

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

DEAN BROOKS, PATRICIA SCHULTZ,) No. CV 5411
ELIZABETH ISAACSON, BEVERLY)
PONCIN and MARK HAVLICEK,)

Plaintiffs,)

v.)

CHESTER J. CULVER, in his official)
capacity as Iowa Secretary of State,)
MICHAEL MAURO, in his official)
capacity as County Auditor of Polk County,)
Iowa, THE SPECIAL PRECINCT)
COUNTING BOARD OF POLK)
COUNTY, a/k/a THE SPECIAL)
PRECINCT ELECTION BOARD OF)
POLK COUNTY, and DARLENE)
HATCHITT, VINCE RODRIGUEZ,)
ROBERT LANGBEHN, MARJORIE)
LANGBEHN, HAROLD HARKER, BEV)
HARKER, and CATHY FUEHLING, in)
their official capacities as members of the)
Special Precinct Counting Board of Polk)
County a/k/a The Special Precinct Election)
Board of Polk County,)

Defendants.)

AMENDMENT TO PETITION

CLERK DISTRICT COURT

OCT 25 AM 11:28

FILED
POLK COUNTY IA

COME NOW Plaintiffs, Dean Brooks, Patricia Schultz, Elizabeth Isaacson, Beverly

Poncini and Mark Havlicek, and for their Amendment to Petition, state:

1. Plaintiffs amend Paragraph 9 of their Petition filed October 25, 2004, to correct a typographical error that omitted the word "not". Plaintiffs amend Paragraph 9 to read as follows:

Plaintiffs seek a declaratory judgment confirming the validity of Iowa election laws and statutes, which require, and have long required, that eligible voters cast ballots in their correct precinct, in order to have those votes counted (including provisional ballots), and specifically confirming that these Iowa statutes are not in conflict with or have been pre-empted by a federal statute, the "Help America Vote Act" (hereinafter "HAVA"). 42 U.S.C.

not in conflict with or have been pre-empted by a federal statute, the "Help America Vote Act" (hereinafter "HAVA"). 42 U.S.C. §15482, *et. seq.* (2004). To the contrary, HAVA expressly and specifically left to state law the determination of eligibility.



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