitioner League of United Latin American Citizens ("LULAC") 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 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,

¹ Petitioner has requested that this Court either continue the currently scheduled trial in this matter 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 through this motion. 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. Petitioner accordingly files this motion should the Court grant its alternative request.

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 categorically exempt from the English-only mandate under Iowa Code § 1.18(h)(5) (the “Rights Exception”). *See* Am. Pet. ¶ 45.

2. Under Petitioner’s interpretation, 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 based on the English-Only Law. *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*.

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. Under Petitioner’s primary interpretation of the Rights Exception, the straightforward application of the text produces a clear result: voting materials are “language usage” and they are “necessary to secure rights guaranteed by” constitutional and federal law. Taking a categorical approach, as Petitioner urges, 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 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 7th day of November, 2022.

Respectfully submitted,

/s/ Shayla McCormally

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**Admitted Pro Hac Vice*