IN THE

United States House of Representatives

RITA R. HART,

Contestant,

v.

MARIANNETTE MILLER-MEEKS,

Contestee.

NOTICE OF CONTEST
REGARDING THE ELECTION FOR
REPRESENTATIVE IN THE ONE HUNDRED SEVENTEENTH CONGRESS
FROM IOWA'S SECOND CONGRESSIONAL DISTRICT

Pursuant to the Federal Contested Elections Act,
2 U.S.C. §§ 381-396

MARC E. ELIAS
PERKINS COIE LLP
700 Thirteenth St., N.W., Suite 800
Washington, D.C. 20005
Telephone: (202) 654-6200

December 22, 2020

TABLE OF CONTENTS

INTRODUCTION

1. Contestant Rita R. Hart brings this action under the Federal Contested Elections Act, 2 U.S.C. §§ 381-396, to contest the Iowa State Board of Canvassers' certification of Contestee Mariannette Miller-Meeks as the winner, by 6 votes, in the general election for Iowa's Second Congressional District ("the District").

2. Following the canvass of results by all 24 counties in the District, Contestee Miller-Meeks led with 196,862 votes to Contestant Hart's 196,815 votes, a margin of 47 votes.

3. Contestant Hart requested a recount in all 24 counties. The recount—in which ballots were reviewed by hand for voter intent and identifying marks in some counties but not in others—added votes to each candidate's total and shrunk Contestee Miller-Meeks's lead to a mere 6 votes. The State Board of Canvassers certified Contestee Miller-Meeks as the winner, with 196,964 votes to 196,958 for Contestant Hart.

4. But state and county election officials made two sets of errors that marred the certified vote total. As a result of these errors, the State Board of Canvassers certified as the winner the candidate who received *fewer* lawful votes (Contestee Miller-Meeks), thus depriving Contestant Hart of the certification to which she was entitled, as the candidate who received *more* lawful votes.

5. *First,* election officials erred by excluding at least 22 lawful ballots during the canvass. These 22 ballots include (i) curbside and absentee ballots that election officials accepted for counting but mistakenly omitted from the initial

count *and* (ii) valid absentee and provisional ballots that election officials erroneously rejected. Because the counties did not count these ballots during the canvass, election officials determined that they were ineligible to be recounted and they are not included in the certified total.

6. Of these wrongfully excluded 22 ballots, the evidence establishes that 18 were cast for Contestant Hart, three were cast for Contestee Miller-Meeks, and one did not record a vote for either candidate. Once those ballots are included in the final tally, Contestant Hart would have 196,976 votes and Contestee Miller-Meeks would have 196,967 votes, giving Contestant Hart a lead of nine votes.[1]

7. *Second,* the recount itself failed to comply with Iowa law and the U.S. Constitution. Each county, led by a three-person "recount board," conducted its own recount. Some county recount boards, in violation of Iowa law, failed to conduct a hand review of ballots that were recognized as "overvotes" or write-in ballots by the machines. Some county recount boards reviewed "undervotes" for voter intent while others did not. Some county recount boards reviewed and disqualified ballots for containing "identifying marks" while others did not. And some counties even engaged in different types of review for different precincts.

[1] In addition, at least 35 uniformed and overseas voters from Scott County were not given a meaningful opportunity to vote in the Second Congressional District race. The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) permits certain U.S. servicemembers, overseas citizens, and their families to request and return absentee ballots via email and fax. Iowa Admin. Code 721–21.320(4)(a). Under Iowa law, an election official who receives an electronically-transmitted UOCAVA ballot must examine it and determine that "all pages have been received and are legible." *Id.* 721-21.320(4). In Scott County, the Second Congressional District Race was printed at the very bottom of a legal-sized 8.5-inch by 14-inch ballot, without directions instructing UOCAVA voters to print their ballots using legal-sized paper or to scale down ballots when printing. In practice, some Scott County UOCAVA voters printed their ballots on regular-sized 8.5-inch by 11-inch paper, thereby cutting the Second Congressional District race and other races off of the bottom of the page. Although state law requires Scott County to notify these voters if their emailed ballots are incomplete, Scott County's auditor did not do so. Ultimately, at least 35 UOCAVA voters emailed incomplete scans of their absentee ballots to Scott County and thus did not have a meaningful opportunity to cast a ballot in the Second Congressional District race.

8. As a result, whether a voter's ballot counted in the recount depended on the county where that ballot was cast. The U.S. Supreme Court has found that there are not "sufficient guarantees of equal treatment" where "the standards for accepting or rejecting contested ballots might vary not only from county to county but indeed within a single county from one recount team to another." *Bush v. Gore*, 531 U.S. 98, 106-7 (2000). Unfortunately, that is precisely what happened during the recount.

9. Expert analysis demonstrates that these unlawful variations in the recounts were consequential—that is, because the recounts were not conducted in compliance with Iowa law and were not conducted uniformly, lawful ballots were ultimately excluded from the final tally. The number of lawful ballots that were not counted, but which should have been, is more than enough to change the result of the election.

10. A uniform recount must be conducted to ensure that all ballots are reviewed to determine voter intent and that all lawful votes are indeed counted. A uniform recount is the only means of ensuring that the will of the voters in selecting their representative in Iowa's Second Congressional District is not thwarted by the irregular and erroneous exclusion and rejection of lawful ballots from the recount in multiple Iowa counties.

11. The election in Iowa's Second Congressional District is among the closest U.S. House elections in a hundred years and is currently within the narrowest margin since 1984. Although it is admittedly tempting to close the curtain on the 2020 election cycle, prematurely ending this contest would disenfranchise

Iowa voters and award the congressional seat to the candidate who received fewer lawful votes. Federal law does not permit such an outcome.

12. After the House has conducted its investigation and all lawful votes are accurately counted, Contestant Hart finally will be seated as the new U.S. Representative from the Second Congressional District.

JURISDICTION

13. The United States Constitution requires each House of Congress to be the "Judge of the Elections, Returns and Qualifications of its own Members." U.S. CONST. art. I, § 5, cl. 1.

14. As the United States Supreme Court has recognized, this provision of the Constitution gives each Chamber the authority "to make an independent final judgment" in evaluating a Member's election and their entitlement to the seat. *Roudebush v. Hartke*, 405 U.S. 15, 25-26 (1972).

15. In most instances, when the state's election result is clear, and there are no doubts as to the qualifications of the Member-elect, the winner is seated without controversy. When the outcome of an election is contested, however, each Chamber has the power to determine for itself which candidate should be seated. Under settled precedent, each Chamber is free to undertake an "independent evaluation" of the election, "accept or reject" the state's reported certification of votes, and, if it so chooses, "conduct its own recount." *See id.*

16. Moreover, to determine which candidate is entitled to a seat, each Chamber "acts as a judicial tribunal," considering witnesses and testimony in turn. *Barry v. U.S. ex rel. Cunningham*, 279 U.S. 597, 616 (1929).

17. In its history, the United States House of Representatives has heard, and successfully resolved, hundreds of contested elections.

18. To aid in its resolution of these contests, Congress enacted the Federal Contested Elections Act, now codified at 2 U.S.C. §§ 381-396. The Act provides a procedural framework for candidates for the United States House of Representatives to contest the outcome of their elections before the House.

19. Under the Act, the Contestant files a Notice of Contest with the Clerk of the House. *See* 2 U.S.C. § 382. The Contestee is given an opportunity to answer the notice or move to dismiss it. *See id.* § 383. If the House finds that the Contestant has made allegations that, if true, would be sufficient to change the outcome of the election and entitle her to the seat, the House moves forward with the contest and with its investigation. *See id.* §§ 383, 385.

20. To ultimately prevail in the election contest, the Contestant must demonstrate by a fair preponderance of evidence that "the election results entitle [her] to [the] contestee's seat." *See id.* § 385; 3 Lewis Deschler, PRECEDENTS OF THE UNITED STATES OF THE HOUSE OF REPRESENTATIVES, Ch. 9 § 35.2 (1994).

21. The evidence here supports Contestant Hart's entitlement to the seat.

FIRST GROUND FOR ELECTION CONTEST:
IMPROPERLY EXCLUDED BALLOTS

22. As described in detail below, the returns certified by the State Canvassing Board excluded at least 22 lawful ballots, 18 of which were cast for Contestant Hart, three of which were cast for Contestee Miller-Meeks, and one of which did not record a vote for either candidate.

23. These wrongfully excluded ballots favor Contestant Hart by a margin of 15 votes, which is sufficient to change the outcome of the election.

24. Taking into account the current six vote margin, when these ballots are counted, Contestant Hart will lead by a margin of nine votes.

LEGAL PRINCIPLES

25. "The right to vote is a fundamental political right. It is essential to representative government." *Devine v. Wonderlich*, 268 N.W.2d 620, 623 (Iowa 1978) (citing *Wesberry v. Sanders*, 376 U.S. 1, 17-18 (1964)).

26. The right to vote includes not only the right to cast a ballot but also the right to have that ballot counted. *See id.* (noting that qualified voters have the right "to have their ballots counted for the candidate of their choice") (citing *Wesberry*, 376 U.S. at 17-18); *see also United States v. Saylor*, 322 U.S. 385, 387-388 (1944) ("[The] protected personal rights of a citizen includ[e] the right to cast his ballot and . . . that to refuse to count and return the vote as cast [is] as much an infringement of that personal right as to exclude the voter from the polling place"); *United States v. Classic*, 313 U.S. 299, 315 (1941) (voters have the right "to cast their ballots *and have them counted* at Congressional elections") (emphasis added).

27. Eligible voters should not be disenfranchised where there is no question as to the voter's eligibility or the voter's intent to vote for a particular candidate. See Deschler, Ch. 9 §§ 10.6-10.12, 38.1-3; see also *Campbell v. Doughton*, H.R. Rept. No. 882 (1922) (confirming voters are to be "given the benefit of the doubt" and that failure to adhere to technicalities should not result in the disenfranchisement of voters).

28. It is well-settled that voters are not to be disenfranchised based on the errors or mistakes of election workers. *See Parra v. Harvey*, 89 So. 2d 870, 874 (Fla. 1956) ("After an elector casts a ballot that is regular in all particulars, he transfers control to the election officials and should not be charged with their mishandling afterward."); *State v. Barnett*, 195 N.W. 707, 712 (Wis. 1923) ("As a general rule a voter is not to be deprived of his constitutional right of suffrage through the failure of election officers to perform their duty . . ."). Indeed, courts have found that failure to count an otherwise valid ballot due to election worker error would violate voters' due process rights. *See Ne. Ohio Coal. for Homeless v. Husted*, 696 F.3d 580, 593-595, 597 (6th Cir. 2012); *Griffin v. Burns*, 570 F.2d 1065, 1075-1078 (1st Cir. 1978).

29. Consistent with these judicial precedents, the House has refused to disenfranchise voters based on mere election worker error or mishandling of ballots. *See* Deschler, Ch. 9 §§ 10.14, 10.16, 38.1; 6 Clarence Cannon, PRECEDENTS OF THE UNITED STATES OF THE HOUSE OF REPRESENTATIVES, Ch. 162 § 92 (explaining the "voter is not to be deprived of his right and the citizens are not to lose the result of an election fairly held because of some important omission of form or of the neglect or carelessness or ignorance on the part of some election officers") (quoting *Carney v. Smith*, H.R. Rept. No. 202 (1914)); *see also McCloskey v. McIntyre*, H.R. Rept. No. 99-58 (1985) at 24 ("The House has chosen overwhelmingly in election cases throughout its history not to penalize voters for errors and mistakes of election officials.").

30. Ultimately, the House is free to make its own determination as to the "validity of ballots where the intention of the voter is clear and there is no evidence of fraud." Deschler, Ch. 9 § 38.4. This basic principle—that the will of the voters is the paramount concern—runs throughout the House's precedents. *Id.* § 38.1.

WRONGFULLY EXCLUDED BALLOTS

Scott County Curbside Ballots (Two Ballots)

31. Iowa permits voters who are unable to access their polling location due to a disability to vote from their cars. *See* Iowa Code § 49.90 ("If any elector because of a disability cannot enter the building where the polling place for the elector's precinct of residence is located, the two [elections] officers shall take a paper ballot to the vehicle occupied by the elector with a disability and allow the elector to cast the ballot in the vehicle.").

32. "Ballots cast by voters with disabilities shall be deposited in the regular ballot box, or inserted in the tabulating device, *and counted in the usual manner*." *Id.* (emphasis added).

33. In accordance with this provision, two registered voters in Scott County cast ballots from their cars at the D23 precinct on Election Day. *See* Russell Aff. ¶ 11, Exs. A & B; Nahra Aff. ¶ 13, Exs. A & B.

34. However, when poll workers tried to insert the ballots into the voting machine to be counted, the voting machine would not accept the ballots. A poll worker named Rose took contemporaneous notes. Regarding one ballot, she wrote, "This was voted curbside and the machine wouldn't take it. Didn't give us the option to 'cast' it. Dave said to put this in with our voted ballots. Our count will be

off by 1. Rose - D23." Russell Aff. ¶ 11, Ex. A; Nahra Aff. ¶ 13, Ex. A. Regarding the other ballot, she wrote, "For some reason the machine would not accept this ballot. Didn't give the option to 'cast' it. Rose - D23." Russell Aff. ¶ 11, Ex. B; Nahra Aff. ¶ 13, Ex. B.

35. The Scott County Recount Board later determined that these two ballots were mistakenly excluded from the initial canvass. Russell Aff. ¶ 11; Nahra Aff. ¶ 13.

36. At least two members of the Recount Board observed that these ballots contained votes for Contestant Hart. Russell Aff. ¶ 12; Nahra Aff. ¶ 14. Although these were lawfully cast votes, the Recount Board determined it could not include the votes on these ballots in the recounted tally because they were not counted during the initial canvass. *See* Iowa Code § 50.48(4)(a) ("The board shall recount only the ballots which were voted and counted for the office in question ...."); *see also* Russell Aff. ¶ 14 (noting that they did not believe they had the authority to include ballots); Nahra Aff. ¶ 16 (same). As such, these votes were not counted in the recount or reflected in the certified results.

37. Both curbside ballots were lawfully cast, contained votes for Contestant Hart, and should have been included in Iowa's certified count for the Second Congressional District. These two ballots, which, when counted, will result in a net gain of two votes for Contestant Hart, should be included in the final determination of who is entitled to hold the office of United States Representative for Iowa's Second Congressional District.

Marion County Absentee Ballots (Nine Ballots)

38. In Iowa, any voter may apply to vote absentee and ultimately vote absentee if the voter "expects to be unable to go to the polls and vote on election day." Iowa Code § 53.1(1)(c).

39. Absentee voters are sent a ballot and an unsealed return envelope, which must be completed and returned to a county auditor "before the polls close on election day or be clearly postmarked ... not later than the day before the election ... and received by the commissioner not later than noon on the Monday following the election." *Id.* §§ 53.17(2), 53.8. If a ballot cannot be folded so that all votes cast on the ballot will be hidden, the county auditor must also enclose a secrecy envelope with the absentee ballot. *Id.* § 53.8(1).

40. Each county must establish a "special precinct election board" to review and count its absentee ballots. *Id.* § 53.23.

41. The special precinct election board "shall first review voters' affidavits to determine which ballots will be accepted for counting and...whose ballots have been rejected." Iowa Admin. Code 721–21.359(2). From there, "*envelopes...containing ballots that have been accepted for counting...shall be opened and the secrecy envelope containing the ballot shall be removed.*" *Id.* (emphasis added).

42. In other words, it is only "*[a]fter* the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined [that] those [absentee ballots] that have been accepted for counting shall be opened." Iowa Code § 53.23(5) (emphasis added). Consequently, any absentee

ballot that has been removed from its secrecy envelope has been accepted for counting by the special precinct election board and must be counted under Iowa law.

43. On November 20, 2020, the Marion County Recount Board opened a sealed box of absentee ballots that was labeled as containing 457 total absentee ballots. *See* Biderman Aff. ¶ 10, Ex. A (memorialized joint statement of the Marion County Recount Board).

44. When the Marion County Recount Board recounted the ballots, however, it found that the box contained 466 ballots ***not*** 457 ballots. *See id.* ¶ 10, Ex. A. Because an absentee ballot is separated from its secrecy envelope only after being reviewed and accepted for counting by the special precinct election board, all 466 ballots were lawfully cast and should have been counted. In fact, the Marion County Recount Board concluded that the additional nine ballots were lawfully cast. *See id.* ¶ 13.

45. However, a majority of the Marion County Recount Board members concluded that they lacked the authority to recount a ballot that had not been counted in the initial canvass. *See id.* ¶ 13, Ex. A. As a result, the Marion County Recount Board did not include the nine absentee ballots "at the end of the stack of ballots" in their final count of the results. *See id.* ¶¶ 10, 13, Ex. A. The ballots were not reflected in the certified vote total.

46. To preserve the issue, the Marion County Recount Board unanimously agreed to separately tabulate the nine absentee ballots and record the results. Of these nine ballots, five were cast for Contestant Hart, three were cast for Contestee

Miller-Meeks, and one did not record a vote for either candidate. *See id.* ¶¶ 14-15, Ex. A. After tabulating the nine ballots, the Recount Board placed the ballots and the joint statement memorializing the circumstances and the results of those ballots in a sealed box for preservation. *See id.* ¶ 15.

47. These nine ballots were lawfully cast and should have been included in Iowa's certified count for the Second Congressional District. These nine ballots, which result in a net gain of two votes for Contestant Hart, should be included in the final determination of who is entitled to hold the office of United States Representative for Iowa's Second Congressional District.

Johnson County Cured Provisional Ballot (One Ballot)

48. Under Iowa law, a voter who resides in a precinct but is not yet registered to vote in that precinct may register to vote in person on Election Day and cast a ballot. Iowa Code § 49.77(3)(b). However, such voters must vote by provisional ballot if they are unable to provide acceptable proof of identity and residence at the time of registration. *Id.* §§ 49.81(2), 49.77(3)(b), 48A.7A(1).

49. Provisional ballots should be marked and sealed in a provisional ballot envelope, which includes the voter's name, date of birth, address, and declaration of eligibility. *Id.* § 49.81(5)(a).

50. Any person required to cast a provisional ballot for failure to provide acceptable proof of identity or residence may submit such proof after Election Day, so long as it is received by the county auditor by noon on the Monday after the election (November 9, 2020). Iowa Admin. Code 721–21.3(7). For these purposes,

a person may establish identity and residence by presenting a current and valid Iowa driver's license. Iowa Code § 48A.7A(1)(b)(1).

51. A special precinct election board is charged with reviewing the information on provisional ballot envelopes, along with any evidence submitted by a voter in connection with their provisional ballot. *Id.* § 50.22 (describing process for reviewing provisional and challenged ballots and any evidence submitted). Under Iowa law, "[a]fter the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened…[and] removed from the affidavit envelopes…without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated." *Id.* § 53.23(5).

52. In Johnson County, voter Cheyanne J. Kurth cast a provisional ballot on Election Day because she was unable to provide the requisite proof of residency and identity. Before noon on November 9, Ms. Kurth timely provided the County Auditor with proof of her residency and identity in the form of a current Iowa driver's license and a piece of recent official mail showing her address. She completed a declaration swearing to her identity and residency. *See* Kurth Aff. ¶¶ 4-5.

53. When the special precinct election board convened to review provisional ballots, however, Ms. Kurth's ballot was not counted due to election worker error.

54. As the Johnson County auditor explained in an apologetic letter to Ms. Kurth admitting error, there were two provisional ballots in Ms. Kurth's precinct (one of which was Ms. Kurth's) which needed to be cured before they could be counted. *See id.* at Ex A. Although Ms. Kurth timely submitted the cure materials required by law to qualify her provisional ballot for counting, her provisional ballot paperwork had detached from her provisional ballot envelope while in the custody of election officials. The same thing happened with another provisional voter who, unlike Ms. Kurth, failed to cure his ballot. Election officials claimed that they could not identify which ballot was Ms. Kurth's and which ballot belonged to the other provisional voter. *See id.* ¶¶ 4-7, Ex A. As a result, neither ballot was counted, even though Ms. Kurth timely submitted her paperwork.

55. Johnson County election officials acknowledged that Ms. Kurth timely provided the materials required by law to qualify her ballot for counting and that, as a result, Ms. Kurth "should have had [her] vote counted." *See id.* ¶ 7, Ex A ("We are very sorry this happened, especially since you did everything you needed to do and should have had your vote counted."). Because of this error by election officials, Ms. Kurth's ballot was excluded from the initial canvass and subsequent recount. *See id.* ¶¶ 6-7, Ex A.

56. Ms. Kurth is willing to identify which ballot is hers and swear to the contents of her ballot. *See id.* ¶ 8. Ms. Kurth has affirmed under oath that she cast a vote for Contestant Hart. *See id.* ¶ 9.

57. Ms. Kurth complied with Iowa law. Her ballot was lawfully cast, contained a vote for Contestant Hart, and should have been included in Iowa's

certified count for the District. Ms. Kurth has voluntarily waived her right to a secret ballot to affirm that she cast a vote for Contestant Hart. Her ballot, which results in a net gain of one vote for Contestant Hart, should be included in the final determination of who is entitled to hold the office of United States Representative for Iowa's Second Congressional District.

Johnson County Signed Absentee Ballot (One Ballot)

58. Iowa law requires absentee voters to sign their absentee ballot envelope. *See* Iowa Code § 53.16. (the voter shall "make and subscribe to the affidavit *on the affidavit envelope or on the return envelope* marked with the affidavit") (emphasis added).

59. In Johnson County, the back of the absentee ballot affidavit envelope states: "If this affidavit *envelope* is not signed and sealed, your ballot cannot be counted." (emphasis added). *See* Nasr Aff. at Ex. A.

60. Iowa statutes provide that "a return envelope marked with the affidavit shall be considered to contain a defect if it appears to the [auditor] that the signature on the envelope has been signed by someone other than the registered voter," Iowa Code § 53.18, but does not provide any additional legal basis to reject an absentee ballot based on the signature.[2]

61. Significantly, Iowa law does not mandate *where* on the envelope the voter must sign, nor does Iowa law authorize election officials to reject an absentee ballot based on *where* the signature appears on the envelope.

[2] *But see League of United Latin Am. Citizens of Iowa v. Pate,* No. CVCV056403 (Iowa Dist. Sep. 30, 2019) (holding that Iowa's signature matching law is unconstitutional and unenforceable).

62. The Johnson County absentee ballot envelope contains large, bold red lettering stating, "Signature Required." Next to the lettering is a red arrow pointing downward. Below the red arrow is approximately 1.25 inches of blank space and, below that, a Voter's Affidavit with a signature field. *See* Nasr Aff. at Ex. A. Given this layout, it is entirely reasonable for a voter to sign in the blank space to affirm the statement in the affidavit.

63. Johnson County voter Nasr Mohamed Nasr signed the Voter's Affidavit envelope, as required by law. *See* Iowa Code § 53.16. Mr. Nasr signed his name in the blank space referenced above, rather than on the separate signature field within the voter affidavit. *See* Nasr Aff. ¶ 6, Ex. A. Mr. Nasr then timely returned his absentee ballot to Johnson County. *See id.* ¶ 8.

64. The Johnson County special precinct election board rejected Mr. Nasr's absentee ballot not because his ballot lacked a signature but because his signature was in the blank space rather than on the signature field. *See id.* at Ex. A.

65. Johnson County thus disenfranchised Mr. Nasr solely based on the *location* of his signature on the affidavit envelope. Iowa law does not authorize election officials to reject a signature on this basis.

66. Mr. Nasr has affirmed under oath that, in signing his affidavit envelope, he was affirming the truth of the statements in the Voter's Affidavit—that he is a qualified, registered voter in his precinct and that he did not vote in any other precinct. *See id.* ¶ 7.

67. Mr. Nasr has affirmed under oath that he cast a vote for Contestant Hart. *See id.* ¶ 4.

68. Mr. Nasr complied with Iowa law in his execution and return of his absentee ballot. His ballot was lawfully cast, contained a vote for Contestant Hart, and should have been included in Iowa's certified count for the District. Mr. Nasr has voluntarily waived his right to a secret ballot to affirm that he cast his vote for Contestant Hart. His ballot, which results in a net gain of one vote for Contestant Hart, should be included in the final determination of who is entitled to hold the office of United States Representative for Iowa's Second Congressional District.

Johnson County Voters With Pre-Sealed Ballot Envelopes (Two Ballots)

69. When county auditors mail absentee ballots to voters, they are required by law to "enclose the absentee ballot in an *unsealed envelope*." Iowa Code § 53.12 (emphasis added). However, due to election official error or circumstances outside their control, some voters actually receive a *sealed* envelope.

70. After signing the absentee ballot envelope, voters must "fold the ballot or ballots … and deposit them in the envelope, and securely seal the envelope." *Id.* § 53.16. A voter who receives a sealed envelope, opens that envelope, deposits the ballot in the envelope, and securely seals the envelope has complied with Iowa law.

71. Iowa law directs absentee and special ballot precinct boards to reject an absentee ballot "[i]f the affidavit envelope or return envelope … has been opened and resealed." *Id.* § 53.25(1)(a). Because Iowa law presumes that voters will receive an *unsealed* envelope, this directive cannot logically apply where the voter receives a *sealed* envelope and, therefore, must first open the envelope to deposit the ballot and then securely seal it. Otherwise, a voter would be disenfranchised based solely

on election official error or circumstances outside the voter's control — an absurd and unconstitutional result that courts and the U.S. House of Representatives have consistently rejected. *See supra* ¶¶ 28-29.

72. In Johnson County, at least two absentee voters received an absentee return envelope that was *sealed* when it arrived, requiring them to break the seal on their envelopes prior to depositing their ballots in the envelope and securely sealing them, in accordance with Iowa law.

73. The first Johnson County voter, Sada Rhomberg, requested an absentee ballot to vote in the November general election because she is a student in Chicago and did not plan to be in Iowa for Election Day. *See* Rhomberg Aff. ¶ 3.

74. When Ms. Rhomberg received her absentee ballot materials in the mail, the affidavit envelope was already sealed, likely due to moisture to which the ballot had been exposed in transit. *See id.* ¶ 5.

75. Ms. Rhomberg carefully unsealed the affidavit envelope, placed her completed ballot in the unsealed envelope, and re-sealed the envelope using tape. *See id.* ¶ 6.

76. Before Ms. Rhomberg sent her absentee ballot back, Ms. Rhomberg's mother, Susan Johnson, called the Johnson County auditor's office on her daughter's behalf to determine whether sealing the ballot with tape would impact whether the ballot was counted. *See* Susan Johnson Aff. ¶ 4.

77. A woman in the Johnson County auditor's office informed Ms. Johnson that re-sealing the envelope with tape would not prevent an absentee ballot

from being counted. *See id.* ¶ 5. Ms. Johnson relayed this information to her daughter. *See id.* ¶ 6.

78. Ms. Rhomberg relied on this information. *See* Rhomberg Aff. ¶ 7. To ensure her ballot would be counted, she inscribed the following on the back of the envelope: "My return envelope was shut when I got it, so I taped it shut." *See id.* ¶ 8, Ex. A (showing Ms. Rhomberg's inscription on her ballot envelope). Ms. Rhomberg then timely submitted her absentee ballot. *See id.* ¶ 9.

79. Despite the assurances provided by the Johnson County auditor's office, Johnson County election officials rejected Ms. Rhomberg's sealed absentee ballot for not being properly sealed. *See id.* at Ex. B.

80. Iowa law does not prohibit voters from using tape to securely seal their ballot and courts in other states have permitted it. *See Myrtle v. Essex County Board of Elections*, 943 N.Y.S.2d 793, 2011 N.Y. Slip Op. 52153 (Dec. 2, 2011), n. 3 ("After observing that no statutory or case authority could be found prohibiting the use of tape to close an envelope containing an absentee ballot, the Clerk dismissed that claim.").

81. Like Ms. Rhomberg, a second Johnson County absentee voter, Steven Schaefer, also received his absentee ballot envelope sealed shut. *See* Schaefer Aff. ¶ 4.

82. Like Ms. Rhomberg's ballot materials, Mr. Schaefer's ballot materials were also wet when he received them, causing the return envelope to seal. *See id.*

83. Therefore, to cast his ballot, Mr. Schaefer carefully opened the envelope, placed his ballot inside, and securely sealed it. *See id.* ¶¶ 4, 9-10.

84. To ensure that his ballot would be counted, Mr. Schaefer signed the top of the envelope where he had securely sealed the ballot envelope to indicate that he was the individual who sealed it. *See id.* ¶¶ 4-10, Ex. A (displaying Mr. Schaefer's signature at the top of the ballot envelope).

85. Johnson County officials did not count Mr. Schaefer's ballot or Ms. Rhomberg's ballot because both of their envelopes had been opened by the voter prior to the voter securely sealing them, even though both voters took affirmative steps to indicate that they had been the ones who sealed the envelopes and, in Ms. Rhomberg's case, had confirmed with election officials that her ballot would count.

86. Both Ms. Rhomberg and Mr. Schaefer affirm under oath that they cast a vote for Contestant Hart. *See* Rhomberg Aff. ¶ 11; Schaefer Aff. ¶ 5.

87. Both Ms. Rhomberg and Mr. Schaefer fully complied with the statutory requirement to securely seal their ballots. Both ballots were lawfully cast, contained votes for Contestant Hart, and should have been included in Iowa's certified count for the District. Ms. Rhomberg and Mr. Schaefer have voluntarily waived their rights to a secret ballot to affirm they cast votes for Contestant Hart. Both of their ballots, which result in a net gain of two votes for Contestant Hart, should be included in the final determination of who is entitled to hold the office of United States Representative for Iowa's Second Congressional District.

Johnson and Scott County Voters Who Affirm That They Sealed Their Ballots (Five Ballots)

88. As noted above, after signing the absentee ballot envelope, voters must "fold the ballot or ballots … and deposit them in the envelope, and securely seal the envelope." Iowa Code § 53.16. Iowa law directs absentee and special ballot precinct boards to reject an absentee ballot where the voter fails to comply with this statutory requirement and if, as a result, "the affidavit envelope or return envelope marked with the affidavit is open." *Id.* § 53.25. Iowa law does not address what happens if a voter complies with the statutory requirement, but the envelope is nonetheless "open" when it is reviewed by the absentee and special ballot precinct board. Nor does Iowa law define what "open" means.

89. In Johnson County and Scott County, multiple voters had their absentee ballots rejected because "the affidavit envelope was not properly sealed." The term "properly sealed" is not found in Iowa's election law statute. Iowa law does not authorize election officials to reject absentee ballots because they are not "properly sealed."

90. The evidence suggests that Johnson County applied a stricter standard than did other counties when it encountered an envelope that its officials believed to be "improperly sealed." Even though Johnson County voters cast fewer than one-fourth (23 percent) of absentee ballots in the District, it accounted for nearly three-fourths (73 percent) of all absentee ballots in the District rejected based on how the ballot enveloped was sealed. *See* Dr. Palmer Decl. ¶ 10.

91. In a recent case in Pennsylvania, a court held that 69 ballots identified as "unsealed" during the canvass should be *counted* where there was no evidence that the *voter* had failed to seal the ballot:

> Therefore, this Court finds there is no evidence that the electors failed to "securely seal [the ballot] in the [privacy] envelope," as required by the Election Code. The elector was provided the envelope by the government. If the glue on the envelope failed that would be the responsibility of the government. There is insufficient evidence to determine whether the specific language of the mandated law was violated. This Court finds it would be an injustice to disenfranchise these voters when it cannot be shown that the ballots in question were not "securely sealed" in the privacy envelope prior to the canvassing of those ballots, and for all of the reasons stated previously, there has been no suggestion or evidence that the absence of a sealed inner envelope in anyway jeopardized the privacy of the ballot.

In re: Canvass of Absentee and/or Mail-in Ballots of November 3, 2020 General Election, Petition of Donald J. Trump for President, et. al., No. 20-05786-35 (Nov. 19, 2020).

92. At the time of this filing, at least five voters in Iowa's Second Congressional District whose ballots were rejected based on how the envelopes were sealed have affirmed that they marked their own ballots, placed the ballots in the envelopes, securely sealed their envelopes, and returned the sealed envelopes to their county auditor (or in the case of one voter with a physical disability, had his wife assist him with these tasks). These voters affirm that they were in possession of their absentee ballot from the time they marked it to when it was returned.

93. These voters include Johnson County voters Joshua Reyes-Torres, Trajae Lackland, and Michael Overholt, as well as Scott County voters Charles Tucker and Jo Donna Loetz. *See generally* Reyes-Torres Aff.; Lackland Aff.; Overholt Aff.; C. Tucker Aff.; Loetz Aff.

94. All of these voters affirm that they sealed their ballots. Mr. Lackland, for example, remembers that he had difficultly sealing his ballot because the glue on his envelope was dry. *See* Lackland Aff. ¶ 7. Another voter, Mr. Overholt, specifically remembers sealing his ballot because he was concerned about licking his return envelope in the middle of a pandemic. *See* Overholt Aff. ¶ 6.

95. One of these voters, Ms. Loetz, handed her absentee ballot directly to a county election official and later made a special effort to cast a ballot in person when she became concerned that her absentee ballot would not be counted. *See* Loetz Aff. ¶ 8. When Ms. Loetz arrived at her precinct on Election Day, a poll worker confirmed that her original ballot would be counted, and so Ms. Loetz left without casting a new ballot. *See id.* ¶ 10.

96. These voters did everything that was asked of them, and yet, they have been disenfranchised for reasons outside of their control. As the court in Pennsylvania concluded, it "would be an injustice to disenfranchise these voters when it cannot be shown that the ballots in question were not 'securely sealed' in the privacy envelope prior to the canvassing of those ballots…there has been no suggestion or evidence that the absence of a sealed inner envelope in anyway jeopardized the privacy of the ballot." *See supra* ¶ 91.

97. Although an unsealed ballot might otherwise present a concern that the ballot has been tampered with, that concern is not present when the voters have affirmed, under oath, that they maintained custody over the ballots from the time they marked their ballots to the time of mailing or otherwise returning their ballots,

and have affirmed, under oath, for whom they cast their ballot. Under these circumstances, the U.S. House of Representatives can have full confidence that these voters' ballots have not been tampered with in a way that affects the voters' honestly cast ballots.

98. These five voters have affirmed, under oath, that they voted for Contestant Hart. These voters should not have their ballots invalidated when the voters themselves can confirm their honest votes, and particularly when their testimony negates any possible inference of ballot tampering or fraud.

99. These voters fully complied with the statutory requirement to securely seal their ballots. These five voters' ballots were lawfully cast, contained votes for Contestant Hart, and should have been included in Iowa's certified count for the District. These five voters have voluntarily waived their right to a secret ballot to affirm they cast votes for Contestant Hart. Their ballots, which result in a net gain of five votes for Contestant Hart, should be included in the final determination of who is entitled to hold the office of United States Representative for Iowa's Second Congressional District.

Absentee Ballots Timely Returned to Auditor's Office (Two Ballots)

100. For an absentee ballot "to be counted, the return envelope must be received in the commissioner's office before the polls close on election day." Iowa Code § 53.17(2). This law ensures that only ballots cast on or before Election Day are included in the count.

101. Before Election Day, two eligible Iowa voters, Mei Ling Lietsch and Krystal Nicole Klawonn, returned their absentee ballots to a no-contact ballot

delivery drop box affixed to the Linn County Auditor Office. *See* Lietsch Aff. ¶ 5; Klawonn Aff. ¶ 5. Each voter attends school in Linn County.

102. The Linn County Auditor's Office marked both ballots as received by Election Day (November 3). *See* Lietsch Aff. at Ex. A (scan of ballot envelope); Klawonn Aff. at Ex. A (same).

103. The two voters were registered in Des Moines and Wapello Counties, respectively. *See* Lietsch Aff. ¶ 2; Klawonn Aff. ¶ 2. The Linn County Auditor thus mailed both ballots to those respective counties.

104. Des Moines and Wapello Counties rejected both ballots as untimely, even though both ballots were in the hands of election officials (in Linn County) before the close of polls. *See* Lietsch Aff. ¶¶ 5-7; Klawonn Aff. ¶¶ 5-7.

105. Iowa law merely requires that the envelope be "received in the commissioner's office" by Election Day. This requirement guarantees that any ballot included in the certified returns was cast on or before Election Day. Iowa law does not specify that the envelope must be returned to the commissioner's office where the voter resides, unlike other provisions of Iowa law that do include that specification. *See, e.g.,* Iowa Code § 53.42 (allowing military voters to "personally appear in the office of the commissioner of the county of the voter's residence"). Voters that returned their envelopes to a county auditor by the statutory deadline should not be disenfranchised because it took several additional days for that county auditor to forward the envelope to the county where the voter resides.

106. Voters that returned their ballot envelopes to a county auditor by the statutory deadline should not be disenfranchised because it took several additional

days for that county auditor to forward the envelope to the county where the voter resides. Moreover, under Iowa law, county auditors must accept for counting any ballot that is postmarked by November 2 (the day before the election) and arrives by November 9 (the Monday following the election). *See id.* § 53.17(2). Auditors may not complete their canvass of absentee ballots until after that date. Because the auditors in Des Moines and Wapello Counties possessed the two ballots in question by November 9, they suffered no prejudice or inconvenience by the delay.

107. Both Ms. Lietsch and Ms. Klawonn have voluntarily waived their right to cast a secret ballot to affirm they cast their ballots for Contestant Hart. *See* Lietsch Aff. ¶ 4; Klawonn Aff. ¶ 4.

108. Both ballots were lawfully cast, contained votes for Contestant Hart, and should have been included in Iowa's certified count for the District. Ms. Lietsch and Ms. Klawonn's ballots, which result in a net gain of two votes for Contestant Hart, should be included in the final determination of who is entitled to hold the office of United States Representative for Iowa's Second Congressional District.

Summary of Erroneously Excluded Ballots

109. In sum, the following voters' ballots were erroneously excluded from the state's certified returns. Each of these ballots should be considered in the House's determination of who is entitled to hold the office of United States Representative for Iowa's Second Congressional District.

Voter(s)	County	Circumstances	Votes
Unidentified	Scott	Two curbside ballots erroneously excluded from initial count.	+2 Hart

Unidentified	Marion	Nine absentee ballots erroneously excluded from count.	+5 Hart +3 Miller-Meeks +1 undervote
Ms. Kurth	Johnson	Voter provided required cure documents in a timely manner. Provisional ballot sheet detached due to election worker error.	+1 Hart
Mr. Nasr	Johnson	Voter signed absentee envelope in white space under "Signature Required" rather than on signature line.	+1 Hart
Ms. Rhomberg	Johnson	Voter received *sealed* absentee ballot envelope. Voter opened envelope to deposit ballot and securely sealed it. Voter can confirm contents of ballot to negate any inference of fraud or tampering.	+1 Hart
Mr. Schaefer	Johnson	Voter received *sealed* absentee ballot envelope. Voter opened envelope to deposit ballot and securely sealed it. Voter can confirm contents of ballot to negate any inference of fraud or tampering.	+1 Hart
Ms. Loetz	Scott	Voter accidentally ripped ballot envelope, but election officials confirmed ballot would still be counted. Voter can confirm contents of ballot to negate any inference of fraud or tampering.	+1 Hart
Mr. Tucker	Scott	Voter's sealed absentee ballot envelope was deemed "not properly sealed," but voter can confirm contents of ballot to negate any inference of fraud or tampering.	+1 Hart
Mr. Lackland	Johnson	Voter's sealed absentee ballot envelope was deemed "not properly sealed," but voter can confirm contents of ballot to negate any inference of fraud or tampering.	+1 Hart
Mr. Overholt	Johnson	Voter's sealed absentee ballot envelope was deemed "not properly sealed," but voter can confirm contents of ballot to negate any inference of fraud or tampering.	+1 Hart

Mr. Reyes-Torres	Johnson	Voter's sealed absentee ballot envelope was deemed "not properly sealed," but voter can confirm contents of ballot to negate any inference of fraud or tampering.	+1 Hart
Ms. Lietsch	Des Moines	Voter timely returned absentee ballot to Linn County.	+1 Hart
Ms. Klawonn	Wapello	Voter timely returned absentee ballot to Linn County.	+1 Hart
Net Votes for Hart			+15 Hart

110. In total, the state's certified returns erroneously failed to include at least 22 ballots, which included 18 votes for Contestant Hart, three votes for Contestee Miller-Meeks, and one ballot that did not record a vote for either candidate, resulting in a net gain of 15 votes for Contestant Hart. These votes are sufficient to change the outcome of the election and establish Contestant Hart's entitlement to the seat.

SECOND GROUND FOR CONTESTING ELECTION: UNLAWFUL AND NON-UNIFORM RECOUNT PROCEDURES

111. Had the recounts that occurred across the District from November 17 to November 28 been conducted lawfully and consistently, they would have put Contestant Hart in the lead, and she would have been certified as the winner. But the recounts, which took place across 24 different counties, were haphazard and non-uniform, and in several counties, failed to conform to law. As a direct result, Contestee Miller-Meeks was improperly certified as the winner.

112. A marked and troubling lack of uniformity across the 24 counties caused a failure to identify lawful votes cast among ballots treated by the machines as "overvotes" (i.e., ballots assumed to select multiple candidates for a single

office) and "undervotes" (i.e., ballots assumed to select no candidates for that office). It likewise caused a failure to identify lawful "write-in" votes, where the voters made no selection next to the printed names but wrote Contestant Hart's or Contestee Miller-Meeks's name in the space provided on the ballot. Finally, this lack of uniformity caused ballots containing identifying marks to be rejected in Contestant Hart's stronghold counties but ignored in counties Contestee Miller-Meeks won handily.

113. In each case, voters whose ballots would have been counted had they resided in other counties were rejected because of different decisions made by the recount boards in their counties. These disparities resulted in a net loss of votes for Contestant Hart, disenfranchised lawful Iowa voters who cast ballots that should have been counted, and deprived Contestant Hart of the certification to which she is legally entitled.

LEGAL PRINCIPLES

Federal Equal Protection Requirements

114. The Equal Protection Clause prohibits the arbitrary and disparate treatment of voters. In *Bush v. Gore*, the Supreme Court held that the Equal Protection Clause applies not only to the "initial allocation of the franchise," but also to "the manner of its exercise," and that "[h]aving once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another." *Bush v. Gore*, 531 U.S. 98, 104–05 (2000).

115. The Court in *Bush v. Gore* found an equal protection violation specifically when a "citizen whose ballot was not read by a machine because he failed to vote for a candidate in a way readable by a machine may still have his vote counted in a manual recount," while a "citizen who marks two candidates in a way discernible by the machine will not have the same opportunity to have his vote count, even if a manual examination of the ballot would reveal the requisite indicia of intent." *Id.* at 108. The Court found that such a disparity presented an "equal protection problem." *Id.*

116. Multiple lower courts have since similarly held that voting systems that result in varying chances that an individual's vote will be counted based on their jurisdiction are constitutionally impermissible. *E.g.*, *Stewart v. Blackwell*, 444 F.3d 843, 868 (6th Cir. 2006), *vacated en banc on other grounds*, 473 F.3d 692 (6th Cir. 2007) (holding that decision to certify voting machines with substantially different error rates violated the Equal Protection Clause); *Black v. McGuffage*, 209 F. Supp. 2d 889 (N.D. Ill. 2002) (same).

Iowa Recount Procedures and Counting Standards

117. Under Iowa law, there is no single "recount," but rather separate recounts occur in each county in a district. In each county, a single three-person recount board must conduct the recount, regardless of the county's size or the number of ballots to be counted. For the recount in Iowa's Second Congressional District, three people conducted the recount in Johnson County, where over 84,000 ballots were cast. Likewise, three people conducted the recount in Wayne County, where fewer than 3,200 ballots were cast.

118. There are no minimum qualifications or standardized trainings for recount board members.

119. Each recount board consists of a designee of each candidate and a third member chosen jointly by the candidates' designees. Iowa Code § 50.48(3). If the designees cannot agree on a third member by a certain date, then the chief judge of the district covering the county selects the third member. *Id.*

120. The recount board's small size makes it hard to count large numbers of ballots by hand. Moreover, Iowa law requires the recount to be finished within 18 days of the county canvass. *Id.* § 50.48(4)(c). Because of the time required to form a recount board, and because Thanksgiving Day falls within the 18 days available for a recount, each three-person recount board has little more than ten days to complete its recount, if all members can even meet on each of those days. This makes it impracticable for a full hand recount to be conducted, especially in large counties.

121. The three-person recount board may count the ballots by machine, by hand, or both. Iowa Admin. Code 721–26.105(50). The mechanics of the recount are left to the discretion of the recount board.

122. In a machine recount, the machine reads and tallies the ballots. In a hand recount, by contrast, the recount board visually inspects the ballots and determines the intent of the voter. Even where a machine recount is supplemented by a hand recount of some of the ballots, the result is a disparate treatment of voters. The same ballots that are rejected in a machine-recount jurisdiction because of errors by the voting machines will be counted in a hand-recount jurisdiction.

123. For example, under Iowa law, voting machines are programmed to reject ballots that contain what the machine reads as an overvote, an unreadable mark, or a completely blank ballot. The machines are *not* programmed to reject ballots that contain what the machine reads as an undervote. Iowa Admin. Code 721–22.261(2)(a) (ES&S machines), 721–22.264(2)(c) (Unisyn machines), & 721–22.266(2)(b) (Dominion machines). However, voting machines are fallible, and the machines used in Iowa sometimes erroneously interpret a ballot as an undervote, when in fact the voter has marked the ballot—but the machine, for whatever reason, does not pick up that mark. As a result, even if a machine-recount jurisdiction reviews rejected ballots by hand, as the Secretary of State has made clear they should, directing that "[a]ny ballots rejected by the scanner should be counted accordingly to the provisions of IAC 721–26," some lawfully-cast ballots (e.g., those read by machines as undervotes, but containing mark(s) reflecting voter intent to support a candidate) will still be unread entirely because of machine error. Office of the Iowa Secretary of State, *Recount Board Guide* at 6 (Sep. 2014).

124. A machine recount will fail to count some ballots where the voter cast a legal vote for a particular candidate—including *overvotes*, where the voter selected only one candidate, but the machine "thinks" the voter erroneously selected two candidates, and *undervotes*, where the voter selected a candidate, but the machine cannot associate a mark with a selection.

125. The same problem can occur with write-in ballots. For both machine and hand recounts, write-in ballots must be tallied in accordance with Iowa law. Office of the Iowa Secretary of State, *Recount Board Guide* at 6, 8 (Sep. 2014).

Under Iowa law, a write-in vote for a candidate who is pre-printed on the ballot still counts as a vote for that candidate. *See* Iowa Admin. Code 721–26.20(49). But if a county conducts only a machine recount, and does not visually inspect any of the ballots, then it will overlook valid write-in votes. The machine will record no vote for the race, when in fact the voter cast a valid ballot by writing the candidate's name in the available space on the ballot.

126. All these disparities can cause identically situated voters in counties using different recount methods to be treated differently.

127. For example, a voter whose ballot was erroneously treated as an "overvote" is less likely to have her vote counted in a county that conducts only a machine recount than an identical voter in a county that conducts a hand recount. A machine recount would not suffice to determine the voter's intent, while a hand recount would.

128. Likewise, a voter whose ballot was erroneously treated as an "undervote" is less likely to have her vote counted in a county that conducts only a machine recount than an identical voter in a county that conducts a hand recount. Again, a machine recount alone would not suffice to determine the voter's intent, while a hand recount would.

129. Similarly, the write-in ballots described above are valid votes under Iowa law. *Id.* But the voter who casts such a ballot is less likely to have her vote counted in a county that conducts only a machine recount, than an identical voter in a county that conducts a hand recount. A machine recount alone will not reveal that the voter actually voted for Contestant Hart or Contestee Miller-Meeks.

130. Finally, Iowa law requires a ballot to be rejected if it contains "identifying marks." *See id.* 721–26.14(50). However, a voter who makes such a mark in a county that conducts only a machine recount is more likely to have his vote counted than an identical voter in a county that conducts a hand recount. A machine recount alone would not surface the ballot's defect, while a hand recount would.

131. Such disparate treatment becomes increasingly consequential in a race like this one—with a razor-thin margin—where a large number of ballots were subjected to a machine recount only. The disparate treatment is exacerbated further when several counties that conduct machine recounts do *not* supplement them with a hand count of all overvotes, undervotes, and write-in votes, as discussed further below.

132. As a result, the ordinary disparities that would follow in any recount (and which themselves could make the difference in a race as close as this one) were significantly exacerbated in the chaotic, compressed, and high-pressure series of recounts at issue here, which took place over 11 days across 24 counties in eastern Iowa. Together, they caused a net loss of votes for Contestant Hart that exceeded her opponent's illusory six-vote margin, disenfranchised Contestant Hart's voters, deprived them of equal protection under the law, and deprived Contestant Hart of the office to which she is entitled.

FACTS

Initial Returns Contained Significant Errors, Revealing Potential Issues for the Recount

133. On election night, initial returns from the 24 counties in the Second Congressional District showed that Contestee Miller-Meeks had a lead of 282 votes. That lead, however, was short-lived.

134. Three days after the initial returns were reported, the Jasper County auditor discovered a significant reporting error necessitating an administrative recount. After a machine-only administrative recount in Jasper County, Miller-Meeks was no longer in the lead, and Hart was ahead by 162 votes. But Contestant Hart's lead was also short-lived.

135. On the evening of November 9, 2020, the Lucas County auditor discovered another significant reporting error: inaccurate totals for one precinct. After Lucas County conducted its own machine-only administrative recount, the race seesawed again, and Contestee Miller-Meeks led by 47 votes.

136. After these irregularities, to ensure that all lawful votes in the District were counted, Contestant Hart timely requested recounts in all 24 counties.

137. The recount boards for each county met and conducted their recounts, with the first beginning on November 17, 2020, and the last ending on November 28, 2020.

Lack of Uniformity Left Lawful Votes Uncounted, and Invalid Ballots Inconsistently Treated

138. When a machine reads a ballot as an overvote, an undervote, or a write-in vote, the only sure way to determine the voter's choice is to visually inspect

the ballot. But as the table below shows, only three of the 24 recount boards visually inspected all the undervotes, overvotes, and write-in votes to see whether they showed legal votes: Clinton, Jefferson, and Muscatine. *See* Wolfe Aff. ¶¶ 4–7; Sivright Aff. ¶¶ 5-8; Riley Aff. ¶ 4; Glick Aff. ¶¶ 6–8.

Recount Method by County[3]							
	All Overvotes Hand-Counted?	All Undervotes Hand-Counted?	All Write-Ins Hand-Counted?	Inspected for Identifying Marks?	Number of Undervotes After Recount	Number of Overvotes After Recount	Number of Write-in Ballots After Recount
Appanoose	Yes	Only 1 precinct	Yes	Not Confirmed	508	7	8
Cedar	Only Absentee	Only Absentee	Only Absentee	Not Confirmed	577	4	17
Clarke[4]	No	No	No	Not Confirmed	330	3	13
Clinton	Yes	Yes	Yes	Yes	833	7	35
Davis	No	No	No	No	200	2	7
Decatur	No	No	No	No	253	3	9
Des Moines	Only Election Day	Only Election Day	Only Election Day	Not Confirmed	1,096	17	62
Henry	No	No	No	No	551	6	23
Jasper	Only 1 precinct	Only 1 precinct	Only 1 precinct	Not Confirmed	968	5	36
Jefferson	Yes	Yes	Yes	Yes	388	3	17
Johnson[5]	Yes	No	Yes	Yes	3,863	36	68
Keokuk[6]	No	No	No	Not Confirmed	297	0	8

[3] *See generally* Appendix, Affidavits from County Recount Board Members.
[4] Clarke reviewed overvotes, undervotes, and write-ins for all absentee ballots and Election Day ballots in three of eight precincts.
[5] Johnson "paged through" some boxes of absentee ballots but did not conduct a full undervote review of those boxes.
[6] Keokuk reviewed overvotes, undervotes, and write-ins only in certain precincts.

Recount Method by County[3]							
	All Overvotes Hand-Counted?	All Undervotes Hand-Counted?	All Write-Ins Hand-Counted?	Inspected for Identifying Marks?	Number of Undervotes After Recount	Number of Overvotes After Recount	Number of Write-in Ballots After Recount
Lee	No	No	No	No	675	5	35
Louisa	No	No	No	No	273	2	10
Lucas	No	No	No	No	449	3	7
Mahaska	Only 1 precinct	Only 1 precinct	Only 1 precinct	Not Confirmed	772	9	26
Marion	No	No	No	No	1,006	12	43
Monroe	No	No	No	No	298	0	6
Muscatine	Yes	Yes	Yes	Not Confirmed	764	2	37
Scott[7]	Yes	No	Yes	Yes	3,384	23	168
Van Buren	No	No	No	No	100	0	4
Wapello	No	No	No	No	751	14	36
Washington	No	No	No	No	502	12	23
Wayne	No	No	No	No	351	0	5
Total:					**19,189**	**175**	**703**

139. The remaining 21 recount boards did not visually inspect all overvotes, undervotes, and write-in votes. Twelve recount boards *did not review a single overvote, undervote, or write-in vote* for voter intent: Davis, Decatur, Henry, Lee, Louisa, Lucas, Marion, Monroe, Van Buren, Wapello, Washington, and Wayne. *See* Taylor Aff. ¶¶ 5–9; Morain Aff. ¶ 4; Helman Aff. ¶¶ 5–9; Pedersen Aff. ¶¶ 4, 6–10; Buckman Aff. ¶ 5–9; Zastawniak Aff. ¶¶ 5–8; Biderman Aff. ¶¶

[7] Scott reviewed overvotes, undervotes, and write-ins for votes cast on Election Day in only certain precincts and reviewed only certain ballots for distinguishing marks.

5–9; Colosimo Aff. ¶¶ 4–7; Peacock Aff. ¶ 5-9; Sandra Johnson Aff. ¶¶ 5–9; Stewart Aff. ¶¶ 5, 9–10; Wandro (Wayne) Aff. ¶ 5–9. These 12 counties alone account for 5,676 ballots that were not reviewed for voter intent during the recount.

Counties Failed to Review Overvotes for Voter Intent

140. For overvotes, only six of the 24 recount boards reviewed all overvotes for voter intent: Appanoose, Clinton, Jefferson, Johnson, Muscatine, and Scott. *See* Thomas Aff. ¶ 7; Sivright Aff. ¶ 8; Wolfe Aff. ¶ 7; Riley Aff. ¶ 4; Sillman Aff. ¶ 9; Wandro (Johnson) Aff. ¶ 5; Glick Aff. ¶¶ 7–8; Metcalf ¶¶ 7–8; Russell Aff. ¶¶ 4–6; Nahra Aff. ¶¶ 5–7.

141. Six recount boards reviewed only some overvotes for voter intent: Cedar, Clarke, Des Moines, Jasper, Keokuk and Mahaska. *See* Alt Aff. ¶ 9; Truitt Aff. ¶¶ 7–8; Schulte Aff. ¶ 10; Thoma Aff. ¶¶ 7–8; Thostenson Aff. ¶¶ 9–10; Eric Palmer Aff. ¶¶ 7–8.

142. Twelve recount boards did not review *any* overvotes for voter intent: Davis, Decatur, Henry, Lee, Louisa, Lucas, Marion, Monroe, Van Buren, Wapello, Washington, and Wayne. *See* Taylor Aff. ¶ 5; Morain Aff. ¶ 4; Helman Aff. ¶¶ 5–9; Pedersen Aff. ¶¶ 4, 6–10; Buckman Aff. ¶ 5; Zastawniak Aff. ¶¶ 5–8; Biderman Aff. ¶¶ 5–9; Colosimo Aff. ¶¶ 4–7; Peacock Aff. ¶ 5; Sandra Johnson Aff. ¶¶ 5–6; Stewart Aff. ¶¶ 5, 9–10; Wandro (Wayne) Aff. ¶ 5. These counties alone accounted for 59 unreviewed overvotes, as can be seen in the table above.

143. Dr. Maxwell Palmer conducted an analysis of the six recount boards that reviewed all overvotes for voter intent. He found that 39.5 percent of votes that a machine classified as an overvote were ultimately determined to show voter

intent. This means that more than 50 ballots that had initially been characterized by the voting machine as overvotes actually contained a discernable vote for Contestant Hart or Contestee Miller-Meeks. Dr. Palmer Decl. ¶ 16.

144. From this analysis, Dr. Palmer found that the current certified totals contain an estimated 38 votes that, while classified as overvotes in the final tally, actually expressed voter intent for specific candidates. *Id.* ¶ 17. In other words, approximately 38 voters were likely disenfranchised by the recount boards' failure to review all ballots deemed "overvotes" for voter intent.

145. Each unreviewed overvote represents a potentially disenfranchised Iowan.

Counties Failed to Review Undervotes for Voter Intent

146. For undervotes, only three of the 24 recount boards reviewed all undervotes for voter intent: Clinton, Jefferson, and Muscatine. *See* Wolfe Aff. ¶¶ 4–7; Sivright Aff. ¶¶ 5–8; Riley Aff. ¶ 4; Glick Aff. ¶¶ 6–8; Metcalf Aff. ¶¶ 6–8.

147. Nine recount boards reviewed only some undervotes for voter intent: Appanoose, Cedar, Clarke, Des Moines, Jasper, Johnson, Keokuk, Mahaska and Scott. *See* Thomas Aff. ¶ 4; Alt Aff. ¶¶ 4–5; Truitt Aff. ¶¶ 4–6; Schulte Aff. ¶¶ 4–5; Thoma Aff. ¶¶ 4–8; Sillman Aff. ¶¶ 5–7; Thostenson Aff. ¶¶ 9–10; Eric Palmer Aff. ¶¶ 4, 8; Nahra Aff. ¶ 10; Russell ¶ 8.

148. Twelve recount boards did not review *any* undervotes for voter intent: Davis, Decatur, Henry, Lee, Louisa, Lucas, Marion, Monroe, Van Buren, Wapello, Washington, and Wayne. *See* Taylor Aff. ¶ 5; Morain Aff. ¶ 4; Helman Aff. ¶¶ 5–9; Pedersen Aff. ¶¶ 4, 6–10; Buckman Aff. ¶ 5; Zastawniak Aff. ¶¶ 5–8;

Biderman Aff. ¶¶ 5–10; Colosimo Aff. ¶¶ 4–7; Peacock Aff. ¶ 5; Sandra Johnson Aff. ¶¶ 5–6; Stewart Aff. ¶¶ 5, 9–10; Wandro (Wayne) Aff. ¶ 5. These 12 counties alone accounted for over 5,400 unreviewed undervotes, as can be seen from the table above.

149. Each unreviewed undervote represents a potentially disenfranchised Iowan.

Counties Failed to Review Write-In Votes for Voter Intent

150. For write-in votes, at least ten of the 24 recount boards did not review ballots to determine whether the space for write-in candidates contained valid votes for either Hart or Miller-Meeks: Davis, Decatur, Henry, Lee, Louisa, Lucas, Marion, Monroe, Van Buren, Wapello, Washington, and Wayne. *See* Taylor Aff. ¶¶ 5, 9; Morain Aff. ¶ 4; Helman Aff. ¶¶ 5, 9; Pedersen Aff. ¶¶ 4–6, 10; Buckman Aff. ¶¶ 5, 9; Zastawniak Aff. ¶¶ 5, 8; Biderman Aff. ¶¶ 5, 9; Colosimo Aff. ¶¶ 5, 7; Peacock Aff. ¶¶ 5, 9; Stewart Aff. ¶ 10; Sandra Johnson Aff. ¶¶ 5, 9; Wandro (Wayne) Aff. ¶¶ 5, 9. These counties alone account for 208 unreviewed write-in votes, as can be seen in the table above.

151. Each unreviewed write-in vote represents a potentially disenfranchised Iowan.

Counties Failed to Review Ballots for Identifying Marks

152. For ballots containing identifying marks, the recount boards did not consistently apply Iowa law's requirement that a ballot be rejected entirely if a voter marks it with an identifying mark. Iowa Code § 49.98.

153. Four counties reviewed some or all ballots for identifying marks. Dr. Palmer Decl. ¶ 18. In Johnson County, where Contestant Hart won by a wide margin, the recount board *did* inspect and reject ballots for identifying marks. *See* Wandro (Johnson) Aff. ¶ 8. From around 84,000 ballots cast, the board found (and excluded) 14 ballots with identifying marks. Nine of those 14 excluded ballots were for Contestant Hart, and five were for Contestee Miller-Meeks, resulting in a net loss of four votes for Contestant Hart. Dr. Palmer Decl. ¶ 18. Jefferson County excluded one vote for Contestee Miller-Meeks based on an identifying mark. *See* Riley Aff. ¶ 9; Dr. Palmer Decl. ¶ 18. Scott County reported that two ballots with overvotes had identifying marks while Clinton County excluded at least one ballot for an identifying mark but did not report the number of ballots excluded for identifying marks for each candidate. Dr. Palmer Decl. ¶ 18.

154. However, at least 12 of the 24 recount boards did not examine *a single ballot* for identifying marks—Davis, Decatur, Henry, Lee, Louisa, Lucas, Marion, Monroe, Van Buren, Wapello, Washington, and Wayne. *See* Taylor Aff. ¶ 8; Morain Aff. ¶ 5; Helman Aff. ¶ 8; Pedersen Aff. ¶ 9; Buckman Aff. ¶ 8; Zastawniak Aff. ¶ 7; Biderman Aff. ¶ 8; Colosimo Aff. ¶ 6; Peacock Aff. ¶ 8; Stewart Aff. ¶ 9; Sandra Johnson Aff. ¶ 8; Wandro (Wayne) Aff. ¶ 8. In those counties, more than 97,000 votes were recorded for Contestant Hart and Contestee Miller-Meeks. All were counties that Contestee Miller-Meeks won.

155. Because the Johnson County recount board's review of around 84,000 ballots resulted in the rejection of 14 ballots with identifying marks, it is highly likely that similar reviews in the other counties would result in the rejection

of a greater number of ballots, and a greater net loss of votes for Contestee Miller-Meeks.

156. These disparities affected the outcome of the election. They deprived Contestant Hart of votes that would have led to her certification and deprived her supporters of the right to select the candidate of their choice.

157. The House has authority to conduct a full, uniform recount of the ballots cast in Iowa's Second Congressional District, to avoid and correct the disparities that the practices in the previous recount created, and to ensure that every Iowan's voice in the Second Congressional District is fully and fairly heard.

CONCLUSION

For the reasons described above, Iowa's certified returns did not include every lawful ballot cast by every eligible voter in Iowa's Second Congressional District. The errors and irregularities made in Iowa's initial count of ballots and in the subsequent recount render the state's certified returns patently inaccurate and unreliable. Given the margin of this race, those errors are, if now corrected, sufficient to change the outcome of the election in favor of Contestant Hart, who is rightfully entitled to a seat as the Representative in the One Hundred Seventeenth Congress from Iowa's Second Congressional District when every lawful vote is counted.

PRAYER FOR RELIEF

Wherefore, Contestant Rita R. Hart prays that the United States House of Representatives:

1. Ensures that all evidence related to the November 2020 general election in Iowa's Second Congressional District is preserved.

2. Resolves that the Iowa State Board of Canvassers' certified returns as to Iowa's Second Congressional District are null and void because such returns failed to account for every lawful vote by eligible voters in Iowa's Second Congressional District.

3. Resolves that the 22 lawful ballots cast by eligible voters in Iowa's Second Congressional District, and which were excluded from the canvass of ballots and the certified totals, are to be included in the final count of ballots in Iowa's Second Congressional District.

4. Conducts a hand recount of every ballot, including but not limited to any ballot which was initially marked as an overvote, undervote, or write-in vote in the initial count, in order to determine true voter intent and ensure that every lawful vote is counted, and include those ballots in the final count of ballots in Iowa's Second Congressional District.

5. Resolves that Contestant Hart is entitled to a seat as the Representative in the One Hundred Seventeenth Congress from Iowa's Second Congressional District.

6. Pursuant to 2 U.S.C. § 396, reimburses from the applicable accounts of the House of Representatives the Contestant's and the Contestee's reasonable expenses for this contested-election case, including reasonable attorneys' fees, upon such party's verified application, accompanied by a complete and detailed account of the party's expenses and supporting vouchers and receipts.

7. Under 2 U.S.C. § 383, Contestee must serve her Answer on Contestant within 30 days after service of this Notice of Contest.

Respectfully submitted by:

Rita R. Hart

RITA R. HART

VERIFICATION

I swear or affirm that I am a party to this action, that I have read the foregoing Notice of Contest, and that the information stated in the Notice of Contest is true to the best of my knowledge and belief. I declare under penalty of perjury under the laws of the United States and of the State of Iowa that the foregoing is true and correct.

Rita R. Hart

RITA R. HART

Subscribed and sworn to before me
this 19th day of December, 2020.

Jalen Snowbarger

Notary Public

5-21-22

My Commission Expires

JALEN SNOWBARGER
Commission Number 81708
My Commission Expires
5-21-22

Appendix

Expert Declarations

Expert Declaration of Maxwell Palmer, PhD

Rita Hart v. Mariannette Miller-Meeks

232 Bay State Road

Boston, MA 02215

Maxwell Palmer, PhD

EXPERT DECLARATION OF MAXWELL PALMER

I, Dr. Maxwell Palmer, am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

1. My name is Maxwell Palmer. I am currently an Assistant Professor of Political Science at Boston University. I joined the faculty at Boston University in 2014, after completing my Ph.D. in Political Science at Harvard University. I teach and conduct research on American politics and political methodology.

2. I have published academic work in leading peer-reviewed academic journals, including the *American Political Science Review*, *Journal of Politics*, *Journal of Empirical Legal Studies*, and *Perspectives on Politics*, and my book, *Neighborhood Defenders: Participatory Politics and America's Housing Crisis* was published by Cambridge University Press in 2019. I have also published academic work in the *Ohio State University Law Review*. My curriculum vitae is attached to this report. My published research uses a variety of analytical approaches, including statistics, geographic analysis, and simulations, and data sources including academic surveys, precinct-level election results, voter registration and vote history files, and census data.

3. I have served as a testifying expert witness on numerous cases involving voting restrictions. I testified in *Bethune Hill v. Virginia* before the U.S. District Court for the Eastern District of Virginia (No. 3:14-cv-00852-REP-AWA-BMK); in *Thomas v. Bryant* before the U.S. District Court for the Southern District of Mississippi (No. 3:18-CV-00441-CWR-FKB); in *Chestnut v. Merrill* before the U.S. District Court for the Northern District of Alabama (No. 2:18-cv-00907-KOB); in *Dwight v. Raffensperger* before the U.S. District Court for the Northern District of Georgia (No. 1:18-cv-2869-RWS); and in *Bruni, et al. v. Hughs* before the U.S. District Court for the Southern District of Texas (No. 5:20-cv-35). I worked as a data analyst assisting testifying experts in *Perez v. Perry* before the U.S. District Court for the Western District of Texas (No. 5:11-cv-00360-OLG); in *LULAC v. Edwards Aquifer Authority* before the U.S. District Court for the Western District of Texas (No. 5:12-cv-00620-OLG); in *Harris v. McCrory* before the U.S. District Court for the Middle District of North Carolina (No. 1:13-cv-00949-WO-JEP); in *Guy v. Miller* before the U.S. District Court for the District of Nevada (No. 11-OC-00042-1B); in *In re Senate Joint Resolution of Legislative Apportionment* before the Florida Supreme Court (Nos. 2012-CA-412, 2012-CA-490); and in *Romo v. Detzner* before the Circuit Court of the Second Judicial Circuit in Florida (No. 2012 CA 412).

4. I am being compensated at a rate of $350/hour for my work in this case. No part of my compensation is dependent upon the conclusions that I reach or the opinions that I offer.

5. I was retained by the contestant Rita Hart in this matter to offer an expert opinion on the different recount procedures employed by each county in Iowa's Second Congressional District, and to opine on how uniform recount procedures could affect the results of the election.

6. I was provided data by contestant's counsel on the initial county canvass and post-recount election results in each county, as well as information on the types of recount procedures used in each county. The initial county canvass results came from the results reported by each county on the Monday or Tuesday after election day. The post-recount election results came from the statewide canvass results.

7. I was asked to evaluate how different recount procedures could affect the total ballots to be counted. I find that the inconsistent use of hand recounts of overvotes and the review of ballots with identifying marks could exclude enough ballots to change the outcome of the election.

8. Iowa's Second Congressional District ("the district") covers twenty-four counties in the southeastern corner of the state. The candidates for election to the House of Representatives in 2020 were Democrat Rita Hart and Republican Mariannette Miller-Meeks. The election was extremely competitive. The initial vote reported 196,815 votes for Hart and 196,862 votes for Miller-Meeks, leading to a 47-vote (0.006%) margin in favor of Miller-Meeks. An additional 20,174 ballots were also cast but not counted for either candidate in the initial results (706 write-in ballots, 225 overvotes, and 19,243 undervotes).

9. Hart requested a recount under state law. Recount procedures varied considerably between counties. Some counties conducted a hand recount of some or all of the ballots, while another county recounted all election day ballots by hand, but only machine counted absentee ballots.

10. In addition, counties adopted different procedures for counting some ballots during the initial canvas. Six counties excluded a total of 37 ballots that arrived in absentee ballot envelopes they deemed unsealed or "opened and resealed"; the other 19 counties did not report any such ballots. Of these 37 excluded ballots, a very high share was concentrated in Johnson County. Johnson County had 23% of the total absentee ballots cast in the election, but 73% (27 of 37) of the absentee ballots excluded due to unsealed envelopes.[1]

11. The recount substantially reduced Miller-Meeks' margin of victory over Hart from 47 votes to 6 votes. With a margin of six votes, this election is historically close. Since 1976, only one U.S. House election, the 1984 election in Indiana's 8th district, had a smaller margin (4 votes).[2]

12. During the district-wide recounts, Hart improved her margin in eleven counties; Miller-Meeks improved hers in three counties; and the margin did not change in ten counties. In seven of these ten counties (Cedar, Lee, Lucas, Van Buren, Wapello, Washington, and Wayne), the vote totals for each candidate did not change after the recount. These counties used relatively limited machine recount procedures that did not include a hand count of overvotes, undervotes, or write in votes.

13. Overall, Hart's vote increased in many counties across the district, including counties that she won, such as Johnson and Clinton, and counties that she lost, such as Davis and Mahaska.

---

[1] Information on unsealed absentee ballots was provided by counsel.

[2] Source: MIT Election Data + Science Lab, "U.S. House 1976–2018." https://doi.org/10.7910/DVN/IG0UN2

Review of Hand Count v. Machine Count Procedures

14. Hand recounts of overvotes (ballots where the voting machine reports that there are marks for two or more candidates in a contest) are important because people may be able to identify voters' selections in cases where machines cannot. For example, a voter might accidently select one candidate, and then, realizing their mistake, clearly cross out that selection with a large "X" and select the other candidate instead. A voting machine would record such a ballot as an overvote, but a person can distinguish between the two types of marks and record the vote for the correct candidate.

15. Six counties in the 2nd Congressional District chose to conduct a full hand recount of all overvotes (Appanoose, Clinton, Jefferson, Johnson, Muscatine, Scott). Twelve counties did not recount overvotes by hand, and six counties conducted a partial recount, in which some overvotes were hand counted.[3]

16. The counties that conducted full hand recounts of the overvote ballots were able to resolve a substantial percentage in favor of one of the two candidates. Before the recount, there were 129 overvote ballots in the seven counties. After the recount, there were 78, a reduction of 51 ballots. This indicates that about 39.5% ballots identified as overvotes by voting machines could be resolved by hand recounting.

17. Across the 18 counties in the district that did not conduct a hand recount of overvotes, there were 97 overvote ballots after the recount.[4] If election officials in these counties were able to resolve these overvote ballots at the same rate as election officials in the six counties that conducted hand recounts were able to do so, then approximately 38 ballots could be identified in favor of either candidate.

Review of Identifying Marks

18. Four counties (Clinton, Jefferson, Johnson, and Scott) reviewed some or all of their ballots for identifying marks (such as a voter's name or signature) during hand recounts in order to exclude such ballots from counting. In Jefferson County, one ballot for Miller-Meeks was excluded due to identifying marks, and in Johnson County, nine ballots for Hart and five ballots for Miller-Meeks were excluded.[5] Clinton County rejected at least one ballot but did not report the votes for each candidate that were excluded. Scott County reported that two ballots with overvotes had identifying marks. To my knowledge, the other counties did not exclude ballots with identifying marks, and at least half of counties did not look for identifying marks on any ballots.

19. If the ballots excluded for identifying marks in Jefferson and Johnson counties were included in the recount results, Hart would gain nine votes and Miller-Meeks would gain six votes. This would reduce Miller-Meeks' margin by half, to three votes.

---

[3] I do not have data on which precincts or how many overvote ballots were or were not recounted by hand in Cedar, Clarke, Des Moines, Jasper, Keokuk, and Mahaska counties.

[4] The recount identified one new overvote ballot in Jasper County, two new overvotes in Marion County, and two fewer overvotes in Cedar County.

[5] The votes from ballots excluded due to identifying marks were reported to counsel by recount observers in each county.

	Initial County Canvas					Post-Recount					Recount Method	
	Hart	Miller-Meeks	Write-In	Overvote	Undervote	Hart	Miller-Meeks	Write-In	Overvote	Undervote	Overvotes Hand-Counted?	Votes Inspected for Distinguishing Marks?
Appanoose	1,952	4,076	8	8	509	1,952	4,078	8	7	508	Full	Unconfirmed
Cedar	4,629	5,534	17	6	576	4,629	5,534	17	4	577	Partial	Unconfirmed
Clarke	1,637	2,711	13	3	334	1,639	2,712	13	3	330	Partial	Unconfirmed
Clinton	12,989	10,939	38	9	836	12,997	10,945	35	7	833	Full	Yes
Davis	1,128	2,795	7	2	201	1,129	2,795	7	2	200	No	No
Decatur	1,213	2,345	9	3	257	1,215	2,347	9	3	253	No	No
Des Moines	9,265	9,639	62	17	1,099	9,268	9,641	62	17	1,096	Partial	Unconfirmed
Henry	3,607	5,852	23	6	555	3,607	5,857	23	6	551	No	No
Jasper	8,099	11,182	36	4	968	8,099	11,181	36	5	968	Partial	Unconfirmed
Jefferson	4,373	4,227	17	4	388	4,374	4,226	17	3	388	Full	Yes
Johnson	56,124	24,099	68	56	3,851	56,129	24,101	68	36	3,863	Full	Yes
Keokuk	1,570	3,460	8	0	300	1,571	3,461	8	0	297	Partial	Unconfirmed
Lee	6,969	9,145	35	5	675	6,969	9,145	35	5	675	No	No
Louisa	1,917	3,167	10	2	276	1,917	3,169	10	2	273	No	No
Lucas	1,297	2,892	7	3	449	1,297	2,892	7	3	449	No	No
Mahaska	3,074	7,575	26	9	774	3,076	7,575	26	9	772	Partial	Unconfirmed
Marion	6,124	12,147	43	10	1,007	6,124	12,146	43	12	1,006	No	No
Monroe	1,202	2,611	6	0	300	1,203	2,612	6	0	298	No	No
Muscatine	9,719	10,277	37	8	766	9,731	10,279	37	2	764	Full	Unconfirmed
Scott	47,457	41,967	168	44	3,417	47,562	42,046	168	23	3,384	Full	Yes
Van Buren	941	2,759	4	0	100	941	2,759	4	0	100	No	No
Wapello	6,153	8,780	36	14	752	6,153	8,780	36	14	751	No	No
Washington	4,650	6,633	23	12	502	4,650	6,633	23	12	502	No	No
Wayne	726	2,050	5	0	351	726	2,050	5	0	351	No	No
TOTAL	196,815	196,862	706	225	19,243	196,958	196,964	703	175	19,189		

Maxwell Palmer

CONTACT

Department of Political Science
Boston University
232 Bay State Road
Boston, MA 02215

E-mail: mbpalmer@bu.edu
Website: www.maxwellpalmer.com
Phone: (617) 358-2654

APPOINTMENTS

Boston University, Boston, Massachusetts

Assistant Professor, Department of Political Science, 2014–Present

Faculty Fellow, Initiative on Cities, 2019–Present

Junior Faculty Fellow, Hariri Institute for Computing, 2017–2020

EDUCATION

Harvard University, Cambridge, Massachusetts

Ph.D., Political Science, May 2014.

A.M., Political Science, May 2012.

Bowdoin College, Brunswick, Maine

A.B., Mathematics & Government and Legal Studies, May 2008.

BOOK

Neighborhood Defenders: Participatory Politics and America's Housing Crisis (with Katherine Levine Einstein and David M. Glick). 2019. New York, NY: Cambridge University Press.

- Selected chapters to be published in *Political Science Quarterly*.
- Reviewed in *Perspectives on Politics*, *Political Science Quarterly*, *Economics 21*, *Public Books*, and *City Journal*.
- Covered in Vox's "The Weeds" podcast, CityLab, Slate's "Gabfest," Curbed, Brookings Institution Up Front.

REFEREED ARTICLES

Godinez Puig, Luisa, Katharine Lusk, David Glick, Katherine L. Einstein, Maxwell Palmer, Stacy Fox, and Monica L. Wang. "Perceptions of Public Health Priorities and Accountability Among US Mayors." *Public Health Reports* (October 2020).

Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2020. "Can Mayors Lead on Climate Change? Evidence from Six Years of Surveys." *The Forum* 18(1).

Ban, Pamela, Maxwell Palmer, and Benjamin Schneer. 2019. "From the Halls of Congress to K Street: Government Experience and its Value for Lobbying." *Legislative Studies Quarterly* 44(4): 713–752.

Palmer, Maxwell and Benjamin Schneer. 2019. "Postpolitical Careers: How Politicians Capitalize on Public Office." *Journal of Politics* 81(2): 670–675.

Einstein, Katherine Levine, Maxwell Palmer, and David M. Glick. 2019. "Who Participates in Local Government? Evidence from Meeting Minutes." *Perspectives on Politics* 17(1): 28–46.

- Winner of the Heinz Eulau Award, American Political Science Association, 2020.

Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2019. "City Learning: Evidence of Policy Information Diffusion From a Survey of U.S. Mayors." *Political Research Quarterly* 72(1): 243–258.

Einstein, Katherine Levine, David M. Glick, Maxwell Palmer, and Robert Pressel. 2018. "Do Mayors Run for Higher Office? New Evidence on Progressive Ambition." *American Politics Research* 48(1) 197–221.

Ansolabehere, Stephen, Maxwell Palmer and Benjamin Schneer. 2018. "Divided Government and Significant Legislation, A History of Congress from 1789-2010." *Social Science History* 42(1): 81–108.

Edwards, Barry, Michael Crespin, Ryan D. Williamson, and Maxwell Palmer. 2017. "Institutional Control of Redistricting and the Geography of Representation." *Journal of Politics* 79(2): 722–726.

Palmer, Maxwell. 2016. "Does the Chief Justice Make Partisan Appointments to Special Courts and Panels?" *Journal of Empirical Legal Studies* 13(1): 153–177.

Palmer, Maxwell and Benjamin Schneer. 2016. "Capitol Gains: The Returns to Elected Office from Corporate Board Directorships." *Journal of Politics* 78(1): 181–196.

Gerring, John, Maxwell Palmer, Jan Teorell, and Dominic Zarecki. 2015. "Demography and Democracy: A Global, District-level Analysis of Electoral Contestation." *American Political Science Review* 109(3): 574–591.

Other Publications

Ansolabehere, Stephen and Maxwell Palmer. 2016. "A Two Hundred-Year Statistical History of the Gerrymander." *Ohio State Law Journal* 77(4): 741–762.

Ansolabehere, Stephen, Maxwell Palmer, and Benjamin Schneer. 2016. "What Has Congress Done?" in *Governing in a Polarized Age: Elections, Parties, and Political Representation in America*, eds. Alan Gerber and Eric Schickler. New York, NY: Cambridge University Press.

Policy Reports

Glick, David M., Katherine Levine Einstein, Maxwell Palmer, and Stacy Fox. 2020. COVID-19 Recovery and the Future of Cities. Research Report. Boston University Initiative on Cities.

de Benedictis-Kessner, Justin and Maxwell Palmer. 2000. Got Wheels? How

Having Access to a Car Impacts Voting. *Democracy Docket.*

Palmer, Maxwell, Katherine Levine Einstein, and David Glick. 2020. Counting the City: Mayoral Views on the 2020 Census. Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, Maxwell Palmer, Stacy Fox, Marina Berardino, Noah Fischer, Jackson Moore-Otto, Aislinn O'Brien, Marilyn Rutecki and Benjamin Wuesthoff. 2020. COVID-19 Housing Policy. Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, Maxwell Palmer, David Glick, and Stacy Fox. 2020. Mayoral Views on Cities' Legislators: How Representative are City Councils? Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine and Maxwell Palmer. 2020. "Newton and other communities must reform housing approval process." *The Boston Globe.*

Einstein, Katherine Levine, David Glick, Maxwell Palmer and Stacy Fox. 2020. "2019 Menino Survey of Mayors." Research Report. Boston University Initiative on Cities.

Palmer, Maxwell, Katherine Levine Einstein, David Glick, and Stacy Fox. 2019. Mayoral Views on Housing Production: Do Planning Goals Match Reality? Research Report. Boston University Initiative on Cities.

Wilson, Graham, David Glick, Katherine Levine Einstein, Maxwell Palmer, and Stacy Fox. 2019. Mayoral Views on Economic Incentives: Valuable Tools or a Bad Use of Resources?. Research Report. Boston University Initiative on Cities

Einstein, Katherine Levine, David Glick, Maxwell Palmer and Stacy Fox. 2019. "2018 Menino Survey of Mayors." Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, Katharine Lusk, David Glick, Maxwell Palmer, Christiana McFarland, Leon Andrews, Aliza Wasserman, and Chelsea Jones. 2018. "Mayoral Views on Racism and Discrimination." National League of Cities and Boston University Initiative on Cities.

Einstein, Katherine Levine, David Glick, and Maxwell Palmer. 2018. "As the Trump administration retreats on climate change, US cities are moving forward." The Conversation.

Einstein, Katherine Levine, David M. Glick, Maxwell Palmer, and Robert Pressel. 2018. "Few big-city mayors see running for higher office as appealing." LSE United States Politics and Policy Blog.

Einstein, Katherine Levine, David Glick, and Maxwell Palmer. 2018. "2017

Menino Survey of Mayors." Research Report. Boston University Initiative on Cities.

Williamson, Ryan D., Michael Crespin, Maxwell Palmer, and Barry C. Edwards. 2017. "This is how to get rid of gerrymandered districts." *The Washington Post*, Monkey Cage Blog.

Palmer, Maxwell and Benjamin Schneer. 2015. "How and why retired politicians get lucrative appointments on corporate boards. " *The Washington Post*, Monkey Cage Blog.

Current Projects

"A Partisan Solution to Partisan Gerrymandering: The Define-Combine Procedure" (with Benjamin Schneer and Kevin DeLuca).
- Covered in *Fast Company*

"Driving Turnout: The Effect of Car Ownership on Electoral Participation" (with Justin de Benedictis-Kessner).

"Spreading-One-Quarter Politics: Governors and the Distribution of Federal Opportunity Zones" (with David M. Glick).

"Descended from Immigrants and Revolutionists: How Family Immigration History Shapes Legislative Behavior in Congress" (with James Feigenbaum and Benjamin Schneer).

"The Gender Pay Gap in Congressional Offices" (with Joshua McCrain).

"Who Represents the Renters?" (with Katherine Levine Einstein and Joseph Ornstein).

"Racial Disparities in Local Elections" (with Katherine Levine Einstein).

"Renters in an Ownership Society." Book Project. With Katherine Levine Einstein.

"Menino Survey of Mayors 2020." Co-principal investigator with David M. Glick and Katherine Levine Einstein.

Grants and Awards

American Political Science Association, Heinz Eulau Award, for the best article published in *Perspectives on Politics* during the previous calendar year, for "Who Participates in Local Government? Evidence from Meeting Minutes." (with Katherine Levine Einstein and David M. Glick). 2020.

Boston University Initiative on Cities, COVID-19 Research to Action Seed Grant. "How Are Cities Responding to the COVID-19 Housing Crisis?" 2020. $8,000.

The Rockefeller Foundation, "Menino Survey of Mayors" (Co-principal investigator). 2017. $325,000.

Hariri Institute for Computing, Boston University. Junior Faculty Fellow. 2017. $10,000.

The Rockefeller Foundation, "2017 Menino Survey of Mayors" (Co-principal investigator). 2017. $100,000.

The Center for Finance, Law, and Policy, Boston University, Research Grant for "From the Capitol to the Boardroom: The Returns to Office from Corporate Board Directorships," 2015.

Senator Charles Sumner Prize, Dept. of Government, Harvard University. 2014.

Awarded to the best dissertation "from the legal, political, historical, economic, social or ethnic approach, dealing with means or measures tending toward the prevention of war and the establishment of universal peace."

The Center for American Political Studies, Dissertation Research Fellowship on the Study of the American Republic, 2013–2014.

The Tobin Project, Democracy and Markets Graduate Student Fellowship, 2013–2014.

The Dirksen Congressional Center, Congressional Research Award, 2013.

The Institute for Quantitative Social Science, Conference Travel Grant, 2014.

The Center for American Political Studies, Graduate Seed Grant for "Capitol Gains: The Returns to Elected Office from Corporate Board Directorships," 2014.

The Institute for Quantitative Social Science, Research Grant, 2013.

Bowdoin College: High Honors in Government and Legal Studies; Philo Sherman Bennett Prize for Best Honors Thesis in the Department of Government, 2008.

SELECTED PRESENTATIONS

"A Partisan Solution to Partisan Gerrymandering: The Define-Combine Procedure." MIT Election Data and Science Lab, 2020.

"Who Represents the Renters?" Local Political Economy Conference, Washington, D.C., 2019.

"Housing and Climate Politics," Sustainable Urban Systems Conference, Boston University 2019.

"Redistricting and Gerrymandering," American Studies Summer Institute, John F. Kennedy Presidential Library and Museum, 2019.

"The Participatory Politics of Housing," Government Accountability Office Seminar, 2018.

"Descended from Immigrants and Revolutionists: How Immigrant Experience Shapes Immigration Votes in Congress," Congress and History Conference, Princeton University, 2018.

"Identifying Gerrymanders at the Micro- and Macro-Level." Hariri Institute for Computing, Boston University, 2018.

"How Institutions Enable NIMBYism and Obstruct Development," Boston Area Research Initiative Spring Conference, Northeastern University, 2017.

"Congressional Gridlock," American Studies Summer Institute, John F. Kennedy Presidential Library and Museum, 2016.

"Capitol Gains: The Returns to Elected Office from Corporate Board Directorships," Microeconomics Seminar, Department of Economics, Boston University, 2015.

"A Two Hundred-Year Statistical History of the Gerrymander," Congress and History Conference, Vanderbilt University, 2015.

"A New (Old) Standard for Geographic Gerrymandering," Harvard Ash Center Workshop: How Data is Helping Us Understand Voting Rights After Shelby County, 2015.

"Capitol Gains: The Returns to Elected Office from Corporate Board Directorships," Boston University Center for Finance, Law, and Policy, 2015.

"Capitol Gains: The Returns to Elected Office from Corporate Board Directorships," Bowdoin College, 2014.

American Political Science Association: 2013, 2014, 2015, 2016, 2018, 2019, 2020
Midwestern Political Science Association: 2012, 2013, 2014, 2017, 2019
Southern Political Science Association: 2015, 2018
European Political Science Association: 2015

EXPERT TESTIMONY

Bethune-Hill v. Virginia (3:14-cv-00852-REP-AWA-BMK), U.S. District Court for the Eastern District of Virginia. Prepared expert reports and testified on racial predominance and racially polarized voting in selected districts of the 2011 Virginia House of Delegates map. (2017)

Thomas v. Bryant (3:18-CV-441-CWR-FKB), U.S. District Court for the Southern District of Mississippi. Prepared expert reports and testified on racially polarized voting in a district of the 2012 Mississippi State Senate map. (2018–2019)

Chestnut v. Merrill (2:18-cv-00907-KOB), U.S. District Court for the Northern District of Alabama. Prepared expert reports and testified on racially polarized voting in selected districts of the 2011 Alabama congressional district map. (2019)

Dwight v. Raffensperger (No. 1:18-cv-2869-RWS), U.S. District Court for the Northern District of Georgia. Prepared expert reports and testified on racially polarized voting in selected districts of the 2011 Georgia congressional district map. (2019)

Bruni, et al. v. Hughs (No. 5:20-cv-35), U.S. District Court for the Southern District of Texas. Prepared expert reports and testified on the use of straight-ticket voting by race and racially polarized voting in Texas. (2020)

The General Court of the Commonwealth of Massachusetts, Joint Committee on Housing, Hearing on Housing Production Legislation. May 14, 2019. Testified on the role of public meetings in housing production.

Teaching

Boston University

- *Introduction to American Politics* (Fall 2014, Fall 2015, Fall 2016, Fall 2017, Spring 2019, Fall 2019, Fall 2020)
- *Congress and Its Critics* (Fall 2014, Spring 2015, Spring 2017, Spring 2019)
- *Formal Political Theory* (Spring 2015, Spring 2017, Fall 2019, Fall 2020)
- *Data Science for Politics* (Spring 2020)
- *Prohibition, Regulation, and Bureaucracy* (Fall 2015)
- *Political Analysis (Graduate Seminar)* (Fall 2016, Fall 2017)
- *Graduate Research Workshop* (Fall 2019, Spring 2020)

Service

Boston University

- Undergraduate Assessment Working Group, 2020–.
- Initiative on Cities Faculty Advisory Board, 2020–.
- College of Arts and Sciences
  - Search Committee for the Faculty Director of the Initiative on Cities, 2020–.
  - General Education Curriculum Committee, 2017–2018.
- Department of Political Science

- Director of Advanced Programs (Honors & B.A./M.A.). 2020–.
- Comprehensive Exam Committee, American Politics, 2019.
- Comprehensive Exam Committee, Political Methodology, 2016, 2017.
- Co-organizer, Research in American Politics Workshop, 2016–2018.
- American Politics Search Committee, 2017.
- American Politics Search Committee, 2016.
- Graduate Program Committee, 2014–2015, 2018–2019.

Co-organizer, *Boston University Local Political Economy Conference*, August 29, 2018.

Editorial Board Member, *Legislative Studies Quarterly*, 2020–Present

Malcolm Jewell Best Graduate Student Paper Award Committee, Southern Political Science Association, 2019.

Reviewer: *American Journal of Political Science*; *American Political Science Review*; *Journal of Politics*; *Quarterly Journal of Political Science*; *Political Analysis*; *Legislative Studies Quarterly*; *Public Choice*; *Political Science Research and Methods*; *Journal of Law, Economics and Organization*; *Election Law Journal*; *Journal of Empirical Legal Studies*; *Applied Geography*; *PS: Political Science & Politics*; Cambridge University Press; Oxford University Press.

Arlington Election Reform Committee Member, August 2019–Present.

Coordinator, Harvard Election Data Archive, 2011–2014.

Other Experience

Charles River Associates, Boston, Massachusetts 2008–2010

Associate, Energy & Environment Practice
Economic consulting in the energy sector for electric and gas utilities, private equity, and electric generation owners. Specialized in Financial Modeling, Resource Planning, Regulatory Support, Price Forecasting, and Policy Analysis.

Updated December 17, 2020

Recount Board Affidavits

AFFIDAVIT OF CONNIE ALT
CEDAR COUNTY

I, Connie Alt, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 19-20, 2020, I served as a Recount Board Designee in Cedar County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount") in Cedar county.

4. Different recounting methods were used depending on the type of ballot being recounted.

5. Absentee ballots were recounted by hand by the Recount Board. By "recounted by hand" or "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. We conducted the hand count by first sorting all the ballots between the candidates, undervotes, overvotes and write-ins. We then counted each of the 5 categories of ballots. On the undervote, overvote and write-in ballots, we looked at voter intent and reached consensus.

7. Ballots submitted in person on November 3, 2020 ("election day ballots") were recounted by machine.

8. The auditor's staff inserted these ballots into the machines. They then showed us the computer printout of the candidate count and overvote, undervote and write-in counts so we could record the computer counts. This went on simultaneously to the hand recounting that the Recount Board was conducting.

9. The undervote, overvote and write-in ballots were not reviewed by the Recount Board for election day ballots.

10. I did not inspect any Election Day ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so.

11. I did not inspect, review or disqualify any election day ballots due to identifying or stray marks.

12. I did not inspect, review or disqualify any election day ballots based on a write-in vote.

13. I know from our review of the absentee ballots that there were ballots that were not counted initially because they were run through the voting machine, but when we hand counted, we were able to determine voter intent and include them in the count. Because of directives we received from the Secretary of State, it was the Recount Board's understanding that because we machine counted the Election Day votes we could not evaluate voter intent on the undervote, overvote, or write-in ballots.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/14/2020.

Connie Alt
Signed on 2020/12/14 07:14:56 -8:00

CONNIE ALT

Signed and sworn before me on 12/14/2020 by Connie Alt making the above statement. This document was notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Stamp 2020/12/14 08:14:56 PST

Notary Public

AFFIDAVIT OF MICHAEL BIDERMAN
MARION COUNTY

I, Michael Biderman, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 19-20, 2020, I served as a Recount Board Designee in Marion County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. The Auditor's staff opened the sealed ballot boxes and handled the ballots. They ran the ballots through the machines finishing one precinct at a time. Some precincts contained more than one box and the boxes were counted one at a time.

5. No ballots were hand counted in connection with the recount with the possible exception of the process described in paragraph 11. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. If a machine was unable to read a ballot for any reason during the recount, that ballot was not counted or included in a candidate's vote totals for the recount. The exception to this would be when a ballot was damaged in the storage or counting process. An example would be if a ballot had a tear or a fold that rendered it unreadable by the machine. In these cases the auditor would fix the ballot such as by taping a tear to make it readable. If this did not work the 3 person panel would create an exact replica of the ballot so that the machine could read it. The damaged and copied ballots were appropriately marked to ensure that they were not double counted.

7. I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the ballot. The exceptions to this would be the process described in paragraphs 6 & 11. Even if we saw that a ballot was read by the machine as an overvote and had a clear mark, we let the machine continue to count it as an overvote because that is how it was counted on Election Day.

8. I did not inspect, review or disqualify any ballots due to identifying or stray marks.

9. I did not inspect, review or disqualify any ballots based on a write-in vote.

10. In the absentee ballot precinct box numbered "6" we found a discrepancy in the number of ballots. "Box 6" was sealed after Election Day and was labeled as having 457 total ballots inside. Upon recounting "Box 6", 466 ballots were counted. We ran them through the machine again and confirmed that "Box 6" contained 466 ballots. The extra nine ballots were at the end of the stack of ballots. The count of the first 457 ballots matched the Election Day count of ballot box, which was 163 votes for Miller-Meeks, 265 votes for Hart and 0 write ins.

11. The 3-person Recount Board did a visual inspection of the 9 extra ballots. These ballots included five votes for Rita Hart, three votes for Mariannette Miller-Meeks and one blank ballot in the U.S. House race.

12. The Auditor called the Secretary of State and received the instruction that the nine ballots should be excluded from the recount.

13. A vote was taken by the Recount Board regarding whether to count the 9 extra ballots. I voted to count the 9 extra ballots and the other two Board members voted against counting the 9 extra ballots because they did not believe the Recount Board had the authority to count ballot that were not counted on election day in a recount. The decision not to count these 9 ballots was not due to any belief that the ballots were invalid.

14. The nine extra ballots from "Box 6" would have changed the Election Day count but were ultimately not counted in the final results after the Board's vote. Therefore, nine ballots that were not counted in the final tally included five votes for Rita Hart, three votes for Mariannette Miller-Meeks and one blank ballot in the U.S. House Race.

15. Those nine ballots were subsequently removed and put in a separate sealed box. The 3 members of the Recount Board memorialized the issue in a joint signed statement. In addition, the Recount Board had the auditor run the 9 extra ballots separately through the counting machine following the final count to memorialize what the count would have been in those ballots through a machine tabulation. Both the machine tabulation of the 9 ballots and the joint statement were placed in the separate box with the 9 ballots before it was sealed. The signed joint statement of the Recount Board is attached as Exhibit A.

Exhibit A

On Friday, Nov 20, 2020, the Board recounting ballots in Marion County discovered that Batch 6 of the absentee votes contained 466 ballots rather than the 457 ballots reported on the election day report. We understand that 9 uncounted votes accounted for this difference.

The Board had the Auditor remove the 9 suspected additional ballots and re-run the Batch 6 ballots, which totaled the 457 votes. The report for that tabulation showed 163 votes for Miller-Meeks, 265 votes for Hart, and 0 write ins. This matched the election day report. All of the other 29 election day reports ~~matched~~ for the absentee ballots matched the recount reports.

The majority of the Board, Dan Heitink and Andrew Green, did not believe the Board had the authority to count ballots ~~votes~~ that were not counted on election day and voted not to include the ballots in the recount tally. Mike Biderman voted to include the 9 ballots and took the position that they should have been counted as they were part of the sealed Batch 6 of absentee ballots.

To preserve the issue, the Board agreed to separately tabulate the 9 ballots by machine. The results were:

9 total 3 Miller-Meeks 5 Hart 0 Write-in 1 Undervote

* One damaged ballot had to be ~~remade~~ duplicated

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/15/2020.

MICHAEL BIDERMAN

Signed and sworn before me on 12/15/2020 by Michael Biderman making the above statement. This document was notarized using communication technologies.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF PAULA BUCKMAN
LOUISA COUNTY

I, Paula Buckman, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 20, 2020 and November 23, 2020, I served as a Recount Board Designee in Louisa County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. The precinct packets were opened by the members of the recount team. The three individuals involved in the recount counted the ballots into groups of 25 and compared the total to the precinct total. The ballots were handed to the Auditor's staff in groups of 25 to run through the machine. The machine totals were verified with each group of 25 processed. Once all the ballots from a precinct had been processed, the Auditor's staff ran reports summarizing the results. I recorded the results on the recount tally sheet provided.

5. No ballots were hand counted in connection with the recount. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. If a ballot was not read by the machine, for example due to a tear or fold on the ballot, it was run through again by the Auditor's staff until it was accepted. The recount team verified that all ballots from the precinct were read and processed by the machine. It was not until all the precinct's ballots were processed and the reports run, were we able to see if there was any change in the votes or undervotes. A recount team member returned the ballots to the precinct bag as they were processed and no team member reviewed them after they were processed.

7. I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so.

8. I did not inspect, review or disqualify any ballots due to identifying or stray marks.

9. I did not inspect, review or disqualify any ballots based on a write-in vote.

Remainder of Page Left Intentionally Blank

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this __13__ day of December, 2020.

PAULA BUCKMAN

Signed and sworn before me on 12/13/2020 by Paula Buckman making the above statement. This notarial act was completed using communication technologies.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF LUANN COLOSIMO
MONROE COUNTY

I, LuAnn Colosimo, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 19, 2020, I served as a Recount Board Designee in Monroe County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. Ballot packages were opened and counted precinct-by-precinct. I took ballots from the sealed bags, counted the ballots and compared to the recorded count. I then watched as the county auditor and staff ran the ballots through the voting machine. We had two ballots that could not be read by the machine due to stray marks. They were reviewed by the board members and we agreed that voter intent was clear and one was counted for each candidate. One ballot was duplicated on election night. During the recount the machine would not read it. We duplicated it again and it was read. After verifying the total ballot count was correct, we re-sealed the ballots in their precinct bags.

5. Only two ballots were hand counted in connection with the recount. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. I did not inspect, review or disqualify any ballots due to identifying marks.

7. I did not inspect, review or disqualify any ballots based on a write-in vote.

Remainder of Page Intentionally Left Blank

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/14/2020.

LuAnn Colosimo

LUANN COLOSIMO

Signed and sworn before me on 12/14/2020 by LuAnn Colosimo making the above statement. This document was notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF JESSICA GLICK
MUSCATINE COUNTY

I, Jessica Glick, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 20-22, 2020, I served as a Recount Board Designee in Muscatine County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by a review of all ballots by the board members and by using the machine to assist the tally of votes.

5. The Auditor's staff opened the ballot packages one precinct at a time. Each individual package was referred to as a "batch" since many precincts had more than one ballot package.

6. The Recount Board members took the batch of ballots and divided them into piles for overvotes, undervotes, write-ins and clear intent pile (both candidates together in one pile).

7. For Election Day ballots, we would then review any overvotes, undervotes, write-ins or otherwise questionable ballots (including stray marks, pencil, etc.) and determine which, if any, should be counted toward a candidate. We assigned those votes, ran the batch through the machine to count and then reconciled our count with the machine count.

8. For Absentee ballots, we separated the batches into piles for overvotes, undervotes, write-ins and then a pile for each candidate. We reviewed any overvotes, undervotes, write-ins or otherwise questionable ballots (including stray marks, pencil, etc.) and determine which, if any, should be counted toward a candidate. We then assigned those votes and individually counted each pile. We then ran the batches through the machine to count, reconciling our count with the machine each time to ensure votes were counted consistently with what the Recount Board had determined. Each batch of Absentee ballots was treated this same way.

9. Through the process, we agreed that we would count every ballot that we received even if the totals showed more than the count from Election Day. When our count did not match the machine, we would recount and agree if the number was different. We counted all of the ballots secured by the Auditor's staff from the election and our count showed there were six more ballots that were counted in the Election Day count.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/15/2020.

JESSICA GLICK

Signed and sworn before me on 12/15/2020 by Jessica Glick making the above statement.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF DAVID HELMAN
HENRY COUNTY

I, David Helman, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 23 and 24, 2020, I served as a Recount Board Designee in Henry County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. However, the machine we used to count all of the ballots was not the same machine that was used at the precinct polling locations on Election Day in Henry County. In the recount we used for all ballots the machine the auditor had used to count just the absentee ballots originally. The Auditor, Shelly Barber, told me after the Recount Board had adjourned that the machine used in the recount was newer, faster and more sensitive.

5. No ballots were hand counted in connection with the recount. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. If the machine was unable to read a ballot for any reason during the recount, that ballot was not counted or included in a candidate's vote totals for the recount. During the recount the Auditor's assigned employee, Robin Dietrich, operating the count machine advised there were two unreadable ballots due to visible damage to the ballot. She provided to the three-member Recount Board a blank ballot from the two relevant precincts. The third member of the Board transcribed the votes from the damaged ballot to the new ballot while the Miller-Meeks representative and I observed. We all approved the transcription and handed the ballot to Dietrich. The machine was able to read the two new transcribed ballots. We observed Dietrich prominently mark the damaged ballots as "damaged" and place them distant from the machine.

7. I did not inspect any ballot, beyond the two that were damaged, individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the vote.

8. I did not inspect, review or disqualify any ballots due to identifying or stray marks.

9. I did not inspect, review or disqualify any ballots based on a write-in candidate.

10. Robin Dietrich operated the machine. After each precinct recount she looked to the machine screen and advised if the total of votes recounted was consistent with the number that had been provided to the members of the Recount Board. At no time did any Recount Board member observe the screen. Dietrich did not advise, nor did we request, a breakdown of the count within the total number. All precinct numbers reconciled with the exception of the Southwest precinct where Dietrich told us the report was showing one vote less as the screen was showing one vote as "blank." That was her word and we were puzzled as there was no reporting category called "blank." We moved on and adjourned with the understanding that the machine recount total was one less than the number we were provided. Throughout the process the total Miller-Meeks vote for the Southwest precinct was always 336 and the number of Hart votes 86, undervotes 30, write-ins 1 and overvotes 1.

After the Recount Board adjourned, I telephoned the Auditor's Office and spoke with Dietrich who e-mailed me a copy of the final results as reported to the Secretary of State. I learned that the Miller-Meeks vote had increased by one, to 337 but that the Hart vote had not changed. What transpired in bringing about this one added Miller-Meeks Southwest precinct vote did not occur during the time the Recount Board was convened as best I can determine or recall. If it was the "blank" vote that moved to the Miller-Meeks vote this is not an action that I recall occurred while the Recount Board was convened.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/14/2020.

DAVID HELMAN

Signed and sworn before me on 12/14/2020 by David Helman making the above statement. This document was notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF SANDRA JOHNSON
WASHINGTON COUNTY

I, Sandra Johnson, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 19-20, 2020, I served as a Recount Board Designee in Washington County ("my county").

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. The Auditor's staff handled the ballots and operated the machines. Ballot packages were opened and counted precinct-by-precinct.

5. No ballots were hand counted in connection with the recount. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. If a machine was unable to read a ballot for any reason during the recount, that ballot was not counted or included in a candidate's vote totals for the recount.

7. I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the ballot.

8. I did not inspect, review or disqualify any ballots due to identifying or stray marks.

9. I did inspect, review or disqualify any ballots based on a write-in vote.

Remainder of Page Intentionally Left Blank

STATE OF IOWA)
)ss:
COUNTY OF Washington)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 15th day of December, 2020.

Sandra Johnson
SANDRA JOHNSON

Signed and sworn before me on 12-15-2020 by Sandra Johnson making the above statement.

Edward Stuart Thomas
Notary Public

NOTARIAL SEAL IOWA
EDWARD STUART THOMAS
Commission Number 828811
My Commission Expires
December 9, 2023

AFFIDAVIT OF BRIAN METCALF
MUSCATINE COUNTY

I, Brian Metcalf, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 20-22, 2020, I served as a Recount Board Designee in Muscatine County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by a review of all ballots by the board members and by using the machine to assist the tally of votes.

5. The Auditor's staff opened the ballot packages one precinct at a time. Each individual package was referred to as a "batch" since many precincts had more than one ballot package.

6. The Recount Board members took the batch ballots and divided them in to piles for overvotes, undervotes, write-ins and clear intent pile (both candidates together in one pile).

7. For Election Day ballots, we would then review any overvotes, undervotes, write-ins or otherwise questionable ballot (including stray marks, pencil, etc.) and determine which, if any, should be counted toward a candidate. We assigned those votes, ran the batch through the machine to count and then reconciled our count with the machine count.

8. For Absentee ballots, we separated the batches into piles for overvotes, undervotes, write-ins and then a pile for each candidate. We reviewed any overvotes, undervotes, write-ins or otherwise questionable ballot (including stray marks, pencil, etc.) and determine which, if any, should be counted toward a candidate. We then assigned those votes and individually counted each pile. We then ran the batches through the machine to count, reconciling our count with the machine each time to ensure votes were counted consistently with what the Recount Board had determined. Each batch of Absentee ballots was treated this same way.

9. Through the process, we agreed that we would count every ballot that we received even if the totals showed more than the count from Election Day. When our count did not match the machine, we would recount and agree if the number was different. We counted all of the ballots secured by the Auditor's staff from the election and our count showed there were six more ballots that were counted in the Election Day count.

STATE OF IOWA)

)ss:

COUNTY OF MUSCATINE)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 15th day of December, 2020.

Brian Metcalf

Brian Metcalf

Signed and sworn before me on December 15, 2020 by Brian Metcalf making the above statement.

Notary Public

AMANDA WAGG
Commission Number 785669
My Commission Expires
08/22/23

AFFIDAVIT OF WILLIAM D. MORAIN, M.D.
DECATUR COUNTY

I, William D. Morain, M.D. under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 20, 2020, I served as a Recount Board Designee in Decatur County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. The auditor's staff grouped the ballots into groups of 25 ballots and then fed each grouping into the machine 25 at a time. As ballots came out of the machine, those 25 were passed around for all three recount board members to examine in the single site for election for Iowa's 2nd Congressional District.

5. I did not disqualify any ballots due to identifying or stray marks.

6. Any machine used in connection with the recount was programed to use the same voting equipment program that was used on election day.

7. The final count demonstrated the addition of two (2) votes each for Mirianette Miller-Meeks and Rita Hart.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/11/2020.

Signed on 2020/12/11 11:27:24 -8:00

WILLIAM D. MORAIN, M.D.

Signed and sworn before me on 12/11/2020 by William D. Morain, M.D., making the above statement. This notarization was completed using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary P

Signed on 2020/12/11 11:27:24 -8:00

AFFIDAVIT OF JOHN A. NAHRA
SCOTT COUNTY

I, John A. Nahra, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I served as a judge in Iowa for approximately 24 years as a District Associate Judge, District Court Judge, Chief District Court Judge (1997-2003) and Senior Judge for the 7th Judicial District of the State of Iowa.

3. From November 17 to 24, 2020, I served as a Recount Board Designee in Scott County ("my county"). I was not designated by one of the candidates, rather the representatives of the candidates mutually agreed on my selection.

4. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

5. The recount was conducted by machine, but any ballot that a machine separated out because the machine was unable to read it, or the ballot had a write-in vote was counted by hand.

6. The County Auditor's staff opened sealed boxes of voted ballots and ran stacks of ballots through two voting machines. Each machine tallied the votes it could read and separated out votes that the machine could not read.

7. Machines in my county were programed to separate out write-in votes, overvotes, and ballots with stray marks in the "voting target" area, which is the oval that voters are supposed to fill in to mark their votes. The machine was not programed to separate out undervotes.

8. If a machine was unable to read a particular ballot, the machine would sort it into a tray for unreadable ballots or a tray for write-in votes. The recount board reviewed these ballots reviewing the votes for the 2nd Congressional District race for the intent of the voter. If there was disagreement about voter intent the Recount Board would discuss the ballot and decide the vote using the Recount Board's understanding of Iowa law and regulations. If there was a disagreement, the majority of the board would decide.

9. The process described above was proposed by the Recount Board Member designated by Mariannette Miller-Meeks. I and the Board Member designated by Rita Hart consented to this process. Late on the second day of the Recount I suggested that each Board member sign the tally sheets for the precincts completed. At this time the member designated by Miller-Meeks refused to sign without the approval of the Miller-Meeks campaign or

representative. A rigorous discussion took place and concluded when I suggested we start the Recount over and begin a hand count of each ballot. Ian Russell, the Rita Hart representative, agreed. The Miller- Meeks designee refused, asserting he would quit if we insisted on a hand count. We closed for the day with the suggestion that each member review and reconsider their position. Upon arrival on the 3rd day the Miller- Meeks designee announced he was resigning from the Recount Board.

10. For the votes cast on election day in a few precincts, after the machine had tallied the ballots, the Recount Board went by hand to look for any overvotes or undervotes in the race that should actually have been candidate votes. However, for most election day votes and all absentee votes, I did not inspect machine counted ballots individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, other than the ballots the machine separated out.

11. Other than ballots that could not be read by a machine and for the votes cast on election day in a few precincts, I did not inspect, review or disqualify ballots for identifying or stray marks nor did I observe any other members of the Recount Board do so.

12. The machine separated out write in votes. I did not inspect, review, or disqualify any other ballots based on a write in vote nor did I observe any other members of the Recount Board do so.

13. Upon opening a box containing the ballots associated with precinct D23, the recount board encountered two ballots we believed had not been counted in the initial canvass. Associated with these ballots were the notes attached as **Exhibit A** and **Exhibit B** explaining that each of these ballots was a "curbside" vote that the election day poll worker had mistakenly failed to count.

14. Both of these ballots contained votes for Rita Hart for U.S. Representative.

15. The Recount Board solicited the guidance of the Iowa Secretary of State's office and were advised that the ballots should not be counted in the recount but could be counted in the case of an election contest.

16. Although the Recount Board believed these ballots were lawfully cast and knew of no reason to disqualify them, the Recount Board believed that it was outside of its purview to include ballots in the recount tally if those ballots had not been counted in the original canvass.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/15/2020.

JOHN A. NAHRA

Signed and sworn before me on 12/15/2020 by John A. Nahra making the above statement. This document was notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

Exhibit A

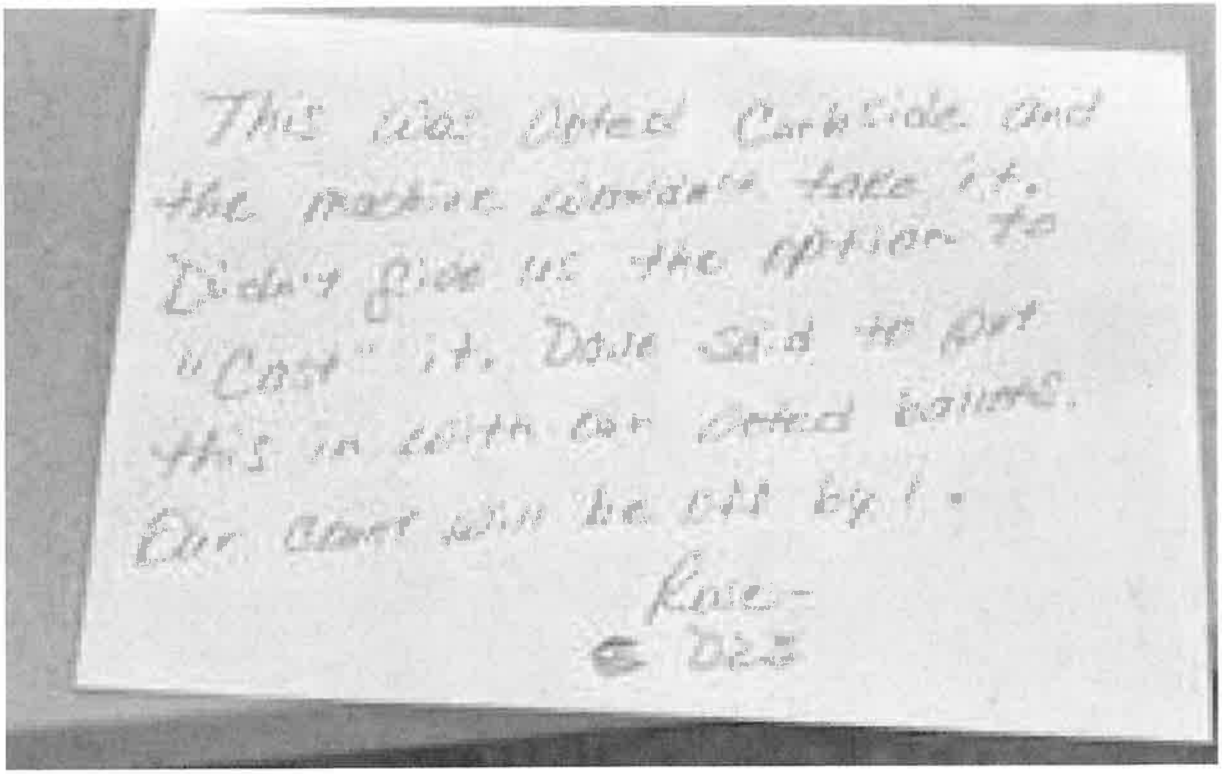
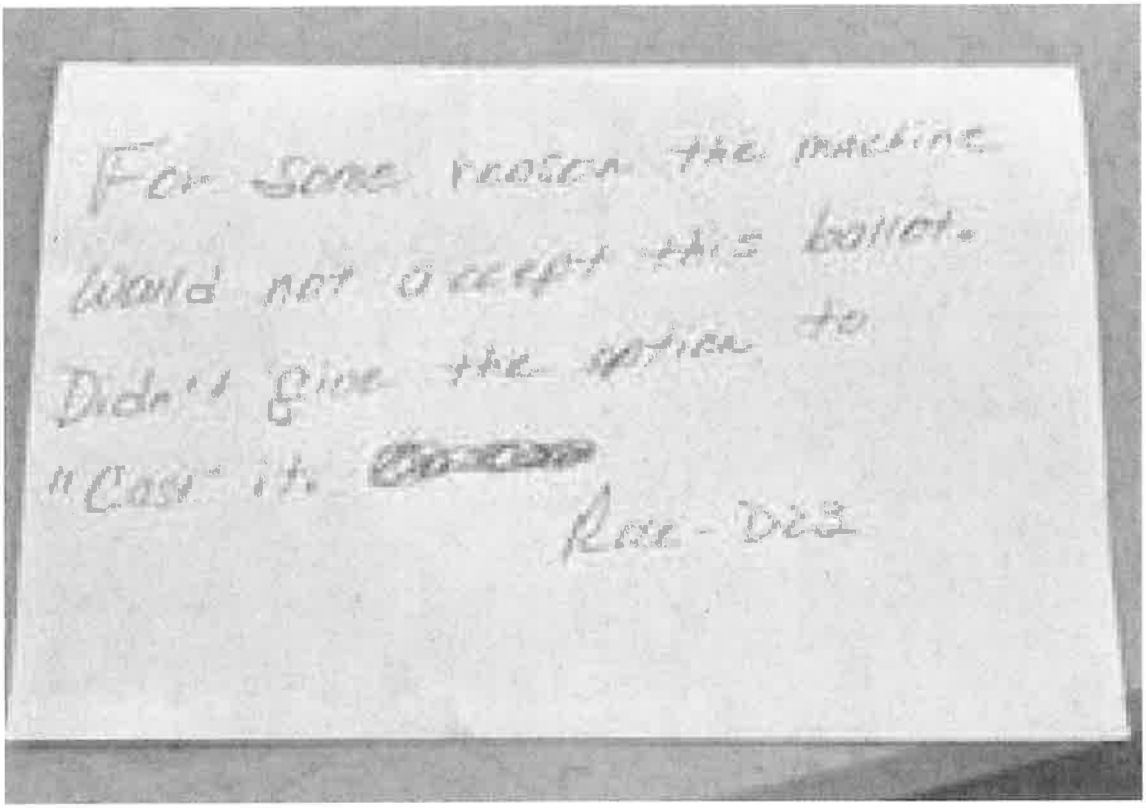


EXHIBIT B



AFFIDAVIT OF ERIC J. PALMER
MAHASKA COUNTY

I, Eric J. Palmer, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 23, 2020, I served as a Recount Board Designee in Mahaska County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by machine, except for ballots in a single precinct, ("hand-counted precinct"), which were counted by hand. The Miller-Meeks Designee asked to hand-recount this particular precinct because the Miller-Meeks Designee believed her candidate had lost a vote because it was read as an overvote after the initial machine count.

5. In the hand-counted precinct we each took one-third of the ballots for the precinct and looked for an overvote. We separated the ballots into piles for each candidate. We found two ballots that were overvoted. The hand recount confirmed that the Miller-Meeks Designee was correct, and Miller-Meeks did not lose a vote after all. All totals in this precinct remained the same after the hand recount.

6. For every precinct that was counted by machine, the three members of the Recount Board opened packages of ballots for each precinct. We counted the ballots into stacks of 25 and they were fed through the voting machine by an employee of the Auditor's office. We then compared the results to the previous totals. Hart gained a net of two votes through this process.

7. Other than ballots from the hand-counted precinct, if a machine was unable to read a ballot for any reason during the recount, that ballot was not counted or included in a candidate's vote totals for the recount. The only exception to this was a few totally blank ballots that were not read by the machine but nonetheless were included in the count.

8. Other than ballots from the hand-counted precinct, I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe

any other members of the Recount Board do so, even if a machine was unable to read a ballot.

9. Other than ballots from the hand-counted precinct, I did not inspect, review or disqualify any ballots due to identifying or stray marks.

10. Other than ballots from the hand counted precinct, I did not inspect, review or disqualify any ballots due to write-in votes.

STATE OF IOWA)
)ss:
COUNTY OF Mahaska)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 15th day of December, 2020.

ERIC J. PALMER

Signed and sworn before me on December 15, 2020 by Eric J. Palmer making the above statement.

LINDA McDONOUGH
Commission Number 812431
My Commission Expires
September 05, 2021

Notary Public

AFFIDAVIT OF TWYLA PEACOCK
VAN BUREN COUNTY

I, Twyla Peacock, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 20, 2020, I served as a Recount Board Designee in Van Buren County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. The absentee ballots were counted first. The ballots were run through an M100 voting machine. After the absentee ballots were done the election day ballots from each precinct were one at a time fed through the machine as we watched. After a precinct was done the figures were compared to the canvassed figures and the Recount Board member chosen by Mariannette Miller-Meeks and I signed off on it. That precinct was then sealed back up in its envelope.

5. No ballots were hand counted in connection with the recount. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. If a machine was unable to read a ballot for any reason during the recount, that ballot was not counted or included in a candidate's vote totals for the recount.

7. I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the ballot.

8. I did not inspect, review or disqualify any ballots due to identifying or stray marks.

9. I did not inspect, review or disqualify any ballots based on a write-in vote.

Remainder of Page Intentionally Left Blank

STATE OF IOWA)
)ss:
COUNTY OF JOHNSON)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12-15-2020

Twyla Peacock
TWYLA PEACOCK

Signed and sworn before me on 12-15-2020 by Twyla Peacock making the above statement.

Edward Stuart Thomas
Notary Public

NOTARIAL SEAL IOWA
EDWARD STUART THOMAS
Commission Number 828811
My Commission Expires
December 9, 2023

AFFIDAVIT OF ANNE PEDERSEN
LEE COUNTY

I, Anne Pedersen, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 16, 2020 and November 19-21, 2020, I served as a Recount Board Designee in Lee County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by machine, but any ballot that a machine was unable to read was counted by hand.

5. The Auditor's staff opened one precinct of ballot packages at a time. They ran the batch of ballots through a machine that tallied the votes and separated out votes that the machine could not read.

6. The machines in Lee county tabulate write-in votes, undervotes and overvotes and does not reject the ballots for those reasons.

7. If a machine was unable to read a particular ballot for any other reason, such as the ballot being rumpled or damaged, it rejected the ballot. We looked at these rejected ballots for voter intent and a stray marking. The Recount Board reviewed the rejected ballot and discussed the voter's intent and decided if and how the ballot should be counted.

8. Other than ballots that could not be read by a machine, I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so.

9. Other than ballots that could not be read by a machine, I did not inspect, review or disqualify any ballots due to identifying or stray marks.

10. Other than ballots that could not be read by a machine, I did not inspect, review or disqualify any ballots based on a write-in vote.

Remainder of Page Intentionally Left Blank

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/13/2020.

ANNE PEDERSEN

Signed and sworn before me on 12/13/2020 by Anne Pedersen making the above statement. This document was notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF SARA RILEY
JEFFERSON COUNTY

I, Sara Riley, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 23-24, 2020, I served as a Recount Board Designee in Jefferson County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by hand, meaning that the Recount Board members looked at each ballot individually to discern the voter's intent, including ballots that the voting machine may have read as an overvote or undervote.

5. All Iowa ballots cast by mail, or at a voting location before Election Day are considered "Absentee Ballots". The ballots cast on Election Day were properly sorted by the precinct they were cast in. The Absentee ballots weren't segregated into the voter's precinct. The three member recount board had to first sort all absentee ballots into their precinct. This was a very time consuming process. After the absentee ballots were sorted into precincts we then began to count the absentee ballots of each precinct. Each board member sorted approximately one third of the absentee ballots in each precinct. We put ballots for Miller Meeks and Hart into two separate piles of ten as required by Iowa code. Absentee ballots that did not have a vote for either candidate were put in a third pile, and if a recount board member had a question regarding whether a ballot should or should not be counted that ballot was put aside for the recount board to discuss after all the ballots for the two candidates had been sorted.

6. I did inspect, review for disqualifying ballots based on identifying or stray marks.

7. I did inspect, review for disqualifying ballots based on a write-in vote.

8. No ballots were counted by machine in connection with the recount.

9. There were four votes that were changed based upon the hand recount that would not have been caught with a machine recount. One vote for Miller Meeks was a very light check mark for all the Republican candidates. The check mark was so light that the machine did not count the vote. However it was clear the voter's intent was to vote for Miller Meeks. The second vote that changed was a vote the machine counted as an "over vote" believing the voter cast a vote for both Miller Meeks and Hart, and as a result the machine vote gave neither candidate the vote. However on hand inspection a voter who voted for all the Democratic candidates had accidently voted for Miller Meeks, the voter then crossed out Miller Meeks, and circled in Hart. This vote

was in the pile of votes sorted by the representative of Miller Meeks. He felt the clear voter intent was to vote for Hart. The third recount board member and I agreed with the Miller Meeks representative that the voter intent was a vote for Hart, and this vote was counted for Hart. The third ballot that changed was a voter who filled in Miller Meeks and then crossed out Miller Meeks and wrote in the space below "No vote". It was unanimously agreed upon by the three member recount board that the voter did not intend to vote for Miller Meeks, and Miller Meeks lost a vote as a result. The fourth vote that changed as a result of the hand recount was a voter that voted for Miller Meeks. The voter attached her address label to her ballot. Iowa law prohibits counting ballots with identifying marks on the ballot. The address label was an identifying mark and clearly in violation of Iowa law. The recount board unanimously agreed this vote violated Iowa law and could not be counted. This resulted in Miller Meeks losing this vote. As a result of the hand recount Hart gained one vote, and Miller Meeks gained one vote and lost two vote. The recount board unanimously agreed on these four votes.

STATE OF IOWA)

)ss:

COUNTY OF Linn)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 11th day of December, 2020.

SARA RILEY

Signed and sworn before me on 12-11-20 by Sara Riley making the above statement.

Notary Public

PHYLLIS DITCH
Commission Number 779966
My Commission Expires
8-23-22

AFFIDAVIT OF IAN RUSSELL
SCOTT COUNTY

I, Ian Russell, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. From November 17 to 24, 2020, I served as a Recount Board Designee in Scott County ("my county").

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by machine, but any ballot that a machine separated out because the machine was unable to read it, or the ballot had a write-in vote was counted by hand.

5. The County Auditor's staff opened sealed boxes of voted ballots and ran stacks of ballots through two voting machines. Each machine tallied the votes it could read and separated out votes that the machine could not read.

6. Machines in my county were programed to separate out write-in votes, overvotes, and ballots with stray marks in the "voting target" area, which is the oval that voters are supposed to fill in to mark their votes. The machine was not programed to separate out undervotes.

7. If a machine was unable to read a particular ballot, the machine would sort it into a tray for unreadable ballots or a tray for write-in votes. The recount board reviewed these ballots reviewing the votes for the 2nd Congressional District race for the intent of the voter. If there was disagreement about voter intent the Recount Board would discuss the ballot and decide the vote using the Recount Board's understanding of Iowa law and regulations. If there was a disagreement, the majority of the board would decide.

8. For the votes cast on election day in a few precincts, after the machine had tallied the ballots, the Recount Board went by hand to look for any overvotes or undervotes in the race that should actually have been candidate votes. However, for most election day votes and all absentee votes, I did not inspect machine counted ballots individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, other than the ballots the machine separated out.

9. Other than ballots that could not be read by a machine and for the votes cast on election day in a few precincts, I did not inspect, review or disqualify ballots for identifying or stray marks nor did I observe any other members of the Recount Board do so.

10. The machine separated out write in votes. I did not inspect, review, or disqualify any other ballots based on a write in vote nor did I observe any other members of the Recount Board do so.

11. Upon opening a box containing the ballots associated with precinct D23, the recount board encountered two ballots we believed had not been counted in the initial canvass. Associated with these ballots were the notes attached as **Exhibit A** and **Exhibit B** explaining that each of these ballots was a "curbside" vote that the election day poll worker had mistakenly failed to count.

12. Both of these ballots contained votes for Rita Hart for U.S. Representative.

13. The Recount Board solicited the guidance of the Iowa Secretary of State's office and were advised that the ballots should not be counted in the recount but could be counted in the case of an election contest.

14. Although the Recount Board believed these ballots were lawfully cast and knew of no reason to disqualify them, the Recount Board believed that it was outside of its purview to include ballots in the recount tally if those ballots had not been counted in the original canvass.

STATE OF IOWA)
)ss:
COUNTY OF Scott)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 14th day of December, 2020.

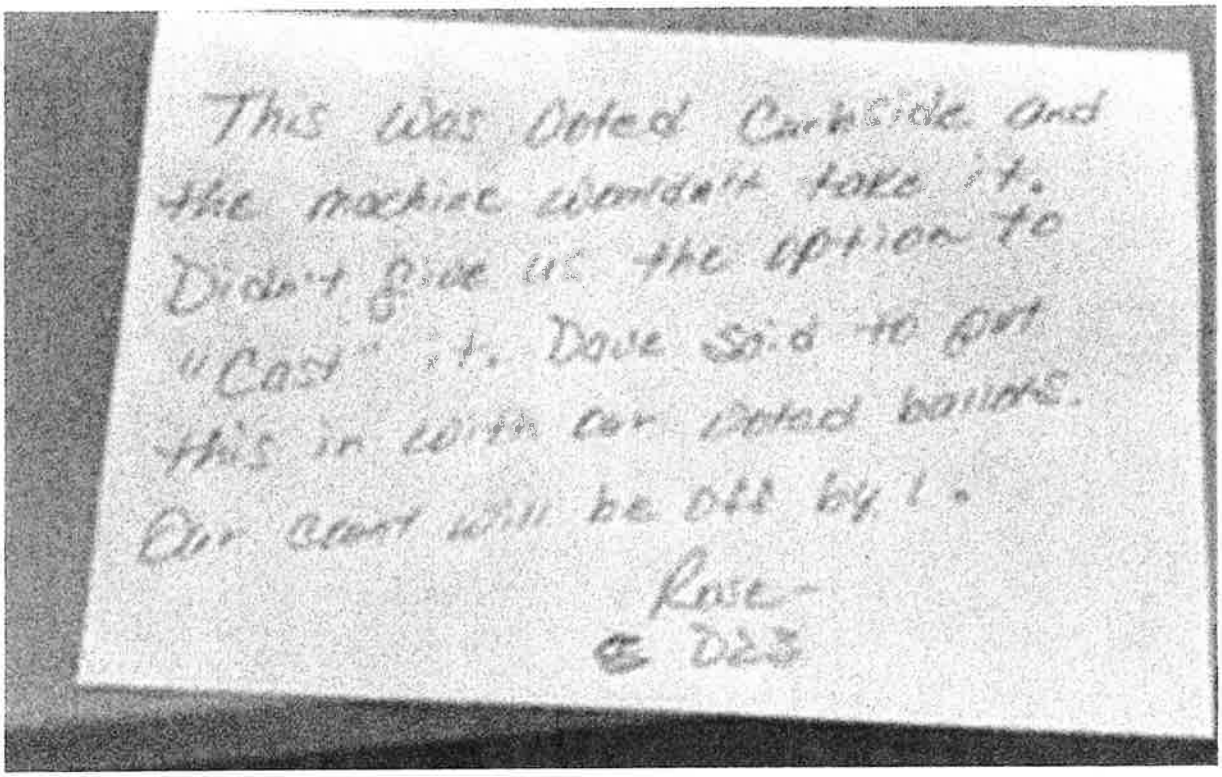
IAN RUSSELL

Signed and sworn before me on 12/14/20 by Ian Russell making the above statement.

Notary Public

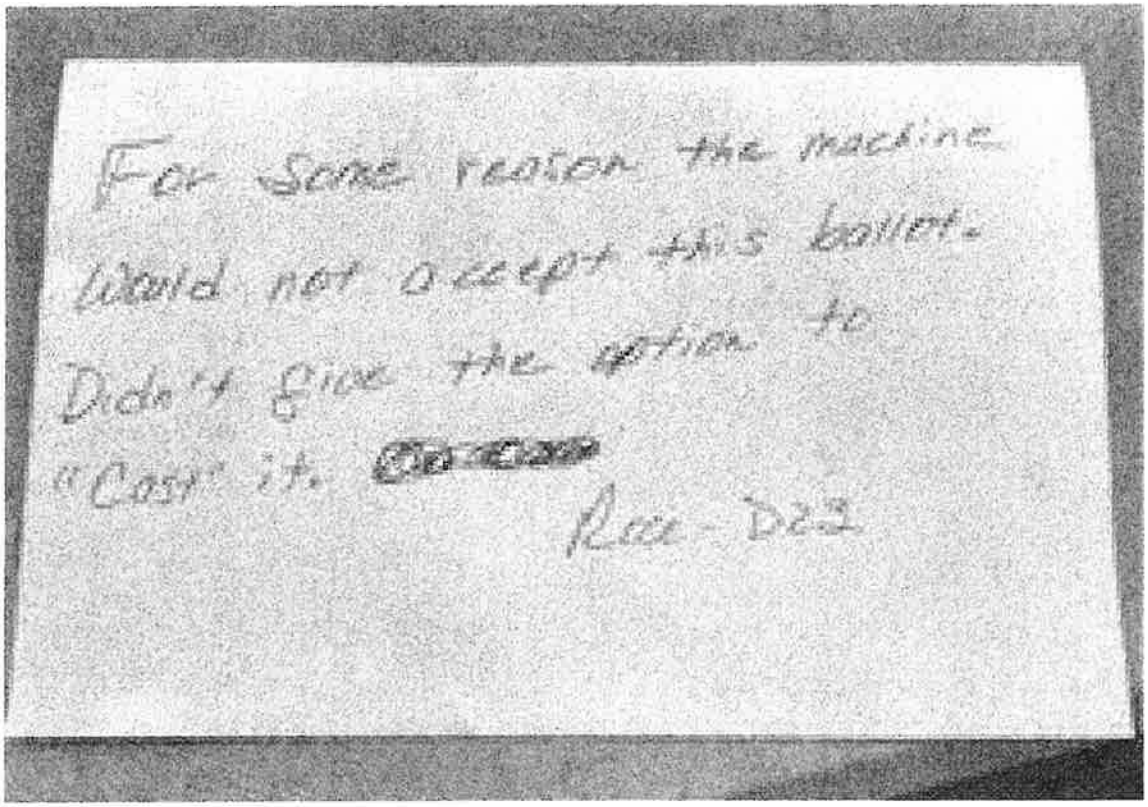
TERESA D. WILSON
Commission Number 760221
My Commission Expires
September 30, 2021

Exhibit A


This was voted Curbside and the machine wouldn't take it. Didn't give us the option to "Cast" it. Dave said to put this in with our voted ballots. Our count will be off by 1.

Rose -
D23

EXHIBIT B


For some reason the machine
would not accept this ballot.
Didn't give the option to
"Cast" it.
Rec - D23

AFFIDAVIT OF BRYAN SCHULTE
DES MOINES COUNTY

I, J. Bryan Schulte, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 21-22, 2020, I served as a Recount Board Designee in Des Moines County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount") in Des Moines county.

4. Different recounting methods were used depending on the type of ballot being recounted.

5. Ballots submitted in person on November 3, 2020 ("election day ballots") were recounted by hand by the Recount Board. By "recounted by counted" or "hand counted" I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. While the Auditor and her staff separated the absentee ballots into precincts by the voter's residence, the members of the Recount Board hand counted the election day ballots. We opened the sealed packages and each took a pile of them to sort into piles, one for each candidate, and one for all other ballots. For the "other" pile we examined to see whether we could determine the intent of the voter. If we could determine intent, that vote would become a candidate vote. Then we counted each pile and checked each other's counting.

7. The hand count of the election day ballots did not result in any change in the votes cast. The Miller-Meeks member and neutral member did not want to keep counting by hand. Therefore, they voted, against my objection to recount the absentee ballots by machine.

8. Absentee ballots were recounted exclusively by machine. The absentee ballots were counted by the machine operated by the County Auditor's staff. They would open a sealed package of absentee ballots and put stacks of ballots from that bag through a machine that read the ballots.

9. If a machine was unable to read an absentee ballot for any reason during the recount, that ballot was not counted or included in a candidate's vote totals for the recount.

10. I did not inspect any absentee ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the absentee ballot. Specifically, the Recount Board did not

examine any absentee ballot to determine whether it contained an under vote or an over vote and whether such a vote contained other legally recognized markings evidencing voter intent.

11. I did not inspect, review or disqualify any absentee ballots due to identifying or stray marks.

12. I did not inspect, review or disqualify any absentee ballots based on a write-in vote.

STATE OF IOWA)
)ss:
COUNTY OF Des Moines)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 14th day of December, 2020.

J. BRYAN SCHULTE

Signed and sworn before me on December 14, 2020 by Bryan Schulte making the above statement.

NOTARIAL SEAL IOWA
LISA JEAN SHACKLEFORD
Commission No. 806758
My Commission Expires
September 29, 2023

Notary Public

AFFIDAVIT OF EMILY SILLMAN
JOHNSON COUNTY

I, Emily Sillman, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 17-20, 2020, I served as a Recount Board Designee in Johnson County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by machine, and some of the ballots were counted by hand, as follows:

5. **Election day ballots**. We ran a machine count for each precinct, and compared that count to the tally sheet from election day. The election day tally came from an optical scanner, and the recount was conducted on a different type of high-speed machine. If the tallies differed, as they did in one precinct, we did a full hand count of that precinct. For other precincts, after running a machine count, we paged through the ballots, counted the number of undervotes and overvotes, setting aside any write-in that indicated support for one of the major candidates, and any other unusual issues. If there were no significant issues with the ballots, we accepted the machine count tally for that precinct. In a handful of precincts, there was an issue (such as an overvote that showed a clear intent for one of the candidates), and we did a full hand recount of that precinct and recorded the new tally for that precinct.

6. The **Absentee** precinct (almost 61,000 ballots) recount proceeded box by box. For each box, we broke the seal on the bag of votes inside, and used the machine to make a preliminary count, just of that box. We then paged through the ballots from that box, and flagged any issues that we could see. If there were no significant issues from that box, we recorded the tally that the machine had provided. When we found an issue with a ballot, such as an identifying mark, we used full hand recount rules to decide whether that ballot should count. If a decision led to a change in the tally, we recorded the new tally for that box, indicating what change had been made, and what residential precinct was indicated on the changed ballot.

7. Machines in Johnson county missed at least one vote (clear to the human eye) and read it as an undervote while I was involved with the recount. The machines did not count any vote at all when a voter filled in an oval, then crossed it out the filled in the oval for a different candidate. Intent is clear, so such a vote should count. Also, on a machine count, when a voter fills in a major party candidate's name in the write-in line, and darkens the oval, that vote should count for that candidate, but in a full machine count, those votes are not added to the tally for that candidate (at least not in Johnson County – I asked specifically). Because of these problems, and a few others, I advocated for a full hand recount of the entire county. There was insufficient

time for three people to complete such a full hand recount, as there were over 84,000 ballots total, so we opted for the machine-assisted hybrid approach that felt rushed to me. How certain ballots should be counted was unclear in some cases, but I didn't feel we had time to establish clear enough standards for our work. We just paged through at top speed, hoping to flag any ballot that we thought might have been miscounted originally.

8. There were several ballots that I thought were wrongfully decided. Machines can't detect and don't count votes where the voter indicated a preference outside the oval. A reason for a hand recount would be to use the human eye to determine who that person intended to vote for.

9. Although the machine tallied the votes that it was able to read, the Recount Board inspected every ballot individually to determine how or whether a ballot should be counted.

10. Every ballot that had a write-in vote was reviewed, although there were unclear rules on whether you can count a write-in for a major party candidate if none of the ovals were filled in for that race. Just the name indicates clear intent, but marking patterns were not consistent, so a couple of votes in that category did not count.

11. There was one instance during the Absentee precinct count where the machine would not read a damaged ballot. Recount boards are not allowed to re-mark ballots in order to create a new, machine-readable ballot. During the initial count, a bi-partisan team does ballot re-marking. Since we were not allowed to do that, our only option was to add that ballot to the tally by hand. We were only able to do that because we were using hand recount rules.

12. Between wrongly decided ballots (in my opinion) where voter intent was clear, and ballots that were rejected due to identifying marks, when the mark was actually a write-in vote, I believe that a more careful recount of Johnson County's ballots would result in a changed final tally.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/13/2020.

Signed on 2020/12/13 12:02:32 -8:00

EMILY SILLMAN

Signed and sworn before me on 12/13/2020 by Emily Sillman making the above statement. This document was signed using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF DAVID H. SIVRIGHT JR.
CLINTON COUNTY

I, David H. Sivright Jr.. under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I served as a District Court Judge in Iowa's Seventh Judicial District from 1992 to 2012. During my judicial career, I served six years on the Iowa Judge's Association's Board of Directors. Prior to my judicial appointment, I had practiced law in Clinton County for 23 years.

3. On November 19, 20 and 28, 2020, I served as a Recount Board Designee in Clinton County. I was not designated by one candidate or the other but rather was mutually selected by the candidate's designees to serve as the third member of the Recount Board.

4. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

5. The recount was conducted by machine, but any ballot that a machine was unable to read was counted by hand.

6. The Auditor's Deputy opened the packages of ballots one precinct at a time. She ran that group of ballots through the machine and provided to the Recount Board the total numbers of votes cast for each candidate, overvotes, undervotes and write-in candidates.

7. Machines in Clinton county were unable to read write-ins. The machines tabulated any ballots with markings in the voting target area that it could not read as overvotes or undervotes.

8. All three members of the Recount Board reviewed every ballot and we ensured that all of the undervotes and overvotes were counted if we agreed that they showed voter intent.

9. All three members of the board reviewed all of the ballots for stray marks and identifying marks. Although the machine tallied the votes that it was able to read, the Recount Board inspected every ballot individually to determine how or whether a ballot should be counted. Every ballot was reviewed for potential disqualification due to identifying marks.

10. Every ballot that had a write-in vote was reviewed. In one instance a voter cast their vote in the 2nd Congressional Race by writing in "Rita Hart".

11. During the Recount process we did find a couple of ballots that appeared to be with all of the cast votes, but may not have been counted on Election Day. The Recount Board agreed they should be counted so we counted them during the recount.

STATE OF IOWA)
)ss:
COUNTY OF CLINTON)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 15th day of December, 2020.

DAVID H. SIVRIGHT JR.

Signed and sworn before me on 12/15/20 by David H. Sivright, Jr. making the above statement.

TRACY REYNOLDS
Commission Number 754593
My Commission Expires
September 04, 2023

Notary Public

AFFIDAVIT OF MARY STEWART
WAPELLO COUNTY

I, Mary Stewart, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 19, 2020, I served as a Recount Board Designee in Wapello County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by machine.

5. During the machine recount, we called out the overvote and undervote numbers, but did not look at each ballot for the voter's intent.

6. For one precinct, we hand counted the total number of ballots after the number of ballots run through the machine did not match the number of ballots recorded in that precinct on election night. We then discovered that a portion of the ballots from that precinct had been stored in another box. Once the ballots from both boxes were combined, the number of ballots from that precinct matched the number of ballots recorded for that precinct on election night. The votes on those ballots were then tabulated by the machine.

7. There were a handful of ballots continually rejected by the machine as unreadable, even though the voter's intent was clear. In those circumstances, the Auditor permitted the neutral Recount Board member to darken the already filled-in oval or the bar code on the side of the ballot to see if fresh ink would allow the ballot to be read. After these corrections were made, the machine was able to read and accept the ballots.

8. Apart from ballots that were physically rejected by the machine as unreadable, I did not inspect any ballot individually to determine how or whether it should be counted, nor did I observe any other members of the Recount Board doing so. As such, no ballots containing undervotes or overvotes in the 2nd Congressional District race were inspected to determine whether the voter had indicated a clear choice on the ballot.

9. The Recount Board did not inspect, review or disqualify any ballots for identifying marks.

10. The Recount Board did not inspect, review or count any ballots containing a write-in vote in the 2nd Congressional District race.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/15/2020.

Mary S. Stewart
MARY STEWART

Signed and sworn before me on 12/15/2020 by Mary Stewart making the above statement. This document was notarized using communication technologies.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF DALE TAYLOR
DAVIS COUNTY

I, Dale Taylor, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 18, 2020, I served as a Recount Board Designee in Davis County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. The auditors staff opened the sealed ballot envelopes one precinct at a time. The auditor's staff then ran the ballots through the tabulation machine.

5. No ballots were hand counted in connection with the recount. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. If a machine was unable to read a ballot for any reason during the recount, the ballot would be put back through the machine using the override function. For example, if someone only voted for a presidential candidate or entered a write in candidate anywhere on the ballot, that ballot would be flagged by the machine as unreadable. The staff put the ballots back into the machine, sometimes using the override function until the ballot was accepted even if that ballot was not counted or included in a candidate's vote totals for the recount.

7. I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the ballot.

8. I did not inspect, review or disqualify any ballots due to identifying or stray marks.

9. I did not inspect, review or disqualify any ballots based on a write-in candidate.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12-16-20.

Dale Taylor

Dale Taylor

Signed and sworn before me on 12-16-2020 by Dale Taylor making the above statement.

Edward Stuart Thomas

Notary Public

EDWARD STUART THOMAS
Commission Number 828811
My Commission Expires
December 9, 2023

AFFIDAVIT OF DOUG THOMA
JASPER COUNTY

I, Doug Thoma, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 17, 21, 22 and 25, 2020, I served as a Recount Board Designee in Jasper County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by machine, except for ballots in a single precinct, Clear Creek Poweshiek ("hand-counted precinct"), which were counted by hand. This precinct was chosen to be counted by hand because during the audit process it appeared there was a vote the machine did not read for candidate Miller-Meeks.

5. For the hand-count precinct, we sorted the ballots in to piles based on their vote for the 2nd Congressional Race. Then we stacked them into piles of 10 ballots and counted them. We reviewed the ballots for stray marks, non-conforming marks and identifying marks.

6. For all other precincts and the absentee ballots, the ballot packages were opened by election workers and run through the machine. The Recount Board watched the process.

7. Other than ballots from the hand-counted precinct, if a machine was unable to read a ballot for any reason during the recount, that ballot was not counted or included in a candidate's vote totals for the recount.

8. Other than ballots from the hand-counted precinct, I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read a ballot.

9. Other than ballots from the hand-counted precinct, I did not inspect, review or disqualify any ballots due to identifying or stray marks.

10. Other than ballots from the hand-counted precinct, I did not inspect, review or disqualify any ballots based on a write-in vote.

11. The first time the election staff ran the absentee ballot precinct through the machine, the machine stopped functioning and needed both a new camera and new cables to be repaired. We stopped and reconvened once the machine was repaired. Then the election staff ran the ballots through the machine and the totals came out differently from Election Day by a vote total that included 17 more undervotes. Candidate Miller-Meeks representative demanded another recount because her candidate netted fewer votes with that count. I voted against another count, but I was outvoted.

12. We again reconvened when the company providing the voting machine could be present. They brought another machine with different sensitivity to redo the tabulation of the ballots. The new machine produced a vote count different from both the canvassed total and the first recount of the absentee ballot precinct conducted on the original machine. However, the recount board certified this new total.

STATE OF IOWA)

)ss:

COUNTY OF Jasper)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 15 day of December, 2020.

DOUG THOMA

Signed and sworn before me on 12-15-2020 by Doug Thoma making the above statement.

Notary Public

NOTARIAL SEAL IOWA
PATRICIA ANN PROBASCO
Commission Number 150822
My Commission Expires
03-12-2021

AFFIDAVIT OF BOB THOMAS
APPANOOSE COUNTY

I, Bob Thomas, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 19-20, 2020, I served as a Recount Board Designee in Appanoose County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. While the recount was conducted by machine, we counted the ballots in a single precinct by hand, Washington Wells Township. By "hand counted" or "counted by hand," I am referring to the process by which Recount Board members looked at a ballot individually to discern the voter's intent.

5. We counted that precinct by hand at the request of Recount Board member from the Miller-Meeks campaign. We opened the sealed packages and the Recount Board separated them into five boxes prepared by the Auditor, one for each candidate, write-in votes, undervotes and overvotes. Then we counted each box together.

6. For ballots recounted by machine, the Auditor and her staff opened the ballot packages and ran the ballots through the machines. The machines were slow so they operated two or three at a time.

7. Machines in Appanoose county were unable to read ballots that had overvotes in any race, write-in votes, and some ballots were rejected because they were worn. We would look at the ballots and determine if there was any marking or other issue in the 2nd Congressional Race. If the 2nd Congressional Race was not affected, the Auditor put the ballot through with the override button. If the 2nd Congressional Race did have a vote, we made a duplicate ballot so the machine could read the ballot. This was only necessary for a couple of ballots that were torn or had been voted with a felt tip marker that bled through the paper.

8. Other than ballots from Washington Wells Township and ballots that could not be read by a machine, I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so.

9. Other than ballots from Washington Wells Township and ballots that could not be read by machine, I did not inspect, review or disqualify any ballots due to identifying or stray marks.

10. Other than ballots from Washington Wells Township and ballots that could not be read by machine, I did not inspect, review or disqualify any ballots based on a write-in vote.

STATE OF IOWA)
)ss:
COUNTY OF Appanoose)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 14th day of December, 2020.

Robert A. Thomas
Bob Thomas

Signed and sworn before me on 12-14-20 by Bob Thomas making the above statement.

Jolea Sheppard
Notary Public

JOLEA SHEPPARD
Commission Number 224693
My Commission Expires
September 23, 2023

AFFIDAVIT OF TERESA THOSTENSON
KEOKUK COUNTY

I, Teresa Thostenson, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 20, 2020 and November 24, 2020, I served as a Recount Board Designee in Keokuk County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount") in my county.

4. The Recount Board began recounting ballots from each precinct by machine.

5. Machines were operated by the County Auditor and her staff. The Auditor or her staff would open a sealed bag of Election Day Ballots and put stacks of ballots from that bag through a machine.

6. The numbers did not seem to be matching up in some precincts with the totals from the count done on Election Day. The Recount Board decided to change those precincts to a hand recount of the Election Day Ballots. The Recount Board felt hand counting was the only way we could discover why there was a discrepancy in the number of votes for each candidate.

7. The remaining ballots were hand counted by the Recount Board. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent. For the remaining precincts, the members of the Recount Board separated the ballots into piles, one for each candidate, one for overvotes, one for undervotes, and one for write-ins. We then counted each type of ballot. For overvotes and undervotes we examined to see whether we could determine the intent of the voter. If we could determine intent, that vote would become a candidate vote.

8. For the absentee ballots, the Recount Board first counted them by hand and then a deputy Auditor ran them through the machine to ensure that the tabulations matched.

9. For precincts that were recounted only by machine, if a machine was unable to read a ballot for any reason, that ballot was not counted or included in a candidate's vote totals for the recount.

10. For precincts that were recounted only by machine, I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the ballot.

12. For precincts that were recounted only by machine, I did not inspect, review or disqualify any election day ballots due to identifying or stray marks.

13. For precincts that were recounted only by machine, I did not inspect, review or disqualify any election day ballots based on a write-in vote.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/14/2020.

TERESA THOSTENSON

Signed and sworn before me on 12/14/2020 by Teresa Thostenson making the above statement. This document has been notarized with the use of communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF SARAH TRUITT
CLARKE COUNTY

I, Sarah Truitt, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 20, 2020 and November 24, 2020, I served as a Recount Board Designee in Clarke County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount") in Clarke county.

4. The Recount Board began recounting ballots from each precinct by machine.

5. The Auditor's staff opened the sealed packages and gave us the ballots for a - precinct. We would thumb through and make stacks of 25, in the process we looked through to see if there were any votes for the 2nd Congressional race that looked like they would not be read, like an undervote/overvote we pulled that ballot out and placed it on top of the group of 25. We ran those first to see if the machine counted them. If the machine count did not match the initial numbers from Election Day we would conduct a hand recount.

6. It ended up that we did a hand recount of three precincts plus the absentee ballot precinct. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

7. For the hand counted precincts and for all absentee ballots, the three members of the Recount Board separated the ballots into piles, one for each candidate, one for overvotes, one for undervotes, and one for write-ins. We then counted each type of ballot. For overvotes and undervotes we examined to see whether we could determine the intent of the voter. If we could determine intent, that vote would become a candidate vote.

8. For precincts that were recounted only by machine, if a machine was unable to read a ballot for any reason, that ballot was not counted or included in a candidate's vote totals for the recount.

9. For precincts that were recounted only by machine, I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the ballot.

10. For precincts that were recounted only by machine, I did not inspect, review or disqualify any election day ballots due to identifying or stray marks.

11. For precincts that were recounted only by machine, I did not inspect, review or disqualify any election day ballots based on a write-in vote.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/15/2020.

Sarah Truitt

SARAH TRUITT

Signed and sworn before me on 12/15/2020 by Sarah Truitt making the above statement.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF STEVE WANDRO
JOHNSON COUNTY

I, Steve Wandro, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. From November 21-24, 2020, I served as a Recount Board Designee in Johnson County. I became the designee in the middle of the counting, so I participated in counting only absentee ballots.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted both by machine for tabulation and by hand for a full review of the ballots. The ballot packages were opened by the Auditor's staff and run through the machine in batches to tally the votes.

5. The Recount Board members then split the batch into thirds and we reviewed every ballot for overvotes, undervotes, stray marks and identifying marks. As were running out of them we ensured that every ballot was reviewed by at least two board members.

6. The Recount Board tabulated by hand all votes in the 2nd Congressional District race on ballots that contained a write-in vote in any race.

7. For any ballot that appeared to have an overvote, undervote, stray mark or identifying mark, the Recount Board discussed whether a ballot should be counted and if the marks showed voter intent. If the Recount Board determined that a ballot should or should not be counted in a way that was different from how the machine had likely counted the ballot, the Recount Board updated the vote totals calculated by the machine to reflect its determination.

8. If the Recount Board determined that a ballot contained an identifying mark, the ballot was disqualified from counting.

FURTHER AFFIANT SAYTH NAUGHT.

STATE OF IOWA)
)ss:
COUNTY OF Polk)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 13th day of December, 2020.

Steven P. Wandro

STEVE WANDRO

Signed and sworn before me on Dec. 13, 2020 by Steve Wandro making the above statement.

SHAYLA McCORMALLY
Commission Number 763776
My Commission Expires
November 22, 2022

Notary Public

AFFIDAVIT OF STEVE WANDRO
WAYNE COUNTY

I, Steve Wandro, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 20, 2020, I served as a Recount Board Designee in Wayne County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. The Auditor's staff opened the sealed boxes of ballots and ran them through the voting machines used on Election Day.

5. No ballots were hand counted in connection with the recount. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. The machine was programed to read all ballots even overvotes and undervotes so none were rejected.

7. I did not inspect any ballot individually to determine how or whether a ballot should be counted, nor did I observe any other members of the Recount Board do so, even if a machine was unable to read the ballot.

8. I did not inspect, review or disqualify any ballots due to identifying or stray marks.

9. I did not inspect, review or disqualify any ballots based on a write-in vote.

FURTHER AFFIANT SAY NAUGHT.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 13th day of December, 2020.

Steven P. Wandro

STEVE WANDRO

Signed and sworn before me on Dec. 13, 2020 by Steve Wandro making the above statement.

SHAYLA McCORMALLY
Commission Number 763776
My Commission Expires
November 22, 2022

Notary Public

AFFIDAVIT OF MARY WOLFE
CLINTON COUNTY

I, Mary Wolfe, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 19, 20 and 28, 2020, I served as a Recount Board Designee in Clinton County.

3. In that capacity, I was responsible for participating in a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted by machine, but any ballot that a machine was unable to read was counted by hand.

5. The ballots from each precinct (with all absentee ballots being considered one precinct) were in sealed boxes, and each precinct was re-counted individually. Each box containing the ballots from a precinct was unsealed by a member of the Recount Board, and then the Clinton County deputy election commissioner ran that group of ballots through the machine and provided to the Recount Board the total numbers of votes cast for each candidate, overvotes, undervotes and write-in candidates.

6. The ballots that had been put through the machine were then divided up into three sets and each member of the Recount Board went through his or her set of ballots in an attempt to identify and segregate all of the ballots that the machine had recorded as containing overvotes, undervotes, and write-in votes.

7. Once the ballots that the machine had recorded as containing alleged overvotes, undervotes and write in votes were identified and segregated, each member of the Recount Board examined each of those ballots to ascertain voter intent.

8. That the Recount Board did identify several ballots that the machine had recorded as containing undervotes, overvotes or write in votes which, after examination, all three Recount Board members agreed reflected clear voter intent to cast a vote for one or the other of the 2nd Congressional District candidates; in those cases, those newly identified valid votes were allocated to the candidate for whom the voter clearly voted. Three examples are:

a. We identified a ballot in which the voter had filled in the oval by Rita Hart's name and also filled in the oval next to the write in line and then wrote in Rita Hart's name; the machine had recorded this as an overvote but the Recount Members agreed this ballot reflected clear voter intent to cast a vote for Rita Hart.

b. We identified a ballot in which the voter had not filled out the oval by Rita Hart's name but had filled in the oval by the write in line and had then written in Rita Hart's name. The machine had recorded this as a write in vote and thus did not allocate the vote to either candidate; the Recount Board members agree that this ballot expressed clear voter intent to cast a vote for Rita Hart.

c. We identified a ballot in which the voter had done a sloppy job of filling out the oval next to Rita Hart's name and which the machine had recorded as an undervote; the Recount Board members agreed that the ballot expressed clear voter intent to cast a vote for Rita Hart.

9, That during the recount process of the DeWitt election night precinct ballots we did discover that we had three more ballots than the machine counted on election night, which discrepancy resulted in (to the best of my recollection) two additional votes for MillerMeeks and one additional vote for Hart. While the explanation for these additional votes was not entirely clear, the auditor hypothesized that it was likely that the DeWitt precinct's voting machine had been down for a very short period at some point during election day and that these three ballots had been submitted but not counted during this time period. After discussing the matter and determining that the ballots had been properly submitted on election day and that the intention of the voters who had cast these ballots was clear, the Recount Board agreed that all three of these votes should be counted and allocated to the appropriate candidate.

10. That while the entire recount team did not individually examine every ballot, we did individually examine all ballots recorded as overvotes, undervotes, or write in votes to determine voter intent. Every other ballot was reviewed by at least one of the Recount Board members in order to ensure that there was no identifying information on the ballot, and in fact, one ballot was identified that had not been flagged by the machine but on which the voter had circled the Democratic Party denomination for each election, despite the fact that in some of the elections – including the 2nd Congressional District election - the voter had voted for Republican Party candidates. After reviewing this ballot, the Recount Members agreed that it appeared likely that the voter had intended to identify him/herself as a member of the Democratic Party and thus the entire ballot was void, which resulted in MillerMeeks losing a vote.

CERTIFICATION OF RECOUNT BOARD MEMBER

STATE OF IOWA)
)ss:
COUNTY OF CLINTON)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this December 13, 2020.

MARY WOLFE

Signed and sworn before me on 12/13/2020 by Mary Wolfe making the above statement.

JOHN J. WOLFE
Commission Number 148316
My Commission Expires
8/24/2021

Notary Public in and for Iowa

AFFIDAVIT OF JAMES ZASTAWNIAK
LUCAS COUNTY

I, James Zastawniak, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. On November 19-20, 2020, I served as a Recount Board Designee in Lucas County.

3. In that capacity, I was responsible for conducting a recount of votes cast in the election for Iowa's 2nd Congressional District (the "recount").

4. The recount was conducted entirely by machine. The Auditor's staff handled the ballots. For each precinct they opened the sealed packages and ran the ballots through the machine to be counted. If the machine rejected a ballot it would be pushed through with the override button.

5. No ballots were hand counted in connection with the recount. By "hand counted," I am referring to the process by which Recount Board members look at a ballot individually to discern the voter's intent.

6. The machine rejected some ballots because they contained overvotes and some ballots because the ballots were worn from being fed through the machines so many times. If a machine was unable to read a ballot for any reason during the recount, a member of the Recount Board looked at the ballot to verify if the rejection was due to the 2nd Congressional Race; most of them were not. The ballots were then fed through the machine using the override function. Using the "override function" means that a vote was recorded the way the machine reads the ballot even if a human could understand that the voter's intent was different.

7. I did not inspect, review or disqualify any ballots due to identifying or stray marks.

8. I did not inspect, review or disqualify any ballots based on a write-in vote.

Remainder of Page Intentionally Left Blank

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/14/2020.

Jim Zastawniak
JAMES ZASTAWNIAK

Signed and sworn before me on 12/14/2020 by James Zastawniak making the above statement. Notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

Voter Affidavits

AFFIDAVIT OF SUSAN JOHNSON

I, Susan Johnson, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. My daughter, Sada Rhomberg, is a registered voter in Johnson County, Iowa.

3. My daughter received an affidavit envelope from the Johnson County Auditor that was already sealed shut. In order to return her completed absentee ballot my daughter opened the sealed affidavit envelope, inserted her ballot, and re-sealed the envelope using tape.

4. On October 14, 2020 at 1:09 p.m., prior to my daughter mailing her completed ballot back to the County Auditor, I called the Johnson County Auditor's office to ask whether re-sealing the envelope with tape after it had been previously sealed shut would affect whether my daughter's ballot would be counted.

5. I spoke to a woman who worked in the County Auditor's election department. This government representative told me that my daughter re-sealing her affidavit envelope using tape after opening the previously sealed envelope would not result in a rejection of her absentee ballot.

6. I repeated the guidance I received to my daughter.

7. After hearing the advice that I had received, my daughter mailed her absentee ballot to the Johnson County Auditor.

Remainder of Page Left Intentionally Blank

STATE OF IOWA)
)ss:
COUNTY OF Polk

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 13 day of December, 2020.

Susan Johnson

Signed and sworn before me on 12/13/2020 by Susan Johnson making the above statement.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF KRYSTAL KLAWONN

I, Krystal Klawonn, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Wapello County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election.

4. I cast my vote for Rita Hart for U.S. Representative.

5. Getting my ballot submitted in time was important to me so, before election day, I deposited my ballot in an election drop box. Although I am a Wapello County voter, I go to school in Linn County. Therefore, I deposited my ballot in an election drop box in Linn County. At that point, Iowa election officials had possession of my ballot.

6. My absentee ballot was rejected by the Wapello County Auditor even though I submitted it to Iowa election officials before election day.

7. I want my vote to be counted. This was my first time voting and I want my voice to be heard. Voting is important to me and I'm very upset that, despite submitting my ballot to Iowa election officials before election day, my vote has not yet been counted.

8. Exhibit A is a scan of the back of my absentee ballot envelope. On it is an official stamp that shows it was received by Linn County Elections on November 3, 2020.

Remainder of Page Left Intentionally Blank

STATE OF IOWA)

)ss:

COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 16th day of December, 2020.

Krystal Klawonn

Krystal Klawonn

Krystal Klawonn

Signed and sworn before me on 12/16/2020 by _____ making the above statement. This document was notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

Exhibit A

RECEIVED
NOV 03 2020
MAIL
LINN CO. ELECTIONS

IMPORTANT NOTE:
This ballot will only be eligible for counting if it is received by the auditor's office before the polls close on election day or if it is postmarked before election day and received by the deadline listed in the voting instructions included with this ballot. ***Postmarks are not guaranteed!*** Mail the ballot early to make sure it is received on time. Track the status of your absentee ballot at www.sos.iowa.gov.

S00557898 837
OT/03
OT/03 OT03
503803173
11/03/2020

KRYSTAL NICOLE KLAWONN
3200 PIONEER AVE SE APT 3
CEDAR RAPIDS IA 52403

1. Vote your ballot by following the instructions that were included with this ballot.
2. If a secrecy envelope was provided, place the voted ballot in the secrecy envelope. If no secrecy envelope was provided, go to step 3.
3. Place the voted ballot or the secrecy envelope containing the voted ballot in this envelope.
4. Read and sign the voter's affidavit below. **The affidavit must be signed for your ballot to count.**
5. Seal this envelope and return it to your county auditor's office. **This envelope must be sealed for your ballot to count.**

Voter's Affidavit

I do solemnly swear or affirm by signing below that I am a qualified, registered voter in the precinct for which I requested and received this ballot. I have not voted and will not vote in any other precinct in this election, and I understand that making a false statement on this affidavit is a crime.

Signature: X

AFFIDAVIT OF CHEYANNE J. KURTH

I, Cheyanne J. Kurth, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I registered to vote in Johnson County, Iowa in person at my polling place on November 3, 2020.

3. On November 3, 2020 I cast a provisional ballot in the NL06 precinct in Johnson County, Iowa.

4. I cast a provisional ballot because I did not have proof that I was a resident of the precinct. I had come prepared with mail that showed my address, but the officials told me the mail was not recent enough. I was required to provide proof of identify and proof of residency because I had just registered to vote in Johnson County that day.

5. On November 8, 2020 I executed an affidavit swearing to my identity so that my provisional ballot could be counted. I provided the County Auditor proof of residency in the form of current mail showing my address. I also provided a copy of my driver's license.

6. Despite providing sufficient evidence to cure my provisional ballot, my ballot was not counted due to poll worker error.

7. I have attached as Exhibit A a letter that I received from the Johnson County Auditor regarding my provisional ballot. In the letter, the Auditor states that providing copies of my ID materials "should have been enough to count [my] ballot." However, the Auditor states that an "error in processing provisional ballots" in my precinct resulted in my ballot going uncounted. The Auditor explained that they were "very sorry this happened, especially since [I] did everything [I] needed to do and should have had [my] vote counted." They stated that they want to avoid similar problems in the future, but that does not help me get my vote counted now.

8. I am willing to do what is needed to identify which of the two ballots is mine.

9. My ballot contains a vote for Rita Hart for U.S. Representative.

10. I am devastated that my vote did not count. It is deeply unfair. Voting is very important to me and I took the extra steps of legally curing my provisional ballot. It is especially upsetting that my vote has not been counted due to an error by those tasked with administering the election.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 16th day of December, 2020.

Cheyanne J. Kurth

Signed and sworn before me on 12/16/2020 by Cheyanne J. Kurth making the above statement. This document was notarized using communication technology.

Notary Public

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Exhibit A

AUDITOR and COMMISSIONER OF ELECTIONS

Travis Weipert
Auditor

Cheyanne Kurth
2210 West Lake Rd #301
North Liberty IA 52317

On Election Day you voted a provisional ballot at the North Liberty Precinct 6 polling please, because you did not have ID or proof of address available at the time. On November 9, a political campaign staffer who had been assisting you sent us electronic copies of your ID materials. This should have been enough to count your ballot.

Unfortunately, the officials at your precinct made an error in processing provisional ballots. The paperwork you completed was detached from the manila envelope containing your ballot. Another voter also voted a provisional ballot at your precinct, and that paperwork was also detached from the envelope. This voter did not provide ID and proof of address before the deadline of noon on November 9.

We were unable to determine which envelope was yours and which one belonged to the other voter. Because we could not identify which ballot should have been counted, we were unable to count either ballot.

We are very sorry this happened, especially since you did everything you needed to do and should have had your vote counted. We will be reviewing provisional ballot procedure with our workers and while this won't help you for this election, we hope it will avoid similar problems in the future.

Sincerely,

Travis Weipert
Johnson County Auditor and Commissioner of Elections

913 S. Dubuque St., Suite 101 • Iowa City, IA 52240-4291 • Phone (319) 356-6004 • Fax (319) 356-6086
Web www.jcauditor.com • Email auditor@co.johnson.ia.us

AFFIDAVIT OF TRAJAE LACKLAND

I, Trajae Lackland, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Johnson County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election. I voted in-person absentee.

4. I cast my vote for Rita Hart for U.S. Representative.

5. I marked my absentee ballot myself in private. No one else marked my ballot.

6. I sealed my absentee ballot in the official envelope provided to me by the county.

7. I noticed the glue on the official envelope was unusually dry even though I licked and sealed it.

8. I placed the envelope in the official drop box at the absentee polling location.

9. I was the only person with control of my absentee ballot from the time I completed it and sealed it in the envelope until the time I deposited it in the official election drop box at the polling location.

10. I want my vote to be counted. I took all necessary steps to cast my vote and now it has been rejected, apparently due to election worker error.

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/18/2020

Trajae Lackland

Signed and sworn before me on 12/18/2020 by Trajae Lackland making the above statement. This document has been notarized using communication technologies.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF MEI LIETSCH

I, Mei Lietsch, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Des Moines County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election.

4. I cast my vote for Rita Hart for U.S. Representative.

5. Getting my ballot submitted in time was important to me so, before election day, I deposited my ballot in an election drop box. Although I am a Des Moines County voter, I am in school in Linn County. Therefore, I deposited my ballot in an election drop box in Linn County. At that point, Iowa election officials had possession of my ballot.

6. My absentee ballot was rejected by the Des Moines County Auditor even though I submitted it to Iowa election officials before election day.

7. I want my vote to be counted. This was my first time voting and I was eager to do my part. Voting is important to me and I'm devastated that despite submitting my ballot to Iowa election officials before election day, my vote has not yet been counted.

8. Exhibit A is a scan of the back of my absentee ballot envelope. On it is an official stamp that shows it was received by Linn County Elections on November 3, 2020.

Remainder of Page Left Intentionally Blank

STATE OF IOWA)

)ss:

COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 16th day of December, 2020.

Mei Lietsch

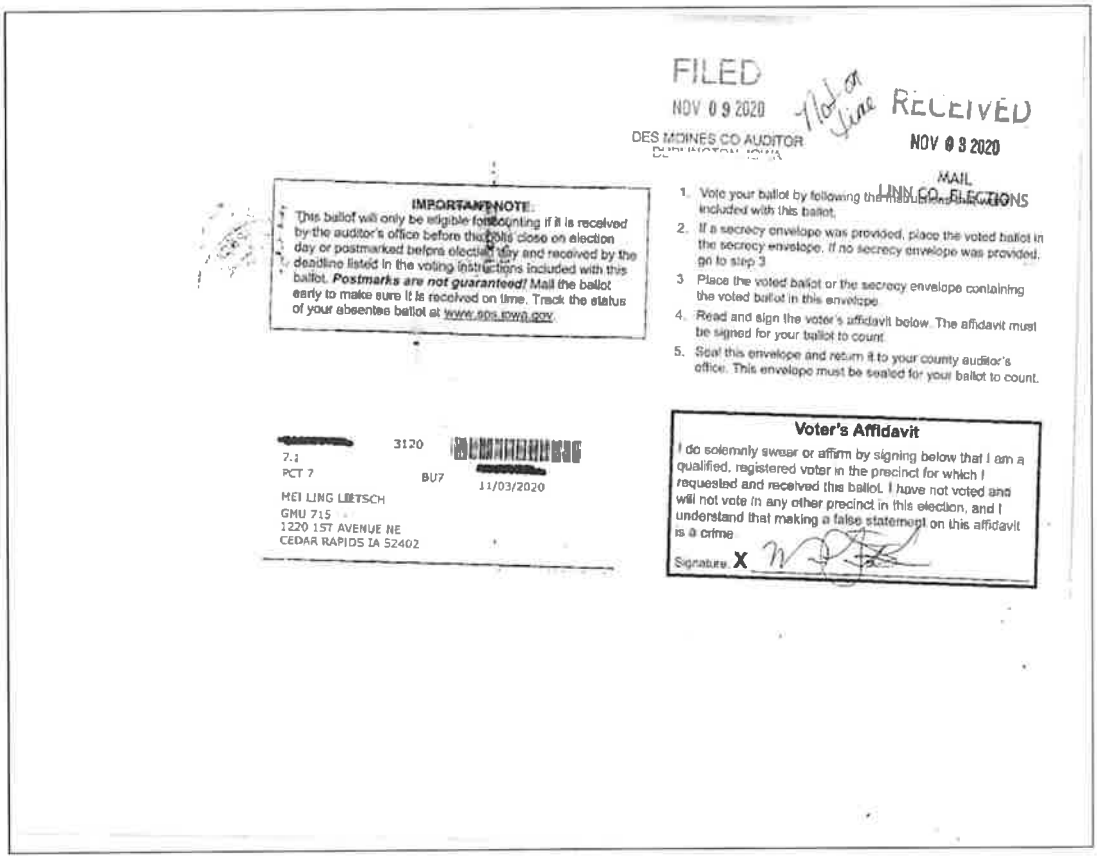
Mei Lietsch

Signed and sworn before me on 12/16/2020 by Mei Letsch making the above statement. This document was notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

Exhibit A



FILED
NOV 09 2020
DES MOINES CO AUDITOR
BURLINGTON, IOWA

Not a time RECEIVED
NOV 09 2020
MAIL
LINN CO. ELECTIONS

IMPORTANT NOTE:
This ballot will only be eligible for counting if it is received by the auditor's office before the polls close on election day or postmarked before election day and received by the deadline listed in the voting instructions included with this ballot. ***Postmarks are not guaranteed!*** Mail the ballot early to make sure it is received on time. Track the status of your absentee ballot at www.sos.iowa.gov.

1. Vote your ballot by following the instructions included with this ballot.
2. If a secrecy envelope was provided, place the voted ballot in the secrecy envelope. If no secrecy envelope was provided, go to step 3.
3. Place the voted ballot or the secrecy envelope containing the voted ballot in this envelope.
4. Read and sign the voter's affidavit below. The affidavit must be signed for your ballot to count.
5. Seal this envelope and return it to your county auditor's office. This envelope must be sealed for your ballot to count.

[redacted] 3120 [redacted]
7.1
PCT 7 BU7 11/03/2020
MEI LING LUETSCH
GMU 715
1220 1ST AVENUE NE
CEDAR RAPIDS IA 52402

Voter's Affidavit

I do solemnly swear or affirm by signing below that I am a qualified, registered voter in the precinct for which I requested and received this ballot. I have not voted and will not vote in any other precinct in this election, and I understand that making a false statement on this affidavit is a crime.

Signature X

AFFIDAVIT OF JO DONNA LOETZ

I, Jo Donna Loetz, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Scott County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election.

4. I cast my vote for Rita Hart for U.S. Representative.

5. I marked my absentee ballot myself in private. No one else marked my ballot.

6. I sealed my absentee ballot in the official envelope provided to me by the county. When sealing the envelope, I accidently ripped it.

7. I was the only person with control of my absentee ballot from the time I completed it and sealed it in the envelope until the time I handed my ballot back to a Scott County election official.

8. I handed my ballot directly to a Scott County election official before election day. The official told me that he thought that my ballot may not be accepted because of the damaged envelope. I asked him whether I needed to get a replacement ballot, but he assured me the county would reach out if the ballot was rejected and I would still have a chance to vote.

9. I did not hear anything from the county but on Election Day, November 3, 2020, I got a call saying my absentee ballot was not going to be counted. I am not sure of the source of the call.

10. Based on the call, I went to my Election Day precinct. At the precinct, I talked to a poll worker, Lorren Beneke. I told him about the call I'd received and my concern that my ballot would not be counted. Beneke called the County Auditor's office and asked whether my absentee ballot would be counted. The Auditor's office told him that my ballot would be counted and Beneke relayed the message to me.

11. I want my vote to be counted. I am very upset that, despite casting my absentee ballot and being told I would have a chance to vote even if there were a problem with the envelope, my vote has been ignored. My vote has not been counted due to the errors that election officials have made, and that's not right. If I'd been told my ballot were rejected at the precinct, I would have voted then and there.

STATE OF IOWA)
)ss:
COUNTY OF Scott)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 16th day of December, 2020.

Jo Donna Loetz

Signed and sworn before me on December 16, 2020 by Jo Donna Loetz making the above statement.

Notary Public

RONDI DOYLE
Commission Number 814222
My Commission Expires
December 12, 2021

AFFIDAVIT OF NASR MOHAMED NASR

I, Nasr Mohamed Nasr, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Johnson County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election.

4. I cast my vote for Rita Hart for U.S. Representative.

5. I enclosed my absentee ballot in the official envelope provided to me by the county (the "affidavit envelope").

6. I signed the affidavit envelope directly below the large red text stating "Signature Required." This was just above the space where the "Voter's Affidavit" was written. My intent in signing my ballot was to affirm the truth of the Voter's Affidavit printed on the affidavit envelope.

7. By signing the affidavit envelope where I did, I intended to affirm the truth of the statements in the Voter's Affidavit, specifically that "I do solemnly swear or affirm that … I am a qualified, registered voter in the precinct for which I requested and received this ballot. I have not voted and will not vote in any other precinct in this election, and I understand that making a false statement on this affidavit is a crime."

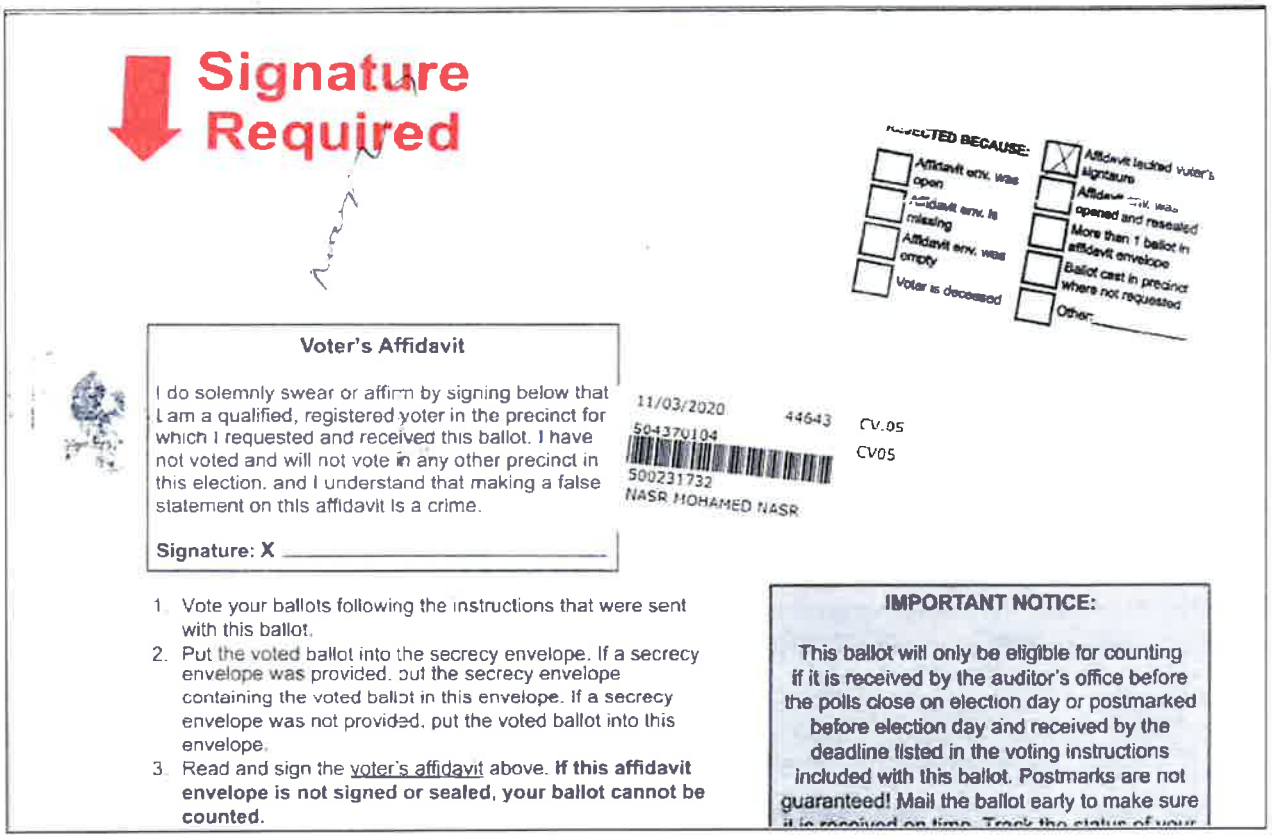
8. I timely returned my absentee ballot to the County Auditor.

9. I want my vote to be counted. I took all the necessary steps to cast my vote and signed the affidavit envelope. The affidavit envelope states, "If this affidavit envelope is not signed…your ballot cannot be counted." My ballot envelope was signed, it should be counted.

10. Exhibit A is a scan of my affidavit envelope. It shows my signature directly above the Voter's Affidavit.

Remainder of Page Left Intentionally Blank

EXHIBIT A



Signature Required

REJECTED BECAUSE:
- [ ] Affidavit env. was open
- [ ] Affidavit env. is missing
- [ ] Affidavit env. was empty
- [ ] Voter is deceased
- [X] Affidavit lacked voter's signature
- [ ] Affidavit env. was opened and resealed
- [ ] More than 1 ballot in affidavit envelope
- [ ] Ballot cast in precinct where not requested
- [ ] Other: _____

Voter's Affidavit

I do solemnly swear or affirm by signing below that I am a qualified, registered voter in the precinct for which I requested and received this ballot. I have not voted and will not vote in any other precinct in this election, and I understand that making a false statement on this affidavit is a crime.

Signature: X _____

11/03/2020 44643 CV.05
5043370104 CV05
500231732
NASR MOHAMED NASR

1. Vote your ballots following the instructions that were sent with this ballot.
2. Put the voted ballot into the secrecy envelope. If a secrecy envelope was provided, put the secrecy envelope containing the voted ballot in this envelope. If a secrecy envelope was not provided, put the voted ballot into this envelope.
3. Read and sign the voter's affidavit above. **If this affidavit envelope is not signed or sealed, your ballot cannot be counted.**

IMPORTANT NOTICE:

This ballot will only be eligible for counting if it is received by the auditor's office before the polls close on election day or postmarked before election day and received by the deadline listed in the voting instructions included with this ballot. Postmarks are not guaranteed! Mail the ballot early to make sure it is received on time. Track the status of your

STATE OF IOWA)

)ss:

COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/15/2020

Nasr Nasr
Signed on 2020/12/15 11:34:21 -8:00

Nasr Mohamed Nasr

Signed and sworn before me on 12/15/2020 by Nasr Mohamed Nasr making the above statement.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Stamp 2020/12/15 12:34:21 PST 0ADA1A6B2044

Signed on 2020/12/15 11:34:21 -8:00

Notary Public

AFFIDAVIT OF MICHAEL OVERHOLT

I, Michael Overholt, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Johnson County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election. I cast my ballot early as an in-person absentee voter.

4. I cast my vote for Rita Hart for U.S. Representative.

5. I marked my absentee ballot myself in private. No one else marked my ballot.

6. I sealed my absentee ballot in the official return envelope provided to me by the county. I specifically remember sealing my ballot because I thought in this time of COVID-19 it was interesting that we are sealing our ballot envelopes by licking them shut.

7. I placed my ballot envelope in the official ballot box at the absentee voting location. I thereby returned my envelope to my county's election officials.

8. I was the only person with control of my absentee ballot from the time I completed it and sealed it in the envelope until the time I returned my envelope to my county's election officials.

9. I want my vote to be counted. I took all necessary steps to cast my vote and now it has been rejected, apparently due to election worker error.

Remainder of Page Left Intentionally Blank

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/14/2020.

Michael S. Overholt

Michael Overholt

Signed and sworn before me on 12/14/2020 making the above statement. This document was notarized using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF JOSHUA REYES-TORRES

I, Joshua Reyes-Torres, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Johnson County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election.

4. I cast my vote for Rita Hart for U.S. Representative.

5. I marked my absentee ballot myself in private. No one else marked my ballot.

6. I sealed my absentee ballot in the official envelope provided to me by the county.

7. I placed my official envelope in the mail myself.

8. I was the only person with control of my absentee ballot from the time I completed it and sealed it in the envelope until the time I mailed it back.

9. I want my vote to be counted. I took all necessary steps to cast my vote and now it has been rejected, apparently due to election worker error.

JRT

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/13/2020.

Joshua C. Reyes-Torres

Joshua Reyes-Torres

Signed and sworn before me on 12/13/2020 by Joshua Reyes-Torres making the above statement.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF SADA RHOMBERG

I, Sada Xin Johnson Rhomberg, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a registered voter in Johnson County, Iowa.

3. I applied for an absentee ballot from Johnson County for the November 3, 2020 general election. I applied for an absentee ballot because I am a student in Chicago and did not plan to be in Iowa on election day.

4. I received in the mail in October 2020 an envelope of election materials from the Johnson County Auditor including my absentee ballot and a return envelope (the "affidavit envelope).

5. When I received the election materials in the mail, the election materials appeared to have gotten wet in the rain. As a result, the affidavit envelope in which I was supposed to seal my ballot was already sealed shut.

6. In order to place my completed ballot in the affidavit envelope, I had to open the affidavit envelope that had arrived already sealed. I opened the affidavit envelope carefully and placed my completed ballot inside of it. I then sealed the envelope shut using tape.

7. Prior to mailing my completed ballot back to the County Auditor, my mother, Susan Johnson, called the County Auditor's office to ask whether re-sealing the envelope with tape would affect whether my ballot would be counted. I understand that a representative of the County Auditor informed my mother that re-sealing the envelope with tape would not be a problem and would not affect whether my ballot was counted. My mother repeated this guidance to me. I relied on this guidance when I mailed my absentee ballot believing that my vote would be counted.

8. I wrote on my affidavit envelope "My return envelope was sealed when I got it, so I taped it shut."

9. I mailed my absentee ballot back to the County Auditor in time for it to be received on or before November 2, 2020. I understand that it was received in time.

10. I signed the Voter's Affidavit on the affidavit envelope.

11. I voted for Rita Hart for Congress.

12. Exhibit A is a copy of my affidavit envelope.

13. Exhibit B is a copy of a letter from the Johnson County Auditor informing me that my ballot was rejected because the affidavit envelope was not properly sealed.

14. Voting is extremely important to me. I took steps to ensure that my vote was counted, such as applying for an absentee ballot and carefully completing my affidavit envelope. It would be devastating for my vote not to count, especially when I followed the instructions of election officials.

Remainder of Page Left Intentionally Blank

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/13/2020.

Sada Rhomberg

Signed and sworn before me on 12/13/2020 by Sada Rhomberg making the above statement. This document was signed using communication technologies.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

EXHIBIT A

Signature Required

REJECTED BECAUSE:
- ☐ Affidavit envelope was open
- ☐ Affidavit envelope is [illegible]
- ☐ Affidavit is missing voter's signature
- ☑ Affidavit envelope was not sealed
- ☐ More than 1 ballot in affidavit envelope
- ☐ Ballot cast in person

My return envelope was sealed when I got it, so I taped it shut.

Voter's Affidavit

I do solemnly swear or affirm by signing below that I am a qualified, registered voter in the precinct for which I requested and received this ballot. I have not voted and will not vote in any other precinct in this election, and I understand that making a false statement on this affidavit is a crime.

Signature: X Sada Rhomberg

11/03/2020 33964 PN

504229492 PN

500485743

SADA XIN JOHNSON RHOMBERG

1. Vote your ballots following the instructions that were sent with this ballot.
2. Put the voted ballot into the secrecy envelope. If a secrecy envelope was provided, put the secrecy envelope containing the voted ballot in this envelope. If a secrecy envelope was not provided, put the voted ballot into this envelope.
3. Read and sign the voter's affidavit above. **If this affidavit envelope is not signed or sealed, your ballot cannot be counted.**

IMPORTANT NOTICE:

This ballot will only be eligible for counting if it is received by the auditor's office before the polls close on election day or postmarked before election day and received by the deadline listed in the voting instructions included with this ballot. Postmarks are not guaranteed! Mail the ballot early to make sure it is received on time. Track the status of your

EXHIBIT B

33964

Rejected Absentee

Date: 11/3/20

Dear Sada Xia Johnson Rhomberg

You are hereby notified the absentee ballot you cast at the 11/03/20 election has been rejected for the following reason(s):

- ☐ The affidavit envelope was not properly filled out. It was missing:
  - ☐ Your signature
  - ☐ Party affiliation (primary election only)
- ☒ The affidavit envelope was not properly sealed
- ☐ The affidavit envelope was missing
- ☐ You are not a properly registered voter in the precinct in which your ballot was cast
- ☐ The affidavit envelope contained more than one ballot
- ☐ The affidavit envelope did not contain a ballot
- ☐ Your original absentee ballot application form was not received or postmarked on time
- ☐ The ballot did not arrive on time to be counted
- ☐ You voted another ballot at the polls on election day
- ☐ Your ballot envelope was not postmarked on time
- ☐ Your ballot was received after election day without a legible postmark (§53.17(2))

Please call the county auditor's office if you have questions at 319-356-6004.

Sincerely,

Travis Weipert

County Auditor and Commissioner of Elections

Initials of Member of Absentee Ballot and Special Voters Precinct Election Board

Prepared by the Office of the Secretary of State Revised 11/2016

AFFIDAVIT OF STEVEN SCHAEFER

I, Steven Schaefer, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Johnson County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election.

4. When my election materials, including my absentee ballot and affidavit envelope, arrived from the County Auditor in the mail, they had clearly gotten wet. I could not open the official envelope without tearing the envelope. After I placed my fully marked ballot in the affidavit envelope, I signed the top of the envelope near where it was sealed. I did this to show I was the one who sealed my ballot in the envelope.

5. I cast my vote for Rita Hart for U.S. Representative.

6. I marked my absentee ballot myself in private. No one else marked my ballot.

7. I sealed my absentee ballot in the official envelope provided to me by the county.

8. I placed my absentee ballot envelope in an official election drop box.

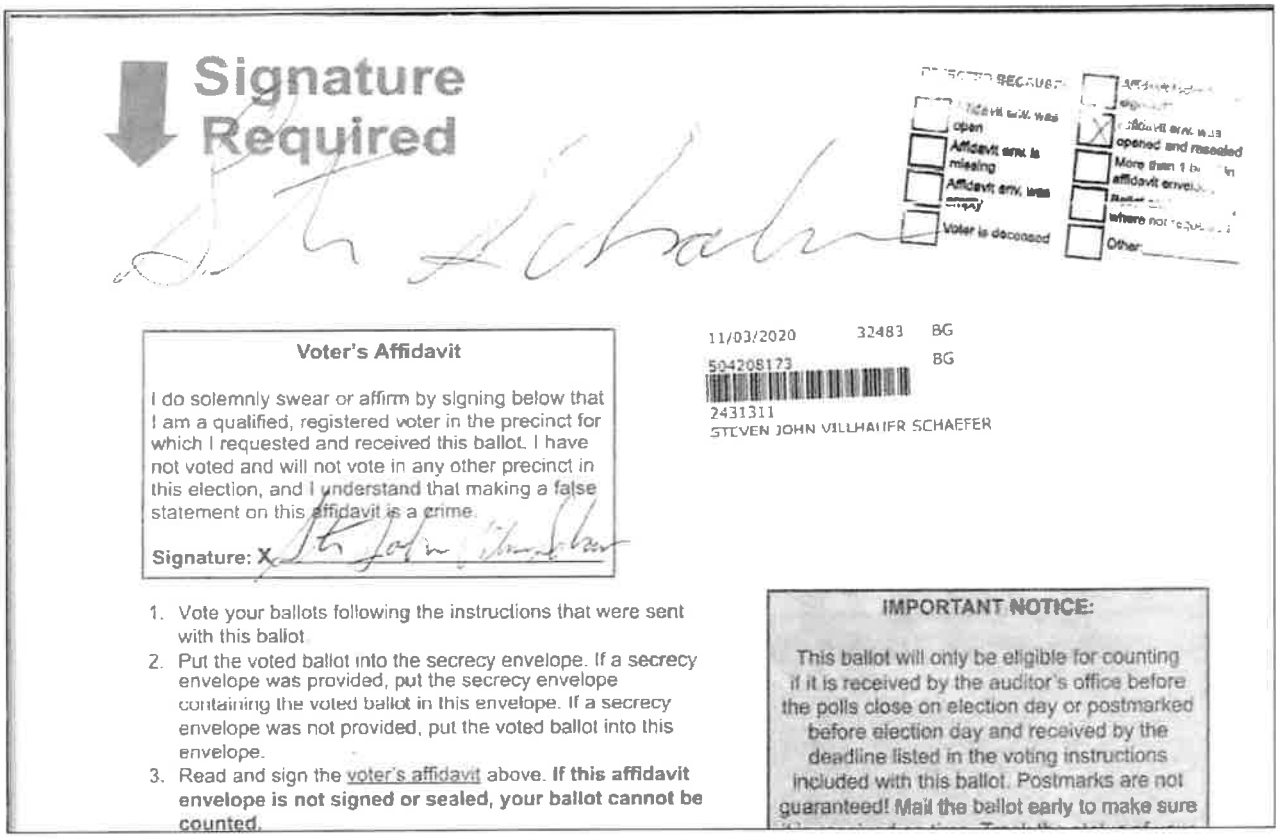
9. I was the only person with control of my absentee ballot from the time I completed it and sealed it in the envelope until the time I deposited it in an official election drop box.

10. I want my vote to be counted. I am very upset that my ballot has not been counted and my voice in this important election has not been heard. I took all necessary steps to cast my vote, including signing the top of my envelope to show I was the one who sealed the envelope, and now it has been rejected, apparently due to election administration error.

11. Exhibit A is a scan of my absentee ballot envelope, including my signature at the top of the envelope.

Remainder of Page Left Intentionally Blank

EXHIBIT A



Signature Required

Voter's Affidavit

I do solemnly swear or affirm by signing below that I am a qualified, registered voter in the precinct for which I requested and received this ballot. I have not voted and will not vote in any other precinct in this election, and I understand that making a false statement on this affidavit is a crime.

Signature: X

11/03/2020 32483 BG
504208173 BG
2431311
STEVEN JOHN VILLHAUER SCHAEFER

1. Vote your ballots following the instructions that were sent with this ballot.
2. Put the voted ballot into the secrecy envelope. If a secrecy envelope was provided, put the secrecy envelope containing the voted ballot in this envelope. If a secrecy envelope was not provided, put the voted ballot into this envelope.
3. Read and sign the voter's affidavit above. **If this affidavit envelope is not signed or sealed, your ballot cannot be counted.**

IMPORTANT NOTICE:

This ballot will only be eligible for counting if it is received by the auditor's office before the polls close on election day or postmarked before election day and received by the deadline listed in the voting instructions included with this ballot. Postmarks are not guaranteed! Mail the ballot early to make sure

STATE OF IOWA)
)ss:
COUNTY OF POLK)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 12/14/2020.

Steven Schaefer

Steven Schaefer

Signed and sworn before me on 12/14/2020 by Steven Schaefer making the above statement. This notarial act was completed using communication technology.

SHAYLA MCCORMALLY
NOTARY SEAL - STATE OF IOWA
Commission No. 763776
My Commission Expires November 22, 2022

Notary Public

AFFIDAVIT OF CHARLES E. TUCKER

I, Charles E. Tucker, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. I am a qualified, registered voter in Scott County, Iowa.

3. I cast an absentee ballot in the November 3, 2020 general election.

4. Due to a physical disability I am unable to cast a vote without assistance.

5. Because of my physical disability, I asked my wife, Linda Tucker, to mark my ballot. She filled it out as I requested, following my instructions as to how I wanted to vote. She did so in my presence.

6. I cast my vote for Rita Hart for U.S. Representative.

7. At my request, my wife sealed the absentee ballot in the official envelope provided to me by the county.

8. I signed the affidavit envelope myself.

9. My wife placed my sealed affidavit envelope containing my ballot in the mail.

10. I want my vote to be counted. I took all necessary steps to cast my vote and now it has been rejected, apparently due to election worker error.

Remainder of Page Left Intentionally Blank

STATE OF IOWA)
)ss:
COUNTY OF Scott)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 14 day of December, 2020.

Charles E. Tucker

Signed and sworn before me on 12-15-2020 by Charles Tucker making the above statement.

Edward Stuart Thomas
Notary Public

EDWARD STUART THOMAS
Commission Number 828811
My Commission Expires
December 9, 2023

AFFIDAVIT OF LINDA TUCKER

I, Linda Tucker, under oath affirm and state under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) and am competent to testify as to the matters set forth herein. I have personal knowledge of the matters contained in this affidavit.

2. Due to a physical disability, my husband, Charles E. Tucker, cannot fill out his own absentee ballot.

3. Charles asked me to assist him in filling out his absentee ballot for the November 3, 2020 general election. I agreed and filled out his ballot exactly as he instructed.

4. In Charles's presence, I sealed the absentee ballot in the official envelope provided to by the county.

5. I placed the sealed affidavit envelope containing Charles's ballot in the mail.

Remainder of Page Left Intentionally Blank

STATE OF IOWA)
)ss:
COUNTY OF Scott)

I declare under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct to the best of my knowledge.

Signed this 14 day of December, 2020.

Linda Tucker

Signed and sworn before me on 12-14-2020 by Linda Tucker making the above statement.

Edward Stuart Thomas
Notary Public

EDWARD STUART THOMAS
Commission Number 828811
My Commission Expires
December 9, 2023

Iowa Secretary of State Guidance

Recount Board Guide

This guide contains information about conducting recounts. Please read the instructions carefully and consult with the county auditor for any questions.

Table of Contents

Completing the Recount

Overview

What is a Recount?

A recount is a formal process for re-examining and recounting the ballots which were voted and counted for an office or public measure. This includes any disputed ballots returned under §50.5 that were "objected to" but counted.

Recount boards do not resolve procedural or legal questions about the conduct of the election or the qualifications of voters. No additional evidence, beyond the ballots that were counted, is reviewed during a recount. The board does not decide if ballots were correctly accepted or rejected. The board merely counts ballots which were already counted.

[§50.48, IAC 721—26.104(1)]

Board's Responsibilities

Conduct the recount "as expeditiously as possible" as stated in the *Iowa Code.* Follow the counting standards prescribed by Iowa law.

[§49.92, 49.99, IAC 721—26]

When the recount is completed, file a written report of the board's finding with the auditor. The report must be filed no later than the 18th day following the county's canvass. The 18th day falls on a Saturday so the deadline moves to Monday.

[§50.48(7), 50.49(5), IAC 721—26.107]

Exception: Recounts for city primary elections or regular city election in cities with runoff election provisions must be completed no later than the 11th day following the board of supervisors' canvass. The 11th day falls on a Saturday so the deadline moves to Monday.

[§47.4, 50.48(7), IAC 721—26.107]

Auditor and Auditor's Staff Assistance

The auditor or auditor's designee is responsible for the security of the ballots and must supervisor their handling. If voting equipment is used for the recount, the auditor or auditor's designee must operate the tabulation machine.

[IAC 721—26.105]

The auditor or auditor's designee can help the board be organized. The auditor or auditor's designee cannot help count votes. Recount board members are the only one authorized to decide whether or not to count a vote. If the board has a question related to whether or not a vote should be counted, review the Counting Votes Guide and IAC 721—26.

Tools for Recount Boards

Please ask the auditor's office for the following materials prior to starting the recount if they have not already been provided:

1. Recount Board Guide
2. Counting Votes Guide

   Provides information on the Iowa laws governing how votes must be counted.

3. Manual Recount Tally Sheet

   Used to tally votes by hand.

4. Report for Recount of Votes for Office/Public Measure

   Used to report the recount board's results after recounting.

Recounts are Public

Recounts, like all canvasses of votes, are open to the public. Observers may watch and listen, they may not participate in or interfere with the recount.

The room where the recount is conducted should be arranged to enable observers to see and hear the process. However, the observers cannot touch ballots.

[IAC 721—26.106]

Handling Ballots

Overview

All three members of the board should be present when the ballot packages are opened. If one board member leaves the room, halt the process until that person returns.

When opening ballots, the board should only work with one precinct at a time.

Keep all ballots in view of all recount board members and any observers. Keep the ballots guarded to protect them from theft or loss. The auditor or the auditor's designee is responsible for the security of the ballots and voting equipment documents and must supervise their handling.

Handle the ballots carefully. The recount in which you are conducting may not be the only recount of the ballots for the election in question. It is possible that recounts will be requested for other offices or questions appearing on these ballots. There may also be an election contest or further legal action that may include an examination of the documents.

Ballots Delivered to the Board

Verify the number of ballots received from the auditor matches what is recorded on the recount ballot tracking chart. Once you have verified the numbers match, sign the recount ballot tracking chart.

Only ballots that were accepted for counting are recounted. This includes disputed ballots from the precinct returned separately from the counted ballots.

Recount boards do not consider:

- Rejected absentee or provisional ballots,
- Spoiled ballots, and
- Defective ballots.

[§50.48(4)(a), 50.49(5), IAC 721—26.104(1)]

Adding Additional Precincts to the Recount

Recount boards may extend the recount to other precincts in the same county where the office or question appeared on the ballot when at least one member of the board deems it necessary to do so. The recount cannot be expanded to include other offices or questions.

[§50.48(4)(b), 50.49(5), IAC 721—26.104(2)]

Open Ballots Only as Necessary

Open only the sealed ballot containers from the precincts specified in the recount request or from the precincts added by the recount board. Keep ballots from precincts that are not included in the recount sealed or kept separate.

[IAC 721—26.104(2)]

Performing the Recount

By Hand or by Machine

If the ballots were hand-counted on election day, the recount board must count the ballots by hand using the standards in IAC 721—26. Provide the "Counting Votes" guide to the recount board.

If voting equipment was used on election day, the board:

- May request that the ballots be recounted by voting equipment

OR

- May count the ballots by hand

OR

- May conduct both types of counts

If using voting equipment to conduct the recount, the auditor or auditor's designee must operate the voting equipment and use the same program used on election day unless the program is known or believed to be flawed.

[50.48(4), 50.49(5), IAC 721—26.105(2)]

In the event a hand recount differs from a recount using voting equipment, the recount board must determine which results to give to the auditor in its report issued under §50.48(4)(c).

Counting Votes by Optical Scanners

If the board decides to tabulate the votes using voting equipment, the following rules apply:

Counting Standards

The ballots must be run through the optical scanner. Any ballots rejected by the scanner should be counted accordingly to the provisions of IAC 721—26.

Write-In Votes

Ballots identified by the optical scanner as containing a write-in vote must be separated and the write-in votes must be tallied. If the voting target next to the write-in line is not marked, the write-in vote will not be read by the optical scanner and the write-in vote cannot be counted.

[§49.99(1), IAC 721—26.104(3)]

Disputed Ballots

If there is an envelope labeled "Disputed Ballots" from any precinct, open the envelope and sort the ballots into two categories: "Objected to" or "Defective." Each ballot in the envelope should be labeled as either of the following:

- "Objected to" Ballots

  These ballots were accepted for counting and are included in the vote totals. Examine these ballots and decide how to count them. On election night, the precinct election officials were required to include a signed statement as to how the ballot was counted.

  [§50.4, 50.5, IAC 721—26.104(1)]

- "Defective" Ballots

  These ballots were not accepted for counting at the precinct and cannot be added to the vote totals. Put them back in the envelope without examination and do not count them.

  [§50.3, 50.5, IAC 721—26.14]

Duplicate Ballots if Optical Scan Used on Election Day

The auditor may deliver ballots marked as duplicates. Precinct election officials or the absentee and special voters precinct board marked a duplicate ballot because the voter's original ballot was damaged and could not be read by the optical scan machine.

The precinct election officials marked the duplicate ballot in the exact manner as the voter marked it. Both the original ballot and duplicate ballot should be marked with the same serial number.

The recount board may examine the duplicated ballots to compare the marks on the original ballot with the duplicate. If there are discrepancies between the original ballot and duplicated ballot, correct the duplicate ballot.

[§52.37]

Counting Votes by Hand

Counting Standards

The recount board must follow the standard for counting votes prescribed by Iowa law and administrative rules. See the "Counting Votes Guide."

The board must count votes for all candidates, including write-in votes, and not just those candidates who are represented by members of the recount board.

[§49.92, 49.99, IAC 721—26.104(3)]

Keeping Track

Use the manual recount tally sheet provided by the auditor. One tally sheet should be used for each candidate or "yes" or "no" vote for a public measure in each precinct. Count one precinct at a time.

Counting Write-Ins

Write-in votes must be counted using the same standards used for counting on election day. If voting equipment was used on election day, the voting target must be marked in order for the write-in vote to be counted, even if the recount board is counting ballots by hand and the voter's intent can be clearly ascertained.

[§49.99]

See the Counting Votes Guide for additional rules about counting write-in votes.

Vote for No More Than One

When voters could vote only for one person for the office being recounted, the board should sort the ballots into piles. Make a separate pile of ballots cast for each candidate.

Vote for No More Than...

When voters could vote for two or more candidates in the office being recounted, use one tally sheet for each candidate. Be sure to account for all votes cast by voters.

Straight Party for General Election Only

For the general election only, be sure to examine the straight party votes as well as the marks for the candidates listed on the ballot. See the Counting Votes Guide for details about counting straight party votes.

Sorting Ballots

Best Practice: Separate the ballots into piles based on the candidate(s) selected on the ballot. Count the votes cast for each candidate individually. When counting the votes for each candidate, sort the ballots into piles of 10.

Duplicate Ballots if Optical Scan Used on Election Day

The auditor may deliver ballots marked as duplicates. Precinct election officials or the absentee and special voters precinct board marked a duplicate ballot because the voter's original ballot was damaged and could not be read by the optical scan machine.

The precinct election officials marked the duplicate ballot in the exact manner as the voter marked it. Both the original ballot and duplicate ballot should be marked with the same serial number.

The recount board may examine the duplicated ballots to compare the marks on the original ballot with the duplicate. If there are discrepancies between the original ballot and duplicated ballot, correct the duplicate ballot.

[§52.37]

Completing the Recount

Verify Total Ballot Count

Verify the number of ballots recounted matches the number of ballots delivered by the auditor. Complete and sign the recount ballot tracking chart.

Reseal Ballots

The recount board must reseal the ballots after they have been retabulated and return them to the auditor.

The envelope or container containing the ballots must have a seal across its opening that is signed by all members of the recount board. The seal must be applied so the ballot package cannot be opened without breaking the seal.

[§50.48(4)(c), 50.49(5), IAC 721—26.104(4)]

Return Ballots

Return the sealed ballots to the auditor.

Report Results

If the recount board recounted by hand and by using voting equipment, the recount board must determine which results to give to the auditor in its report in the event the hand recount differs from the recount using voting equipment.

The recount board must file a written report of its findings with the county auditor. The report must be filed no later than the 18th day following the county's canvass. The 18th day falls on a Saturday so the deadline moves to Monday.

[§47.4, 50.48(4)(c), 50.49(5), IAC 721—26.107]

The report must be signed by at least two members of the recount board. The tally sheets and any voting equipment results tapes produced in the recount process must be attached to it.

Exception: Recounts for city primary elections or regular city election in cities with runoff election provisions must be completed no later than the 11th day following the board of supervisors' canvass. The 11th day falls on a Saturday so the deadline moves to Monday.

[§47.4, 50.48(7), IAC 721—26.107].

CERTIFICATE OF SERVICE

I hereby certify that I will serve on the Contestee or her authorized agent a true and correct copy of the foregoing Notice of Contest and its associated appendix.

Shayla McCormally