

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LEAGUE OF UNITED LATIN AMERICAN CITIZENS OF IOWA, AND TAYLOR BLAIR, Plaintiffs, v. IOWA SECRETARY OF STATE PAUL PATE, IN HIS OFFICIAL CAPACITY, Defendant, and regarding, REPUBLICAN PARTY OF IOWA, Petitioner.	No. CVCV056403 PETITION TO VACATE INJUNCTION
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The Republican Party of Iowa petitions under Iowa Code § 39.28 to vacate the injunction entered by this Court on September 30, 2019.

Parties and Background

1. In 2017, the 87th General Assembly enacted House File 516, legislation relating to the conduct and administration of elections. *See* 2017 Iowa Acts, Ch. 110. The law directed county auditors to implement procedures to verify voter identity by requiring voters to provide identification documents and for county auditors to compare signatures on voter affidavits at polling places and on absentee ballot

envelope affidavits. *See id.* at §§ 30-31 (amending Iowa Code §§ 53.2(5) and 53.18(3)). The law took effect on July 1, 2017.

2. The League of United Latin American Citizens of Iowa and Taylor Blair waited until May 30, 2018, to sue to challenge the enforcement of several provisions of the Act. The plaintiffs sued only the Iowa Secretary of State, despite the provisions in Iowa election law that place the administration of elections at the local level in the county commissioner of elections. *See* Iowa Code § 47.2.

3. On July 24, 2018, the Court granted a temporary injunction that prohibited enforcement of signature matching provisions in the amended sections 53.2(5) and 53.18(3). The Court's temporary injunction also applied to other aspects of the new legislation. Although Secretary Pate was the only defendant in the lawsuit, the terms of the temporary injunction required county auditors to refrain from implementing the amended sections 53.2(5) and 53.18(3).

4. On August 15, 2018, the Iowa Supreme Court left the Court's temporary injunction in place with respect to the signature matching provisions. Other aspects of the Court's temporary injunction were vacated or modified.

5. The Court entered its final decree on September 30, 2019. It found that the signature matching provisions in House File 516 violated the due process and equal protection clauses of the Iowa Constitution. The Court noted a danger of

inconsistent enforcement of the signature matching process because several county auditors said they would refuse to enforce the requirement. As a result, the Court's order stated:

IT IS FURTHER ORDERED that Iowa Code section 53.2(5),
which states:

The commissioner may dispute an application if it appears to the commissioner that the signature on the application has been signed by someone other than the registered voter, in comparing the signature on the application to the signature on record of the registered voter named on the application. If the commissioner disputes a registered voter's application under this subsection, the commissioner shall notify the registered voter and the registered voter may submit a new application and signature or update the registered voter's signature on record, as provided by rule adopted by the state commissioner.

violates the Iowa Constitution and is stricken from the statute.

IT IS FURTHER ORDERED that the portion of Iowa Code
section 53.18(3) which states:

For the purposes of this section, a return envelope marked with the affidavit shall be considered to contain a defect if it appears to the commissioner that the signature on the envelope has been signed by someone other than the registered voter, in comparing the signature on the envelope to the signature on record of the registered voter named on the envelope. A signature or marking made in accordance with section 39.3, subsection 17, shall not be considered a defect for purposes of this section.

violates the Iowa Constitution and is stricken from the statute.

6. Notwithstanding the literal terms of the Court’s order, the signature match provisions in sections 53.2(5) and 53.18(3) remain in the Iowa Code. *See* Jonathan F. Mitchell, *The Writ-of-Erasure Fallacy*, 104 Va. L. Rev. 933, 987 (2018) (“The injunction is nothing more than a judicially imposed non-enforcement policy, and its effect is no different from a non-enforcement policy that the executive imposes upon itself...it does not suspend the statute...”).

7. The Secretary of State has interpreted the Court’s order to operate as an injunction against the enforcement of those provisions by county auditors. The Republican Party of Iowa monitors the state of Iowa election law as part of its activities to elect its candidates to office. The signature matching provisions in sections 53.2(5) and 53.18(3) are not presently being enforced. Because of the injunction, absentee voting lacks the same safeguards to ensure the voter’s identity as does in-person voting on Election Day.

8. Iowa Code § 39.28 permits a political party to petition the district court to modify or vacate an injunction against the enforcement of Iowa’s election statutes, including provisions found within Iowa Code Chapter 53. The Republican Party of Iowa is a political party under Iowa Code § 43.2.

Grounds for Granting the Petition

9. The Court has the inherent authority to modify judgments that grant continuing relief when there is a substantial change in the facts or law. *Spiker v. Spiker*, 708 N.W.2d 347, 360 (Iowa 2006). The equitable power to issue permanent injunctive relief necessarily entails the power to discontinue such relief where it is no longer equitable to restrain the enjoined party. *United States v. Swift & Co.*, 286 U.S. 106, 114 (1982). “The original injunction decree is res judicata as to conditions then existing; it is not res judicata as to events thereafter occurring and conditions thereafter coming into being.” *Helmkamp v. Clark Ready Mix Co.*, 249 N.W.2d 655, 656 (Iowa 1977).

10. Decisions of the Iowa Supreme Court since the entry of the injunction represent a substantial change in the law and demonstrate that this Court’s analytical framework of sections 53.2(5) and 53.18(3) was erroneous. Rather than the Court’s review of the statutes under due process or equal protection principles, the Iowa Supreme Court has explained that “challenges to voting regulations as burdening individual voters’ access to the polls are more properly considered based on the severity of the burden under the *Anderson–Burdick* balancing approach.” *Smith v. Iowa Dist. Court for Polk County*, 3 N.W.3d 524, 538–39 (Iowa 2024) (citing *Anderson v. Celebrezze*, 460 U.S. 780 (1983) and *Burdick v. Takushi*, 504 U.S. 428 (1992)).

11. The *Anderson-Burdick* test applies to “generally-applicable and evenhanded restrictions that protect the integrity and reliability of the electoral process itself.” *Id.* at 539. “[W]hen a state election law provision imposes only ‘reasonable, nondiscriminatory restrictions’ upon the First and Fourteenth Amendment rights of voters, ‘the State’s important regulatory interests are generally sufficient to justify’ the restrictions.” *Id.* (citing *Burdick*, 504 U.S. at 434).

12. Under *Anderson-Burdick* standards, the signature matching requirements of sections 53.2(5) and 53.18(3) are constitutional. The signature matching provisions provide a mechanism to ensure that the voter is who she claims to be. *See League of United Latin American Citizens of Iowa v. Pate*, 950 N.W.2d 204, 209–11 (Iowa 2020) (upholding requirement that voters, not county auditors, provide identifying information to request absentee ballot). Because “[v]oting systems cannot inspire public confidence if no safeguards exist to deter or detect fraud,” the State’s interests justify the minimal imposition on voters caused by a signature matching process. *Id.* at 211. At least 30 states use some form of signature matching in connection with the absentee voting process.

13. In addition, substantial changes in statutory law justify vacating the injunction. The Secretary of State’s authority to require county auditors to uniformly enforce Iowa’s election procedures is now much stronger than in 2017.

See 2021 Iowa Acts, Ch. 12, § 3 (specifying that it is the crime of election misconduct in the second degree for an election official to fail to perform statutory duties or follow guidance from the state commissioner), §§ 9–10 (technical infraction process for county commissioners who fail to perform duties), § 18 (authorizing state commissioner to issue guidance outside of rulemaking process), § 19 (providing that county commissioners of elections do not have home rule power “with respect to the exercise of powers or duties related to the conduct of elections prescribed by statute or rule, or guidance issued pursuant to [§ 18 above].”)

14. Because of the enhancements to the Secretary of State’s authority, he can issue rules and guidance that require uniform enforcement of sections 53.2(5) and 53.18(3). Thus, the Court’s concerns about variations in county practices can be satisfied by appropriately drafted administrative rules that require each county commissioner of elections to implement uniform standards for signature matching.

15. In addition to the case law and statutory changes on the election law issues underlying the injunction, there have been substantial new developments in Iowa law on the question of whether plaintiffs had standing and whether their facial challenge to sections 53.2(5) and 53.18(3) was appropriate.

16. In *Iowa Citizens for Community Improvement v. State*, 962 N.W.2d 780 (Iowa 2021), the Iowa Supreme Court emphasized the relationship between standing

under the Iowa Constitution and Article III of the U.S. Constitution. While state court standing “is a self-imposed rule of restraint...that doesn’t make the standing requirement any less real.” *Id.* at 790. As part of the standing inquiry, the plaintiff “must be injuriously affected to have standing.” *Id.*

17. A plaintiff’s “general interest” in the proper enforcement of the law cannot support standing. *Dickey v. Iowa Ethics and Campaign Disclosure Bd.*, 943 N.W.2d 34, 38 (Iowa 2020). Instead, a plaintiff must show that his own personal interests have been harmed. *Id.*

18. Just last year, the Iowa Supreme Court explained *in a lawsuit involving the same organizational plaintiff here*, that the requirement for standing in public law cases is “absolute.” *League of United Latin American Citizens of Iowa v. Pate*, 20 N.W.3d 822, 832 (Iowa 2025) (“*LULAC 2025*”). “The rule is well settled that a litigant may not attack a statute as unconstitutional unless he can show that its enforcement would be an infringement on *his rights*.” *Id.* (emphasis original, citing *Iowa Life Ins. v. Board of Sup’rs of Black Hawk County*, 180 N.W. 721, 722–23 (Iowa 1921)).

19. In *LULAC 2025* the Iowa Supreme Court adopted the U.S. Supreme Court’s holding about organizational standing of nonregulated entities in *Food & Drug Admin. v. Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024). In that case

the high Court said that standing ensures “courts decide litigants’ legal rights in specific cases,” and that they do not “opine on legal issues in response to citizens who might roam the country in search of governmental wrongdoing.” *Id.* at 379.

20. Applying this principle, the Iowa Supreme Court held that LULAC lacked standing to challenge an injunction requiring enforcement of Iowa’s “English only” law as it related to distribution of voting materials. Although LULAC claimed it was forced to expend resources to mitigate the impact of the law, this resource-diversion theory was insufficient to give it standing. “An organization’s expenditure of resources in response to a law that does not violate, regulate, or determine the litigant’s rights, status, or legal relations is not a legally cognizable injury.” *LULAC 2025*, 20 N.W.3d at 838.

21. The Iowa Supreme Court’s holding in *LULAC 2025* is a substantial change in the law which demonstrates the injunction should be vacated. LULAC and Blair claimed to have standing purely because they would expend resources to educate others about the House File 516. They did not allege any harms they would suffer individually. Of note, Blair did not claim that he would be prevented from voting by the signature match requirement. Under *LULAC 2025* these allegations are insufficient to provide standing to sue in a public law case. Because the standing

doctrine in public law cases is “absolute,” it is no longer equitable to continue injunctive relief that prevents enforcement of a duly enacted statute.

22. The Iowa Supreme Court has also clarified the circumstances under which a plaintiff may lodge a facial challenge to a statute. *Singer v. City of Orange City*, 15 N.W.3d 70 (Iowa 2024). Under *Singer*, a plaintiff must show that the statute is “totally invalid and therefore incapable of any valid application.” *Id.* at 76. Facial challenges raise a particular concern that they “short circuit the democratic process by preventing laws embodying the will of the people from being implemented in a manner consistent with the Constitution.” *Id.* at 77.

23. Under *Singer*, a facial challenge to the signature matching requirement is impossible. A plaintiff cannot plausibly claim that in *all* situations the requirement will prevent individuals from voting. At best, a plaintiff might claim that *he* will have difficulty providing a signature that appears consistent. In such a situation, a Court could determine that the application of the signature matching requirement to *that* voter would be unconstitutional. But because Blair did not even make this barebones assertion, there was no basis for the Court to issue an injunction against enforcement of the signature match requirement in all situations by all election officials.

Conclusion

24. Because there has been a substantial change in the law, the injunction should be vacated.

25. Petitioner reserves the right to supplement the grounds for vacating the injunction in subsequent briefing as ordered by the Court.

Respectfully submitted,

REPUBLICAN PARTY OF IOWA

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