

STATE COMMISSIONER OF ELECTIONS OBJECTION PANEL

**In the Matter of Objection
to the Nomination by Petition of
MARK T. ANDERSEN, Libertarian
Candidate for Congress, United States
House of Representatives, Iowa's
Third Congressional District**

Objection No. 2026-07

Panel Decision

INTRODUCTION

Objectors Annie Kuhle and Wes Enos (“the Objectors”) timely objected to the nomination by petition of Mark T. Andersen (“the Candidate”), who filed nomination papers seeking to appear on the November 2026 general election ballot as the Libertarian Party of Iowa’s candidate for Congress in the United States House of Representatives, Iowa’s Third Congressional District.

Objectors raised several arguments, including that Andersen could not run for office under the false name “Marco Battaglia.” Objectors also challenged the signatures that Andersen gathered. Andersen responded that nothing under Iowa law prohibits a candidate from running under a false name.

Secretary of State Paul Pate presided over the Objection Panel, joined by Attorney General Brenna Bird, and Auditor Rob Sand, which convened on June 15, 2026. At the hearing, the Objectors and the Candidate were given the opportunity to present their arguments. Alan R. Ostergren, of Alan R. Ostergren, PC, appeared for the Objectors. And Stephanie Berlin, Chair of the Libertarian Party of Iowa, appeared for the Candidate. Andersen participated too, offering factual background relevant to the arguments in support of his nomination.

After considering the parties’ submissions and arguments presented at the June 15 hearing, a majority of the panel voted to sustain the objection. The Candidate’s name shall not appear on the general election ballot.

BACKGROUND AND FINDINGS OF FACT

Objectors Annie Kuhle and Wes Enos timely objected to the nomination by petition of Mark T. Andersen, who sought to appear on the November 2026 general election ballot as the Libertarian Party of Iowa's candidate for Congress in the United States House of Representatives, Iowa's Third Congressional District. Kuhle and Enos argued that Andersen could not run under the false name "Marco Battaglia." The Panel hearing was scheduled for June 15, and the Candidate was given until 4:30 p.m. on Friday June 12 to submit any response to the objection to the Secretary of State's office.

Andersen timely responded, arguing that nothing in Iowa law bars him from running under a fake or stage name. He submitted evidence documenting that he has used the stage name in recent years in his musical career. And that he has run for election in recent years under the name "Marco Battaglia." He also submitted copies of identification cards and his driver's license, which show him operating in the community as Mark Andersen—including his work ID card, AAA card, Costco card, health insurance card, and Des Moines public library card.

At the June 15 hearing, Andersen admitted that Mark T. Andersen is his legal name. He told the Panel that the first time he adopted the stage name for purposes of running for office was back in 2018 to run for Attorney General, and he did so in part because it was a more distinctive name to voters than "Mark Andersen." He said there were many people named "Mark Andersen" in Iowa, but not many (or maybe any) named "Marco Battaglia." And he did not want to be confused with any other Mark Andersens. The Candidate further explained that he prefers to go by "Marco Battaglia" because that is the name he has used in his musical career, and he is known within his community by that name. To that point, he noted that one of his children uses the surname "Battaglia." But at the same time, he stated that his father goes by the name Thomas Andersen and that the Candidate's oldest son uses the surname Andersen. He even admitted that he intends to change his legal name to "Marco Battaglia," but has not done so yet.

The Candidate presents himself to government agencies as Mark Andersen. Publicly available records confirm as much. He is registered to vote as Mark Andersen, not under his stage name. And he has made *pro se* filings in a state court civil action as “Mark Andersen.” *See* D0012, *Velocity Investments, LLC v. Mark Andersen*, Polk County No. LACL165106 (04/21/2026).

The Panel thus finds that although the Candidate may be known to some in the community under his stage name “Marco Battaglia,” he holds himself out in many capacities under his legal name “Mark Andersen.” His father and son use that surname. The Candidate goes by that name on his documents at work, at Costco, and at the public library. And that is how the Candidate holds himself out to government agencies and courts. The Panel thus finds the community also knows the Candidate by his legal name.

It is undisputed that the Candidate did not enter his legal name, Mark Andersen, on his nomination petitions nor on the “Candidate Name” line on his affidavit of candidacy.

After hearing the Objection, Secretary Pate and Attorney General Bird voted to sustain the objection to Andersen’s candidacy and Auditor Sand voted to overrule.

LEGAL BACKGROUND

Chapter 44 governs nominations by nonparty political organizations. And for purposes of the 2026 general election, the Libertarian Party of Iowa is a nonparty political organization. Under Chapter 44, nominations are ordinarily made by party convention or caucus. *See generally* Iowa Code §§ 44.1, 44.2. But that chapter also allows nonparty political organizations to nominate by petition as provided by chapter 45. Iowa Code § 44.17. That is the nature of the Candidate’s nomination objected to here.

Chapter 45 requires candidates to file “nomination papers,” which “include a petition and an affidavit of candidacy.” Iowa Code § 45.5(1). Section 45.3(1) requires an affidavit to include the “candidate’s name in the form the candidate wants it to appear on the ballot.” And section

45.5(5) states that a candidate’s “nomination papers shall be rejected if the affidavit lacks . . . [t]he candidate’s name.” Meanwhile section 45.5(1)(b) requires a nomination petition to include the “name of the candidate.” And section 45.5(2) says that “[s]ignatures on a petition page shall be counted only if the information required in subsection 1,” which includes the candidate’s name, “is written or printed at the top of the page.”

The Iowa Supreme Court has made clear that the default rule is that Iowa’s laws governing candidate qualification for the ballot require strict compliance, unless substantial compliance is expressly provided. *Gluba v. State Objection Panel*, 11 N.W.3d 459, 466 (Iowa 2024).

ANALYSIS

The Panel concludes that candidates may use a preferred “form” of their legal name under Iowa Code chapter 45, but they may not use an fake name unrelated to their legal name. That conclusion is supported by the plain language of the statute, Iowa Supreme Court precedent, an Attorney General opinion in other areas of election law, and the approach taken by other States. Because the Candidate used “Marco Battaglia” on his nomination papers, but that stage name bears no relation to the Candidate’s legal name, the Panel sustains the objection. And because the Panel sustains the objection on that ground, it does not reach Objectors’ challenge to the signatures gathered by the Candidate.

A. Candidate nomination papers must use the candidate’s legal name or a variation of the legal name.

When Chapter 45 refers to “candidate name” it means the “candidate’s name in the form the candidate wants it to appear on the ballot.” Iowa Code § 43.3(1). The legal name “in the form” the candidate desires suggests that the preferred name must be connected to the legal name. Indeed, the “in the form” modifies the “candidate’s name.” *Id.*

The Legislature knows the difference between a candidate’s name and his nickname or popular name in the election law context. In Chapter 68A, governing campaign finance, Section 68A.102(6) refers in one subpart to “the name of the candidate” and in another subpart to the

candidate's "nickname" or "popular name." That variation further confirms that when the legislature wants to refer to "popular name," it does so expressly. It did not do so in Chapter 45.

The Iowa Supreme Court has taken the approach that a related variation from a name still counts as that name, but a name that substantially deviates does not. *See Beck v. Cousins*, 106 N.W.2d 584, 589 (1960) When considering write-in votes on an election ballot, the Court explained that a voter's write-in vote should not be invalidated if "there is a clear relation between the appearance or sound of the name written and that of the candidate and only one man of a particular name is a candidate for the office." *Id.* So too if "the voter omitted the candidate's initial or employed a wrong initial, or wrote the candidate's initials in place of his given name, or wrote only the candidate's last name, there being no other candidate of the same name to be voted for." *Id.*

So there, votes for "Mr. Beck" and "Beck" were counted as votes for Jack Beck. And votes for "France Devine" and "Frank Devine" were counted as votes for Francis Devine. *See Devine v. Wonderlich*, 268 N.W.2d 620, 628 (Iowa 1978). But votes for "Dan Devine," "Jim Devine," "Russell Devine," and "Louis P. Devine" were all rejected. *Id.*

That approach is consistent with an opinion issued by then-Attorney General Richard Turner in 1974. When asked whether a candidate whose first name had been misspelled as "Elden" instead of "Eldon" on the ballot had a right to demand reprinting of the ballots, the Attorney General Opinion said no. No. 74-9-25, 1974 WL 353862 (Iowa A.G. Sept. 24, 1974). It reasoned that "[t]he doctrine of *idem sonans*, meaning "sounding the same or alike; having the same sound," applies. *Id.* The term is applied to names which are substantially the same, though slightly varied in the spelling, as for instance "Lawrence" and "Lawrance." *Id.* The Opinion explained further that "the doctrine of '*idem sonans*' has been much enlarged by modern decisions, to conform to the growing rule that a variance, to be material, must be such as has misled the opposite party to his prejudice. *Id.*

Other States also reject attempts by candidates to use misleading preferred names even if they have statutes expressly allowing for preferred names. The Minnesota case *Weiler v. Ritchie* confirms that “[b]allots shall be prepared in a manner that enables the voters to understand which questions are to be voted upon and the identity and number of candidates to be voted for in each office and to designate their choices easily and accurately. Consistent with this language, the ballot itself and the candidate information on the ballot are intended to assist the voter in identifying easily and accurately the candidates for whom they wish to vote.” 788 N.W.2d 879, 888 (Minn. 2010).

Despite acknowledging that “the evidence establishes that [the candidate] ha[d] been and remain[ed] known to some people as [his preferred name], the uncontroverted evidence convincingly establishes that for at least the past eight years, up to the filing of the affidavit of candidacy at issue here, [the candidate] presented himself to government officials with whom he has filed official documents, to the voters in his legislative campaigns, and to the public generally, as [his real name] not as [his preferred name.]” *Id.*

Similarly, the Louisiana Court of Appeal concluded that “a state has a constitutional right to regulate how and in what circumstances names of candidates shall be placed on ballots to protect voters from confusion or fraudulent or frivolous candidates.” *None Of The Above v. Hardy*, 377 So. 2d 385, 387 (La. Ct. App. 1979) (citing *MacBride v. Exon*, 558 F.2d 443 (8th Cir. 1977)). Given that Louisiana’s statute expressly barred candidates from designating deceptive names, the court barred the candidate from appearing on the ballot under the name “None Of The Above” even though he had legally changed his name. *Id.*

More, when States allow candidates to run for office under nicknames—rather than variants of their legal name—it appears those States affirmatively grant that right by statute. *See, e.g.*, Christopher M. Childree, *Cueing Democracy: Replacing the Texas Election Code’s Title Prohibition*, 46 St. Mary’s L.J. 377, 379 & nn.13 & 14 (2015) (collecting

state statutes, many which affirmatively allow nicknames); *see generally* Peter Nemerovski, *You Can Call Me Al: Regulating How Candidates' Names Appear on Ballots*, 99 Neb. L. Rev. 848, 851 (2021). Iowa does not have such a nickname statute enacted. It thus appears that the default rule across the Nation is that candidates may not run under a stage-name identity unless statute expressly allows. And Iowa's statutes do not.

B. The stage name “Marco Battaglia” bears no relation to the Candidate’s legal name.

The Candidate used a stage name on his nomination petition and his affidavit of candidacy (though he signed the affidavit using his legal name). But that name bears no relation to his real name Mark Andersen. Indeed, the Candidate did not dispute that he did not include any form of his legal name on his petitions. That is fatal.

The Candidate instead appears to argue substantial compliance, urging that because he believes he is better known in the community as “Marco Battaglia,” therefore using that name rather than his legal name would be less misleading to voters.

Ordinarily, the misleading inquiry is reserved for questions of substantial compliance. *See* Ruling on Pet. for Judicial Review, *Narcisse v. Sec. of State*, Case No. CVCV47338, at 3 (Iowa Dist. Ct. Polk Cnty. Mar. 27, 2014) (no substantial compliance when error is likely to “confuse or mislead electors signing the petition”); *id.* (collecting cases). But chapter 45’s candidate-name requirements are subject to strict compliance.

And even assuming the Candidate is better known in the community by his stage name, the Panel concludes that his preferred name is likely to mislead voters as to his identity. Indeed, at the June 15 objections hearing, the Candidate admitted that one of the reasons he wanted to appear on the ballot as “Marco Battaglia” is because it is a more unique name than his legal name, Mark Andersen. He noted that someone searching the name “Mark Andersen” might get results that relate to him or to others. The Panel notes that someone searching

“Marco Battaglia” might miss relevant information that relates to his legal name, Mark Andersen. He also stated that multiple members of his family, including his father and oldest son, still use the “Andersen” last name. And as Objectors noted, Marco Battaglia is a real person, a former tight end in the National Football League. Objection 3–4. Thus, the Panel concludes that the objection to Andersen’s candidacy should be sustained.

C. The Panel is not estopped from requiring strict compliance with the statute.

The dissent largely disagrees with the Panel because, as the dissent sees it, the Panel is equitably estopped from applying the statute’s requirements to Andersen given that Andersen has previously run under his stage name. The first problem with that approach is that the Iowa Supreme Court has never applied equitable estoppel to the Objection Panel.

In any event, the Candidate cannot satisfy the necessary elements to hold this Panel estopped from enforcing the statute. *See Christy v. Miulli*, 692 N.W.2d 694, 702 (Iowa 2005) (“The foundational elements of equitable estoppel are well established: (1) The defendant has made a false representation or has concealed material facts; (2) the plaintiff lacks knowledge of the true facts; (3) the defendant intended the plaintiff to act upon such representations; and (4) the plaintiff did in fact rely upon such representations to his prejudice.”).

It is unclear what false representation or concealment of material facts the Panel made to the Candidate. It instead appears the dissent seeks to hold the Panel estopped based on the Secretary of State having accepted for filing the Candidate’s nomination papers in years past. But there has never been an objection to Andersen’s use of a stage name, therefore the Panel has never decided the issue nor given Andersen the green light to use his stage name.

Thus, the Panel has never made a false representation to the Candidate. Rather, it ruled on an objection raised for the first time by an

eligible voter in the Candidate's district, as required by Iowa law. Neither the Candidate nor the Auditor can point to any prior order of the Panel concluding that the Candidate's preferred name was not misleading and thus could appear on the ballot—because there is none.

Concluding otherwise would bar all eligible voters in Iowa's Third Congressional District from objecting to Andersen's candidacy in perpetuity because they did not raise those objections in prior elections. Nothing in Iowa law requires such a harsh result. Rather, the statute provides two independent forms of review of a candidate's nomination papers, first by the Secretary of State then by this Panel. First, the Secretary of State's office reviews the papers and determines whether to accept them for filing. Second, those papers are open to public inspection and eligible voters may file an objection, which this Panel must sustain or overrule. The dissent's theory of estoppel would eviscerate the utility of the second path of review by adding a limitation not found in the statute or precedent. This Panel declines to do so.

CONCLUSION

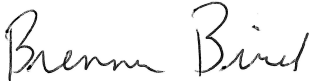
Secretary Pate and Attorney General Bird voted to sustain the objection, and Auditor Sand voted to overrule. The State Objection Panel hereby orders:

The Objection is **SUSTAINED**. Andersen's name shall not appear on the November 2026 general election ballot as the Libertarian Party of Iowa's candidate for U.S. Representative for Iowa's Third Congressional District.

June 15, 2026

/s/  _____

Paul Pate, Secretary of State

/s/  _____

Brenna Bird, Attorney General

/s/ _____

Rob Sand, Auditor of State



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June 18, 2026

43.24 Objection Panel

Brenna Bird
Attorney General

Paul Pate
Secretary of State

Rob Sand
Auditor of State

RE: Dissent from Battaglia Decision

I respectfully dissent from the panel's decision to remove the candidate from the general election ballot because Marco Battaglia has been long established as the professional and electoral name of the candidate. The majority seeks to disqualify the candidate because his legal name is Mark Anderson, and "Marco Battaglia" is a "fictitious identity." In fact, "Marco Battaglia" is the name used every day by Mark Anderson, who has previously run for office in Iowa multiple times under his pseudonym. As a result, the panel should be estopped from reversing the Secretary of State's previous acceptance of the name.

The majority seeks to insert words into the statute that are not present, suggesting that a candidate must use their legal name to run for office. In fact, the law explicitly requires candidates seeking nomination by petition to complete their affidavit using "the candidate's name in the form the candidate wants it to appear on the ballot."¹ For nomination petitions, the Secretary of State instructs candidates that "The candidate's name should be printed exactly as the candidate wishes the name to appear on the ballot. No parentheses, quotation marks, or titles (e.g. Dr., Mrs., etc.) may be included."² The candidate complied with these provisions. However, the majority insists this candidate must use his legal name, despite a complete lack of a statutory basis for this claim, and many examples to the contrary.

At the hearing, the majority asserted that this "requirement" was meant to ensure that voters aren't confused about who they are voting for. However, an examination of the electoral record shows that voters are familiar with Marco Battaglia. The candidate offered evidence of using the name "Marco Battaglia" in his professional and political life. He has appeared as Marco Battaglia in Iowa elections three times: in 2018 as a candidate for Attorney General, in

¹ Iowa Code 45.3(2)

² 2026 Iowa Secretary of State candidate guide, p. 8

<https://sos.iowa.gov/sites/default/files/2026-02/2026%20General%20Candidate%27s%20Guide.pdf>

2022 as a candidate for Lt. Governor, and in 2024 as a write-in candidate for the 3rd U.S. House district. He filed identical affidavits in previous election bids, asserting he wished to be listed as “Marco Battaglia” on the ballot, while signing the notarized affidavit with his legal name. There was no objection to his use of this professional name in any of the previous bids, and the Secretary of State placed him on the ballot using the pseudonym.

The candidate’s pseudonym was accepted by the Secretary of State and Iowans cast their votes based on that pseudonym multiple times. The candidate received 262,131 votes in 2018 and 28,998 in 2022, both times under the name Marco Battaglia. Even if there was a statutory requirement mandating a candidate’s legal name, the panel should not have the power to nullify voter recognition of the candidates preferred name in three previous elections.

Additionally, the candidate offered evidence of his non-political usage of the name “Marco Battaglia,” including his “stage name” for his musical career and as the surname for one of his children. His profile on the musician’s website “Encyclopedia Metallum: The Metal Archives” shows his name as “Marco Battaglia,” the bassist for Dark Mirror. He asserted that he used this name for his musical career, and provided CDs and T-shirts of his band “Dark Mirror” during the objection hearing. The candidate’s social media handles all use the name “Marco Battaglia,” and he has consistently posted about both his political and music careers under this name. There is no confusion as to the identity of Marco Battaglia. Indeed, Mr. Battaglia offered evidence that there are many Mark Andersons and Andersens in Iowa but only one Marco Battaglia. Moreover, multiple individuals present acknowledged knowing a Mark Anderson or Mark Andersen other than the one present. If anything, the use of Marco Battaglia in this case would prevent confusion, not create it.

The question of whether another candidate could choose to be listed under a pseudonym that is in fact a better known person than themselves (Chuck Grassley, Tom Harkin, Caitlin Clark) is not before the panel or the court. Were that to occur, it might be reasonable to remove that person to prevent voter confusion.

But here, this candidate has run under this name multiple times. The hundreds of thousands of Iowans who voted for Marco Battaglia would be ill-served by the candidate needing to assume a name on the ballot that has never been listed before. The affidavit has always said Mark Anderson when legally required for notarization, while seeking to be placed on the ballot as Marco Battaglia. The panel should be estopped from requiring the candidate to change the name under which he has previously been on the ballot, especially in the absence of statutory language to the contrary. I respectfully dissent.

A handwritten signature in black ink, appearing to read "Rob Smith". The signature is stylized with a large, looped "R" and a cursive "Smith".