

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

IOWA LIBERTARIAN PARTY, and
JAKE PORTER,

Plaintiffs,

v.

PAUL D. PATE, in his official capacity as
Iowa Secretary of State,

Defendant.

Case No. 4:19-cv-00241-SMR-HCA

**SUPPLEMENTAL BRIEF IN
RESPONSE TO PLAINTIFFS'
REQUEST FOR INJUNCTIVE
RELIEF**

I. INTRODUCTION

In its Order Granting Plaintiffs' Motion for Summary Judgment and Denying Defendant's Motion for Summary Judgment, this Court ordered the parties to brief the issue of Plaintiffs' request for injunctive relief, including an analysis of the factors set out in *Dataphase Systems, Inc. v. C L Systems, Inc.*, 640 F.2d 109, 114 (8th Cir. 1991) (en banc). For the following reasons and on the record before this Court, Defendant does not believe that any injunctive relief is necessary.

II. APPLICABLE LAW

The standard for issuing a permanent injunction is "essentially the same" as the standard for a preliminary injunction, except that the movant must show actual success on the merits. *Oglala Sioux Tribe v. C & W Enterprises, Inc.*, 542 F.3d 224, 229 (8th Cir. 2008). "If a court finds actual success on the merits, it then considers the following factors in deciding whether to grant a permanent injunction: (1) the threat of irreparable harm to

the moving party; (2) the balance of harms with any injury an injunction might inflict on other parties; and (3) the public interest.” *Id*; see also *Dataphase Systems, Inc.*, 640 F.2d at 113.

III. ARGUMENT

In its April 8, 2022, order, this Court concluded that the March filing deadline for nonparty political organization candidates violates Plaintiffs’ First and Fourteenth Amendment rights. It declared the amended deadline unconstitutional and ordered the parties to brief the issue of Plaintiffs’ request for injunctive relief. Despite their success on the merits of their constitutional challenge to the amended deadline, on this record Plaintiffs cannot show that the remaining *Dataphase* factors favor injunctive relief against Defendant. Nothing in the record or in the undisputed facts recited in the order granting summary judgment indicates that any plaintiff has failed to qualify for the upcoming elections as a result of the amended deadline or that any plaintiff intends to attempt to qualify following this Court’s order. Thus, on these facts, no injunctive relief is necessary. See *McLain v. Meier*, 637 F.2d 1159, 1169 (8th Cir. 1980) (“At oral argument appellant admitted that he would not attempt to qualify as a party candidate in the November, 1980 election and we are not advised that he has qualified or expects to qualify as an independent. Thus, so far as any party plaintiff in the case now before us may be concerned, no injunctive relief is necessary either as to access or placement issues.”).

When an amendment to a statute is declared unconstitutional, “the applicable law is provided by the statute as worded prior to the unconstitutional amendment.” *Louisiana Republican Party v. Foster*, 674 So.2d 225, 233 (La. 1996) (internal quotation marks omitted); see also *State v. Books*, 225 N.W.2d 322, 325 (Iowa 1975). Because this Court

has declared the amended deadline unconstitutional, the filing deadline that existed prior to the 2019 amendments remains in force. *Louisiana Republican Party*, 674 So.2d at 234. In its order granting summary judgment, this Court declined to grant Plaintiffs’ request for a “separate declaratory judgment,” explaining that their request was “no broader than the Court’s findings and conclusions in this Order.” Order, ECF No. 41, 04/08/2022. Plaintiffs’ request for injunctive relief should be denied for the same reason.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs’ request for injunctive relief should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2022, a true and correct copy of the foregoing was filed electronically via the Court's ECF system which will notify each of the following participants:

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