

IN THE  
UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF IOWA

IOWA LIBERTARIAN PARTY and  
JAKE PORTER,

Plaintiffs,

VS.

Civil Action No. 4:19-cv-00241-SMR-HCA

PAUL D. PATE, Secretary of State  
and State Commissioner of Elections,

Defendant.

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs in the above-captioned civil action move by counsel for summary judgment on all issues presented. As grounds, plaintiffs state that there are no material issues of fact, that the challenged filing deadline in Iowa Code §§ 44.4 and 44.5 for the petitions of minor party candidates to obtain a place on the general election ballot impose a heavy burden on those candidates and their parties, and that the deadline fails to significantly advance any substantial state interest. Consequently, those sections violate the First and Fourteenth Amendments to the United States Constitution.

In support of their motion, plaintiffs submit the accompanying Brief and Joint Appendix Exhibits.

/s/ Robert M. Bastress, Jr.

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Counsel for Plaintiffs

#### CERTIFICATE OF SERVICE

I, Robert M. Bastress, Jr., counsel for the plaintiffs, certify that I have served the foregoing Memorandum in Support of Plaintiffs' Motion for Summary Judgment on counsel for the defendant, Paul D. Pate, by filing the same on the Southern District of Iowa's Pacer CM/ECF system on this the 2<sup>nd</sup> day of March, 2021.

/s/ Robert M. Bastress, Jr.