

STATEMENT OF NOTICE OF INTENT TO CONTEST

COMES NOW Kayla Koether, in her individual capacity as the Democratic Nominee for Iowa House District 55, and hereby states her intention to contest the Iowa House of Representatives Election for House District 55, encompassing Winneshiek, Fayette, and Clayton counties.

1. This election was held on November 6, 2018.
2. Michael Bergan was declared the winner of the election on November 6, 2018.
3. A recount was performed in this race, Contestant Koether trails Mr. Bergan by nine votes.
4. The election was certified by Iowa Governor, Kim Reynolds, on December 3, 2018.
5. Contestant Koether is eligible to hold the office of State Representative for House District 55 as she is a citizen of the State of Iowa over twenty-one years of age, and lived in House District 55 for more than sixty days before the election. IOWA CONST. ART. III § 4. This has been verified by the Iowa Secretary of State by her placement on the ballot as a nominee.
6. Contestant Koether was notified of thirty-three absentee ballots which were entered into the mail system in accordance with Iowa Code § 53.17, but arrived at the office of the Winneshiek County Auditor on or after Election Day.
7. Pursuant to a District Court Order in Polk County, it was determined that twenty-nine of those ballots were in fact entered into the federal mail system in accordance with § 53.17.
8. Further, the Iowa Secretary of State and Winneshiek County Auditor refuse to open and tally the ballots.

9. In support of her Statement of Intent to Contest, Contestant Koether alleges the Winneshiek County Auditor rejected votes which were legally cast. IOWA CODE § 57.1(2)(e) (2018).

10. Further, there was an error by the Absentee Voter and Special Precinct Board (hereinafter "ASVP") in Winneshiek County for failing to open and count the legally cast ballots in the House District 55 race. IOWA CODE § 57.1(2)(f) (2018).

11. The Iowa Secretary of State and Winneshiek County Auditor refuse to release the names associated with the properly cast ballots however the thirty-three ballots were submitted by:

Janice Balk
Dominique Bockman
Lois Bohr
Nancy Buchheit
Vernetta Cline
Mitchell Fadness
John Frana
Rebecca Goettl
Colton Hageman
Jodi Halse
Peggy Heiden
Sheryl Holien
Daniel Holien
David Imoehl
Paul Iverson
Aimee Klein
Kathleen Kuennen
Thomas Lensch
David Ludwig
Bouthsakone McCain
Daryl Moen
Liam Murphy
Kathrine Oftedahl
Michael Sersland
Roger Shatek
Lisa Snitker
Lowell Staake
Laura Staake
Brenda Taylor
Duane Taylor

Jessica Tranauskas
Nancy Vick
Robert Wilson
Unknown voter with safe at home envelope

12. Contestant Koether is unable at this time to release a statement of contest containing the names of the voters whose ballots were illegally rejected by the Winneshiek County Auditor and the Winneshiek County ASVP Board, because the Iowa Secretary of State, Winneshiek County Auditor, and the Winneshiek County Attorney refuse to release such information to Contestant's counsel. IOWA CODE §§ 57.6, 62.5 (2018).

13. As Contestant Koether trails in this House race by nine votes, it is believed the twenty-nine will alter the outcome of the election IOWA CODE § 59.1 (2018).

14. Contestant is asking this body to perform the following:

- (a) Open and count the twenty-nine¹ validly cast ballots;
- (b) Recanvass the House District 55 election including all validly cast ballots; and
- (c) Recertify the House District 55 election.

WHEREFORE Contestant Koether respectfully requests this body to convene a contest court pursuant to Iowa Code §§ 57 and 59 to allow each and every voter in Winneshiek County the right to have their legally entered votes counted.

¹ Contestant does not know the exact number of validly cast ballots. Contestant asks this body to count all validly cast ballots under Iowa Law.

Respectfully Submitted

/s/ Shayla L. McCormally

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