

IN THE SUPREME COURT OF IOWA

No. 18–1276

Polk County No. CVCV056403

ORDER

LEAGUE OF UNITED LATIN AMERICAN CITIZENS OF IOWA
and **TAYLOR BLAIR,**

Plaintiffs-Appellees,

vs.

IOWA SECRETARY OF STATE PAUL PATE,

Defendant-Appellant.

On August 1, 2018, this court granted an application for interlocutory review of a temporary injunction granted by the district court on July 24, 2018. The temporary injunction enjoined enforcement, pending the district court’s litigation in the case below, of Iowa Code sections 53.2(4), 53.2(5), 53.8, 53.10, 53.11, and 53.18(3) (2018). It also enjoined Iowa Secretary of State Paul Pate from including language on the absentee ballot application indicating that a voter verification number is required and from disseminating materials with the voter-ready Iowa graphic or language indicating that Iowa voters will be asked to show identification to vote in 2018, without a clear statement that identification is not required.

After hearing oral arguments by the parties, and after full consideration by the court, IT IS ACCORDINGLY, ORDERED, ADJUDGED, AND DECREED as follows:

1. The court affirms the temporary injunction enjoining the use of the signature-matching provisions as set forth in Iowa Code sections 53.2(5) and 53.18(3), second sentence.
2. The court reverses the temporary injunction enjoining the reduction of the timeframe for mailing out or casting absentee ballots from 40 to 29 days as set forth in Iowa Code sections 53.8(1)(a), 53.10(1), and 53.11(1)(a).
3. The court affirms the temporary injunction enjoining the requirement that absentee ballot applications contain a voter verification number as set forth in Iowa Code section 53.2(4)(a)(4).
4. The court affirms the temporary injunction enjoining the Secretary of State from including on the absentee ballot application language stating, “An absentee ballot cannot be issued until ID number is provided” or similar words indicating that such information is “required.”
5. The court affirms the temporary injunction enjoining the Secretary of State from disseminating materials stating, “Iowa voters will be asked to show a form of valid identification when voting,” or similar words, without a clear statement that identification is not required to vote in 2018.

The bond requirement in the district court’s order of July 24, 2018, shall remain in full force and effect. The case is remanded to the district court. This order shall take effect upon issuance of procedendo. The clerk shall issue procedendo at noon on August 15, 2018, at which time the court relinquishes its jurisdiction.

Appel, J., dissents as to numbered paragraph number 2 of this order.

Waterman, J., dissents as to paragraph number 3 of this order.

Waterman and Mansfield, JJ., dissent as to numbered paragraph 1 of this order and would not temporarily enjoin the signature-matching provisions, except they would order that any absentee ballot received after the Saturday 5 p.m. deadline that is deemed to have a signature mismatch would be treated and preserved as a provisional ballot under Iowa law with notice mailed to the voter and an opportunity to the voter to demonstrate to the special precinct election board that the signature on the envelope was that of the voter.

Hecht, J., takes no part.

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IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
18-1276

Case Title
League of United Latin American Citizens v. Pate

So Ordered

A handwritten signature in black ink that reads "Mark S. Cady". The signature is written in a cursive style.

Mark S. Cady, Chief Justice

Electronically signed on 2018-08-10 11:32:42