

**BEFORE THE STATE OF IOWA OBJECTIONS PANEL**

**In re: Nomination Petition** )  
**for Primary Election of** )  
**Abby Finkenauer, candidate** )  
**for U.S. Senator** )

**Finkenauer Response to Objections to Nomination Petition**

We submit this response on behalf of Abby Finkenauer regarding the “Objections to Nomination Petition” filed by Kim Schmett and Lauren Pellett on Friday, March 25, 2022 (the “**Objection**”). The Objection raises challenges to Ms. Finkenauer’s Nomination Petition for the office of U.S. Senator (the “**Nomination Petition**”). The challenges are unsupported by the facts and unfounded in the law. The Panel should dismiss the Objection; find that the Nomination Petition has sufficient signatures under Iowa Code § 45.1; and place Ms. Finkenauer on the ballot for the Democratic Party primary election to be held on June 7, 2022.

**I. The Panel Should Overrule Challenges that are Not Based in the Law and Not Supported by the Facts**

Voting is a fundamental right in Iowa. *Devine v. Wonderlich*, 268 N.W.2d 620, 623 (Iowa 1978). A necessary component of the right to vote is the right to vote for one’s preferred candidate. It’s for this reason 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 Objection to the Nominating Petition of Joseph Seng*, Findings of Fact, Conclusions of Law, Decision and Order at 5 (2012) (citing *In the Matter of Objection to the Nominating Petition of Paul W. Johnson*,

Findings of Fact, Conclusions of Law, Decision and Order at 9 (2004)).<sup>1</sup> While states have an interest in regulating access to the ballot, that interest is related to “protecting the integrity of the political process from frivolous or fraudulent candidacies” by showing that candidates have some “modicum of support” before their names are printed on the ballot. *Lunde v. Schultz*, 221 F. Supp. 3d 1095, 1105 (S.D. Iowa 2014) (internal citations omitted).

Accordingly, the Iowa laws regulating ballot access do not exist so objectors can cherry-pick technical and unfounded discrepancies from a set of nomination petitions signed by over 4,900 Iowans thereby denying those Iowans the right to vote for a candidate of their choice—which is all the Objection here manages to do. For these reasons and the reasons explained below, the Panel should overrule each of the challenges raised in the Objection and print Ms. Finkenauer’s name on the June 7, 2022, primary election ballot.

**A. Muscatine Page 19, Line 1 Contains a Valid Address of an Eligible Elector**

The Objection alleges that the signature on Page 19, Line 1 of the Nomination Petition for Muscatine County is invalid because “108 W 8th Street Muscatine is not a valid address.” Objection at 10. However, the elector who signed Muscatine Page 19, Line 1 actually wrote the address **108 W. 5th Street** in Muscatine. Not only is 108 W. 5th Street a valid address, it’s the residential address of the eligible elector—Nat Teed—who signed that line.

Sign your name	Address where you live in Iowa:		Today's Date
	House number and street	City	
<i>Nat Teed</i>	108 W 5 <sup>th</sup> St	Musc.	3/6/22
			3/1/22

Scan of Muscatine Page 19, Line 1, showing “108 W. 5th St.” in Muscatine

<sup>1</sup> See also *In the Matter of the Nominating Petition of Ralph Nader and Peter Camejo*, Findings of Fact, Conclusions of Law, Decision and Order p. 12 (2004) (“It is our view that statutes governing nomination papers should be liberally construed.”).

A close examination of the handwriting on Muscatine Page 19, Line 1 shows that the elector’s handwritten “8” in 108 is different from the handwritten “5” in 5th Street, indicating that the address provided is 108 W. 5th Street and not 108 W. 8th Street. Public records confirm that 108 W. 5th Street in Muscatine is a “valid address.” Specifically, the Iowa voter registration database includes a voter named John Nathan Teed registered at that address.<sup>2</sup>

Voter Registration Information		
Full Name	County	Status
JOHN NATHAN TEED	Muscatine	Active

Primary & General Elections		
Your Precinct Name	Your Polling Place Address	Maps*
Muscatine 4	CLARK HOUSE 117 W 3RD STREET MUSCATINE 52761	<a href="#">Google Maps</a> <a href="#">Bing Maps</a>

City/School Elections		
Your Precinct Name	Your Polling Place Address	Maps*
Muscatine 4	CLARK HOUSE 117 W 3RD STREET MUSCATINE 52761	<a href="#">Google Maps</a> <a href="#">Bing Maps</a>

Screen Grab of Iowa Secretary of State Voter Registration Search


Other publicly available records indicate an individual named Nathan Teed resides at that address, and that Nathan Teed is sometimes also identified as John Nathan Teed or Nate Teed.<sup>3</sup> These names substantially match the name “Nat Teed” signed on Muscatine Page 19, Line 1.

<sup>2</sup> The Panel can verify this information by going to the Secretary of State’s voter registration search page at <https://sos.iowa.gov/elections/voterreg/regtovote/search.aspx>, and entering first name “John”; Last Name “Teed”; Zip code “52761”; and House Number “108”.


<sup>3</sup> <https://www.truepeoplesearch.com/find/teed/nathan>

**Nathan Teed** Age 41 (Jun 1980)

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 **Current & Past Addresses**

What is Nathan Teed's address?  
Home address, apartment, business, and rental property addresses for Nathan Teed  
108 W 5th St Muscatine, IA 52761 (Current Address)

 **Also Known As**

Akas, alternate spellings, misspellings, maiden and married names for Nathan Teed  
John Nathan Teed, John C Teed, Nate Teed

Screen Grabs of <https://www.truepeoplesearch.com/find/teed/nathan>

Because 108 W. 5th Street is a valid address in Muscatine, and because public records indicate an eligible elector whose name matches the Nomination Petition resides at that address, the Panel should reject this challenge and count Muscatine Page 19, Line 1 as a valid signature.

**B. There is No Basis to Invalidate Signatures with Missing or Mistaken Dates**

The Objection challenges several lines of the Nomination Papers 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. Specifically, the Objection challenges these lines on that basis: Allamakee Page 10, Line 2; Cedar Page 6, Line 1 and Page 10, Line 12; and Clinton Page 10, Line 6. There are no statutory bases to bring these challenges, nor is there any public policy reason to invalidate these signatures. The Panel should overrule these challenges.

*a) There is No Statutory Basis to Challenge Missing or Mistaken Dates*

As the Objection notes, Iowa Code § 43.15(3) requires eligible electors who sign nominating petitions to include the “date of signing.” What the Objection fails to explain is that the sections of Iowa Code that provide grounds on which a signature line can be invalidated do not list a missing date or mistaken date as a basis to invalidate a signature line.

Two subsections of Iowa Code § 43.14 provide the reasons why a signature line can be invalidated. First, Iowa Code § 43.14(2)(c) provides

A signature line shall not be counted if the line lacks the signature of the eligible elector and the signer's residential address, with street and number, if any, and city. A signature line shall not be counted if an eligible elector supplies only a partial address or a post office box address, or if the signer's address is obviously outside the boundaries of the district.

Next, Iowa Code § 43.14(d) provides

A signature line shall not be counted if any of the required information is crossed out or redacted at the time the nomination papers are filed with the state commissioner or commissioner.

These are the only two subsections of the Code that provide grounds for invalidating specific signature lines. Neither subsection calls for a signature line to be rejected solely on the basis that an otherwise eligible elector omitted the date or provided a mistaken date.

Rejecting these lines also serves no practical legal purpose. Under Iowa law, candidates can begin collecting petition signatures from eligible electors at any time. Unlike in some other states, there is no “circulation window” before which a candidate is allowed to gather signatures. Stated plainly, the date a voter signed the petition does not affect the validity of that signature, and therefore an eligible elector’s signature should not be invalidated on that basis.

*b) The Panel Should Not Invalidate Lines when the Dates are Readily Discernable*

Even if there was a legal basis to reject missing or incorrect dates, there is no practical reason to do so because the dates here are all readily discernable by looking at the surrounding signature lines on the same pages:

	house number and street	City	
1.	1028 W Main St	Hunkon	2-10-22
2.	210 16th Ave	Walker	52-17
3.	202 E Main St	Shanksville	2-11-22

Allamakee Page 10, Lines 1-3. The Panel can reasonably discern that Line 2 (where the voter mistakenly provided their Zip code rather than the date of signing) was signed on either 2/10/22 or 2/11/22.

Sign your name	Address where you live in Iowa:		
	House number and street	City	Today's Date
1. Louie [Signature]	126 W Downey	WB	6-6-22
2. [Signature]	1996 Delta	West Branch	2-6-2022
3. [Signature]	135 Scott Dr	W Branch	2-6-22
4. [Signature]	218 N. Downey St	W. Branch	2-6-22
5. [Signature]	145 SCOTT DR.	WEST BRANCH	2-6-22

Cedar Page 6, Lines 1-5. The Panel can reasonably discern that Line 1 (where the voter mistakenly wrote the future date of 6/6/22) was signed on 2/6/22, which is the date that all other signatures on that page are dated.

10.	1897 Fox Ave	West Branch	2/7/22
11.	1115 CEDAR ST	TINTON	2-7-22
12.	1310 N. Ave	Tipton	
13.	1715 Marshall Ave	Tipton	2/7/22
14.	1270 Vermont Ave	Barnett	2722

Cedar Page 10, Lines 10-14. The Panel can reasonably discern that Line 12 was signed on 2/7/22, which is the date that the signatures before and after that line are dated.

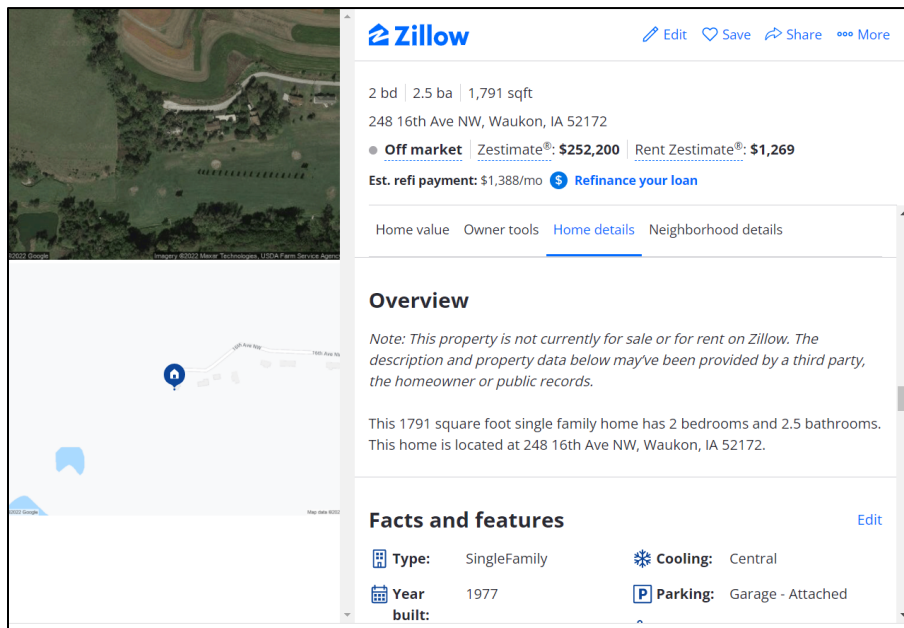
4.	1406 12th Ave	Dewitt	2-26-22
5.	211- 11th Ave	Dewitt	2-26-22
6.	503 4th	De Witt	
7.	427 Jackson Blvd.	Georg Lake	2-26-22
8.	427 Jackson Blvd	Georg Lake	2-26-22

Clinton Page 10, Lines 5-8. The Panel can reasonably discern that Line 6 was signed on 2/26/22, which is the date that the signatures before and after that line are dated.

c) *The Panel Should Not Invalidate Lines Signed by Eligible Electors*

Finally, it would frustrate the policy that “statutes governing nomination procedures should be liberally construed to the benefit of the electors” to reject signatures for date-related errors when basic public records searches verify that these lines are otherwise valid because they (1) contain valid addresses and/or (2) were signed by eligible electors:

- **Allamakee Page 10, Line 2:** Publicly available records indicate that 248 16th Ave NW, Waukon, IA 52172, the address provided, is a valid address.<sup>4</sup>



Screen Grab of [https://www.zillow.com/homedetails/248-16th-Ave-NW-Waukon-IA-52172/81734265\\_zpid/](https://www.zillow.com/homedetails/248-16th-Ave-NW-Waukon-IA-52172/81734265_zpid/)

- **Cedar Page 6, Line 1:** Iowa campaign finance records indicate an individual named Louis Picek resides at the address provided, and that name matches the name signed.<sup>5</sup>

Date	Received By	Contributed By	Amount	Check Number	Type
6/9/2012	#9030 Cedar County Democratic Central Committee 1444 Charles Ave West Branch, IA 52358	Mary & Louis Picek 126 N. Downey West Branch, IA 52358	\$20.00	5447	CON

Screen Grab of <https://webapp.iccdb.iowa.gov/publicReports/searchable-database>.

<sup>4</sup> [https://www.zillow.com/homedetails/248-16th-Ave-NW-Waukon-IA-52172/81734265\\_zpid/](https://www.zillow.com/homedetails/248-16th-Ave-NW-Waukon-IA-52172/81734265_zpid/).

<sup>5</sup> <https://webapp.iccdb.iowa.gov/publicReports/searchable-database>.


- **Cedar Page 10, Line 12:** Publicly available records indicate an individual named Joe Ahrendsen resides at that address, and that name matches the name signed.<sup>6</sup>

**Joe Ahrendsen**  
in Tipton, IA (Iowa)


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Age 71

[VIEW FULL BACKGROUND REPORT >>](#)

 [Get notified when Joe Ann Ahrendsen's info changes.](#)

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 **Current Address**

[1310 North Ave](#)  
[Tipton IA 52772](#)

Cedar County  
Since April 1993

Screen Grab of [https://www.fastpeoplesearch.com/joe-ahrendsen\\_id\\_G-4464235284875216684](https://www.fastpeoplesearch.com/joe-ahrendsen_id_G-4464235284875216684).

- **Clinton Page 10, Line 6:** Publicly available records indicate an individual named Jedd Ganzer resides at that address, and that name matches the name signed.<sup>7</sup>

**Jedd Ganzer**  
Goes By **Jed Ganzer**  
De Witt, IA

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**Age:** 56

**Full Name:** Jed O Ganzer

**Current Home Address:**

[503 4th St](#)  
[De Witt IA 52742](#)

Screen Grab of [https://www.fastpeoplesearch.com/name/jedd-ganzer\\_iowa](https://www.fastpeoplesearch.com/name/jedd-ganzer_iowa).

<sup>6</sup> [https://www.fastpeoplesearch.com/joe-ahrendsen\\_id\\_G-4464235284875216684](https://www.fastpeoplesearch.com/joe-ahrendsen_id_G-4464235284875216684).

<sup>7</sup> [https://www.fastpeoplesearch.com/name/jedd-ganzer\\_iowa](https://www.fastpeoplesearch.com/name/jedd-ganzer_iowa).



There is no statutory basis, public purpose, or practical reason to invalidate signatures solely because the eligible electors failed to provide a date or provided a mistaken date. To do so would unnecessarily disenfranchise the eligible electors who signed their names to the Nomination Petition, and it would unjustly and needlessly prevent Ms. Finkenauer from earning a spot on the ballot. The Panel should reject these challenges and count Allamakee Page 10, Line 2; Cedar Page 6, Line 1 and Page 10, Line 12; and Clinton Page 10, Line 6 as valid signatures.

**C. The Panel Should Overrule Objections to Valid Addresses that are Complete Except for a Missing Apartment Number**

The Objection challenges Clinton Page 6, Lines 5-16 and Muscatine Page 18, Line 6 because the electors who signed these lines meet the statutory requirement of providing their residential address with street and house number but fail to provide a specific apartment number at that address. The Panel should overrule these challenges and count the signature lines.

There are three sources of authority that set out the residential address requirements for electors who sign nominating petitions. None of these authorities requires an apartment number. First, Iowa Code § 43.15 says a signer “shall add the signer's residential address, with street and number, if any....” Next, Iowa Code § 43.14(2)(c) states that the Panel should reject a signature line where “an eligible elector supplies only a partial address or a post office box address....” Third, the Secretary of State’s Primary Candidate Guide at page 8 explains a signer must include “a house number, street name, and city” but does not specify that the elector must provide an apartment number.

There are important reasons to require a street name and building number on petitions. By contrast, there is no additional need to know an eligible elector’s apartment number. In elections for offices that are not statewide offices, Iowa Code § 43.15(3) mandates that signers

must live in the same representative, senatorial, or supervisor district as the candidate they're signing for. In these races it's necessary to know the voter's street address (name and number) to confirm that the building they live in is in the same representative, senatorial, or supervisor district as the candidate. These locality requirements can be confirmed *without* an apartment number. Similarly, for certain statewide elections (including elections for U.S. Senate), Iowa Code § 45.1 requires candidates to collect 3,500 signatures, including signatures from at least 100 eligible electors in at least 19 counties. Again, knowing an elector's street name and number is necessary to confirm that the candidate has gathered the requisite signatures in at least 19 counties. The apartment number is *not* needed to confirm the lines are valid.

The Objections do not allege that the street names and address numbers provided for Clinton Page 6, Lines 5-16 and Muscatine Page 18, Line 6 are not in the respective counties the Nomination Petitions place them in. The Objections also don't allege that the individuals who signed those lines are not eligible electors. Rather, the Objection would have these lines thrown out on the sole basis that the electors didn't provide apartment numbers. As stated above, there is no express statutory requirement to include apartment numbers, and there is no practical reason apartment numbers are needed to verify a candidate has obtained the required number of signatures from the required locations. The Panel should overrule this challenge and count Clinton Page 6, Lines 5-16 and Muscatine Page 18, Line 6 as valid signature lines.

**D. The Panel Should Overrule the Objection to One Instance of a Missing County of Residence in the Petition Header**

Iowa Code section 43.14(1)(c) requires that petition pages be "substantially in the form" required by the state, including they include a header to "provide spaces for" certain information such as the candidate's county of residence. Previous convenings of this Panel have found that

“[s]ubstantial compliance does not mean a bare minimum of compliance, but nor does it rise to an exacting level of scrutiny or perfect compliance.” *See Johnson*, p. 12 (finding that a missing county in the petition header is not enough to invalidate a page where, as here, the candidate’s county of residence did not control their eligibility for office).

The Objection contends that all signature lines on Clinton Page 10 are invalid—and that Ms. Finkenauer should be barred from the primary election ballot—because this sole page lacks one piece of information in the header: the candidate’s county of residence. The Panel should overrule this objection because the Nominating Petition meets the threshold requirement of § 43.14(1) of being in “substantially the form” that the statute provides. The Nomination Papers meet the substantial compliance requirement because out of 4,926 signatures submitted, just ten of them—approximately 0.2 percent, or one out of every 500—are on a page that omits the candidate’s county of residence.

The Objection misreads the statute when it contends that the Panel “lacks the discretion” to overrule an objection based on *any* missing information that § 43.14 calls for. *See* Objection at 4 (citing 2021 Iowa Acts ch. 147 § 9, amending Iowa Code § 43.24(a)). Indeed, the legislature did amend § 43.24 to require that objections to incorrect or incomplete information provided for under § 43.14 “shall be sustained.” But that does not change § 43.14 itself into a strict compliance statute. Amended § 43.24 can only require as much as the statute it incorporates requires—which is substantial compliance. If the legislature had wanted to remove the “substantial” compliance language in the statute and change § 43.14 to a strict compliance statute, it could have done so. But it did not.

Accordingly, the best read of the statute as a whole is that Panel only “lacks discretion” to overrule an objection to missing and incomplete information in § 43.14 *if the extent of the missing or incomplete information is so significant that the petitions do not substantially comply with the statute*. The Panel is not under a mandate to sustain each and every objection someone makes to a single piece of incomplete information. To do so would frustrate both the statutory text of § 43.14 and the public policy goals that ballot access laws should be construed liberally. That’s especially true in this case, where sustaining this narrow objection would result in a candidate being removed from the ballot despite providing her county of residence on *hundreds* of other petition pages. The Panel should exercise its discretion to overrule this objection and include all ten lines on Clinton Page 10 as valid signatures.

## **II. Finkenauer Has Sufficient Signatures to Qualify for the Ballot under Iowa Law**

As described in the discussion above and demonstrated in the charts below, Ms. Finkenauer has sufficient signatures to be placed on the primary election ballot. Prospective candidates for U.S. Senate must collect at least 3,500 signatures, including signatures from at least 100 eligible electors in at least 19 counties. Iowa Code § 45.1. The Nomination Papers meet these requirements because they include at least 4,900 valid signatures in total, with at least 100 valid signatures in 20 counties, including all counties the Objection challenges:

**A. Allamakee County**

103	<b>signatures submitted</b>
4	- signatures challenged
1	+ unsuccessful challenge to Page 10, Line 2 (undated)
<hr/>	
<b>100</b>	<b>total signatures</b>

**B. Cedar County**

103	<b>signatures submitted</b>
4	- signatures challenged
1	+ unsuccessful challenge to Page 10, Line 12 (Undated)
1	+ unsuccessful challenge to Page, 6, Line 1 (Misdated)
<hr/>	
<b>101</b>	<b>total signatures</b>

**C. Clinton County**

100	<b>signatures submitted</b>
22	- signatures challenged
12	+ unsuccessful challenges to Page 6, Lines 5-16 (Apt. No.)
10	+ unsuccessful challenge to Page 10 (County Header)
	(including 1 unsuccessful challenge to Page 10, Line 6 for an undated signature)
<hr/>	
<b>100</b>	<b>total signatures</b>

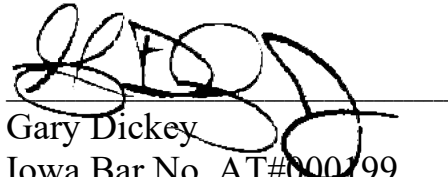
**D. Muscatine County**

101	<b>signatures submitted</b>
2	- signatures challenged
1	+ unsuccessful challenge to Page 18, Line 6 (Apt. No.)
1	+ unsuccessful challenge to Page 19, Line 1 (Valid Address)
<hr/>	
<b>101</b>	<b>total signatures</b>

### III. Conclusion

For the foregoing reasons, we request that the Panel overrule the objections; rule that Ms. Finkenauer's Nomination Petitions comply with the statutory requirements; and order that her name be printed on the primary election ballot for June 7, 2022.

Respectfully submitted, this 28th day of March 2022.



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