

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

In the Matter of the Objection to the Nominating Petition of RON CORBETT, Republican Candidate for Governor	CVCV056038 ORDER
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SUMMARY

This case presents a question of law: Should a signature that has been stricken through (e.g., “~~Paige Anderson~~”) be counted as a signature for purposes of Iowa Code section 43.20? The Court answers that question in the negative.

Based on that conclusion, the Court further concludes that Mr. Ron Corbett’s nomination papers did not meet the requirements of Iowa Code section 43.20. Therefore, the Section 43.24 Panel was correct in declining to certify the nomination of Mr. Corbett to the Republican primary ballot for the office of Governor. Mr. Corbett’s petition will be dismissed.

BACKGROUND

Mr. Corbett is a Republican. He seeks to represent his party in the upcoming gubernatorial election. To do so, he must first win the Republican primary election.

Iowa Code chapter 43 governs primary elections. Iowa Code § 43.1. It sets out specific requirements that a candidate must meet before his or her name can be placed on the primary ballot.

For example, Iowa Code section 43.11 required Mr. Corbett to “file” certain “nomination papers” no “later than 5:00 p.m. on” March 16, 2018, “the sixty-ninth day” before the primary. Section 43.14 set requirements for Mr. Corbett’s “nomination papers.” As one particular, section 43.14 required Mr. Corbett’s “nomination papers” to include “petition page[s]” bearing valid “signatures” of Iowa voters. Iowa Code section 43.20 set the number of signatures Mr. Corbett was required to file. Specifically, section 43.20(1)(a) required Mr. Corbett to file the signatures of “not less than one-half of one percent of the total vote of the candidate’s party in the state, as shown by the last general election.” It is undisputed that this statutory language required Mr. Corbett to file 4,005 valid signatures.

On March 16, 2018, Mr. Corbett filed his nomination papers. They included 4,091 signatures.

On March 21, 2018, Mr. Craig Robinson filed an objection. Mr. Robinson claimed that 108 of Mr. Corbett's signatures were invalid.

Pursuant to Iowa Code section 43.24, Mr. Robinson's objection was considered by a panel consisting of the Secretary of State, the Auditor of State, and the Attorney General. The Panel voted 2-1 "to not certify the nomination" of Mr. Corbett "due to a failure to achieve the minimum number of signatures required by Iowa Code section 43.20." (Panel Decision, p. 9). More specifically, the Panel majority determined that Mr. Corbett's papers "contained 3,997 valid signatures," which left him "eight signatures short" of the statutory "minimum number." (*Id.*). Mr. Corbett then filed the present lawsuit to challenge the Panel's decision.

ANALYSIS

The parties to this case disagree about many things. They do, however, agree on some things. First, they agree that this Court should review the Panel's decision for errors at law.

Second, the parties agree that the central issue in this case concerns the Panel's treatment of certain signatures that were stricken through (e.g., "~~Paige Anderson~~") by Mr. Corbett's campaign. (See AR 268). The Panel declined to treat the stricken signatures as valid signatures. The parties agree that, if the Panel was wrong on this issue, then nine (9) additional signatures should be counted in Mr. Corbett's favor. That would bring him to 4,006 signatures, which would be one (1) more signature than he needs to be on the primary ballot. The parties also agree, however, that if the Panel was right about the stricken signatures, then Mr. Corbett cannot show enough signatures to meet the statutory requirements of section 43.20.

Finally, it appears undisputed that the Court is faced with a question of first impression. The parties have not cited, and the Court has not found, a decision that answers the specific question of whether a stricken signature should be counted as a signature for purposes of section 43.20.

The Court finds helpful guidance, however, in our common usage of language. See, e.g., *Schaefer v. Putnam*, 841 N.W.2d 68, 78 (Iowa 2013) (defining statutory term by reference to, among

other things, “common usage”). When words are stricken through—or, in other words, *crossed out*—it means that the words are deleted. <http://www.dictionary.com/browse/strike-through> (defining “strike through” as a transitive verb meaning “to draw (a line) through (something) to delete it”). For example, when our legislature passes a bill that deletes words from the current Iowa Code, strikethrough (i.e., ~~word~~) is used to show which words will be deleted. Likewise, Iowa courts have often recognized that, when text is stricken through, it should be treated as having been removed or deleted. *See, e.g., State v. Louisell*, 865 N.W.2d 590, 600 (Iowa 2015) (using strikethrough to “illustrate the severed parts” of a statute); *Roberts Dairy v. Billick*, 861 N.W.2d 814, 819 n. 2 (Iowa 2015), *as amended* (June 11, 2015) (using strikethrough to indicate “deletions”); *Passehl Estate v. Passehl*, 712 N.W.2d 408, 415 (Iowa 2006) (using strikethrough to indicate language effectively “excise[d]”); *In re Estate of Phillips*, No. 01-0879, 2002 WL 1447482, at *1 (Iowa Ct. App. July 3, 2002) (discussing a will in which language had been removed through a strikethrough).

By striking through—or crossing off—the signatures at issue, Mr. Corbett’s campaign deleted those signatures from his

nomination papers. The Panel was correct, therefore, in refusing to count those signatures in Mr. Corbett's favor.

It should be emphasized that the standard employed here is objective. Striking a signature deletes the signature. This is true regardless of the motives behind the striking. Therefore, the affidavit of Mr. Crowley, in which he states his reasons for striking the signatures, is not relevant to the Court's analysis.

Mr. Corbett argues that the will of certain voters will be foiled if Mr. Corbett's name does not appear on the primary ballot. Yet democracy requires courts to follow statutes that have been lawfully enacted by the people's elected representatives. Iowa Code section 43.20 is one of those statutes. It required Mr. Corbett to file 4,005 valid signatures. Mr. Corbett only filed 3,997 valid signatures. Therefore, Mr. Corbett did not substantially comply with Iowa Code section 43.20. As a result, Mr. Corbett's petition should be, and hereby is, **DISMISSED**. Costs are assessed against Mr. Corbett.



State of Iowa Courts

Case Number
CVCV056038

Case Title
OBJECTION TO THE NOMINATING PETITION OF RON
CORBET
Type: OTHER ORDER

So Ordered

David May, District Court Judge,
Fifth Judicial District of Iowa

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