

AUG 21 2020

Auditor Lara,

HARDIN COUNTY AUDITOR

Today I write to formally object to the nomination by convention of Donald Primus, candidate for Hardin County Supervisor according to Iowa Code, 43.24 "Objections to nomination petitions or certificates of nomination."

As the Hardin County Republicans recently conducted a similar convention I have learned from Secretary of State Pate's office that the rules and regulations are very clear and shall be followed. The bylaws of the individual non governmental organization dictate the rules in order to nominate by convention. I have obtained those rules from the S.O.S.'s office and after review I am confident that those rules were not followed and thus disqualify Mr. Primus from being listed on the ballot. The particular violation is in regards to the bylaws approved on what appears to be a typewriter style document from nearly a decade fail to address the utilization of electronic means to conduct meetings in which a vote is held and recorded officially. The voting and quorum policy are clear to not include electronic means of participation or official voting.

As shown in the supporting document labeled "I" Iowa Code Chapter 21.2 clearly defines what a "governmental body" means. The document labeled, "II" explains Iowa Code Chapter 21.8 and how electronic meetings shall be utilized by governmental bodies.

I will return to the process that Hardin County Republicans adhered to according to recorded and filed bylaws from 1993. Their bylaws make no mention of electronic meetings, electronic votes, nor any proxy voting. This is why the Republicans held their convention on August 11, 2020 in person at the C.I.J.D.C. At the convention the Hardin County GOP followed their those bylaws and conducted their convention accordingly and have verified the process was followed.

According to the Times Citizen dated August 7th, 2020, "No Democrats filed to run for the seat in the June primary, so the Democrats had to reconvene their county convention to choose a nominee. That convention was held Tuesday via Zoom video conferencing. Patrick Gagnon, vice chair of the County Democrats' central committee and secretary of the convention, said it was well-attended with 51 delegates on the call."

This quote is an admission that the nominee was elected utilizing electronic means (Zoom) by a non-governmental body. This body is not afforded the rights or privileges of a governmental body that would be entitled the use of electronic communications and voting that only pertain to true governmental entities granted those rights and privileges. The argument that the nominee should be allowed due to the emergency declaration by Gov. Kim Reynolds is null and void due to the Hardin County Democratic Party not being an official governmental body. Per the Iowa Secretary of State's office this political body is not an official body and isn't subject to the emergency declaration that allows governmental bodies to conduct meetings and record votes to the official record. The preponderance of evidence indicating that the Hardin County Democrats violated their own bylaws was made clear on August 7th, 2020.

Deviation for this non governmental body's (Hardin County Democrats) own bylaws and rules because of extenuating circumstances is not grounds for turning a blind eye to the rules adopted nearly a decade ago. The use of electronic meeting It is the responsibility of every non governmental entity to maintain bylaws and rules that adapt to their groups needs, their group's desires, and evolution of technology in modern society. In this case if

The fact Vice Chair acknowledges that the convention circumvented the bylaws is the only evidence required by Iowa Code that Mr. Primus should be removed from ballot according to the process and procedures afforded by Iowa Code 43.24 (3)(B).

Printed Name Mark J. Seward

Date Aug 21 2020

Signature [Handwritten Signature]

Iowa Open Meetings Law

21.1 Intent -- declaration of policy

This chapter seeks to assure, through a requirement of open meetings of governmental bodies, that the basis and rationale of governmental decisions, as well as those decisions themselves, are easily accessible to the people.

Ambiguity in the construction or application of this chapter should be resolved in favor of openness.

21.2 Definitions

As used in this chapter:

1. "Governmental body" means:
 - a. A board, council, commission or other governing body expressly created by the statutes of this state or by executive order.
 - b. A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.
 - c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs "a" and "b" of this subsection.
 - d. Those multimembered bodies to which the state board of regents or a president of a university has delegated the responsibility for the management and control of the intercollegiate athletic programs at the state universities.
 - e. An advisory board, advisory commission, or task force created by the governor or the general assembly to develop and make recommendations on public policy issues.
 - f. A nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.
 - g. A nonprofit corporation licensed to conduct gambling games pursuant to chapter 99F.
 - h. An advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.
 - i. The governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized.
 - j. An advisory board, advisory commission, advisory committee, task force, or other body created by an entity organized under chapter 28E, or by the

administrator or joint board specified in a chapter 28E agreement, to develop and make recommendations on public policy issues.

2. "Meeting" means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter.

3. "Open session" means a meeting to which all members of the public have access.

21.3 Meetings of governmental bodies

Meetings of governmental bodies shall be preceded by public notice as provided in section 21.4 and shall be held in open session unless closed sessions are expressly permitted by law. Except as provided in section 21.5, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

21.4 Public notice

1. Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. a. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Special access to the meeting may be granted to persons with disabilities.

b. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

3. Subsection 1 does not apply to any of the following:

Laws & Legal Resources.

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2016 Iowa Code**Title I - STATE SOVEREIGNTY AND
MANAGEMENT****Chapter 21 - OFFICIAL MEETINGS
OPEN TO PUBLIC (OPEN MEETINGS)****Section 21.8 - Electronic meetings.**

Universal Citation: IA Code § 21.8 (2016)

21.8

Electronic meetings.

1. A governmental body may conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical and only if the governmental body complies with all of the following:
 - a. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.
 - b. The governmental body complies with section 21.4. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public

access is provided to the conversation.

c. Minutes are kept of the meeting. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.

2. A meeting conducted in compliance with this section shall not be considered in violation of this chapter.

3. A meeting by electronic means may be conducted without complying with paragraph "a" of subsection 1 if conducted in accordance with all of the requirements for a closed session contained in section 21.5.

[C79, 81, §28A.8]

C85, §21.8

2007 Acts, ch 22, §11

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