

IN THE IOWA DISTRICT COURT 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
SCHULTZ,

Respondent.

Case No. CVCV009311

STATEMENT OF UNDISPUTED FACTS
IN SUPPORT OF MOTION FOR
REVIEW ON THE MERITS


COME NOW the Petitioners, the American Civil Liberties Union of Iowa and the League of United Latin American Citizens of Iowa, by and through the undersigned counsel, and respectfully submit this statement of undisputed facts pursuant to Iowa Rule of Civil Procedure 1.981 in support of their Motion for Review on the Merits, filed herewith.

Undisputed Facts

1. The Secretary of State promulgated the administrative rule 721—28.5 (47, 48A) (Noncitizen registered voter identification and removal process) in the Iowa Administrative Bulletin on August 8, 2012 (ARC 0272C) and in revised form on February 20, 2013 (ARC 0616C). (Appendix exhibits 1-3, pp. 1-8).
2. IAC Rule 721—28.5 took effect on March 27, 2013. (Appendix Exhibit 1, p. 2).
3. Respondent Secretary of State Schultz has entered into a memorandum of agreement (MOA) with the U.S. Citizenship and Immigration Services to access the federal SAVE system to implement IAC Rule 721—28.5, which MOA was executed and became effective August 14, 2013. (Appendix exhibit 4 pp. 9-20).

4. The Secretary of State promulgated IAC 721—28.5(4) to implement the following statutory authority, which the rule itself cites: “This rule is intended to implement Iowa Code chapters 39A, 48A, 49 and 53”. IAC 721—28.5(4). (Appendix exhibit 3 p. 7).

Respectfully submitted,


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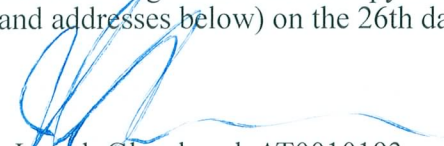
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CERTIFICATE OF SERVICE

The undersigned certifies a copy of this application was served on the following parties (list names and addresses below) on the 26th day of August, 2013 by electronic service.



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