

IN THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR POLK COUNTY

KIM SCHMETT and LEANNE PELLETT,

Plaintiff,

v.

STATE OBJECTIONS PANEL,

Respondent.

Case No. CVCV063390

ANSWER

COMES NOW Attorney General Tom Miller, Secretary of State Paul Pate, and Auditor Rob Sand (the "Panel") and, through undersigned counsel, answer Plaintiffs' Petition as follows:

NATURE OF AGENCY ACTION SUBJECT TO THE PETITION

1. Paragraph 1 is denied. Iowa Code § 43.24(3)(a) speaks for itself.
2. Paragraph 2 is denied.
3. Paragraph 3 is admitted.

AGENCY ACTION APPEALED FROM

4. Paragraph 4 is admitted to the extent the Auditor of State and Attorney General did not recuse themselves. Any remaining allegations in this paragraph are denied.
5. Paragraph 5 is admitted.

VENUE

6. Paragraph 6 is admitted.

GROUND FOR RELIEF

I. The State Objections Panel denied objections to Signatures where the signer had not provided the date of the signature.

7. Paragraph 7 is admitted.
8. Paragraph 8 is neither admitted or denied. Iowa Code § 43.15(2) speaks for itself.

- 9. Paragraph 9 is denied.
- 10. Paragraph 10 is denied.
- 11. Paragraph 11 is denied.

II. The Auditor of State and Attorney General were required to recuse themselves from hearing the objection.

- 12. Paragraph 12 is denied.
- 13. Paragraph 13 is denied.
- 14. Paragraph 14 is admitted.
- 15. Paragraph 15 is admitted.
- 16. Paragraph 16 is admitted.
- 17. Paragraph 17 is admitted.
- 18. Paragraph 18 is denied.
- 19. Paragraph 19 is denied.
- 20. Paragraph 20 is denied.

THE RELIEF SOUGHT

- 21. Paragraph 21 is denied.
- 22. Paragraph 22 is admitted.

AFFIRMATIVE DEFENSES

23. The Panel's decision is not reviewable under the Iowa Administrative Procedure Act as the Panel is not an agency under Iowa Code chapter 17A. Certiorari is the proper remedy for review of the Panel's decision.

WHEREFORE, the Panel respectfully requests the Petition for Judicial Review be dismissed and costs assessed to the Plaintiffs.

Respectfully Submitted,

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ATTORNEYS FOR DEFENDANT

*Original filed electronically.
Copy electronically served on all parties of record.*

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on April 4, 2022:

- | | |
|---|--|
| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> FAX |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> ECF System Participant (Electronic Service) | |

Signature: /s/ JODI WATSON