

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

**NICHOLAS GLUBA, LIBERTARIAN
CANDIDATE FOR GOVERNOR, and
JULIA “JULES” CUTLER,
LIBERTARIAN CANDIDATE FOR LT.
GOVERNOR,**

Petitioners,

vs.

STATE OBJECTIONS PANEL,

Respondent,

And

KEVEN ARROWSMITH,

Intervenor.

Case No. CVCV071310

RULING ON WRIT OF CERTIORARI

I. INTRODUCTION

This matter came before the court for hearing on July 21, 2026, on the writ of Certiorari issued July 7, 2026. D0019.¹ The Petitioners Nicholas Gluba (“Gluba”) and Julia “Jules” Cutler (“Cutler”) (together, “the Petitioners”) appeared along with their counsel, Jacob P. Heard. Respondent State Objections Panel (“the Panel”) appeared through Deputy Solicitors General Patrick C. Valencia, Eric Wessan and Rudra Reddy. The Intervenor-Respondent Keven Arrowsmith (“the Objector”) did not appear, but was represented by counsel, Michael S. Boal. Evidence, including exhibits and testimony was received pursuant to the court’s Order of July 8, 2026. D0022. Much of the evidence was received subject to objections lodged that such evidence

¹ The court previously ruled that this matter proceed through a Writ of Certiorari, and not through judicial review pursuant to Iowa Code § 17A.19. Ruling on Petitioners’ Application for Leave to Present Additional Evidence, July 7, 2026, D0022.

is beyond the scope of I.R.Civ.P. 1.1410 and/or otherwise irrelevant. The court will rule on such objections as necessary in the ruling below. The court granted additional time for the parties to submit post-hearing briefing. Now, the court, having considered the court file and all filings within it, including the return on the writ in two volumes (D0028 – D0039), the appropriate evidence, and oral and written arguments of counsel, enters the following ruling.

II. BACKGROUND

The Petitioners sought the Libertarian Party of Iowa’s nomination by petition under Iowa Code chapter 45 as candidates for Governor and Lieutenant Governor. They filed their nomination papers with the Iowa Secretary of State’s Office on the deadline date for such submissions, June 2, 2026, at 11:50 a.m. Return of Writ, Vol. II, p. 160, D0029 (attachment). The nomination petition named Gluba for Governor and Cutler for Lieutenant Governor, and it contained more than 8,000 signatures—well in excess of the statutory minimum. *Id.* pp. 162-1,603, D0029-0039 (att.); *see* Iowa Code § 45.1(1). At the Secretary of State’s office, an election support specialist, Dani Phillips (“Phillips”), received the nomination petition, and reviewed, notarized and received Gluba’s affidavit of candidacy. *Id.* p. 161. Phillips issued Gluba a Receipt for Nomination Papers, which recited among other things that issuance of the receipt “does not mean the papers will be accepted for filing,” that all forms would be checked for proper completion, that a candidate would be notified by telephone, email, and letter if papers were to be returned, and that objections to the legal sufficiency of nomination papers could follow. *Id.* p. 160.²

What also happened or did not happen at the Secretary of State’s office is the central factual dispute in this case. Cutler contends that she had a completed affidavit of candidacy in her

² The Return’s copy of the receipt shows a handwritten timestamp of 11:50 a.m. While nobody disputes that the time is accurate, Phillips confirmed in her testimony that the timestamp was added by another staffer after the receipt was issued to Gluba. *See*, Ex. 3.

possession, that she attempted to hand it to Phillips while informing Phillips that she was the Lieutenant Governor candidate, and that Phillips declined to accept or notarize it, telling Cutler that the affidavit was “not needed.” Teyla Dvorak, an intern with Cutler’s law firm, backed up Cutler’s account through an affidavit, *Id.* Vol. I, p. 98, and counsel Jacob Heard also filed an affidavit attesting that he had entered the information into the affidavit of candidacy forms for both Gluba and Cutler shortly before they left for the Secretary of State’s office. *Id.* p.97.

Phillips disputed Cutler’s account through an affidavit, *Id.* pp. 46-47; a supplemental affidavit, *Id.* pp. 83-84; and her statement before the Panel in which she attested that Cutler never handed her an affidavit of candidacy, that she did not refuse to accept or notarize any such affidavit, and that she never told Cutler that an affidavit was not needed. It is undisputed that no signed, notarized affidavit of candidacy for Cutler was filed with the Secretary of State’s office by the 5:00 p.m. deadline on June 2, 2026.

On June 9, 2026, the Objector filed objections to the Petitioners’ nomination papers on four grounds: (1) that the nomination petition misstated the Lieutenant Governor candidate’s name by using “Jules Cutler” rather than her legal name, “Julia Cutler”; (2) that the nomination papers were deficient because Cutler had failed to file an affidavit of candidacy as required by section 45.3; (3) that Gluba’s affidavit of candidacy misstated his home address; and (4) that the notarization of Gluba’s affidavit of candidacy was defective. *Id.* pp. 24-28. Auditor of State Rob Sand recused, given his own candidacy for Governor, and the Secretary of State designated Secretary of Agriculture Mike Naig as his replacement. *See id.* p. 51. The Panel—Secretary of State Paul Pate, Attorney General Brenna Bird, and Secretary Naig—heard the objections on June 15, 2026. No record was made of the proceedings and no testimony was taken under oath, although Phillips appeared and answered questions from the Panel and Petitioners’ counsel. Cutler also made a

statement to the panel. The Panel voted unanimously to sustain the objection. See Panel Decision, *id.* pp. 3-23.

The Panel issued a 21-page written decision dated June 15, 2026.³ *Id.* In it, the Panel denied Petitioners' motion to recuse Secretary Pate; denied Petitioners' motion to prevent Auditor Sand's recusal; and found Petitioners' attempt to subpoena Phillips for her testimony improper. On the merits, the Panel addressed only one of the four objections and found Cutler's missing affidavit dispositive.⁴ It held that Iowa Code section 45.3 requires each candidate to file a signed, notarized affidavit; that objections to affidavits of candidacy are authorized under sections 44.3, 44.4, and 44.6; and that the cure period expired at 5:00 p.m. on June 2. The Panel also found Phillips to be experienced and credible and entitled to greater weight than Petitioners' affidavits, determining that Cutler never tendered and Phillips never refused an affidavit of candidacy, making it unnecessary to reach Petitioners' good-faith-reliance argument. It also rejected the Petitioners' theory that the Secretary of State office's acceptance of the papers waived any deficiency. The Panel sustained the objection and ordered that Petitioners not appear on the ballot. *Id.*

The Petitioners commenced this action on June 23, 2026, with a Petition for Judicial Review under chapter 17A, D0001. The Objector filed his Motion to Intervene on June 24, 2026, D0004, which the court granted on June 26. D0009. On June 24, the Petitioners filed their Application for Leave to Present Additional Evidence under section 17A.19(7). D0003. On July 2, they filed their Motion to Amend Petition, seeking to add, in the alternative, a Petition for Writ of Certiorari. D0013 (and att.). Both the Panel and Objector resisted on July 6. D0014 - 0015. After a hearing held on July 7, the court issued a ruling the same day determining that this matter shall proceed under a writ of certiorari, and not as a judicial review under Iowa Code section

³ The court is not clear as to when the written decision was actually issued, but it was some time after June 15.

⁴ No party sought review regarding the Panel's decision not to hear or rule on the other three objections.

17A.19; granting the Petitioners' Motion to Amend their Petition; and allowing the presentation of additional evidence at the hearing on the Writ so long as it fits within the parameters of I.R.Civ.P. 1.1410. D0022.

The Petitioners, through their Amended Petition, raise numerous grounds challenging the Panel's decision, including: 1) that objections to an affidavit of candidacy are not authorized under sections 44.4 or 45.4; 2) that Petitioners reasonably relied on the Office's statutory duty to reject deficient papers and allow a cure; 3) that Cutler's failure to submit an Affidavit of Candidacy is excused by good faith reliance on Phillips's statement that an affidavit of candidacy for Lieutenant Governor was not needed; 4) that Secretary Pate was subject to disqualification and should have recused; 5) that the Panel was illegally constituted because the Governor, not the Secretary of Agriculture, should have replaced Auditor Sand under section 44.6; 6) that the Panel's decision rests on an erroneous interpretation of law, is unsupported by substantial evidence, and is arbitrary and capricious; and 7) that sections 44.1, 44.4, 45.1(1), 45.1(8)(b), and 45.6 are unconstitutional facially and as applied under the Equal Protection Clause. D0013 (att.).

III. LEGAL STANDARDS

Iowa Rule of Civil Procedure 1.1401 provides that a party may commence a certiorari action when authorized by statute or when the party claims that an inferior tribunal, board, or officer, exercising judicial functions, or a judicial magistrate exceeded proper jurisdiction or otherwise acted illegally. Iowa R. Civ. P. 1.1401. Certiorari is an "extraordinary remedy." *Wallace v. Des Moines Indep. Cmty. Sch. Dist. Bd. of Directors*, 754 N.W.2d 854, 857 (Iowa 2008) (quoting *Hohl v. Bd. of Educ.*, 250 Iowa 502, 509, 94 N.W.2d 787, 791 (1959)). It "is the method for bringing the record of an inferior tribunal before the court for the purpose of ascertaining whether the inferior tribunal or body had jurisdiction and whether its proceedings

were authorized.” *Id.* quoting *Hohl*, 94 N.W.2d at 791; *see also* Iowa R. Civ. P. 1.1403 (stating “relief by way of certiorari shall be strictly limited to questions of jurisdiction or illegality of the act complained of, unless otherwise specially provided by statute”).

“Certiorari may not be used to correct mere errors on the part of the inferior tribunal.” *Bush v. Bd. of Trs. of Mun. Fire & Police Ret. Sys. of Iowa*, 522 N.W.2d 864, 866 (Iowa Ct. App. 1994) (citing *Giesey v. Board of Adjustment of Iowa City*, 229 N.W.2d 258, 259 (Iowa 1975)). Certiorari is an action at law to test the legality of the action taken by an inferior tribunal and the court’s review is not de novo. *Id.* “An inferior tribunal commits an illegality if the decision violates a statute, is not supported by substantial evidence, or is unreasonable, arbitrary, or capricious.” *Bowman v. City of Des Moines Mun. Hous. Agency*, 805 N.W.2d 790, 796 (Iowa 2011) (citing *Perkins v. Bd. of Supervisors*, 636 N.W.2d 58, 64 (Iowa 2001)). Substantial evidence means the same as defined in Iowa Code section 17A.19(10)(f)(1). *Id.* That is “the quantity and quality of evidence that would be deemed sufficient by a neutral, detached, and reasonable person, to establish the fact at issue when the consequences resulting from the establishment of that fact are understood to be serious and of great importance.” Iowa Code § 17A.19(10)(f)(1). If the inferior tribunal's decision is supported by substantial evidence, the court is bound by the findings in the record. *Bowman*, 805 N.W.2d at 796; *see also Perkins*, 636 N.W.2d at 64; *Bontrager Auto Serv., Inc. v. Iowa City Bd. of Adjustment*, 748 N.W.2d 483, 495 (Iowa 2008).

Rule 1.1410 allows for the court to take additional evidence in addition to the record made by the return:

In addition to the record made by the return, the court may receive any transcript or recording of the original proceeding and such other oral or written evidence explaining the matters contained in the return. Unless otherwise specially provided by statute, such transcript, recording, or

additional evidence shall be considered only to determine the legality of the proceedings or the sufficiency of the evidence before the original tribunal, board, officer, or magistrate.

I.R.Civ.P. 1.1410. The Iowa Supreme Court, in *Bontrager*, noting that “[a]n illegality is established if the board has not acted in accordance with a statute; if its decision was not supported by substantial evidence; or if its actions were unreasonable, arbitrary, or capricious,” held that “when the record is inadequate to determine the legality of the board's action, additional evidence is necessary and may properly be taken by the district court.” *Bontrager*, 748 N.W.2d at 491. The Court then went on to clarify that “only when the illegality does not appear in the record made before the board should the district court take additional evidence.” *Id.* at 494. It also concluded that “ordinarily, testimony would not be necessary when the claimed illegality is insufficient evidence, at least when a record was made before the board.” *Id.* at 495. In any case, the court should not simply substitute its judgment for that of the board, or in this case, the Panel. *Id.*⁵

IV. ANALYSIS

A. What, if any, Additional Evidence Should the Court Consider?

For its analysis in this case, the court will consider a limited portion of the additional evidence it received at the hearing on July 21, 2026. In determining to consider additional evidence, the court finds that the record is inadequate to determine whether the Panel’s factual findings are supported by substantial evidence, and whether procedural steps taken by the panel were unreasonable, arbitrary, or capricious. These issues cannot be resolved by reference to the

⁵ In their Supplemental Brief filed July 7, 2026, D0015, and in their Post-Hearing Brief, the Petitioners claim: “[t]o the extent the Iowa Rules of Civil Procedure preclude the Court from conducting an evidentiary hearing through a petition for writ of certiorari, such rules, the inability to supplement the record for certiorari review, or the inability for this Court to make its own factual findings and conclusions of law violates Art. V, Sec. 4 of the Iowa Constitution which provides that the Iowa Supreme Court shall have the power to issue all writs (sic.) and process necessary to secure justice to parties.” The Petitioners provide no explanation of and cite no authority for this proposition. The court considers the proposition abandoned.

Return of Writ, alone. There was no record made of the hearing before the Panel. The video of that hearing, Exhibit D-1, was recorded by a member of the press, posted on YouTube, offered by the Objector, and admitted without objection. The video is of high quality and spans the entirety of the proceedings. The court will consider the contents of Exhibit D-1.

The court next looks to the video itself to determine whether it should consider more additional evidence. The video reveals that Phillips came to the hearing and was questioned by the Panel concerning her recollection of events on June 2. Ex. D-1, 34:45 – 43:30. Counsel for the Petitioners and the objector were given the opportunity to also ask questions of Phillips, and Petitioners' counsel did so. *Id.* Attorney General Bird then asked the other Panel members if they had any questions for either the objector or the candidates. None of the panel members asked any questions of the objector or the candidates in response about the events of June 2, including of Gluba and Cutler, the other eyewitnesses to those events who were present at the hearing before the Panel, and who, like Phillips, had previously submitted affidavits. *Id.* 43:48 – 44:00.

The court could consider whether the Panel, by only questioning the lone witness to one side of the story without giving any of the witnesses to the other side of the story the same treatment, acted unreasonably, arbitrarily, or capriciously and rendered the record inadequate. However, the video also reveals that the Petitioners did not object to this procedure nor offer a statement or testimony from Gluba. Near the end of the Panel hearing, Cutler did ask to speak and was granted that opportunity, where she stated her version of what happened at the Secretary of State's office on June 2. Ex. D-1, 55:55. The court cannot find the record inadequate when the Petitioners did not object to its inadequacy. The court will, therefore, not consider the testimony of Gluba and Cutler before the court for that purpose.

The court will consider Cutler's trial testimony only for the purpose of receiving her explanation for relying on Phillips's alleged refusal to receive her affidavit of candidacy. The Panel did not address this issue at their hearing, rendering the record inadequate for the court's determination of this issue.

The court will also consider Phillips's trial testimony only as it relates to the Panel's decision not to require Secretary Pate's recusal, and for the fact that Phillips did not note the time on Gluba's receipt of nomination papers, as discussed, *infra*. See note 2. The court will not consider the trial testimony of Teyla Dvorak (by deposition, exhibits 7 and 7A). Nothing stopped the Petitioners from offering Dvorak's testimony at the Panel hearing. Their argument that they did not know that Phillips was going to appear at the hearing and therefore did not bring Dvorak is unpersuasive. The Petitioners worked to require Phillips's presence at the hearing right up until the time of the hearing, only dropping those efforts once it was known that Phillips was appearing anyway. Further, they did not object to the Panel questioning Phillips without also hearing from Dvorak.

The court will also not consider the trial testimony of Danielle King. Her testimony was not necessary for the Panel to act legally, and therefore her absence from the Panel hearing does not render the record inadequate. The court also does not consider Exhibits 8(A-D), 9, 10, 12-15, and 18-22, which were admitted subject to objection. None of these exhibits have information that was necessary for the Panel to act legally.

B. Should the Secretary of State Have Been Recused?

The Petitioners asserted before the Panel that Secretary of State Pate was subject to disqualification, and should have recused himself from the Panel "because the credibility of his own election official employee is in dispute," Return, Vol. I, p. 44; "The Secretary of State's Office

has refused to accept service on behalf of Ms. Phillips of a lawful subpoena,” *id.* p. 56; and “the Secretary of State’s Office has refused to make Ms. Phillips available voluntarily to provide testimony at the June 15th hearing.” *Id.* In their Amended Petition herein, the Petitioners assert that Secretary Pate should have recused 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.” Amended Petition, D0013 (att.).

The following principles set forth in *In re Gianforte*, 773 N.W.2d 540, 549 (Iowa 2009) apply here:

Our law establishes a presumption that board members acting as adjudicators are objective. *Bd. of Dirs. v. Justmann*, 476 N.W.2d 335, 340 (Iowa 1991). This general presumption of objectivity prevails against assertions of bias and prejudice absent “direct, compelling evidence to the contrary.” *Id.* The presumption may be overcome by evidence that a fair hearing before the board is not possible due to such circumstances as prejudgment voting or when board members act as investigators in the absence of a subsequent evidentiary hearing. *See Wedergren v. Bd. of Dirs.*, 307 N.W.2d 12, 17–18 (Iowa 1981); *Keith v. Cmty. Sch. Dist.*, 262 N.W.2d 249, 258–61 (Iowa 1978).

Id. at 549 (Iowa 2009).

Board members are subject to “ ‘the common-law rule of disqualification applicable to judges.’ ” *Keith*, 262 N.W.2d at 261 (quoting 1 Am.Jur.2d *Administrative Law* § 63 (now substantially found at 2 Am.Jur.2d *Administrative Law* § 38 (2004))) (further holding common-law rule “ ‘extends to every tribunal exercising judicial or quasi-judicial functions’ ”). We have generally described this rule as follows:

Any board member who harbors prejudice or predilection should recuse himself or herself. Board members possessing personal knowledge must place it aside or, if they are unable to do so, themselves step aside. The board must be mindful that the decision turns on its own finding of the presence or absence of qualifications and not on the recommendation of an administrator or prior employer—although these may of course be received and considered.

Bishop v. Keystone Area Educ. Agency No. 1, 275 N.W.2d 744, 752 (Iowa 1979). As with judges, recusal by board members will depend on the remoteness of the interest and the extent or degree of the interest. *See State v. Mann*, 512 N.W.2d 528, 533 (Iowa 1994). Yet, the process does not rest entirely with the adjudicator. In the event board members do not disqualify themselves on their own, a party is permitted to raise the issue by motion on the record. *See State v. Smith*, 242 N.W.2d 320, 324 (Iowa 1976). This record provides a means for judicial review of the claim of bias or prejudice.

Id. at 549-50.

In applying the above principles, the court initially notes that the Secretary of State is statutorily appointed to hear objections to nomination petitions filed with the “state commissioner” of elections. Iowa Code §§ 43.24(3)(a); 44.6. The “state commissioner” happens to be the Secretary of State. *Id.* § 47.1. It is apparent, then, that the legislature anticipated that objections, including ones that involve actions of the employees of the Secretary of State’s office, would not only be filed with that same office, but be heard by a panel that includes the Secretary of State. Even so, there is no provision in the statute that provides for recusal of the Secretary of State that is dependent on the subject matter of the objection. There is no basis for recusal simply because the credibility of the Secretary’s own election support specialist is in dispute.

While the court can accept that Secretary Pate has an interest in having honest employees with good memories, there has to be more to trigger an obligation to recuse. There must be direct, compelling evidence of personal knowledge that he is unable to set aside. No such evidence was presented to the Panel and none has been presented here.

The Petitioners assert that an attorney employed by the Secretary of State’s office drafted the affidavits attested to by Ms. Phillips, appeared with Ms. Phillips for her questioning before the Panel, and appeared to simultaneously advise Secretary Pate during the Panel hearing. There is nothing untoward about an attorney in the Secretary of State’s office drafting an affidavit for another Secretary of State employee. Phillips testified that she read and approved the affidavit

before signing it. Also, after reviewing the video, Exhibit D-1, the court disagrees that the attorney appeared to be representing Phillips and Secretary Pate at the same time. Regardless, these circumstances do not establish evidence of personal knowledge regarding the factual dispute, or that a fair hearing before the panel was not possible due to prejudgment voting or personal investigation by the Secretary.

The court does recognize that while the Panel, specifically Attorney General Bird, stated that Phillips's presence at the hearing was voluntary, Phillips's trial testimony indicated otherwise. She testified that she was asked to be there, and that she did not come voluntarily. But counsel for the Petitioners did not further develop that testimony, and the court is unable to determine whether she was referring to something nefarious, or simply to the fact that the Petitioners were wanting her testimony at the Panel hearing and so she was asked to come.

The ground for recusal that Secretary Pate failed to train his election officials properly was not raised before the Panel. Generally in certiorari actions, the court will not review questions not presented to the inferior tribunal. *Connor v. Civ. Serv. Comm'n of City of Dubuque*, 265 N.W.2d 735, 736 (Iowa 1978). The Petitioners have further not made any showing that the issue did not present itself until after the Panel's action, or that the alleged negligence deprived the Panel of the power to act. *See id* (error alleged not apparent until after commissioners' order filed and which if true, deprived the commission of the power to act.). Regardless, negligence in training staff is not evidence of prejudice requiring recusal.

The Panel found that "[t]here is no credible evidence that the Secretary of State has a bias or prejudice against either the Candidates or the Objector. Nor is there credible evidence that the Secretary of State has a personal or financial interest in the matter. Nor is there any evidence that Secretary Pate had any direct involvement in the Candidates' submission of election materials or

possesses any personal knowledge of Candidates' interaction with Phillips." The Panel did not misapply the law, nor were its findings not supported by substantial evidence. The court will not disturb the Panel's decision that Secretary Pate not be recused.

C. Was it Illegal for the State Commissioner to Fill Auditor Sand's Position on the Panel with Secretary Naig?

Citing Iowa Code Section 44.6, the Petitioners assert that when the State Auditor is recused, Iowa law unambiguously requires the Governor to be substituted for the State Auditor, and not the Secretary of Agriculture as happened here. The Panel voted unanimously to overrule the Petitioners' objection to Secretary Naig's participation on the panel. Ex. D-1, 9:50. The Panel gave no explanation orally or in its written decision, although the Panel did note in its decision that "the Secretary of State's office informed the parties that the Auditor had recused himself and that the Secretary of Agriculture would be the designated replacement Panel member." Return, p. 4. That notice came in a letter dated June 14, 2026, from Emily Russell-Stone, Legal Counsel, Secretary of State. *Id.* p. 50. The letter informed the parties that because Auditor Sand's recusal was outside the scope of section 44.6, the Secretary would lean on past practice and substitute the Secretary of Agriculture for the Auditor. *Id.* p. 51.

The court does not find that the Panel's decision to allow Secretary Naig to replace Auditor Sand on the Panel was unreasonable, arbitrary, or capricious. *See Bowman*, 805 N.W.2d at 796 (applying unreasonable, arbitrary, or capricious standard in certiorari cases). Iowa Code § 44.6 provides:

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.

It is clear that this procedure for replacement of officers only applies to situations where an officer is required to be replaced because the objection is to the nomination of that officer. While it certainly makes sense that the same procedure be followed in situations of voluntary recusal, no statute requires it. Further, the Secretary of Agriculture is an officer designated by the statute as a qualified officer to hear objections. The court will not disturb the Panel's decision simply because one qualified officer sat on it as opposed to another qualified officer.

D. Are Objections to Affidavits of Candidacy Permitted Under Iowa Code Sections 45.4 or 44.4?

The Petitioners argue that sections 45.4 and 44.4 only allow objections to be made on two grounds: 1) the legal sufficiency of a certificate of nomination or nomination petition; and 2) to the eligibility of a candidate.⁶ Because, they go on, an affidavit of candidacy is distinct and separately defined from a nomination petition, and the above sections do not mention affidavits of candidacy, objections cannot be raised as to the affidavits. This position completely ignores the plain language in chapter 44 that specifically references objections to information provided in an affidavit of candidacy and directs what is to be done with an objection showing that information to be missing or insufficient.

Section 45.4 specifically directs that objections in cases involving nominating petitions are governed by the law relating to nominations by political organizations which are not political parties (NPPOs), in other words, chapter 44, *See*, Iowa Code §44.1(1) (“Any convention or caucus

⁶ Section 45.4 provides: “[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.” Iowa Code § 45.4. Section 44.4 provides: “Objections to the legal sufficiency of a certificate of nomination or nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question.” *Id.* § 44.4(2)(a).

of eligible electors representing a political organization which is not a political party as defined by law, may, for the state, or for any division or municipality thereof, or for any county, or for any subdivision thereof, for which such convention or caucus is held, make one nomination of a candidate for each office to be filled therein at the general election.”). Section 44.3 requires a certificate of nomination to contain specific information that is enumerated in section 44.3(1)(a-h). Importantly, section 44.3(2) also requires that “[e]ach candidate nominated by the convention or caucus shall complete and file a signed, notarized affidavit of candidacy.” *Id.* §44.3(2). Subsection 2 goes on to require that the affidavit be in the form prescribed by the Secretary of State and contain the information listed in subsections a. through j. *Id.* §44.3(2)(a-j).

Section 44.4(2)(a), then provides for objections “to the legal sufficiency of a certificate of nomination or nomination petition or to the eligibility of a candidate...” *Id.* §44.4(2)(a). Even though section 44.4(2)(a) does not separately identify affidavits of candidacy, section 44.6 does, specifically referencing objections to the information that is required to be provided through an affidavit of candidacy: “*Objections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained.*” *Id.* §44.6 (emphasis added). The information that is required in an affidavit of candidacy under section 44.3 is the same exact information that is required in an affidavit of candidacy under section 45.3(1-10).

Section 45.4 directs that the right to object to the legal sufficiency of nominating petitions, or to the eligibility of the candidate, shall be governed by Chapter 44. Section 44.6 requires that objections relating to incorrect or incomplete information for information that is required in an affidavit of candidacy shall be sustained. The information required in an affidavit of candidacy under chapter 44 is the exact same information that is required of such an affidavit under chapter

45. The Petitioners' contention that objections are not permitted to affidavits of candidacy is without merit.

E. Is the State Commissioner Estopped from Preventing Petitioners from Appearing on the Ballot Because the Secretary of State's Office did not reject Their Nominating Papers?

Petitioners argue that because their nomination papers were not rejected, but were accepted as filed by the Secretary of State's office, any undiscovered deficiencies in those papers cannot be grounds for sustaining an objection because "it was the duty of the Secretary of State's Office to reject the nomination papers and allow the nominating papers to be resubmitted before the deadline for filing." Return, Vol. I, p. 68; see D0013 at ¶¶ 38–47. There are two basic problems with the Petitioners' argument. First, the duty of Secretary of State's Office to reject the nomination papers under section 45.5(5) does not impose a duty to accept or reject the papers immediately upon taking them in, or even prior to the deadline for filing. It was the Petitioners who decided to wait until half-way through the last day to file their papers. The risk of not having time to resubmit papers was theirs.

Second, the Secretary of State's duty to accept or reject the nominating papers is separate and distinct from a voter's right to object to the legal sufficiency of those papers. If candidates were entitled to rely on their papers being accepted for filing, it would render the objection process a nullity. Section 44.15, titled "Presumption of Validity," spells it out. "Certificates thus filed, and being apparently in conformity with law, shall be regarded as valid, unless objection in writing thereto shall be made..." Iowa Code § 44.15; see also *id.* § 45.4 ("The time and place of filing nomination petitions, the presumption of validity thereof, ... and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by [Chapter 44]"). Acceptance of the nomination papers creates the presumption of validity, only. The rule that

election laws governing candidate qualification for the ballot require strict compliance remains. *See, Gluba v. State Objection Panel*, 11 N.W.3d 459, 466 (Iowa 2024), as amended (Nov. 4, 2024). The opportunity to object, and therefore for the Panel to rule, is not vitiated by the Secretary of State's acceptance of the nomination papers.

F. Were the Petitioners' Constitutional Rights Violated?

The Court first notes that it is not clear if the Constitutional issues raised by Petitioners are properly before this court. The Court assumes, without deciding, that they are, because the arguments are unavailing regardless.

1. *First Amendment and Equal Protection.*

There are three options for candidates to get on the ballot in Iowa: partisan nomination by primary election under Chapter 43, nomination by an NPPO under Chapter 44, and nomination by petition under Chapter 45. Because the Libertarian Party is not considered a major political party,⁷ a primary election was not an option. Regardless of whether Petitioners opted for the caucus/convention approach of Chapter 44 or the petitions required for Chapter 45, the nomination papers for both Governor and Lieutenant Governor must be submitted by the first Tuesday following the first Monday in June. *See* Iowa Code § 44.4(1). Parties using Chapter 43 instead certify their Lieutenant Governor candidate at their state party convention later in the summer.⁸ Petitioners argue that this gap in timing for selecting a Lieutenant Governor candidate is unfair to third-party candidates and the statutes enacting these requirements are unconstitutional facially and as applied to Petitioners.

⁷ *Forming a Political Party in Iowa*, IOWA SEC'Y OF STATE, <https://sos.iowa.gov/forming-political-party-iowa> (last visited July 23, 2026) ("Currently, Iowa has two political parties: the Democratic Party and the Republican Party.").

⁸ The dates of the conventions are selected by the parties, but nominees must be certified at least 64 days before the general election. Iowa Code § 43.73.

The gap in timing for selecting a Lieutenant Governor candidate had nothing to do with the objection to the Petitioners' candidacy. The Panel sustained the objection to Petitioners' candidacy based on an affidavit requirement that applies to all Lieutenant Governor candidates, regardless of whether representing political parties or NPPOs. There is no causal connection between the injury and the conduct complained of that could be redressed by the court sustaining the writ here. *See, Iowa Citizens for Cmty. Improvement v. State*, 962 N.W.2d 780, 791–92 (Iowa 2021), as amended (Aug. 26, 2021) (“the plaintiff must establish ‘a causal connection between the injury and the conduct complained of’ and that the injury is ‘ “likely,” as opposed to merely “speculative,” to be “redressed by a favorable decision.” ’ ” (quoting *Godfrey v. State*, 752 N.W.2d 413, 421 (Iowa 2008))). Even if the gap issue renders the statutes unconstitutional, Cutler still did not submit an affidavit of candidacy. To play it out even further, even if the court were able to grant Cutler more time to file her affidavit of candidacy, what would that date be; the deadline for certification after a political party convention? When the Petitioners already chose their path to nomination by petition (chapter 45) rather than convention (chapter 44)? This only serves to illustrate how remote the Petitioners' claimed injury is.

Regardless, the Petitioners' First Amendment and Equal Protection arguments fail. The U.S. Supreme Court has held that “[r]estrictions upon the access of political parties to the ballot impinge upon the rights of individuals to associate for political purposes, as well as the rights of qualified voters to cast their votes effectively and may not survive scrutiny under the First and Fourteenth Amendments.” *Munro v. Socialist Workers Party*, 479 U.S. 189, 193 (1986) (internal citations omitted). When considering if a limitation on ballot access is unconstitutional, either as a right to association or equal protection, courts must engage in a multi-step process:

It must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the

plaintiff seeks 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). It is well-established law that states have an interest in limiting the number of individuals on the ballot for a variety of reasons, including preventing ballot overcrowding, limiting voter confusion, and minimizing the chance (and resulting cost) of run-off elections. *See, e.g., Bullock v. Carter*, 405 U.S. 134, 145 (1972).

The hurdle that Petitioners fail to clear is demonstrating that there is an injury at all. There are positive and negative aspects to each nomination option, and the court cannot reasonably say that one is definitively easier than the other. For example, while political parties get to choose their Lieutenant Governor candidate later, candidates for these parties must file the necessary paperwork 81 days before the primary election, two and a half months earlier than NPPO candidates. Iowa Code § 43.11(2). There is also a very particular process that must be used at the party convention, as the Libertarian Party encountered two years ago. *See generally Gluba v. State Objection Panel*, 11 N.W.3d 459 (Iowa 2024). Petitioners then ask that this court weigh this unproven injury against a long-recognized government interest. Taken as a whole, the court cannot conclude that the requirements of Chapter 45 are unconstitutional burdens on the First Amendment right of association or a denial of equal protection.

2. *Due Process.*

Though the Amended Petition does not frame it as such, Petitioners also make a variety of arguments that at their heart implicate concerns of procedural due process, and in their oral argument before the court and Post-Hearing Brief, the Petitioners' raise the issue directly.

“Procedural due process requires that before there can be a deprivation of a protected interest, there must be notice and opportunity to be heard in a proceeding that is ‘adequate to safeguard the right for which the constitutional protection is invoked.’” *Bowers v. Polk Cnty. Bd. of Supervisors*, 638 N.W.2d 682, 690–91 (Iowa 2002) (quoting *City of Cedar Rapids v. Mun. Fire & Police Ret. Sys. of Iowa*, 526 N.W.2d 284, 291 (Iowa 1995)). “Our first inquiry in a procedural due process analysis is whether a protected liberty or property interest is involved.” *See id.* at 691.

The U.S. Supreme Court⁹ has unequivocally held “that an unlawful denial by state action of a right to state political office is not a denial of a right of property or of liberty secured by the due process clause.” *Snowden v. Hughes*, 321 U.S. 1, 7 (1944) (citing *Taylor v. Beckham*, 178 U.S. 548, 578 (1900)).¹⁰ The Court in *Snowden* applied the same logic to the right to be on the ballot for state office. *Id.* at 7-8. Petitioners have not shown that they have a protected liberty or property interest in being on the ballot and therefore cannot demonstrate an unconstitutional denial of due process. The issues Petitioners raise here are more properly analyzed in the context of whether decisions by the Panel are supported by substantial evidence, or whether the Panel acted unreasonably, arbitrarily, or capriciously.

G. Can the Petitioners’ Failure to File Cutler’s Affidavit of Candidacy be Excused Because of Good Faith Reliance on the Election Support Specialist’s Statement that the Affidavit was not Necessary?

The Petitioners’ assert that Phillips, an election support specialist with the Secretary of State’s office, told Cutler that her affidavit of candidacy for the office of Lieutenant Governor

⁹ “[T]he due process clauses of the Iowa and United States Constitutions are usually deemed to be identical in scope, import, and purpose.” *Harden v. State*, 434 N.W.2d 881, 886 (Iowa 1989).

¹⁰ This rule has been applied more recently by several circuit courts. *E.g.*, *LaPointe v. Winchester Bd. of Ed.*, 366 F. App’x 256, 257 (2d Cir. 2010); *Wilson v. Birnberg*, 667 F.3d 591, 598 (5th Cir. 2012); *Burks v. Perk*, 470 F.2d 163, 165 (6th Cir. 1972); *Abeyta v. Town of Taos*, 499 F.2d 323, 327 (10th Cir. 1974).

was not needed when Cutler offered it at the time the Petitioners filed their nominating petition on June 2, 2026. The Petitioners further assert that their failure to file Cutler's affidavit of candidacy should be excused because of their good faith reliance on that honest mistake by Phillips. The Panel concluded that Phillips did not refuse to accept Cutler's affidavit of candidacy, and therefore it did not need to address the Petitioners' good faith reliance argument. Return, p. 22.

1. The Panel's Credibility Findings.

The court first needs to determine whether the Panel's conclusion that Phillips did not refuse to accept Cutler's affidavit of candidacy is supported by substantial evidence. As noted above, substantial evidence means "the quantity and quality of evidence that would be deemed sufficient by a neutral, detached, and reasonable person, to establish the fact at issue when the consequences resulting from the establishment of that fact are understood to be serious and of great importance." Iowa Code § 17A.19(10)(f)(1); *see also, Bowman*, 805 N.W.2d at 796.

As alluded to above, the court is troubled that the Panel only questioned Phillips without giving any of the parties present who were also witnesses to the events of June 2 the same treatment. But, again, the Petitioners did not object to the Panel's lack of interest in speaking with Gluba and Cutler, so the court will not consider their testimony offered at trial.

Even relying only on the Return and the video of the proceedings before the Panel, the court takes issue with many of the Panel's credibility findings. As the Panel hearing concluded, Attorney General Bird stated that as to the factual issue presented, she sided with Phillips, because Phillips "had no reason not to follow the law." Exhibit D-1, 53:30. She gave no other reason. Cutler then asked for and was given permission to speak to that point, and asked the Panel to consider Phillips's memory or lack thereof in considering the parties' credibility. *Id.*

54:00 – 56:00. Without any deliberation or discussion, Secretary Pate then moved to sustain the objection. *Id.* 57:10. Again, without any further discussion or deliberation, the Panel members voted unanimously to sustain the objection. *Id.* 57:20 - :28. The lone finding that Phillips had no reason not to follow the law is at odds with a couple of Phillips's statements to the Panel. She said that this was her first time accepting a nomination petition from a NPPO. *Id.* 42:03 - :18. She also said that she did not remember whether on June 2 she knew that an affidavit of candidacy was needed from the Lieutenant Governor candidate when a nominating petition was filed. *Id.* 43:08 - :20.

The written decision from the Panel, submitted some days later, made additional findings. They were:

The Panel finds Election Support Specialist Phillips credible and experienced. Phillips voluntarily appeared at the State Objection Panel hearing on June 15, giving the Panel a chance to question and observe her in person. Phillips's statements were consistent throughout her affidavits and appearance at the hearing.

At the Panel hearing, Cutler and her counsel both questioned Phillips's memory. The Panel finds, however, that the Candidates presented almost no evidence—other than their own self-serving affidavits—calling into question Phillips's version of events. Nor did the Candidates provide any evidence suggesting any contradictions in Phillips's memory or statements....The Panel thus finds no reason to question Phillips's honesty and memory as to the events of June 2.

...

[T]he Candidates do not provide any writing that they requested and received from that Office formally declining to process Cutler's affidavit. Though not required, that type of evidence could be of sufficient or greater weight than Phillips's independently supported statements. Instead, the Candidates support their claims with less weighty evidence.

...

As for Dvorak, this is the one piece of non-self-serving evidence the Candidates entered in the record. And she attests that she saw Cutler offer to submit the affidavit to the Secretary of State's office employee and that the employee then declined saying it was not needed. But this affiant did not participate in the hearing so the Panel did not get a chance to assess the affiant's credibility in person.

The Candidates' untimely evidence similarly fails to convince the Panel that Phillips is telling anything but the truth. That evidence includes one additional signed affidavit, in which Cutler attests that she presented Phillips with her Affidavit of Candidacy, but "Phillips refused to accept it and/or notarize it stating that it was not needed." The Candidates also attached a copy of the unsigned Affidavit of Candidacy that Cutler attests she tried to file with Phillips on June 2. Cutler's self-serving affidavit is not supported by anything else in the record other than the Dvorak affidavit.

Although the Panel has no reason to question the credibility of the Candidates' sole piece of evidence that was not self-serving (the Dvorak affidavit), it also has no reason to give it great weight.

The Panel ultimately credits the independently supported statements of the trained, experienced elections professional in the Secretary of State's office over Cutler's self-serving affidavit. Phillips made herself voluntarily available at the Panel hearing and answered questions from both the Panel and counsel for Cutler. At the end of the hearing when Attorney General Bird explained her reasons for crediting Phillips instead of the Candidates, Cutler asked to speak and explained why she disagreed with that finding and why she questioned Phillips's memory. That argument was unpersuasive and did not supersede Phillips answering questions of the Panel and counsel.

The Panel does not credit the unsigned, unnotarized affidavit from Gluba attached to the Candidates' response. That unsworn statement is entitled to minimal, if any, weight.

Return, pp. 18-21

Finally, the Panel concluded:

The Panel found Phillips credible and thus credited her affidavit and statements to the Panel. Her statements were independently supported by her experience as an Election Support Specialist whose job is to receive and process election filings; by the Secretary of State's office standard practice; and by the statute's plain language.

The Panel thus concludes that Cutler failed to provide her affidavit of candidacy to Phillips on June 2 and that Phillips never refused to accept it.

...

Because the Panel concludes that Phillips did not refuse to accept

Cutler's affidavit of candidacy, it need not address the Candidates' goodfaith reliance argument.

Id. pp. 21-22.

Whether the above findings by the panel are supported by substantial evidence is a close call. The Panel put great weight on Phillips having come to the hearing and answering questions. It emphasized that it had a chance to question and observe her in person and determine that her statements were consistent throughout her affidavits and appearance at the hearing. Yet, it was a choice the Panel made to question Phillips, alone, and not to ask any questions of the other eyewitnesses in the room, Cutler and Gluba, to observe them in person and assess their statements against their affidavits. Even so, the Panel repeatedly referred to the candidates' affidavits (except Dvorak's) as self-serving. *All* the affidavits, *except* Dvorak's and Heard's¹¹, were self-serving. The Panel also appeared to have forgotten that Cutler did provide her version of events to them, giving them the opportunity to observe her as well.

The Panel's findings that Phillips had no reason not to follow the law, and that her statements were independently supported by her experience as an election support specialist, the Secretary of State's office standard practice, and by the statute's plain language, is at least somewhat undermined by Phillips's statements at the Panel hearing that this was her first time accepting nomination papers from a NPPO, and that she did not remember whether on June 2, 2026, she knew that affidavits of candidacy were needed from the Lieutenant Governor candidate with the nomination papers in such situations.

The Panel also specifically disregarded calls from Cutler and her counsel to assess Phillips's memory of the events of June 2. Aside from not remembering whether she knew that

¹¹ Petitioners' counsel, who submitted an affidavit attesting that he prepared Cutler's Affidavit of Candidacy. Return, Vol. I, p. 97.

affidavits of candidacy were needed from the Lieutenant Governor candidate, Phillips also stated that she did not know whether she or somebody else typed the affidavit she signed three days before. *Id.* at 38:20 - :48; *see also* Return, pp. 45-46. She also stated that she did not remember whether Cutler was even there in the Secretary of State's office on June 2, a fact the Panel and the Objector do not dispute. The court also recognizes, however, that Phillips's inability to recall whether Cutler was there could very well support her statement that she had no interaction with Cutler.

Finally, the Panel, although recognizing that Dvorak's affidavit was not self-serving, chose to simply disregard it without explanation even though it acknowledged that it had no reason to question its credibility.

The court disagrees with the Panel's finding that Cutler never offered and Phillips never declined or refused to receive Cutler's affidavit of candidacy. At best, the evidence appears to the court to be in equipoise. Nevertheless, the court cannot simply substitute its own findings for the Panel's. Although a close call, there is substantial evidence in the record supporting the Panel's findings, including Phillips's unequivocal statements that she was never offered an affidavit by Cutler, and that fact that her job as an election support specialist is to receive and process election filings, not to reject or refuse them. The court will not disturb the Panel's findings.

2. *Whether the Petitioners' Good Faith Reliance Argument Applies in this Case.*

Even if the Panel or the court determined that Cutler offered to file her affidavit of candidacy and Phillips declined or refused to receive it, the Petitioners still would not prevail on their good faith reliance argument.

The Petitioners base their good faith reliance argument on the Iowa Supreme Court's holdings in *Wingert v. Urban*, 250 N.W.2d 731 (Iowa 1977). There, the Court, holding that "[i]t is well established that in exceptional circumstances candidates may be excused from mandatory petition requirements," *id.* at 734, excused a candidate's failure to meet petition signature requirements based on good faith reliance upon an election official's honest mistake. *Id.* *Wingert* involved an appeal from a post-election contest by an unsuccessful candidate. *Id.* at 732-733. The Supreme Court, in *Gluba*, however, seems to have limited the good faith reliance exception to strict compliance to cases involving post-, not pre-election challenges. *See Gluba*, 11 N.W.3d at 467. ("a strict compliance standard applies before the election, but not after the results are in").

Regardless, the facts here are readily distinguishable from those in *Wingert*, in that here, any reliance Cutler placed in Phillips's not receiving her affidavit of candidacy was not reasonable. *Wingert* stemmed from a contested election for a seat on the Des Moines City Council. *Wingert*, 250 N.W.2d at 731. The candidate being challenged, Urban, was seeking re-election, and went to the City Clerk's office to pick up his nomination papers. Neither he, the County Auditor (county commissioner of elections), nor the City Clerk (deputy commissioner of elections), were aware that the law as to calculation of the number of signatures needed had recently changed. The City Clerk and Urban calculated the number of signatures together under the old law, and the City Clerk wrote that number down on the papers she provided Urban. *Id.* at 732. Urban, relying on that number, collected more than enough signatures under the old formula, but not enough under the new formula, resulting in Urban not timely filing the required number of signatures. *Id.*

Here, the representation allegedly relied upon, that the Lieutenant Governor candidate's affidavit of candidacy was not necessary when filing the Governor's and Lieutenant Governor candidates' nomination papers, came from an election support specialist, not the State Commissioner of Elections. The Secretary of State's office published a "Candidate's Guide to the General Election" for the November 3, 2026 election. Return, Vol. I, pp. 133-157. The Guide states specifically: "Important Note for Governor and Lieutenant Governor Candidates: Candidates for Governor and Lieutenant Governor file as a team; however, each candidate should file an affidavit of candidacy." *Id.* p. 142. The Secretary of State's official position, then, was that he thought a Lieutenant Governor candidate had to file an affidavit of candidacy.

Further, the law at issue was neither new nor unclear. Iowa Code §45.3 states unequivocally that "[e]ach candidate shall complete and file a signed, notarized affidavit of candidacy," and that "[t]he affidavit shall be filed at the same time as the nomination petition."

Further still, while the Petitioners argue that Phillips did not know that an affidavit of candidacy was needed for the Lieutenant Governor candidate, Cutler certainly did. In her affidavit and testimony, she said that she brought her affidavit of candidacy with her to sign at the Secretary of State's office. She said that she offered to sign it in front of Phillips and file it. She testified that when Phillips told her it was unnecessary, she asked, "are you sure about that?" She further testified that she left the office thinking that "the Republicans must have changed the law again."

Finally, walking away from the Secretary of State's office without filing the affidavit because she thought "the Republicans must have changed the law again," is simply not reasonable. She could have told Phillips to humor her and accept her affidavit anyway. Cutler is a licensed, practicing attorney who has previous experience representing Libertarian candidates

in an election case. *See Gluba*, 11 N.W.3d at 461. She could have immediately gone back to her office or even used her phone to quickly research and confirm whether the law had changed. To shrug one's shoulders on such an important matter is not reasonable. This case is not at all akin to *Wingert*. There was no good faith reliance on any representation by Phillips.

H. Can Gluba Remain on the Ballot and have the Opportunity to Name a Successor Lieutenant Governor Candidate?

In their Amended Petition and at oral argument before the court, the Petitioners requested that should the court uphold the Panel's decision sustaining the objection, that it be limited to Cutler's candidacy, and that Gluba be allowed on the ballot with the opportunity to select a successor Lieutenant Governor candidate. Amend. Pet. Prayer § G. The request was also raised before the Panel. While the Petitioners did not address this issue in their Post-Hearing Brief, the court will address it here anyway.

When the Petitioners made this request before the Panel, Attorney General Bird, apparently speaking for the Panel, stated that that issue was not before the Panel. She was correct. Again, referring to section 45.4, "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 [chapter 44]." Iowa Code § 45.4. Section 44.11 addresses the filling of vacancies created by a candidate's withdrawal, death, declination of nomination, nomination held insufficient by the commissioner, or due to objection being sustained. *Id.* § 44.11. The procedure for filling a vacancy, if even applicable here, comes separately and after an objection is sustained. It is not part of the objection proceeding. The court should not give advisory opinions concerning a matter not before it. *See Vasquez v. Iowa Dep't of*

Hum. Servs., 990 N.W.2d 661, 668 (Iowa 2023) (“The parties to this appeal essentially ask for an advisory opinion That is not our role.”).

V. RULING

For the reasons set forth above,

IT IS THEREFORE ORDERED the writ of Certiorari issued on July 7, 2026 is annulled, and the decision of the Objections Panel is upheld.

Costs are assessed to the Petitioners.



State of Iowa Courts

Case Number
CVCV071310
Type:

Case Title
NICHOLAS GLUBA ET AL VS STATE OBJECTIONS PANEL
ORDER FOR JUDGMENT

So Ordered

A handwritten signature in black ink, appearing to read "Joseph Seidlin", is written over a horizontal line.

Joseph Seidlin, District Court Judge
Fifth Judicial District of Iowa

Electronically signed on 2026-07-27 15:58:34