

PROPOSED CONTESTED ELECTION COMMITTEE REPORT

Madam Speaker and Members of the House:

We, the undersigned members of the committee, to whom was referred the matter of the election contest between Kayla Koether, contestant, and Michael Bergan, incumbent, for the position of Representative for House District 55 of Iowa, submit the following report:

This committee met on January 14, 16, and 24, 2019. All members examined the statements and exhibits presented and submitted by the contestant and the incumbent.

This committee concludes that the relief sought by the contestant is not supported by Iowa Code §53.17, and further lacks support in Iowa Administrative Code 721-21.14(53), and the legislative history surrounding the adoption of HF 2273 in 2016.

It is clear, there exists no legal authority to open and count the twenty-nine ballots in question and thus no right to recanvass or recertify the election. The Winneshiek County Auditor and the Secretary of State have acted in accordance with the law. This committee cannot recommend the House act in violation of the laws that governed the election held on November 6, 2018.

This committee recommends the House dismiss the election contest and agrees with the official certification showing the incumbent, Michael Bergan, to be duly elected to the Office of State Representative from House District 55.