

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

NICHOLAS GLUBA, LIBERTARIAN CANDIDATE FOR GOVERNOR, and, JULIA “JULES” CUTLER, LIBERTARIAN CANDIDATE FOR LT. GOVERNOR, Petitioners, v. STATE OBJECTIONS PANEL, Respondent.	No. PETITION FOR JUDICIAL REVIEW (EXPEDITED CONSIDERATION REQUESTED)
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Plaintiffs, Nicholas Gluba and Jules Cutler, seek judicial review of the decision of the State Objections Panel to sustain the objection to the nomination petition of Nicholas Gluba and Jules Cutler, candidates for Governor and Lt. Governor, respectively.

Agency

1. The agency from which this action is appealed is the State Objections Panel consisting of the secretary of state, auditor of the state, and the attorney general. Iowa Code § 44.6.

2. The Panel adjudicates objections to the legal sufficiency of a nomination petition filed by a candidate for federal office, statewide office, or the state legislature.

3. No provision of law vests the panel with the authority to interpret Iowa election law.

4. The Objection Panel is an “agency” for the purposes of Iowa Code Chapter 17A. See Iowa Code Section 17A.23(2) (“This chapter shall also be construed to apply to all agencies not expressly exempted by this chapter or by another statute specifically referring to this chapter by citation; and except as to proceedings in process on July 1, 1975, this chapter shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this chapter or by another statute specifically referring to this chapter by citation”).

5. The State Objection Panel is an “agency”, as that term is defined in Iowa Code Chapter 17A.

- a. “Agency” means each board, commission, department, officer, or other administrative office or *unit of the state*. Iowa Code Section 17A.2(1) (emphasis added)

6. The State Objection Panel considering an objection to a candidate(s) nominating papers is a “contested case”, as that term is defined in Chapter 17A.

- a. “Contested case” means *a proceeding* including but not restricted to ratemaking, price fixing, and licensing *in which the legal rights, duties or privileges of a party are required by Constitution or statute to be determined by an agency after an opportunity for an evidentiary hearing*. Iowa Code Section 17A.2(5) (emphasis added)

7. The panel’s members are subject to the rules of disqualification found in Iowa Code section 17A.11(2).

AGENCY ACTION

8. On June 15, 2026, the Panel met to hear objections to the nomination petitions of Libertarian candidates.

9. Auditor Sand recused himself from the panel due to his perception of a conflict of interest, and was replaced by the Secretary of Agriculture, Mike Naig.¹

10. As relevant to this appeal, one individual filed an objection to the nomination petitions of Nicholas Gluba and Jules Cutler, Libertarian Candidates for Governor and Lt. Governor, respectively.

11. At the conclusion of the hearing, the Panel voted unanimously to sustain the objection to the Gluba-Cutler nominating petitions.

12. Gluba-Cutler appeal the Panel’s decision and from all adverse rulings and

¹ Auditor Sand is a Democratic candidate for the Governor in the current election cycle.

orders inhering therein.

VENUE

13. Venue for a judicial review action is always appropriate in Polk County. Iowa Code § 17A.19(2).

GROUND UPON WHICH RELIEF IS SOUGHT

14. The Panel's decision is based on a provision of law that is unconstitutional on its face and unconstitutional as applied in this case. Iowa Code § 17A.19(10)(a).

15. The Panel's decision is in direct conflict with Iowa Code sections 44.4, 44.6, and 45.4, making the Panel's decision beyond the authority delegated to the agency by any provision of law or in violation of those provision of law. Iowa Code § 17A.19(10)(b).

16. The Panel's decision is based upon an erroneous interpretation of a provision of law whose interpretation has not clearly been vested by a provision of law in the discretion of the Panel. Iowa Code § 17A.19(10)(c).

17. The Panel's decision was the product of decision making undertaken by persons who were improperly constituted as a decision-making bod, were motivated by an improper purpose, and were subject to disqualification. Iowa Code §17A.19(10)(e).

18. The Panel's decision was the product of reasoning so illogical as to render it wholly irrational. Iowa Code § 17A.19(10)(i).

19. The Panel's decision was otherwise unreasonable, arbitrary, capricious, or an abuse of discretion. Iowa Code §17A.19(10)(n).

BACKGROUND FACTS

20. On June 2, 2026, sometime between 11:45 am and 11:59 am, Gluba and Cutler both appeared at the office of the Secretary of State to file their nominating petitions along with their respective affidavits of candidacy.

21. Elections Specialist Dani Phillips, accepted the nomination petition containing over 8,000 signatures, more than double that necessary under the statute.

Iowa Code section 45.1 (1).

22. Phillips also accepted Gluba's Affidavit of Candidacy, examined his state issued identification and notarized.

23. When presented with Cutler's Affidavit of Candidacy, Phillips refused to accept it stating it was not needed.

24. On June 9, 2026, Kevin Arrowsmith, filed objection pursuant to Iowa Code section 44.4.

25. There were four objections raised by Arrowsmith, however, the Objection Panel considered only the second objection relating to the affidavit of candidacy for Lt. Governor (Jules Cutler) not being filed along with the petitions and Gluba's Affidavit of Candidacy by 5:00 pm on June 2, 2026.

26. Following a hearing on the objection, the Panel voted unanimously to sustain the objection and deny Gluba-Cutler access to the ballot for the 2026 general election.

RELIEF SOUGHT

27. The plaintiffs request the Court reverse the panel's decision and order that the objection be overruled.

ARGUMENT

The Objection Panel's decision to sustain the objection should be overruled for the following reasons:

OBJECTIONS TO AFFIDAVITS OF CANDIDACY ARE NOT PERMITTED UNDER IOWA CODE SECTIONS 44.4 OR 45.4.

28. Iowa Code Section 44.4 only allows objections to be made on two grounds: (1) "the legal sufficiency of a certificate of nomination or nomination petition" or (2) "to the eligibility of a candidate".

29. Similarly, Iowa Code Section 45.4 limits objections to nomination

petitions and the eligibility of a candidate. Iowa Code Section 45.4 (“[t]he time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the law relating to nominations by political organizations which are not political parties”).

30. Additionally, Iowa Code section 44.6 states that “[o]bjections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained”. Iowa Code Section 44.3 solely involves certificates of nomination and the affidavit of candidacy accompanying certificates of nomination.

31. The objection sustained by the Objection Panel was the lack of an affidavit of candidacy for the lieutenant governor candidate, Cutler, prior to 5:00 p.m. on June 2, 2026, when nomination papers for nominations via petition are required to be submitted.

32. Iowa election law makes a clear distinction between nomination petitions and certificates of nomination, and affidavits of candidacy.

a. Iowa Code Section 45.5(1) provides, in relevant part:

“Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and shall be in substantially the form prescribed by the state commissioner of elections. They shall provide spaces for the following information....”

b. Iowa Code Section 45.5(6) provides, in relevant part:

“The candidate may replace a deficient affidavit with a corrected one only if the replacement is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected nomination papers shall be filed together before the deadline for filing.”

c. Iowa Code Section 45.1(1) says, in relevant part:

Nominations for candidates for president and vice president, governor and lieutenant governor, and for United States senator may be made by nomination petitions signed by not

less than three thousand five hundred eligible electors, including at least one hundred eligible electors each from at least nineteen counties of the state.

33. Thus, there is a clear distinction in the Code between nomination petitions and nomination certificates, and affidavits of candidacy.

34. If the legislature wanted to allow objections to affidavits of candidacy for nominations via petition for nonparty political organizations, the legislature would have been more explicit in Iowa Code Section 44.4 or 45.4. See Iowa Code Section 43.24(1)(a) (“Objections relating to incorrect or incomplete information for information that is required under section 43.14 or 43.18 shall be sustained.”) (43.18 being affidavits of candidacy for partisan nominations)

35. Under the unambiguous text of Iowa Code Section 44.4 and 45.4, objections cannot be made to a candidates affidavit of candidacy, nor can the Objection Panel legally sustain an objection to an affidavit of candidacy. Similarly, the explicit language in Iowa Code Section 44.4, stating that “[o]bjections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained”, precludes the Objection Panel from sustaining an objection based on the lack of an affidavit of candidacy for the lieutenant governor candidate for nominations by petition pursuant to Iowa Code Chapter 45.

GLUBA AND CUTLER RELIED ON ELECTION OFFICIAL’S MISTAKE, IN GOOD FAITH, EXCUSING NONCOMPLIANCE UNDER THE CIRCUMSTANCES

36. Gluba and Cutler relied on the statements and official actions of an election official within the Secretary of State’s Office, in good-faith, that Cutler’s affidavit of candidacy was not required to be filed with the nomination papers for their joint candidacy by 5:00 pm on June 2, 2026².

37. When Gluba, Cutler, and Teyla Dvorak (intern at Iowa Defenders, PLLC)

² Nominations pursuant to chapter 44 (nonparty political organizations) and chapter 45 (nominations by petition) are required to be filed in the office of the state commissioner (Secretary of State) are required to be filed no later than 5:00 p.m. on the first Tuesday after the first Monday in June in each even-numbered year. Iowa Code Section 44.4(1).

went to submit the nomination papers for Gluba and Cutler with the Secretary of State on June 2, 2026, sometime between 11:45 am and 11:59, Cutler had a completed affidavit of candidacy in her possession (minus signature and notarial certificate).

38. An Election Specialist employed by the Secretary of State's Office, Dani Phillips, was the individual who accepted the submission of the nomination petition with Gluba as the gubernatorial candidate and Cutler as the lieutenant governor candidate³.

39. As part of accepting the nomination petition for Gluba-Cutler, Dani Phillips accepted Gluba's affidavit of candidacy, checked his ID, and notarized it. See Exhibit E (Affidavit of Candidacy for Gluba).

40. Cutler then tried to give her affidavit of candidacy to Dani Phillips, informing Dani Phillips that she (Cutler) was the lieutenant governor candidate on the nomination petition.

41. Phillips refused to accept Cutler's affidavit of candidacy, stating to Cutler, in the presence of Gluba and Dvorak, that her affidavit of candidacy was "not needed". See Exhibit A (Affidavit of Candidacy for Jules Cutler), Exhibit C (Affidavit of Teyla Dvorak), Exhibit D (Affidavit of Jules Cutler).

42. Good faith reliance on the agency has been a well-established law since 1977 when the Iowa Supreme Court held that a candidate's good faith reliance upon an election official's honest mistake was a legitimate excuse for non-compliance with the signature requirements for the candidate's nomination petition. *Wingert v. Urban*, 250 N.W.2d 731, 735 (Iowa 1977).

43. In *Wingert v. Urban*, there was an objection filed by George Wingert (Wingert), who had fully complied with the newly amended nomination requirements, to Tim Urban (Urban) appearing on the primary and general election ballot for a Des Moines city council at-large seat, due to Urban's nomination petition not containing the required minimum number of signatures after a recent legislative amendment

³ When nominating by petition, "[n]omination papers for the offices of governor and lieutenant governor shall include the names of candidates for both offices on each page of the petition". Iowa Code Section 45.1(8)(b).

increasing the required signatures from 2% of the greatest number of votes cast for *any* candidate for the same office in the last regular election to 2% of *those who voted* to fill the same office at the last regular election. *Id.* at 732.

44. Both the Polk County Auditor (James Maloney), who also served as the county commissioner of elections, and the Des Moines city clerk (Margaret Vernon), who also served as the deputy commissioner of elections, were unaware of the recent legislative amendment increasing the required number of signatures for nominating petitions. *Id.* When Urban secured nomination papers from Vernon, Vernon informed Urban that only 345 signatures were needed and wrote that number on the nomination papers she provided to Urban. *Id.* In reliance on the 345 number provided by Vernon, Urban turned in his nomination papers containing 525 signatures. However, based on the new legislative amendment, nomination papers for that office required 678 signatures. *Id.*

45. Wingert filed an objection to Urban's name on the primary ballot because of the insufficient number of signatures on his nomination petition. After the pre-trial litigation was resolved, Urban's name ultimately was allowed to remain on the primary and general election ballot.

46. Urban won the primary and general election, after which Wingert filed a "statement of contest" with Polk County election officials for both elections. *Id.* at 733. The election court voted 2-1 that Urban's name was currently placed on the primary and general election ballots, and upheld him as the winner of the general election. *Id.*

47. Wingert appealed the election court's determination to the Polk County District Court, which annulled the election court's decision that Urban was duly elected, and declared Wingert as the winner of the general election. *Id.*

48. The Iowa Supreme Court reversed the district court, concluding that Urban's noncompliance with the signature requirements was excused under the exceptional circumstances of this case because Urban's good faith reliance on an election official's honest mistake. *Id.* at 735.

49. The Iowa Supreme Court found that the facts of the case were especially appropriate for excusing the noncompliance, stating:

There is no question Urban relied in good faith upon an official's honest mistake. It must be remembered Vernon, the election official, had statutory authority over Acceptance of nomination papers. Obviously she was to accept petitions filed with a sufficient number of signatures and reject petitions filed with insufficient signatures. To make such a determination it was necessary for Vernon to be aware of the statutory numerical signature requirements. It is not surprising Urban relied upon Vernon's acceptance of the nominating petitions. We hold Urban was excused under exceptional circumstances from strict compliance with the numerical signature requirements..."

50. The same reasoning applies in this case.

- a. Phillips informed Cutler and Gluba that Cutler's affidavit of candidacy was not needed.
- b. Cutler's affidavit was not submitted in reliance on Phillip's statement that it was not needed.
- c. Phillips had the statutory authority to accept or reject the nominating papers for Gluba and Cutler pursuant to Iowa Code Section 45.5(5).
- d. Phillips accepted the nomination papers, containing the nomination petition for Gluba-Cutler and Gluba's affidavit of candidacy, as sufficient under Iowa Code Section 45.5(5).

51. It is no surprise that Gluba-Cutler relied upon Phillips accepting the nomination papers as she had the statutory duty to accept them if they were sufficient and to reject them if they were insufficient.

52. Applying *Wingert* to this case, assuming the lieutenant governor's affidavit of candidacy is required to be filed by 5:00 p.m. on June 2, 2026, the noncompliance by not submitting Cutler's affidavit of candidacy must be excused due to the good faith reliance upon Phillips' statement that the affidavit was not needed and Phillips accepting the nomination papers without Cutler's affidavit accompanying the rest of the nomination papers.

53. The proper course of action in this situation is to require Cutler to file her affidavit of candidacy, as long as it is filed prior to the general election. As the Iowa Supreme Court said in *Wingert v. Urban*, “[a]s a general rule, unless the statute expressly declares that the particular act in question is essential to the validity of the election or that its omission shall render the election void, statutory provisions in regard to nominations are not regarded as mandatory in the sense that noncompliance with them vitiates the election, but only in the sense that officers or persons to whom they apply are obligated and may be compelled to comply with them prior to an election and are subject to the penalties prescribed by the statutes relating to offenses against election laws. 250 N.W.2d at 733.

GLUBA AND CUTLER HAD GOOD FAITH RELIANCE ON STATUTORY RELIANCE THAT THEIR NOMINATION PAPERS WERE SUFFICIENT

54. Gluba and Cutler, in good faith, had statutory reliance that their nomination papers were sufficient and compliant with statutory requirements.

55. For nominations by petition, [n]omination papers shall include a petition and *an affidavit of candidacy*”. Iowa Code Section 45.5(1) (emphasis added); *see also* Iowa Code Section 45.4 (“Signed nomination petitions and *the signed and notarized affidavit of candidacy* shall not be altered to correct deficiencies noted during the examination.”) (emphasis added)

56. On June 2, 2026, when Gluba and Cutler submitted their nomination papers to the Secretary of State’s Office, their nomination papers were accepted as being compliant with all statutory requirements.

57. If their nomination papers were insufficient for lack of an affidavit of candidacy for the lieutenant governor candidate, the Secretary of State’s Office should have rejected the nomination papers. *See* Iowa Code Section 45.5(4) (“nomination papers shall be rejected if the petition lacks a sufficient number of acceptable signatures; *see also* Iowa Code Section 45.5(5) “The nomination papers shall be rejected if the *affidavit* lacks any one of the following: (a) The candidate’s name; (b) the name of the office sought, including the district, if any; (c) the signature of the candidate; and (d) the signature of a notary public under chapter 9B or other officer

empowered to witness oaths.”) (emphasis added) The nomination papers for Gluba-Cutler were not rejected for the affidavit lacking any of the items listed in Iowa Code Section 45.5(5).

58. If the Lieutenant Governor Candidate’s affidavit of candidacy was required to be filed at the time the nomination papers were required to be filed, then it was the duty of the Secretary of State’s Office to reject the nomination papers pursuant to Iowa Code Section 45.5.

59. If the Secretary of States’ Office had complied with their statutory duty and rejected the nomination papers as being insufficient due to the missing affidavit of candidacy for the lieutenant governor candidate, that would have allowed the Gluba-Cutler nomination papers to be resubmitted with Cutler’s affidavit of candidacy before the deadline for filing as allowed under Iowa Code Section 45.5(6).

60. Gluba and Cutler’s reliance on their nomination papers satisfying statutory requirements upon acceptance of their nomination papers was in good faith.

SECRETARY OF STATE PAUL PATE SHOULD HAVE RECUSED HIMSELF

61. Paul Pate was subject to disqualification, and should have recused himself from the Objection Panel considering this objection because he (a) failed to train his election officials properly, and (b) is the employer and ultimate supervisor of Phillips, whose credibility was directly at issue in determining whether to sustain the objection.

62. The Petitioners timely requested Secretary of State Pate recuse himself by emailing the legal counsel for the Secretary of State on June 12, 2026, with the request. This request was renewed with a supplemental motion for Secretary of State Pate to recuse himself provided to the legal counsel for the Secretary of State on June 14, 2026. Exhibit L at p. 4-9.

63. The Panel sustained the objection challenging the legal sufficiency the nominating papers of Nicholas Gluba and Jules Cutler due to Jules Cutler not having an affidavit of candidacy on file with the Secretary of State’s Office by June 2, 2026.

64. Jules Cutler attempted to provide Dani Phillips, an Election Support Specialist for the Secretary of State, her affidavits of candidacy after Ms. Philips notarized Nicholas Gluba's affidavit of candidacy at approximately 11:30 am on June 2, 2026.

65. Phillips refused to accept or notarize Jules Cutler's affidavit of candidacy, stating that "it was not needed"

66. Instead of providing sworn testimony at the hearing, Phillips, supplied two affidavits stating in relevant part:

- a. "Jules (a/k/a Julia) Cutler did not hand me an affidavit of candidacy for Lieutenant Governor"
- b. "I was never presented with an Affidavit of Candacy for Lieutenant Governor from Julia (a/k/a Jules) Cutler, nor did I refuse to accept ad/or notarize an Affidavit of Candidacy for Lieutenant Governor from Julia (a/k/a) Jules Cutler"
- c. "I never stated to Julia (a/k/a Jules) Cutler that she did not need an Affidavit of Candidacy for Lieutenant Governor"

67. Phillips could not remember who drafted the affidavits she signed under the penalty of perjury, or could not talk about who created the affidavits she signed under penalty of perjury.

68. The Secretary of State's Office refused to accept service on behalf of Philips for a lawful subpoena pursuant to Iowa Code Chapter 17A for Philips to appear an provide testimony at the June 15th hearing. See Iowa Code Section 17A.13 ("Agency subpoenas shall be issued to a party on request").

69. The Secretary of State's Office indicated that Phillips would not appear voluntarily to provide testimony at the June 15th hearing through communications exchanged prior to the hearing.

70. When the Petitioners tried to have Phillips personally served by a process server, the Secretary of State's Office gave the process server the runaround, and no

employee at the Secretary of State's Office would accept service of the lawful subpoena.

71. Phillips ultimately appeared at the hearing to provide her "testimony." Attorney General Bird refused to put Phillips under oath. Phillips made the following statements:

- i.* She remembered that Cutler did not provide her with an Affidavit of Candidacy.
- ii.* She did not remember, however, whether Cutler was present when the nomination petitions were being turned in by Gluba.
- iii.* She did not remember whether the Lt. Governor Affidavit of Candidacy was required to be submitted at the same time as Affidavit of Candidacy for the Governor.
- iv.* She did not remember the expiration date of her notary commission.⁴

72. Secretary of State Paul Pate was subject to disqualification because the credibility of his own election official was in dispute, as well as the manner in which she was trained by the Secretary of State. Iowa Code Section 17A.11(2) ("Any person serving or designated to serve alone or with others as a presiding officer is subject to disqualification for bias, prejudice, interest, or any other cause provided in this chapter or for which a judge is or may be disqualified").

73. Secretary of State Pate, as the direct and ultimate supervisor of Phillips, and ultimately the person responsible for ensuring Phillips and other election officials are properly informed and trained on the law, had a personal stake in determining the credibility of Phillips and a personal stake in determine whether Phillips was properly informed and trained on the relevant law.

74. Lastly, there are real concerns that Secretary of State Pate received ex

⁴ Phillips notarized multiple Affidavits of Candidacy during this election cycle and used a different expiration date for Gluba's Affidavit of Candidacy than others.

parte communications regarding this objection automatically making him subject to disqualification pursuant to Iowa Code Section 17A.17(5). Phillips is an election official who is employed by the Secretary of State. Phillips' two affidavits submitted into the record before the Panel were created by the legal counsel for the Secretary of State after the Secretary of States Office refused to accept or issue a lawful subpoena for Phillips. Both of Phillips' affidavits were created by the Secretary of States Office in direct response to communications the legal counsel for the Secretary of State's Office received from the undersigned informing the Secretary of States' Office that Cutler attempted to provide an affidavit of candidacy to Phillips and Phillips refused to accept.

75. As this matter involves one of the most fundamental aspects of our representative republic, the ability of candidates to have access to the general election ballot so Iowan voters can truly express their will in who they want to lead them as their Chief Executive, Secretary of State Pate should have recused himself to ensure the Objection Panel's decision was based on the facts proven at the hearing on June 15th and in accordance with the legal standards enacted by the General Assembly; without any political, personal, or other bias or prejudice; or the appearance thereof.

76. The Failure of Secretary of State Pate to recuse himself renders the decision by the Objection Panel to sustain the objection the product of decision making undertaken by persons who were improperly constituted as a decision-making body, were motivated by an improper purpose, or were subject to disqualification, and should therefore be reversed by this Court. Iowa Code Section 17A.19(10)(e).

STATE AUDITOR SAND SHOULD HAVE BEEN REPLACED BY GOVERNOR REYNOLDS AFTER HE VOLUNTARILY RECUSED HIMSELF

77. Under Iowa Code Section 45.4, "[t]he... right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the law relating to nominations by political organizations which are not political parties." Iowa Code Chapter 44 is the law regarding nominations by political organizations which are not political parties.

78. Iowa Code Section 44.6, provides in relevant part:

“Objections filed with the state commissioner shall be considered by the secretary of state and auditor of state and attorney general, and a majority decision shall be final. However, if the objection is to the certificate of nomination of one or more of the above named officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the treasurer of state, the governor, and the secretary of agriculture.

79. Iowa Code Section 44.6 lays out the persons who are to make up the Objection Panel for objections to nominations by nonparty political organizations for candidates for governor and lieutenant governor, which requires the Objection Panel to consist of the Secretary of State, the State Auditor, and the Attorney General.

80. Under a strict reading of that code section, State Auditor Rob Sand was not allowed to recuse himself from the Objection Panel considering the objection in this matter because the objection was not to the certificate of nomination of State Auditor Sand. However, his recusal/disqualification was proper because he had a personal stake in the outcome of the objection in this matter as State Auditor Sand is going to be the Democrat Candidate for governor on the general election ballot in November.

81. When the Objection Panel is considering an objection to the nomination papers of a nonparty political organization for statewide office, when the State Auditor is recused, Iowa law unambiguously requires the Governor to be substituted for the State Auditor. See Iowa Code Section 44.6 (“the Secretary of State, State Auditor, and Attorney General] shall be filled, *respectfully*, by the treasurer of state, the governor, and the secretary of agriculture”) (emphasis added). The use of the term “respectively” in Iowa Code Section 44.6 means that, in the event of recusal, the State Treasurer replaces the Secretary of State, the Governor replaces the State Auditor, and the Secretary of Agriculture replaces the Attorney General. Therefore, once Auditor Sand recused himself, Governor Reynolds was supposed to replace him.

82. Instead of replacing the State Auditor with the Governor, the Objection Panel replaced the State Auditor with the Secretary of Agriculture, Secretary Naig.

83. On June 13, 2026, the attorney representing the Objector sent a letter to the Deputy Secretary of State for Operations, Eric Gookin, stating that Iowa Code

Section 44.6 controls over the more general provision in Iowa Code Section 43.24, concluding that the Governor should replace the State Auditor in the event of recusal. Exhibit L p. 1-2.

84. On June 14, 2026, the Secretary of State's Office sent a letter in response, stating that "the order of substitutes in § 44.6 does not apply in this circumstance... [and since] this is outside the scope of § 44.6, we lean on past practice in substituting the Secretary of Agriculture for the Auditor for this objection". Exhibit L p. 3.

85. On June 14, 2026, the Petitioners emailed the legal counsel for the Secretary of State's Office, notifying them that the Petitioners disagreed with the Secretary of Agriculture replacing the State Auditor, and that the Petitioners insisted on the Governor replacing the State Auditor in the event of a recusal. Exhibit L p. 4.

86. At the Objection Panel hearing on June 15, 2026, the Objection Panel voted to "overrule this objection", without any oral ruling or explanation for replacing the State Auditor with the Secretary of Agriculture.

IOWA CODE SECTIONS 44.1, 44.4, 45.1(1), 45.1(8)(b), AND 45.6(5) ARE UNCONSTITUTIONAL ON THEIR FACE, IN VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 6 OF THE IOWA CONSTITUTION AS THERE IS NO LEGITIMATE OR RATIONAL PURPOSE FOR STATUTE PLACING NONPARTY POLITICAL ORGANIZATIONS AT A DISADVANTAGE IN SELECTING THEIR CANDIDATE FOR LIUTENANT GOVERNOR COMPARED TO POLITICAL PARTIES

87. Iowa Code Sections 45.1(1), 45.1(8)(b), and 45.6 require nonpolitical political organization nominations for the office of governor through petition to also include the candidate for lieutenant governor on each page of the nominating petition. Thus, nonparty political organizations, if they choose the petition process for nomination of their candidate for governor, must select their lieutenant candidate prior to obtaining a single petition signature.

88. Similarly, nonparty political organizations, when nominating their through the convention process, are required to select and nominate their candidate for lieutenant governor by the first Tuesday after the first Monday in June. Iowa Code Sections 44.1 and 44.4. If a candidate for lieutenant governor is not certified by the

first Tuesday after the first Monday in June, Iowa Code Section 44.11 does allow vacancies to be filled up until seventy six days before the general election because vacancy only exists if the nonparty political organization nominated someone for the office of lieutenant governor by 5:00 p.m. on the first Tuesday after the first Monday in June.

89. For political parties, only the name of the candidate for governor is required on their nominating petitions. Iowa Code Section 43.123 (“Notwithstanding this chapter and any other statute relating to the nomination of a person for the office of lieutenant governor, the nomination of a person for the office of lieutenant governor for the general election in the year 1990 and each four years thereafter shall be held at the state convention of the political party.”). For political parties, they have until 5:00 pm on the seventy-sixth day before the date of the general election to select their candidate for lieutenant governor. Iowa Code Sections 43.78(1)(a) and 43.78(2).

90. By requiring nonparty political organizations to include the candidate for lieutenant governor on every nominating petition page, places nonparty political organizations at a disadvantage to a political party candidate for governor in the following ways:

- 1) Nonparty political organizations are from selecting their candidate for lieutenant governor later in the election process when the political landscape is more fleshed out, before the election issues are fully developed, and before voters are truly engaged in the electoral process.
- 2) Nonparty political organizations have no remedy if the individual written as the lieutenant governor candidate on the nominating petition dies, decides he or she no longer wishes to be the lieutenant governor candidate, or a better lieutenant governor candidate emerges later in the petition process, or any other circumstances in which the governor candidate would benefit from having a different lieutenant governor candidate listed prior to the nominating petition being submitted to the Secretary of State by 5:00 pm on the first Tuesday after the first Monday in June.
- 3) Political parties are exclusively permitted to select their candidate for

lieutenant governor, for the first time, as late as seventy six days before the general election.

- 4) By requiring nonparty political organizations to select their candidate for lieutenant governor at the beginning of the petition process pursuant to Iowa Code Chapter 45, or by 5:00 p.m. on the first Tuesday in June after the first Tuesday in June, the lieutenant governor candidate for nonparty political organizations are subject to objections much earlier in the election process when compared to political parties who can wait until seventy six days before the general election to select their candidate for lieutenant governor.
- 5) As demonstrated by the objection sustained in this case, by requiring nonparty political organizations to select their candidate for lieutenant governor at the beginning of the petition process pursuant to Iowa Code Chapter 45, and include the name of the lieutenant governor on every page of the nominating petition, nonparty political organization candidates for governor can be removed from the general election ballot if there is an objection sustained to the lieutenant governor name accompanying their name on the nominating petition. Political party candidates for governor and lieutenant governor are selected at different times and have separate dates for the filing of their nomination papers and certificates of nomination, so a sustained objection to a political party's candidate for lieutenant governor does not simultaneously remove the candidate for governor from the general election ballot.

91. There is no legitimate reason for providing the political parties such an advantage over nonparty political organizations when determining the lieutenant governor candidate.

92. Ballot access restrictions implicate not only the rights of potential candidates for public office, but also the First and Fourteenth Amendment rights of voters to cast their ballots for a candidate of their choice and to associate for the purpose of advancing their political beliefs. *Anderson v. Celebrezze*, at 786-88. Courts review the statute under a form of strict scrutiny referred to as the compelling

state interest test by first determining whether the challenged statute causes a burden of some substance on a plaintiff's rights, and if so, upholding the statute only if it is 'narrowly drawn to serve a compelling state interest. *Libertarian Party of N.D. v. Jaeger*, 659 F.3d 687, 693 (8th Cir. 2011) (quoting *McLain v. Meier*, 851 F.2d 1045, 1049 (8th Cir. 1988)). In such cases, the State bears the burden of showing that the challenged statute is narrowly drawn to serve the State's compelling interest. See *Eu v. S.F. Cty. Democratic Cent. Comm.*, 489 U.S. 214, 222 (1989).

93. Whether premised on free speech or equal protection, challenges to voting regulations as burdening individual voters' access to the polls are more properly considered based on the severity of the burden under the *Anderson-Burdick* balancing approach. *Smith v. Iowa District Court for Polk Cnty.*, No. 22-0401, 24 (Iowa Feb. 23, 2024) (citing *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 204 (2008) (Scalia, J., concurring in judgment) ("To evaluate a law respecting the right to vote-whether it governs voter qualifications, candidate selection, or the voting process-we use the approach set out in [*Burdick*]"). The *Anderson-Burdick* balancing approach requires a court to perform an analytical process that parallels its work in ordinary litigation. *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983). The steps of this analysis, as laid out in *Anderson*, are as follows:

It must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiffs seek to vindicate. It then must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule. In passing judgment, the Court must not only determine the legitimacy and strength of each of those interests, it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional.

Anderson v. Celebrezze, 460 U.S. 780, 789 (1983).

94. Giving political parties an advantage by allowing them to select their lieutenant governor candidate for the first time much later in the election process gives political parties an inherent advantage in the general election for the offices of the governor and lieutenant governor.

95. There is no legitimate reason why political parties have this advantage over nonparty political organizations.

96. As there is no legitimate reason for treating party and nonparty political organizations differently, under any level of scrutiny, Iowa's laws dictating the early selection requirement for lieutenant governor for nonparty political party's is unconstitutional on its face.

WHEREFORE, Petitioners requests the Court reverse the decision of the Objection Panel for the foregoing reasons; enter an order requiring the Secretary of State to place Gluba and Cutler on the general election ballot as the Libertarian candidates for governor and lieutenant governor, respectively; declare Iowa Code Sections 44.1, 44.4, 45.1(1), 45.1(8)(b), and 45.6 are unconstitutional; and any other equitable relief consistent with the request herein.

Respectfully submitted,

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