

SUPREME COURT No. 22-0618
POLK COUNTY No. CVCV063390

**IN THE
SUPREME COURT OF IOWA**

KIM SCHMETT AND LEANNE PELLETT,
Petitioners-Appellees,

v.

STATE OBJECTIONS PANEL,
Respondent-Appellant,

ABBY FOR IOWA,
Intervenor-Appellant.

*ON APPEAL FROM THE IOWA DISTRICT COURT
IN AND FOR POLK COUNTY
HONORABLE SCOTT J. BEATTIE, DISTRICT COURT JUDGE*

BRIEF FOR INTERVENOR-APPELLANT

Gary Dickey
Counsel of Record
DICKEY & CAMPBELL LAW FIRM, PLC
301 East Walnut St., Ste. 1
Des Moines, Iowa 50309
PHONE: (515) 288-5008 FAX: (515) 288-5010
EMAIL: gary@dickeycampbell.com

PROOF OF SERVICE & CERTIFICATE OF FILING

On April 12, 2022, I served this brief on all other parties by EDMS to their respective counsel:

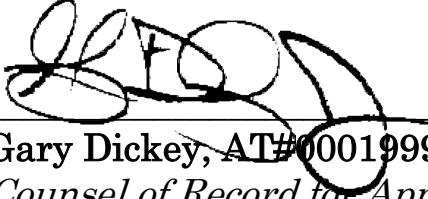
Matthew Gannon
First Assistant Attorney General
Office of the Attorney General of Iowa
Hoover State Office Bldg., 2nd Fl.
1305 E Walnut St.
Des Moines, IA 50319

Samuel P. Langholz
Assistant Attorney General
Office of the Attorney General of Iowa
Hoover State Office Bldg., 2nd Fl.
1305 E Walnut St.
Des Moines, IA 50319

Sharon Wegner
Assistant Attorney General
Office of the Attorney General of Iowa
Hoover State Office Bldg., 2nd Fl.
1305 E Walnut St.
Des Moines, IA 50319

Alan Ostergren
Alan R. Ostergren, PC
500 Locust St., Ste. 199
Des Moines, IA 50319

I further certify that I did file this brief with the Clerk of the Iowa Supreme Court by EDMS on April 12, 2022.



Gary Dickey, AT#0001999

Counsel of Record for Appellant

DICKEY & CAMPBELL LAW FIRM, PLC

301 East Walnut St., Ste. 1

Des Moines, Iowa 50309

PHONE: (515) 288-5008 FAX: (515) 288-5010

EMAIL: gary@dickeycampbell.com

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES	6
STATEMENT OF ISSUES PRESENTED FOR REVIEW	8
ROUTING STATEMENT	10
STATEMENT OF THE CASE.....	12
STATEMENT OF THE FACTS.....	14
ARGUMENT	16
THE DISTRICT COURT’S RULING SHOULD BE REVERSED BECAUSE PETITIONERS-APPELLEES LACK STANDING AND THEIR CLAIMS ARE NOT RIPE.	16
A. Petitioners-Appellees do not have statutory standing to file objections to Finkenauer’s nomination petition because they have not shown that they are eligible to vote in the election for which Finkenauer submitted her petition.	16
B. Even if Petitioners-Appellees could satisfy standing, their objections to Finkenauer’s nomination petition are not ripe.....	18
C. Petitioners-Appellees also lack standing because they are not aggrieved by the Panel’s decision as required to pursue judicial review under Chapter 17A.....	19
THE DISTRICT COURT’S RULING SHOULD BE REVERSED BECAUSE IT COMMITTED LEGAL ERROR IN REVERSING THE PANEL’S WELL-FOUNDED DECISION	

..... 22

A. A missing or mistaken date is not a statutory basis for not counting a signature under the Iowa Code..... 24

B. The District Court provides no valid justification for reversing the Panel’s well-founded decision. 25

CONCLUSION..... 28

REQUEST FOR ORAL ARGUMENT 29

COST CERTIFICATE & CERTIFICATE OF COMPLIANCE 29

TABLE OF AUTHORITIES

Page(s):

Cases:

<i>Banilla Games, Inc. v. Iowa Dep’t of Inspections and Appeals,</i> 919 N.W.2d 6 (Iowa 2018)	22, 23
<i>Devine v. Wonderlich,</i> 268 N.W.2d 620 (Iowa 1978)	9
<i>Dickey v. Iowa Ethics & Campaign Disclosure Bd.,</i> 943 N.W.2d 34 (Iowa 2020)	19, 20, 21
<i>Godfrey v. State,</i> 752 N.W.2d 413 (Iowa 2008)	18
<i>Homan v. Branstad,</i> 864 N.W.2d 321 (Iowa 2015)	15
<i>Iowa Coal Mining Co. v. Monroe Cnty.,</i> 555 N.W.2d 418 (Iowa 1996)	17
<i>Narcisse v. Iowa Secretary of State,</i> CVCV047388 (Polk Cnty. 2014).....	27
<i>Richards v. Iowa Dep’t of Revenue & Fin.,</i> 454 N.W.2d 573 (Iowa 1990)	18

Statutes

Iowa Acts 2021, Ch. 174, Sec. 9	23
Iowa Code § 17A.19.....	19
Iowa Code § 17A.19(10)(c)	21
Iowa Code § 17A.19(10)(l)	22
Iowa Code § 43.14	9, 22, 23, 24

Iowa Code § 43.14(2)(c)	23
Iowa Code § 43.14(2)(d)	23
Iowa Code § 43.15	9, 23, 24, 25
Iowa Code § 43.15(2)	24, 26
Iowa Code § 43.24	9, 18, 22
Iowa Code § 43.24(1)(a)	16, 23
Iowa Code § 43.24(3)(a)	22
Iowa Code § 43.38	16
Other Authorities	
<i>Obj. to the Nominating Pet. of Joseph Seng</i>	10, 26
<i>Obj. to the Nominating Pet. of Jon Dvorak</i>	26

STATEMENT OF ISSUES PRESENTED FOR REVIEW

WHETHER PETITIONERS-APPELLEES, AS REPUBLICANS, HAVE STANDING TO OBJECT TO MS. FINKENAUER'S NOMINATION PETITION FOR THE DEMOCRATIC PRIMARY ELECTION.

Homan v. Branstad, 864 N.W.2d 321, 327 (Iowa 2015)

Iowa Code § 43.24(1)(a)

Iowa Code § 43.38

Iowa Coal Mining Co. v. Monroe Cnty., 555 N.W.2d 418, 432 (Iowa 1996)

Richards v. Iowa Dept. of Revenue & Fin., 454 N.W.2d 573, 575 (Iowa 1990)

Godfrey v. State, 752 N.W.2d 413, 423-24 (Iowa 2008)

Dickey v. Iowa Ethics & Campaign Disclosure Bd., 943 N.W.2d 34, 37-38 (Iowa 2020)

WHETHER THE DISTRICT COURT COMMITTED LEGAL ERROR IN REVERSING THE STATE OBJECTIONS PANEL'S DECISION TO DISMISS PETITIONERS-APPELLEES' OBJECTIONS.

Iowa Code § 17A.19(10)(c)

Iowa Code § 17A.19(10)(l)

Banilla Games, Inc. v. Iowa Dep't of Inspections and Appeals, 919 N.W.2d 6, 14 (Iowa 2018)

Iowa Code § 43.24(3)(a)

Iowa Code § 43.14

Iowa Code § 43.24

Iowa Code § 43.14(2)(c)

Iowa Code § 43.14(2)(d)

Iowa Acts 2021, Ch. 174, Sec. 9

Iowa Code § 43.15

Iowa Code § 43.15(2)

In the Matter of Obj. to the Nominating Pet. of Joseph Seng (2012)

In the Matter of the Nominating Pet. of Jon Dvorak (1988)

Narcisse v. Iowa Secretary of State, CVCV047388 (Polk Cnty. 2014)

ROUTING STATEMENT

The Iowa Supreme Court has accepted direct review.
(04/11/2022 Order.)

The questions presented are (1) whether Petitioners-Appellees, as Republicans, have standing to object to Ms. Finkenauer's Nomination Petition for the Democratic Primary Election, and (2) whether the District Court committed legal error in reversing the State Objections Panel's (the "Panel") decision to dismiss Petitioners-Appellees' objections.

These questions are of pressing importance because voting is a fundamental right in Iowa, *Devine v. Wonderlich*, 268 N.W.2d 620, 623 (Iowa 1978), and a necessary component of the right to vote is the right to vote for one's preferred candidate. Iowa Laws regulating ballot access do not exist to allow Petitioners-Appellees to cherry-pick unfounded or technical discrepancies from Ms. Finkenauer's Nomination Petition. *See* Iowa Code §§ 43.14, 43.15, 43.24. And the Panel has long held that "statutes governing nomination procedures should be liberally construed to the benefit of the electors in order to provide every lawful opportunity for the

electors to express their preference at the ballot box.” *See, e.g., In the Matter of Obj. to the Nominating Pet. of Joseph Seng*, Findings of Fact, Conclusions of Law, Decision and Order at 5 (2012) (citing *In the Matter of Obj. to the Nominating Pet. of Paul W. Johnson*, Decision and Order at 9 (2004)).

The District Court’s reversal of the Panel’s decision threatens to deny Iowans their right to vote for a candidate of their choice.

STATEMENT OF THE CASE

This appeal will determine whether Abby Finkenauer, a Democratic candidate for the U.S. Senate will be granted access to the Democratic primary ballot.

Petitioners-Appellees are two Republican voters who challenge lines of Ms. Finkenauer's Nomination Petition where eligible electors signed their name and provided their complete address, but either failed to provide the date they signed the petition or provided a mistaken date. Notably, these challenges implicate just *three* signatures out of approximately 4,900 collected on Ms. Finkenauer's behalf. (*See* 04/10/2022 Rul. on Pet. for Jud. Rev. at 3.) The Panel dismissed these objections, Petitioners-Appellees appealed the Panel's dismissal with regard to three signatures to the District Court, and the District Court reversed the Panel's decision. (*See id.* at 3, 17-18.)

This Court should reverse the District Court's decision for two reasons. *First*, the District Court lacked jurisdiction to decide the matter in the first place because Petitioners-Appellees lack standing to bring it. Ms. Finkenauer is a Democratic candidate for

U.S. Senate and the petition that Petitioners-Appellees challenge is Ms. Finkenauer's petition to appear on the ballot for the Democratic Primary. As Republican voters, Petitioners-Appellees have no right under Iowa law to participate in the Democratic Primary. As a result, they have no standing to pursue this action in the first instance, and their claims are not ripe unless and until they change their registrations. *Second*, the District Court committed legal error in reversing the State Objections Panel's dismissal of the challenges, because there is no statutory basis not to count signatures with missing or mistaken dates, and no valid justification for reversing the Panel's well-founded decision.

STATEMENT OF THE FACTS

Abby Finkenauer is a candidate running for the Democratic nomination for U.S. Senate in the Iowa Democratic Primary Election, which will take place on June 7, 2022. (*See* 04/10/2022 Rul. on Pet. for Jud. Rev. at 1-2.) On March 10, 2022, Abby for Iowa submitted Ms. Finkenauer's Nomination Petition, which was accepted by the Secretary of State's Office. (*See id.*)

On March 25, 2022, Petitioners-Appellees, who are two Republican voters, filed objections to Ms. Finkenauer's Nomination Petition with the State Objections Panel, asserting, among other objections, that petition signatures accompanied by missing or mistaken dates should not be counted. (*See id.* at 2.) On March 28, Ms. Finkenauer filed a Response to Petitioners-Appellees' objections, in which she contended that the Panel should dismiss the objections because they were unsupported by the facts and unfounded in the law. On March 29, the Panel held a hearing with oral argument and ultimately dismissed Petitioners-Appellees' objections based on missing or mistaken dates (hereinafter, "the Objections"). (*See id.* at 3.)

On March 31, 2022, Petitioners-Appellees filed a Petition for Judicial Review of the Panel’s decision and a Motion for Expedited Consideration in the District Court for Polk County. (*See id.*) On April 4, the District Court granted the Motion for Expedited Consideration and scheduled a hearing for April 6. On April 5, Ms. Finkenauer’s campaign committee, Abby for Iowa, filed an Unopposed Motion to Intervene, which the court granted that day. On April 6, Abby for Iowa and Petitioners-Appellees filed briefing with the court, and the court held a hearing with oral argument. On April 7, the Panel filed briefing, and on April 8, Abby for Iowa and Petitioners-Appellees filed additional reply briefing. On April 10, the District Court issued its Ruling, reversing the Panel’s decision. (*See generally, id.*)

On April 11, 2022, the Panel filed a Notice of Appeal with this Court, and later that day, the Court issued an Order expediting this matter, requiring briefs to be filed on April 12 and setting oral argument for April 13. (04/11/2022 Order.)

ARGUMENT

THE DISTRICT COURT'S RULING SHOULD BE REVERSED BECAUSE PETITIONERS-APPELLEES LACK STANDING AND THEIR CLAIMS ARE NOT RIPE.

Preservation of Error

The standing issue has been preserved by virtue of the District Court's ruling squarely addressing the issue.

Standard of Review

Questions involving standing are reviewed for correction of errors at law. *Homan v. Branstad*, 864 N.W.2d 321, 327 (Iowa 2015).

Analysis

- A. **Petitioners-Appellees do not have statutory standing to file objections to Finkenauer's nomination petition because they have not shown that they are eligible to vote in the election for which Finkenauer submitted her petition.**

Ms. Finkenauer's nomination petition determines her eligibility to appear as a candidate on the ballot for the Democratic Primary Election, which will in turn determine the Democratic nominee for the office of U.S. Senator. Objections to Ms. Finkenauer's Nomination Petition "may be filed . . . by any person who would have the right to vote for the *candidate* for the

office in question.” Iowa Code § 43.24(1)(a) (emphasis added). Although Section 43.24(a) does not speak to party affiliation, Section 43.38, the section of the Code dedicated to partisan nominations and primary elections, states clearly that an “elector shall be allowed to vote for *candidates* for nomination on the ballot of the party with which the elector is registered as affiliated, and shall receive no other ballot.” *Id.* § 43.38 (emphasis added).

Although Petitioners-Appellees are eligible to vote in the general election for U.S. Senator, as registered Republicans, they are *ineligible* to vote in the Democratic Primary. And only *if* Ms. Finkenauer is successful in the Primary, will they have the “right to vote for [her] for the office in question.” *See id.* § 43.24(1)(a). In other words, just because Petitioners-Appellees have the right to vote in the general election for a to-be-determined candidate for U.S. Senate, does not mean that they have the right to object to a nomination petition for the Democratic Primary Election, in which they are not entitled to vote, and which will *determine* the Democratic nominee for the general election.

B. Even if Petitioners-Appellees could satisfy standing, their objections to Finkenauer’s nomination petition are not ripe.

Petitioners-Appellees’ eligibility to vote in the Democratic Primary—and therefore their standing to bring these claims—hinges on Iowa being a same-day registration state. (*See* 04/10/2022 Rul. on Pet. for Jud. Rev. at 9-10.) But even if Petitioners-Appellees were to change their current registration status and register as Democrats before the Democratic Primary, their claims cannot be ripe unless and until they change their registration status, which they have not done.¹

As this Court has explained, “[i]f a claim is not ripe for adjudication, a court is without jurisdiction to hear the claim and must dismiss it.” *Iowa Coal Mining Co. v. Monroe Cnty.*, 555 N.W.2d 418, 432 (Iowa 1996) (explaining that the rationale behind the ripeness doctrine is to prevent courts from entangling themselves in “abstract disagreements” and protect “agencies from judicial interference until an administrative decision has been

¹ The District Court acknowledged, but failed to respond, to Abby for Iowa’s ripeness argument. (*Id.* at 9-10.)

formalized and its effects felt in a concrete way by the challenging parties” (citation omitted)). Even if this Court agrees with the District Court that Petitioners-Appellees can satisfy standing based on the mere *possibility* that they could change their registrations to be eligible to vote in the Democratic Primary, their claims cannot be ripe unless and until they do so.

C. Petitioners-Appellees also lack standing because they are not aggrieved by the Panel’s decision as required to pursue judicial review under Chapter 17A.

Even if a party has standing to pursue a contested case before an agency, it can lack standing to pursue judicial review in District Court. *Richards v. Iowa Dept. of Revenue & Fin.*, 454 N.W.2d 573, 575 (Iowa 1990) (finding that “a person may be a proper party to agency proceedings and not have standing to obtain judicial review”). The District Court failed to recognize this distinction and instead analyzed the standing question under Section 43.24 of the Iowa Code. The standing requirement is designed to prevent courts from adjudicating generalized grievances and rendering advisory opinions. *Godfrey v. State*, 752 N.W.2d 413, 423-24 (Iowa 2008) (“A general interest shared by all citizens in making sure government acts legally is normally

insufficient to support standing”). Yet that is exactly what Petitioners-Appellees ask this Court to do.

This Court has explained that, under Section 17A.19 of the Code, “a person or party who is aggrieved or adversely affected by agency action may seek judicial review of such agency action,” but, “to have standing to challenge an administrative action in court under the IAPA, ‘the complaining party must (1) have a specific, personal, and legal interest in the litigation; and (2) the specific interest must be adversely affected by the agency action in question.’” *Dickey v. Iowa Ethics & Campaign Disclosure Bd.*, 943 N.W.2d 34, 37–38 (Iowa 2020) (citing *e.g.*, *Medco Behav. Care Corp. of Iowa v. Iowa Dep't of Hum. Servs.*, 553 N.W.2d 556, 562 (Iowa 1996)) (internal quotation marks and citations omitted). Petitioners-Appellees fail to satisfy this standard because they have failed to allege how they are injured.

First, as explained above, Petitioners-Appellees have no right to vote in the Democratic Primary Election—the election at issue—so they necessarily lack a “specific, personal, and legal interest in the litigation.” *See id.* *Second*, Petitioners-Appellees

have not asserted that they even *intend* to vote in the Democratic Primary, so whatever hypothetical interest they have cannot be “adversely affected by the agency action in question.” *See id.*

Third, and “critically” for standing purposes, Petitioner-Appellees do not allege that they lack information about the dates of the challenged signatures. *Compare id.* at 38 (“Dickey does not allege that *he* lacks any relevant information concerning the December 30 campaign contribution that took the form of a plane trip”). To the contrary, the missing or mistaken dates can easily be ascertained from the lines above and below the challenged signatures.

Fourth, Petitioner-Appellees do not allege that *they personally* are injured by the allegedly deficient signature lines. *Compare id.* (“Dickey does not suggest that *he personally* is injured by deficient campaign reporting . . .”). Nor do they allege that they need complete information about the signature dates before deciding whether to participate in the Democratic Primary or the general election. *Compare id.* (“Dickey does not allege that he needs (or needed) any additional information before deciding

whether or not to vote for the Governor”). Even if they did, the relief that Petitioners-Appellees seek—disqualification—would not provide them with any additional information about the dates of the challenged signatures.

In the end, it appears that the Petitioners-Appellees intend simply to deny Ms. Finkenauer access to the ballot for an election they are not even eligible to participate in. That is “not the kind of personal interest that would support standing.” *Id.* at 40.

**THE DISTRICT COURT’S RULING SHOULD BE REVERSED
BECAUSE IT COMMITTED LEGAL ERROR IN REVERSING
THE PANEL’S WELL-FOUNDED DECISION**

Preservation of Error

The merits issue has been preserved by virtue of the District Court’s ruling squarely addressing the issue.

Standard of Review

The standard of review under the Iowa Administrative Procedure Act is for correction of legal errors, with no deference to the interpretation of statutes that “ha[ve] not clearly been vested by a provision of law in the discretion of the agency.” Iowa Code § 17A.19(10)(c). The Panel’s application of the law to the facts

stands unless it was “irrational, illogical, or wholly unjustifiable.” *Id.* § 17A.19(10)(l). Although the Panel’s statutory interpretation is to be afforded no deference, and review is for correction of errors at law, *Banilla Games, Inc. v. Iowa Dep’t of Inspections and Appeals*, 919 N.W.2d 6, 14 (Iowa 2018), the legislature did vest the Panel with authority to “consider” objections filed under Section 43.24. Iowa Code § 43.24(3)(a). Consequently, the Panel’s application of law to the facts is reviewed to determine if it is “irrational, illogical, or wholly unjustifiable.” *Banilla Games, Inc.*, 919 N.W.2d at 18.

Analysis

The District Court committed legal error in reversing the Panel’s decision. The General Assembly limited the authority of the Panel to not count a signature line to specific statutory grounds. Iowa Code §§ 43.14, 43.24. An incorrect or missing date is not one of them. This is common sense. The statutory grounds for not counting a signature are confined to information that is necessary to determine whether an elector is eligible to sign a nomination petition. The date of signing is not essential to that

determination. Accordingly, Petitioners-Appellees are entitled to relief only if the Panel’s decision was “unreasonable, arbitrary, capricious, or an abuse of discretion.” *Banilla Games, Inc.*, 919 N.W.2d at 18-19.

A. A missing or mistaken date is not a statutory basis for not counting a signature under the Iowa Code.

Section 43.14(2)(c) of the Iowa Code provides that a “signature line shall not be counted if the line lacks the *signature* of the eligible elector and the signer’s *residential address*,” and Section 43.14(2)(d) provides that a “signature line shall not be counted if any of the required information is *crossed out or redacted . . .*” Iowa Code §§ 43.14(2)(c), (2)(d) (emphasis added).

In 2021, the General Assembly amended Section 43.24(1)(a) to require that “[o]bjections relating to incorrect or incomplete information . . . required under section 43.14 or 43.18 shall be sustained,” but the Assembly chose not to include incorrect or incomplete information required under Section 43.15, including the date of signing, as grounds to sustain an objection. *See* Iowa

Acts 2021, Ch. 174, Sec. 9.² Moreover, unlike the clear statutory bases for not counting signatures that are missing information required under Sections 43.14 or 43.18, Section 43.15 states that its “requirements [including the date requirement] shall be *observed* in the signing,” Iowa Code § 43.15 (emphasis added), not that they must be met or that failure to observe them will result in a signature not being counted.

In sum, none of the applicable sections of the Code include missing or mistaken dates as a statutory basis for not counting signatures. This is consistent with Iowa law, given that candidates can begin collecting petition signatures from eligible electors at any time, so the date a voter signs a nomination petition does not affect the validity of their signature.

B. The District Court provides no valid justification for reversing the Panel’s well-founded decision.

The District Court’s decision, if allowed to stand, will misconstrue the statutory grounds for not counting signatures,

² The Assembly also amended Section 43.15(2) in 2021 to clarify the *address* requirement, but it made no changes to the *date* requirement. *See id.*

thwart the Panel’s faithful application of precedent, and ultimately deny Ms. Finkenauer access to the ballot in contravention of the will of the thousands of eligible electors who signed her Nominating Petition. Those voters, in turn, will be denied their right to cast their ballots in support of Ms. Finkenauer’s candidacy.

As explained above, the Panel’s decision to dismiss objections to Ms. Finkenauer’s Nomination Petition based on missing or mistaken dates was firmly grounded in the applicable statutory law. Contrary to the District Court’s assertion, the Panel’s acceptance of “substantial compliance” with the statutory date requirement does not “render[] Iowa Code §43.15 meaningless.” (*See* 04/10/2022 Rul. on Pet. For Jud. Rev. at 16.)³ In fact, the opposite is true. Requiring absolute compliance with the date requirement would render Sections 43.14(2) and

³ Section 43.15 can meaningfully impose requirements on the signers of nominating petitions without those requirements providing mandatory grounds for not counting their signatures. As explained above, an elector can demonstrate their eligibility to sign without including the date of signing.

43.24(1)(a) meaningless by eliminating any distinction between their *mandatory* grounds for not counting signatures and Section 43.15(2)'s less stringent date requirement.

Additionally, missing or mistaken dates do not constitute a “complete lack of compliance” with the signatory requirements for nomination petitions. The District Court incorrectly asserts that “the signature lines in question failed to comply, even in part, with the requirements of 43.15(2).” (*See id.* at 15-16.) This is proven untrue by the plain language of the statute, which requires that the signer “add the signer’s residential address . . . and the date of signing.” Iowa Code § 43.15(2). Clearly the signatures at issue, which include the signers’ residential addresses, do not suffer from a “complete lack of compliance.”

The Panel’s decision was also consistent with its precedents holding that “statutes governing nomination procedures should be liberally construed to the benefit of the electors in order to provide every lawful opportunity for the electors to express their preference at the ballot box.” *In the Matter of Obj. to the Nominating Pet. of Joseph Seng*, Findings of Fact, Conclusions of

Law, Decision and Order at 5 (2012) (citing *In the Matter of Obj. to the Nominating Pet. of Paul W. Johnson*, Decision and Order at 9 (2004)); *In the Matter of the Nominating Pet. of Jon Dvorak, Findings of Fact, Conclusions of Law, Decision and Order*, at 5 (1988) (“declin[ing] to strike signatures for incomplete or missing dates”). The District Court notes that its own decision endorsing a “substantial compliance” standard in *Narcisse v. Iowa Secretary of State*, CVCV047388 (Polk Cnty. 2014), is “instructive,” but provides no explanation for deviating from that instruction. (*See* 04/10/2022 Rul. on Pet. For Jud. Rev. at 15.) Accordingly, there is no valid justification for the District Court’s reversal.

CONCLUSION

Abby for Iowa asks this Court to reverse the District Court’s decision and affirm the decision of the State Objections Panel.

REQUEST FOR ORAL ARGUMENT

Abby for Iowa requests to be heard in oral argument.

COST CERTIFICATE

I hereby certify that the costs of printing the Appellant's brief was \$0.00, and that that amount has been paid in full by me.

CERTIFICATE OF COMPLIANCE

This brief complies with the typeface requirements and the type-volume limitation of Iowa R. App. P. 6.903(1)(d) and 6.903(1)(g)(1) or (2) because:

[x] this brief has been prepared in a proportionally spaced typeface using Century in 14 point and contains 3,133 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1).



Gary Dickey, AT#0001999

DICKEY & CAMPBELL LAW FIRM, PLC

301 East Walnut St., Ste. 1

Des Moines, IA 50309

PHONE: (515) 288-5008 FAX: (515) 288-5010

EMAIL: gary@dickeycampbell.com

Kate Sawyer Keane*

Alexander F. Atkins*

Sarah N. Mahmood*

ELIAS LAW GROUP LLP

10 G Street NE, Suite 600

Washington, DC 20002

PHONE: (202) 968-4540 FAX: (202) 968-4498

EMAIL: kskeane@elias.law

aatkins@elias.law

smahmood@elias.law

Counsel of Record for Appellant
** Admitted Pro Hac Vice*