



HARDIN COUNTY

County Attorney's Office

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August 31, 2020

Jessica Lara
Hardin County Election Commissioner
1215 Edgington Avenue
Eldora, Iowa 50627

RE: Hearing Panel Decision – Primus Nomination

Dear Election Commissioner:

Pursuant to Iowa Code Section 43.24, the Hearing Panel met in public on August 31, 2020, to consider the written objection to the nomination of Don Primus as candidate for Hardin County Supervisor. This letter is to inform you that, for reasons stated by the Panel members during the public hearing, the objection was unanimously overruled by the Panel, and that Don Primus should appear on the November 3rd ballot as Democratic Candidate for Hardin County Supervisor.

To avoid any cloud over the Panel's decision, I believe it is important to note for the record that the Panel had both subject matter jurisdiction and personal jurisdiction to hear this objection. First, the Panel was duly appointed by the Chair of the Hardin County Board of Supervisors pursuant to Iowa Code Section 43.24, giving this Panel subject matter jurisdiction to hear the objection. Secondly, and more importantly, is the Panel's personal jurisdiction over the nominee, Don Primus. During the fact-finding portion of the hearing, Mr. Primus did address the Panel and challenged the Panel's jurisdiction over him. He claimed the Panel lacked jurisdiction over him, alleging he had not been provided proper notice of the objection as required by Iowa Code 43.24(2)(a). That particular code section states in pertinent part: "notice shall be mailed within seventy-two hours by certified mail to the candidate affected, addressed to the candidate's place of residence as stated in the candidate's affidavit of candidacy or in the certificate of nomination". The record (see attached) demonstrates that Commissioner Jessica Lara complied with the Code of Iowa. The candidate's certificate of nomination provided a mailing address of "P.O. Box 357, Steamboat Rock, Iowa 50672". The written objection was received by the Commissioner on August 21, 2020. On August 24, 2020, notice was mailed (within 72 hours) by certified mail to Don Primus at the mailing address listed on his certificate of nomination. Therefore, the Panel had both subject matter jurisdiction and personal jurisdiction.

/s/ Darrell G. Meyer

Darrell G. Meyer
Hardin County Attorney

State of Iowa
Political Party Convention Certificate of Nomination

Hardin County Democratic Party
Name of Political Party

08 / 04 / 2020 ^{DK}
Date of convention

Nomination Made:

FILED

AUG 05 2020

HARDIN COUNTY AUDITOR

Don Primus
Nominee's name

Hardin County Supervisor
Name of office and district, if any

20608 Co Hwy 5-56
Nominee's residential house number and street name

Steamboat Rock, Ia 50672
Nominee's residential city, state, and zip

P.O. Box 357
Nominee's mailing address (if different than above)

Steamboat Rock, Ia 50672
Nominee's mailing city, state, and zip (if different than above)

Type and Date of Election:

General on 11 / 03 / 2020 Special on ___ / ___ / ___

Vacancy

Would the nominee be filling a vacancy due to the death, resignation, removal, or temporary appointment of an office holder? No Yes

We, the chairperson and secretary of the convention certify that, at a convention called by the chairperson of the party, all of the appropriate delegates or committee people met and selected the candidate named above as the party's nominee for the office indicated.

Signed by:

Donald A. [Signature]
Convention Chairperson

609 4th Ave
House Number and Street Name

Acikley, IA 50601
City, State, Zip

[Signature]
Convention Secretary

211 South Victor
House Number and Street Name

HUBBARD, IA 50622
City, State, Zip

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STEAMBOAT ROCK, IA 50672

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STEAMBOAT ROCK, IA 50672
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Postage	\$ 0.65
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City, State, ZIP+4®	Steamboat Rock IA 50672
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

