
In the Matter of the Nominating Petition of
Randy Feenstra

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**Candidate’s Resistance to the
Objection**

Introduction

The purpose of a nominating petition is to establish that “a potential candidate has sufficient support among the electorate to justify placing the candidate’s name on the ballot.” *In the Matter of Objection to the Nominating Petition of Joseph Seng, D.V.M.*, Order, p. 4 (2012). That is all. Nominating petitions are not meant to be fodder for competing campaigns or a playground for political opponents who want to play “gotcha.”

With that in mind, and to fulfill that purpose, this Panel has consistently ruled 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 the Objection to the Nominating Petition of Thomas A. Greene*, Panel Decision (2016) (quoting *In the Matter of the Objection to the Nominating Petition of Paul W. Johnson*, Findings of Fact, Conclusions of Law, Decision and Order, p. 9 (2004)).

Objector Cynthia Hanson makes several challenges to Senator Feenstra’s nomination papers, some of which she calls “systemic” and others which are more targeted to specific signatures. Other than the duplicate signatures, which we concede do not count, none of Hanson’s objections are legally sound. Even after removing duplicate signatures, Senator Feenstra’s petition easily meets the threshold required by law.

I. Iowa law does not require that the person responsible for circulating the petition page witness each signature.

Hanson asks the Panel to strike several of Senator Feenstra’s petition pages because the person responsible for circulating the petition page did not witness each signature. Because there is no such requirement under Iowa law, Hanson’s objection must be denied.

In 2019, the legislature amended Iowa Code sections 43.14(1) to state that nomination papers must include “the printed name, signature, address, and phone number of the person responsible for circulating the petition page.” That new provision does not require that the person responsible for circulating the petition page witness each signature. If that were the case, the legislature would have been (and would have needed to be) much more clear.

Several other states do require circulators to witness each signature, but those states say so—expressly. Nebraska, for instance, demands that “each circulator of a petition shall personally witness the signatures on the petition and shall sign the circulator’s affidavit” to that effect. Neb. Rev. Stat. § 32-630. Illinois similarly requires that someone certify “that the signatures on that sheet of the petition were signed in his or her presence.” 10 Ill. Comp. Stat. Ann. 5/10-4. And Virginia requires that “[e]ach signature on [a] petition shall have been witnessed by a person . . . whose affidavit to that effect appears on each page of the petition.” Va. Code § 24.2-506(A). Maryland requires basically the same thing. MD Elec. Law Code § 6-204(a).

In comparison, Iowa Code section 43.14(1) says nothing about witnessing the signatures. It states only that the “person responsible for circulating the petition page” needs to sign it. Being responsible for circulating a petition page is not the same thing as witnessing the signatures. A person is “responsible” for circulating a petition if they are “answerable or

accountable” for the petition or circulating the petition is something within their management.

<https://www.dictionary.com/browse/responsible>.

Senator Feenstra’s campaign followed that requirement. Per customary Iowa practice, campaign staff circulated petition papers to each precinct for caucus day, where the papers were signed by eligible voters as they entered the caucus. The person responsible for circulating those petitions to each precinct—Emily Schwickerath and Josh Perschall from the Feenstra campaign—signed them as the person responsible. That is exactly what the statute requires and exactly what they did.

Because the circulator requirement is new, Schwickerath called the Secretary of State’s Office to verify that the campaign’s process was in compliance with Iowa law. She was directed to Lance Kramer, who confirmed that they were indeed doing it correctly.

Because “statutes governing nomination papers should be liberally construed”¹ in favor of ballot access, the Panel should not read a witness requirement into section 43.14(1) when the legislature chose not to expressly include one. In each case, the person responsible for circulating Senator Feenstra’s petition pages signed those pages. That is all that is required, and thus the objection must be denied.

¹ *In the Matter of the Objection to the Nominating Petition of Ralph Nader and Peter Camejo*, Findings of Fact, Conclusions of Law, Decision and Order, p. 12 (2004).

II. The circulators substantially complied with the purpose of listing an address at which they could be reached.

Hanson claims that several nominating petitions should be stricken because the person who was responsible for circulating the petition listed Senator Feenstra’s address rather than the address where they are registered to vote. That argument should be rejected.

A nominating petition is in substantial compliance with Iowa Code—and thus will not be stricken—so long as it includes “essential matters necessary to assure the reasonable objectives of the statute.” *Narcisse v. Iowa Secretary of State*, Case No. CVCV 47338, Ruling on Petition for Judicial Review, at p. 2 (Mar. 27, 2014). The reason for having the circulator list their address is so that the Secretary of State’s Office or anyone else reviewing the petitions can contact the “person responsible” for circulating the petition. The circulators who listed Senator Feenstra’s address in as their own—Emily Schwickerath, Josh Perschall, and Matthew Leopold—are all campaign staff who, during this election season, are often away from home for long periods of time. They stay in numerous places, and often at Senator Feenstra’s house. If someone needed to reach them by mail about the petitions, then Senator Feenstra’s house would be the best way to do so. And thus, the purposes of the statutory requirement was achieved.

It’s not as if these people cannot be identified. Hanson knew who they were, as she identified them in her objection as campaign staff. Moreover, they also listed their cell phone numbers.

There was also no intent to deceive, which is what the Panel looks for in determining whether there was substantial compliance with the statute. *Nominating Petition of Thomas A. Greene*, Panel Decision, p. 2 (2016). This practice—of using Senator Feenstra’s address as the

contact for the campaign staff circulators—was also confirmed by the Secretary of State’s Office. Schwickerath asked Lance Kramer, who told her it was appropriate. *See* Decl. of Emily Schwickerath.

Because the petitions substantially comply with the address requirement, the objection must be denied.

III. The Panel has ruled again and again that the use of shortened names on the nominating petition is not cause to strike them.

Hanson says that, because Senator Feenstra registered with the FEC using Randall Feenstra but used Randy Feenstra on his affidavit and nomination papers, the petitions should be thrown out. This Panel has rejected that argument, or at least a variant of it, time and again. The Panel ruled it was fine for one candidate to list Thomas Greene on his affidavit of candidacy and Tom Greene on his nomination petitions. *In the matter of the Objection to the Nominating Petition of Thomas A. Greene*, Panel Decision (2016). The Panel also ruled it was okay for another candidate to use Jake Chapman on his affidavit and Jacob Chapman on some of his petition pages. *In the matter of the Objection to the Nominating Petition of Jake Chapman* Panel Decision (2016). Hanson’s argument is even weaker. Senator Feenstra’s affidavit and petition pages are the same. She is pointing to his FEC registration, which is subject to different rules and regulations.

Surely those who signed the petition for “Randy Feenstra” were not confused about who the candidate was. The objection should be denied.

IV. A signature cannot be rejected because the signor is not registered to vote at the listed address.

Hanson claims that several signatures should be stricken because the signatory is registered to vote at a different address. But signatories don't even need to be registered voters; they just need to be eligible electors, meaning they must have "the qualifications necessary" to vote, "whether or not the person is in fact so registered." Iowa Code § 39.3; *See also In the Matter of the Objection to the Nominating Petition of Ralph Nader and Peter Camejo*, Findings of Fact, Conclusions of Law, Decision and Order, p. 9 (2004).

It's common and should be expected that dozens of people who sign a nominating petition will list an address other than the address where they were *last* registered to vote. Some of them may have recently moved. Others may be at college. They might eventually register to vote at their new address. They might not register to vote at all. But the point is this: Voter registration has *nothing* to do with whether someone is an eligible elector.

Hanson has failed to provide any evidence that these individuals do not indeed reside at the listed addresses. Her objection must be denied. *See In the Matter of Nader* at p. 9 (stating that the burden is on the objector to prove that the signatories are not eligible electors).

V. Feenstra Story 27, 34, and 35 substantially complied with the requirements for nominating petitions.

Hanson makes specific challenges to three Story County nominating petitions, labeled Feenstra Story 27, Feenstra 33, and Feenstra 35. Josh Perschall was the person responsible for circulating each of the petitions. On one of them, he did not include his address; on the others he forgot to sign his name (though he did print it). While not in strict compliance with the requirements, these petitions are in substantial compliance. Perschall was responsible for each

of the petitions before and after the challenged ones, and he included all relevant information on those petitions. *See* Decl. of Josh Perschall. And since the purpose of the circulator box is to allow the Secretary of State's Office to identify the person responsible, and since each of the challenge sheets clearly show that Perschall was the responsible party, the objects of the statute were fulfilled. The challenge should be rejected.

Conclusion

Hanson's challenges are inconsistent with this Panel's prior decisions and Iowa law. They should be rejected.



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