

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

AMERICAN CIVIL LIBERTIES UNION
OF IOWA FOUNDATION

and

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS OF IOWA,

Petitioners,

vs.

IOWA SECRETARY OF STATE MATT
SHULTZ,

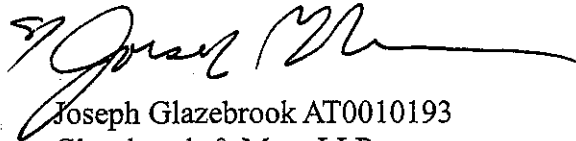
Respondent.

Case No. CVCV009311

PETITIONER'S SUPPLEMENTAL
EXHIBITS IN SUPPORT OF
RESISTANCE TO MOTION TO DISMISS
AND FOR TEMPORARY INJUNCTIVE
RELIEF

COMES NOW Petitioners and through the undersigned attorney submits the
attached Supplemental Exhibits in Support of their Resistance to Motion to Dismiss and
for Temporary Injunctive Relief.

Respectfully Submitted,



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POLK COUNTY IOWA
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Copy to:
Iowa Attorney General's Office
1305 E. Walnut St.
Des Moines, IA 50319

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was
served upon all parties to the above cause to each of the attorneys
of record hereto at their respective addresses disclosed on the
pleadings on August 28th 2012.

By: U.S. Mail FAX
 Hand Delivered Overnight Courier
 Certified Mail Other:

Signature 

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

AMERICAN CIVIL LIBERTIES)	Case No. CVCV009311
UNION OF IOWA, and LEAGUE OF)	
UNITED LATIN AMERICAN CITIZENS)	
OF IOWA,)	
)	
Petitioners,)	
)	
v.)	AFFIDAVIT IN SUPPORT OF
)	RESISTANCE TO MOTION
)	TO DISMISS
MATT SCHULTZ,)	
)	
Respondent.)	

AFFIDAVIT

STATE OF IOWA)
)
COUNTY OF POLK)

1. My name is Della M. Arriaga and I am the owner and president of Arriaga Law Office, P.C. I have practiced law in the State of Iowa for over six years having been assigned the Bar # AT 0008767.
2. My law office works primarily with immigration law and I have represented hundreds of individuals with immigration and citizenship related issues.
3. In my practice, I have dealt with clients from numerous parts of the world. I have also represented numerous individuals who are U.S. citizens but need to establish proof of citizenship because their documentation was missing, stolen, lost or otherwise not available.
4. The four primary ways to establish U.S. citizenship are as follows:
 - a. Birth certificate – the process of obtaining this type of document varies from state to state. In some of my cases, it has taken as long as 3 months to receive a replacement document.

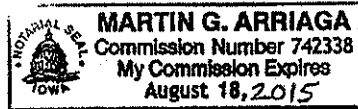
- b. Passport – Per the Department of State, the process time of such request is 4 to 6 weeks. In general the process is expedient but it has been my experience that the process does have some flaws to include loss of the original naturalization and/or birth certificate.
 - c. Naturalization Certificate – the process of replacing this type of document can be as long as 6 months, although, I have had some cases where the replacement process took as long as 15 months.
 - d. Birth Abroad Certificate- the process of replacing or amending this type of document can be as long as 8 months.
5. The process laid out in Iowa Admin. Code r. 721—28.5 (47, 48A) (2012) promulgated by the Secretary of State on July 20, 2012, provides for an initial 14 days to dispute the allegation of non-citizen voter registration, after which a challenge procedure set out in Iowa Code 48A.14 is initiated, which provides for a hearing to establish eligibility to vote with only 20-30 days notice. In my opinion, this amount of time – 14 days, then 20-30 days, is inadequate to provide some citizens who may lack documentation to prove their citizenship a fair opportunity to collect the necessary documentation.
6. The process outlined in Iowa Code r. 721-28.5(47, 48A)(2012) profoundly impacts all citizens whether born in the U.S. or subsequently naturalized because the process of requesting primary evidence to establish citizenship takes longer than the allotted time of 14 days.
7. In my practice, I have encountered numerous Iowa residents who were born in the U.S. but were unable to produce proof of their U.S. citizenship. Subsequently, I have assisted

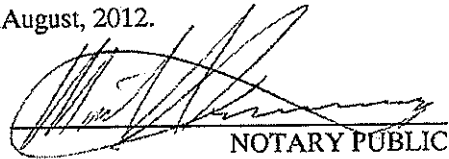
these people in obtaining their birth certificates which for the most part took more than 14 days.

8. I am also concerned for my immigrant clients because I suspect they will be wrongfully identified in this process. If so, they will not have an adequate opportunity to refute the allegations and preserve their right to vote. For many, the arduous and inadequate process, especially under a threat of criminal prosecution for voter fraud, may simply be too great, or impossible, a task to contemplate. Individuals who are sent a letter asking them to voluntarily seek removal from the voter registration list or prove they are a citizen—without sufficient time to do so—will wrongfully lose their right to vote despite the fact of their citizenship.


Della M. Arriaga, Affiant

Subscribed and sworn to before me on this 26th day of August, 2012.




NOTARY PUBLIC