

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

REPUBLICAN NATIONAL COMMITTEE, DONALD J. TRUMP FOR PRESIDENT, INC., NATIONAL REPUBLICAN SENATORIAL COMMITTEE, NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE, and THE REPUBLICAN PARTY OF IOWA, Plaintiffs, v. PATRICK GILL, AUDITOR OF WOODBURY COUNTY, IOWA, in his official capacity, Defendant.	No. PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF
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Plaintiffs the Republican National Committee (RNC), Donald J. Trump for President, Inc., the National Republican Senatorial Committee (NRSC), the National Republican Congressional Committee (NRCC), and the Republican Party of Iowa state as follows:

Division I – Parties, Jurisdiction, Venue

1. Plaintiffs are political organizations involved in the upcoming 2020 general election. Donald J. Trump for President, Inc. is the principal committee for President Donald J. Trump's reelection campaign. The RNC is the national organization for the Republican party. The NRSC and the NRCC are the national organizations for Republican candidates for the U.S. Senate and U.S. House of Representatives, respectively. The Republican Party of Iowa is the state-level organization for the Republican party. The plaintiffs collectively have a statutory and constitutional entitlement to a uniform system of election measures in a particular state and to the orderly administration of elections through a system that respects the authority of the state commissioner of elections to carry out his duties.

2. Defendant Patrick Gill is the Woodbury County Auditor and serves as the local commissioner of elections. His principal place of business is located in Sioux City, Woodbury County, State of Iowa. He is sued in his official capacity.

3. The acts and omissions of the defendant complained of in this action all occurred within Woodbury County, Iowa.

Division II – Factual and Legal Background

4. Election administration is the responsibility of the Secretary of State and the county auditor for each of Iowa's 99 counties. The Secretary of State is the state election commissioner. Iowa Code § 47.1(1). Each county auditor is the county commissioner of elections. The Secretary of State "shall supervise the activities of the county commissioners of elections." *Id.* The Secretary of State "shall prescribe uniform election practices and procedures [and] shall prescribe the necessary forms required for the conduct of elections." *Id.*

5. Iowa voters may participate in an election through traditional in-person voting or by casting an absentee ballot before election day. In both circumstances, Iowa law requires the voter to provide information verifying his or her identity before casting his or her ballot.

6. Voters who wish to cast an absentee ballot must make a written request to the local county auditor to receive an absentee ballot. State law enumerates the specific identifying information that the voter must provide when requesting an absentee ballot. The applicable statute and absentee ballot request (ABR) form require the voter to provide the voter's voter verification number, which is either the voter's driver's license (or non-operator identification) number or the voter's personal identification number (PIN). Iowa Code § 53.2(4)(a). Voters who do not have an Iowa driver's license or non-operator identification card are provided a unique PIN by the state at no cost to them. The statute and ABR form also require voters to provide their full name, date of birth, and registration address. *Id.*

7. When a county auditor receives an ABR form from a voter which lacks required information, the auditor is required to contact the voter by telephone, email, or letter to obtain the missing information. Iowa Code § 53.2(4)(b) as amended by 2020 Iowa Acts Ch. 1121, § 124 (H.F. 2643). This requirement promotes the security of the election by ensuring that the ABR has been submitted by an actual voter and that elections officials do not introduce mistakes into the voting system by guessing the identity of the individual who has submitted an incomplete ABR form.

8. On July 17, 2020, the Legislative Council met to approve an emergency election measure to promote increased participation in the 2020 general election. The council approved the request of the Iowa Secretary of State to send every active registered Iowa voter an ABR for the general election.

9. Upon receiving authorization from the Legislative Council, the Iowa Secretary of State issued an emergency election directive to carry out a statewide mailing of ABR forms to voters. The Secretary of State announced his intention to mail every Iowa voter an ABR form for the 2020 general election “which shall be blank except for the Election Date and Type.” The directive ordered county auditors to “distribute only the blank Official State of Iowa Absentee Ballot Request Form with official instructions that is promulgated by the Secretary of State’s Office pursuant to Iowa Code §53.2(2)(a).” The directive permitted auditors to “distribute blank Official State of Iowa Absentee Ballot Request forms” without the official instructions. The directive specifically noted that some Iowa counties did not have the financial or technical resources to send ABR forms with certain information prepopulated.

10. Shortly after the Secretary of State issued this directive, Defendant announced that he intended to mail every active registered voter in Woodbury County an ABR form with all of the data on the form prepopulated. This prepopulated data would include the voter’s name, PIN, date of birth, and other information the voter is required to provide.

11. Directly contravening the Secretary's order, the defendant has mailed, or is in the process of mailing, every active voter in Woodbury County a prepopulated ABR form.

12. Because the defendant sent the ABR forms to voters with the required security information pre-populated, there is no assurance that the ABR forms submitted to his office were actually sent by the actual voter listed on the ABR. If the defendant mails absentee ballots in response to the prepopulated ABR forms, any of those absentee ballots that are cast would be subject to challenge and may not be counted in the 2020 general election.

13. The defendant's actions have harmed and threaten further harm to the interests of the plaintiffs. The plaintiffs have expended resources to advocate for support and encourage turnout from voters under the uniform set of election practices and rules established by a single official who is elected on a statewide basis and derives his authority from Iowa's constitution and laws passed by the legislature. Plaintiffs are now faced with a different set of election practices in defendant's county. Most Iowa voters will not receive a prepopulated ABR form—and, indeed, live in a county where their county auditor (1) does not have the financial or technical ability to provide such a form and (2) seeks to comply with rather than flout the Secretary's directive. Defendant's illegal actions will also require plaintiffs to divert resources to defend against, unauthorized individuals casting ballots. Defendant has willfully circumvented a key election-security measure designed to ensure that the person who submits an ABR form is who he or she claims to be. Defendant's actions threaten to disenfranchise his own constituents and dilute the votes of Iowans who live outside of Woodbury County.

Count I – Petition for Declaratory Judgment and Injunctive Relief

14. Plaintiffs request the Court find and declare that the defendant has violated his duty to obey the order of the Secretary of State contained within the July 17, 2020 directive.

15. Plaintiffs request that the Court enjoin the defendant in the following particulars:

- a) That the defendant shall obey the July 17, 2020 directive of the Secretary of State in full;
- b) That the defendant shall obey all other orders or directives of the Secretary of State;
- c) That the defendant shall with respect to any prepopulated ABR forms returned to his office:
 - i) Contact the sender in writing to inform the sender that the prepopulated ABR form should not have been sent in the form provided by the defendant;
 - ii) Inform the sender that the defendant is unable to act on the prepopulated ABR form;
 - iii) Invite the sender to submit an ABR in the form prescribed by the Secretary of State.
- d) That the injunction to the defendant shall apply to him, his employees, and any third party under his control.

16. Plaintiffs request the Court order such other and further relief as the Court finds to be just and equitable.

Respectfully submitted,

REPUBLICAN NATIONAL COMMITTEE, DONALD J. TRUMP FOR
PRESIDENT, INC., NATIONAL REPUBLICAN SENATORIAL
COMMITTEE, NATIONAL REPUBLICAN CONGRESSIONAL
COMMITTEE, and THE REPUBLICAN PARTY OF IOWA

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Pro Hac Vice applications pending