

IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

<p><b>SUSAN KAY SALTERBERG, RONALD CHARLES PILE, AMANDA CLAIRE THOMAS, JOHN R. KLAUS, PAULA TOMS, PATRICIA JOAN HARPER, JOHN THOMAS POWERS, STEVEN R. FERGUSON, LAURA JANE TEAFORD, RONALD J. GORTON, ROGER WHITE, EDWARD JOSEPH GALLAGHER III, NATHANIEL MAURICE CABRAL AND JEAN SEELAND,</b></p> <p><b>Plaintiffs,</b></p> <p><b>v.</b></p> <p><b>IOWA GOVERNOR KIM REYNOLDS ex rel. STATE OF IOWA, IOWA SECRETARY OF STATE PAUL PATE, JOHNSON COUNTY BOARD OF SUPERVISORS, STORY COUNTY BOARD OF SUPERVISORS, and BLACK HAWK COUNTY BOARD OF SUPERVISORS,</b></p> <p><b>Defendants.</b></p>	<p><b>CASE NO. _____</b></p> <p><b>PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF</b></p>
--	--

**COME NOW** Plaintiffs Susan Kay Salterberg, Ronald Charles Pile, Amanda Claire Thomas, John R. Klaus, Paula Toms, Patricia Joan Harper, John Thomas Powers, Steven R. Ferguson, Laura Jane Teaford, Ronald J. Gorton, Roger White, Edward Joseph Gallagher III, Nathaniel Maurice Cabral and Jean Seeland (collectively, “Plaintiffs”), by and through their attorney, James C. Larew, Larew Law Office, and in support of their Petition for Declaratory Judgment and Injunctive Relief, hereby state as follows:

**STATEMENT OF THE CASE**

1. Plaintiffs are residents and registered voters in three Iowa counties: Johnson, Story and Black Hawk counties. They bring this action to challenge the constitutionality of Senate File 75,

of the 91st General Assembly (“SF 75”), to be codified in Iowa Code chapters 43, 69 and 331, which went into immediate effect when Governor Kim Reynolds signed SF 75 on April 10, 2025.

2. In the State of Iowa the right to vote is sacrosanct: it is regarded as too important to be interfered with by the General Assembly and is protected by express federal and state constitutional and statutory (described further, below) provisions long-protected by our courts. Among those constitutional provisions are: the Fourteenth Amendment to the United States Constitution and Article I, Section 9 of the Constitution of the State of Iowa, each of which assures that citizens will be afforded due process and equal protection under all laws passed by the General Assembly; and Article III, Section 30 of the Constitution of the State of Iowa, which assures that all “local or special laws” passed by the General Assembly “shall be general, and of uniform operation throughout the state.”

3. Contrary to those uniform protections afforded to all Iowans’ fundamental right to vote, SF 75 uniquely prevents the voters of Johnson, Story and Black Hawk counties from selecting, as otherwise provided in Iowa Code section 331.206, from the three board of supervisor election plans available to all other registered voters residing in each of Iowa’s other remaining ninety-six counties. The only distinguishing characteristic of the three counties in which Plaintiffs reside, as compared to those residing in all of Iowa’s other counties, is that these three counties are the venues for the main campuses of institutions of higher learning governed by the Iowa Board of Regents.

4. Under the home rule provisions of Iowa Code section 331.206, prior to the passage of SF 75, residential requirements of board of supervisors’ members and whether to use representational districts or to elect supervisors at-large in Iowa counties were determined by each respective county’s board of supervisors or upon a petition filed by citizens, by referendum. Iowa

Code § 331.207 (providing for selecting a supervisor representation plan by petition in a special election).

5. Prior to the enactment of SF 75, voters in all of Iowa's counties had three options with respect to the configurations of districts for the purpose of electing members of their respective boards of supervisors: plan "one" - each supervisor is elected at-large from the whole county, and there is no requirement for the supervisor to reside in any particular location within the county; plan "two" - each supervisor is elected at-large from the whole county, but each supervisor must reside in equal-population districts; or plan "three" - each supervisor is elected from a single-member equal-population district, in which the electors of each district shall elect one member who must reside in that district. Iowa Code § 331.206(1).

6. Under this approach, prior to SF 75's passage, with respect to the issue of county governance representation, citizens residing in all of Iowa's ninety-nine counties held equal status and power. That is, they could accede to the determinations of elected boards of supervisors as to their choices of governance plans "one," "two" or "three;" or, they could, by obtaining sufficient signatures, allow the representation plan issue to be decided directly by a majority vote of electors residing throughout each respective county.

7. However, upon the enactment of SF 75, the Iowa General Assembly determined that, uniquely amongst all of Iowa's ninety-nine counties, the citizens of Johnson, Story and Black Hawk counties, only, *must* be governed under plan "three"—whether that be the choices of the respective boards of supervisors or by a referendum of the voters residing in each respective county.

8. On April 10, 2025, upon Governor Kim Reynolds' signature upon SF 75, Johnson County's five-member board of supervisors was governed under plan "one," the result of the

board's action pursuant to Iowa Code § 331.207(1). The three members of Story County's board of supervisors were elected under plan "one," the result of the board's action pursuant to Iowa Code. And, Black Hawk County's five-member board of supervisors was governed under plan "one," adopted by the board pursuant to Iowa Code.

9. The right to vote is a fundamental one, a right deeply-rooted in Iowa's history and tradition and implicit in the concept of ordered liberty. Indeed, the right to vote is so central to liberty that it can be said to be wellspring from which all other rights flow. All citizens having an equal voice in government is essential to democracy and free and fair elections. In Iowa any person may register to vote who is a citizen of the United States, is an Iowa resident—which is defined as the place a person declares to be that person's home and that person has the intent to remain permanently, or, for a period of time. That person must be at least 18 years of age, and not be otherwise disqualified such as having committed a felony or being incompetent to vote. Iowa Code § 48A.5(3); *see id.* § 48A.5A (further criteria for determining residence). § 48A.6 (listing disqualifications). The right to vote is not predicated on whether a person resides at an urban or a rural address. A student who meets the registration requirements has a constitutionally-protected right to vote. *See* Iowa Code § 48A.5A (stating a student may choose to claim residence in the county where the school at which the student attends is located).

10. When SF 75 was brought before the Iowa Senate for debate on March 10, 2025, Senator Dawn Driscoll gave the opening remarks in support of the bill. Senator Driscoll stated that "this bill gives a voice to rural Iowa in large counties and in counties who see massive amounts of student population and many of who[m] do not live in that county on a full-time basis." Iowa Senate, Debate on SF 75, Mar. 10, 2025.

11. SF 75, as is clear from its text, singling out Regents universities and from the advocacy of the bill's supporters in the legislature, by mandating a particular representation plan for these three counties, only, is motivated by an animus against students and also in favor of those who reside at rural addresses. Neither of these purposes, each of which diminishes or enhances the electoral power of one group of voters over another, is constitutionally viable.

12. All Iowa voters, except for those who reside in these three Regents-university-venued counties—Johnson, Story, and Black Hawk—have a say in determining under which plan their respective counties shall be governed, either directly by petition for special election or through a majority vote of their elected representatives on the board of supervisors.

13. SF 75 stands for the propositions that student voices are somehow less legitimate or less worthy of representation than non-student voices, and that persons who reside in those Regents university counties, by virtue of their geographical-associational status, alone, are uniquely not deserving of, or are too irresponsible to handle, the choice in election plan that voters in Iowa's ninety-six other counties are fully able to make.

14. Because SF 75 burdens and dilutes the fundamental right of voting of anyone residing in Regents university counties, its purpose: must serve a compelling state interest; must be narrowly tailored to achieve its goal and must be the least restrictive means to achieve that purpose. Elevating the interests of rural voters above the interests of urban voters and treating students who are eligible to vote in any of the three respective counties as if their interests, as a class, are less protected than the interests of non-student electors are not actions aimed to advance compelling state interests. Nor are such ostensible state interests even rational. Even if, *arguendo*, the state's interests either in enhancing rural citizens' voter power or in diminishing the electoral interests of students attending Regents universities were deemed to be compelling, SF 75 scope is both

overbroad and underbroad with respect to achieving those interests. It is overbroad in that rural voters and urban voters lose the right to select the county supervisor election plan from the three that are available, under Iowa's statutes, in all other counties. It is underbroad in that other counties also may have largely urban or some post-secondary student populations (whether attending Regents universities, private colleges or community colleges), but the interests of rural voters in those counties are not given the same elevation as are the interests of rural voters in Johnson, Story and Black Hawk counties. Finally, SF 75 is not the least restrictive means to achieve any viably-articulated compelling state interest(s) that may exist.

15. Plaintiffs seek a temporary injunction to protect their voting rights during the pendency of this litigation by the issuance of all appropriate orders to deny the creation of redistricting commissions as set forth in the transitional provisions of SF 75 or voting pursuant to those newly created districts, followed by declaratory and permanent injunctive relief to prevent the State of Iowa or Johnson, Story or Black Hawk counties from enforcing SF 75.

### **THE PARTIES**

16. Plaintiffs have standing in this litigation because, as registered voters in Johnson, Story or Black Hawk counties, they have an interest in its outcome. Plaintiffs are as follows:

- a. Susan Kay Salterberg is a resident of Johnson County. She is a registered voter and votes in elections for the Johnson County Board of Supervisors. She is a longtime civic activist.
- b. Ronald Charles Pile is a resident of Johnson County. He is a registered voter and votes in elections for the Johnson County Board of Supervisors. He is a longtime civic activist.

- c. Amanda Claire Thomas is a resident of Story County. She is currently a student in a two-year MBA program at Iowa State University. She is a registered voter in Story County and votes in elections for the Story County Board of Supervisors.
- d. John R. Klaus is a resident of Story County. He is a registered voter and votes in elections for the Story County Board of Supervisors. He is a lawyer and was formerly the Assistant City Attorney for the City of Des Moines and then was the City Attorney for the City of Ames. He is now retired.
- e. Paula Toms is a resident of Story County. She is a registered voter and votes in elections for the Story County Board of Supervisors. She is a longtime civic activist.
- f. Patricia Joan Harper is a resident of Black Hawk County. She is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. She was an elected official in Waterloo. She is now retired.
- g. John Thomas Powers is a resident of Black Hawk County. He is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. He is a longtime civic activist.
- h. Steven R. Ferguson is a resident of Black Hawk County. He is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. He was a juvenile court officer and is now retired. He is involved in pastoral ministry
- i. Laura Jane Teaforde is a resident of Black Hawk County. She is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. She is a longtime civic activist.

- j. Ronald J. Gorton is a resident of Black Hawk County. He is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. He is a longtime civic activist.
- k. Roger White is a resident of Black Hawk County. He is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. He also regularly meets with members of the Board of Supervisors to get to know them and discuss the issues. He is a longtime civic activist.
- l. Edward Joseph Gallagher III is a resident of Black Hawk County. He is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. He is a lawyer and is currently retired. He is also a longtime civic activist.
- m. Nathaniel Maurice Cabral is a resident of Black Hawk County. He is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. He is a senior in the political science bachelor's program at the University of Northern Iowa.
- n. Jean Seeland is a resident of Black Hawk County. She is a registered voter and votes in elections for the Black Hawk County Board of Supervisors. She is a longtime civic activist.

17. Defendant Kim Reynolds is the Governor of Iowa, and as such is the chief executive of the State responsible for ensuring the enforcement of Iowa statutes. *See* Iowa Const. Art. IV, §§ 1 & 9. The Governor is sued in her official capacity.

18. Defendant Paul Pate is the Secretary of State for Iowa, who coordinates and supervises elections and in that role would be ensuring the enforcement of Iowa's election laws. *See* Iowa Const. Art. IV, § 22; Iowa Code Title II. The Secretary of State is sued in his official capacity.



19. Defendant Johnson County Board of Supervisors is the governing body of Johnson County, organized under Iowa Code chapter 331, subchapter II, part 1, and the location of the University of Iowa, which is an institution of higher learning governed by the Iowa Board of Regents and organized under Iowa Code chapter 263.

20. Defendant Story County Board of Supervisors is the governing body of Story County, organized under Iowa Code chapter 331, subchapter II, part 1, and the location of the Iowa State University of Science and Technology, which is an institution of higher learning governed by the Iowa Board of Regents and organized under Iowa Code chapter 266.

21. Defendant Black Hawk County Board of Supervisors is the governing body of Black Hawk County, organized under Iowa Code chapter 331, subchapter II, part 1, and the location of the University of Northern Iowa, which is an institution of higher learning governed by the Iowa Board of Regents and organized under Iowa Code chapter 268.

### **JURISDICTION AND VENUE**

22. This action seeks a declaratory judgment and injunctive relief pursuant to Iowa Rules of Civil Procedure 1.1101-1.1109, 1.1501-1.1511, and the common law. This Court has jurisdiction over this matter pursuant to Iowa Code § 602.6101.

23. Venue is proper in this district pursuant to Iowa Code § 616.3(2) because some part of the cause arose in Johnson County and the cause is against Defendants who are public officers, most of whom, pursuant to SF 75, would be exercising their duty to enforce election law in Johnson County.

### **MATERIAL FACTS**

24. SF 75 passed the Iowa House and Senate during the 91st General Assembly and was signed by Governor Kim Reynolds on April 10, 2025.

25. Iowa Code § 331.206(1) reads “One of the following supervisor district representation plans shall be used for the election of supervisors:

- a. Plan ‘one’. Election at large without district residence requirements for the members.
- b. Plan ‘two’. Election at large but with equal-population district residence requirements for the members.
- c. Plan ‘three’. Election from single-member equal-population districts, in which the electors of each district shall elect one member who must reside in that district.”

26. SF 75 amends Iowa Code § 331.206(2) to read “The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 331.207. A plan selected by the board shall remain in effect for at least six years and shall only be changed by a special election as provided in section 331.207. However, a county with the main campus of an institution of higher learning governed by the state board of regents shall use plan "three" for the election of supervisors.” (underlined portion indicating added text).

27. SF 75 includes the following transitional provisions:

- 1. Notwithstanding any provision of law to the contrary, a county with the main campus of an institution of higher learning governed by the state board of regents that does not use plan “three” for the election of supervisors, as defined in section 331.206, as of the effective date of this Act, shall elect supervisors using plan “three” during the 2026 general election, using a representation plan drawn pursuant to section 331.210A, subsection 2, paragraph “f”, and the requirements of this section.
- 2. A county required to use a representation plan as provided in this section shall establish a temporary county redistricting commission by the later of thirty days after the effective date of this Act or May 15, 2025, and shall complete a precinct plan, in conformity with the requirements of sections 331.209 and 331.210A, no later than October 1, 2025. The precinct plan shall be submitted to the state commissioner of elections and the legislative services agency shall draw and publish the representation plan by January 1, 2026.

28. Prior to the passage of SF 75, Johnson County used plan “one,” Story County used plan “one” and Black Hawk County used plan “one.”

29. Johnson County, Story County and Black Hawk County each had selected plan one by board action, but prior to the passage of SF 75 voters had the right to call for the selection of a different plan by special election. *See* Iowa Code § 331.207(1).

30. Johnson County and Black Hawk County each have a five-member board of supervisors. Story County has a three-member board of supervisors.

31. When SF 75 was brought before the Iowa Senate for debate on March 10, 2025, Senator Dawn Driscoll gave the opening remarks on the bill. Senator Driscoll stated that “this bill gives a voice to rural Iowa in large counties and in counties who see massive amounts of student population and many of who do not live in that county on a full-time basis.” Iowa Senate, Debate on SF 75, Mar. 10, 2025.

### **CLAIMS FOR RELIEF**

#### **COUNT I – RIGHT TO DUE PROCESS**

32. Plaintiffs hereby reaffirm and reallege each and every allegation made above as if set forth fully herein.

33. SF 75 violates the substantive due process rights of Plaintiffs as voters of Johnson, Story and Black Hawk counties, as guaranteed by by the Fourteenth Amendment of the U.S. Constitution and by Article I, Section 9 of the Iowa Constitution by burdening Plaintiffs’ fundamental right to vote without serving a compelling government interest and being narrowly tailored to achieve that interest.

WHEREFORE, Plaintiffs respectfully urge the Court to declare SF 75 violates the U.S. and/or Iowa Constitutions’ guarantees of due process and enjoin Defendants from enforcing SF 75.

## **COUNT II – RIGHT TO EQUAL PROTECTION**

34. Plaintiffs hereby reaffirm and reallege each and every allegation made above as if set forth fully herein.

35. SF 75 violates the rights to equal protection of the laws of the state of Iowa of Plaintiffs as voters of Johnson, Story and Black Hawk counties, as guaranteed by the Fourteenth Amendment of U.S. Constitution and by Article I, Section 6 of the Iowa Constitution by singling out voters of Johnson, Story and Black Hawk counties and burdening their fundamental right to vote whereas voters residing in all other counties do not have their rights to vote similarly burdened, without serving a compelling government interest and being narrowly tailored to achieve that interest.

WHEREFORE, Plaintiffs respectfully urge the Court to declare SF 75 violates the U.S. and/or Iowa Constitutions' guarantees of equal protection of the law and to enjoin Defendants from enforcing SF 75.

## **COUNT III – RIGHT TO GENERAL AND UNIFORM OPERATION OF LAW**

36. Plaintiffs hereby reaffirm and reallege each and every allegation made above as if set forth fully herein.

37. SF 75 violates the rights to general and uniform operation of law throughout the state of Iowa held by Plaintiffs as voters of Johnson, Story and Black Hawk counties, as guaranteed by Article III, Section 30 of the Iowa Constitution, by the crafting of a law that could have been written to generally apply to all ninety-nine counties and instead specifically crafting it to apply special burdens and limitations to the citizens of three counties, burdening the fundamental right to vote and failing to serve a compelling government interest and being narrowly tailored to achieve that interest.

WHEREFORE, Plaintiffs respectfully urge the Court to declare SF 75 violates the Iowa Constitution's guarantee of the general and uniform operation of law.

**PRAYER FOR RELIEF**

**DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

WHEREFORE, Plaintiffs respectfully urge the Court: to declare SF 75 violates the U.S. and/or Iowa Constitutions; to enjoin, temporarily and permanently, Defendants from enforcing SF 75; to award Plaintiffs' costs incurred herein, including attorneys' fees; and to award all other relief to Plaintiffs concerning which the Court deems just and proper in the premises.

Respectfully submitted,

/s/ James C. Larew

James C. Larew AT0004543

LAREW LAW OFFICE

504 E. Bloomington St.

Iowa City, Iowa 52245

Phone: 319-337-7079

Facsimile: 319-337-7082

Email: james.larew@larewlawoffice.com

**ATTORNEY FOR PLAINTIFFS**