

8/31/2020

Good morning,

I am unfortunately unable to attend today's hearing as the recent storms have caused significant damage and I'm tied up with insurance appointments and working on rebuilding portions of my farming operations.

I would like the record to show the following:

My objection is based on the fact the the Hardin County Democratic Party adopted and filed bylaws that do not allow for an electronic convention. Their organization is a non-governmental organization that IS NOT covered by Iowa Code Chapter 21. Iowa Code defines a governmental body: a.) A board, council, commission, or other governing body expressly created by the statutes of this state or by executive order. The Hardin County Democrats do not meet this legal definition. **This would mean they aren't included in the Governor's proclamation allowing electronic meetings where votes occur and can be recorded.**

The Hardin County Democratic Party doesn't follow Iowa Code Chapter 21.3. "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."

They don't have to publish an agenda, they don't have to publish minutes, and they are not held in "open session" meaning all members of the public have access. **This would mean they aren't included in the Governor's proclamation allowing electronic meetings where votes occur and can be recorded.**

Next, Iowa Code 21.4(1) (a) A governmental body shall give notice of the time, date, and place of each meeting including a reconvene meeting of the government body and the tentative agenda of the meeting, in a manner rent reasonably calculated to apprise the public of that information. Reasonable notice show 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. I'd again assert that the Hardin County Democratic Party is not a governmental body and to my knowledge the preceding public notice requirements are NOT followed. If they are I challenge their leadership to provide proof of the location they are posted. We all know they aren't and once again, **This would mean they aren't included in the Governor's proclamation allowing electronic meetings where votes occur and can be recorded because they ARE NOT a governmental body.**

Finally, the following is from the extended proclamation from Governor Reynolds:

## **Iowa Code chapter 21**

### 1. Governor Reynolds Declaration

On Friday, July 24, 2020, Governor Reynolds issued an additional State Public Health Emergency Declaration that included the following continued directive:

#### **ELECTRONIC MEETINGS AND HEARINGS**

SECTION ONE HUNDRED SIXTEEN. Pursuant to Iowa Code § 29C.6(6), and at the request of the Iowa League of Cities on behalf of numerous local governmental bodies, I continue to temporarily suspend the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, to the extent that the statutes could be interpreted to prevent a governmental body from holding the meeting by electronic means, provided that the governmental body properly notices the meeting or hearing and includes a telephone conference number or website address that permits the public to participate in the meeting or hearing. I also temporarily suspend those statutes to the extent they could be interpreted to prevent a governmental body from limiting the number of people present at an in-person location of the meeting, provided that the governmental body provides a means for the public to participate by telephone or electronically as provided in this section.

This declaration ONLY relates to GOVERNMENTAL BODIES. I again point out that **the Hardin County Democratic Party IN NOT a governmental body and again would mean they are not included in the Governor's proclamation allowing electronic meetings where votes occur and can be recorded because they ARE NOT a governmental body.**

In closing, we are a nation of laws, state of laws, county of laws, city of laws, and down to townships with laws. Laws that make all of those entities great. As this panel has likely witnessed lawlessness in Portland, Kenosha, and even as close as Des Moines has crumbled the foundation of our society.

Knowing this panel is delegated to carry out certain tasks I ask:

Would the sheriff issue a concealed weapon permit if the applicant didn't meet the criteria of the Iowa Code?

Would the Recorder issue a hunting license to someone that didn't meet the qualifications set by Iowa Code?

Would the Supervisor support a CAFO application if it didn't meet the required points according to Iowa Code and administrative law?

I believe all three answers would be no, because they follow the letter of the law.

The Iowa Code in which we are governed by easily reads that Chapter 21 and the disaster declaration only apply to governmental bodies not a political party. If their bylaws that were filed with Secretary Pate's office state that they can convene and vote using electronic means then the Hardin County Democrats should be free to proceed. If not, I contend that their convention was held contrary to their own bylaws and Mr. Primus's candidacy should be invalidated.



DESP BOX

REC

AUG 31 2013

HARDIN COUNTY

Derrrell Meyer