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March 22, 2021

The Honorable Zoe Lofgren
The Honorable Rodney Davis
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairperson Lofgren and Ranking Member Davis:

I transmit herewith correspondence captioned "Answer to Notice of Contest Regarding the Election for Representative in the 117th Congress from the Second Congressional District of Iowa". The enclosed correspondence was received in the Office of the Clerk by hand delivery on March 22, 2021.

With best wishes, I am

Sincerely,



Cheryl L. Johnson
Clerk

Enclosures

IN THE
UNITED STATES HOUSE OF REPRESENTATIVES

RITA R. HART,
Contestant,

v.

MARIANNETTE MILLER-MEEKS,
Contestee,

ANSWER TO NOTICE OF CONTEST
REGARDING THE ELECTION FOR REPRESENTATIVE
IN THE 117th CONGRESS FROM THE
SECOND CONGRESSIONAL DISTRICT OF IOWA



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Comes Now Contestee, Mariannette Miller-Meeks, and for her Answer to Contestant's Notice of Contest, states as follows:

INTRODUCTION

1. Contestee admits that Contestant brings this contest action and that Contestee, Mariannette Miller-Meeks, was the certified winner in the general election in Iowa's Second Congressional District.

2. Contestee admits the allegations contained in Paragraph 2.

3. Contestee admits that the Contestant requested a recount in all 24 counties, and the result of that recount was Contestee being the certified winner of the election.

4. Contestee denies the allegations contained in Paragraph 4.

5. Contestee denies the allegations contained in Paragraph 5.

6. Contestee denies the allegations contained in Paragraph 6.

7. Contestee denies the allegations contained in Paragraph 7.

8. Contestee denies the allegations contained in Paragraph 8.

9. Contestee denies the allegations contained in Paragraph 9.

10. Contestee denies the allegations contained in Paragraph 10.

11. Contestee denies the allegations contained in Paragraph 11.

12. Contestee denies the allegations contained in Paragraph 12.

JURISDICTION

13. Paragraph 13 states a legal conclusion to which no response is required.

14. Paragraph 14 states a legal conclusion to which no response is required.

15. Contestee admits that Iowa's election result for U.S. Representative from the Second Congressional District is clear, there are no doubts as to Contestee's qualifications, and that she has been appropriately seated.

16. Paragraph 16 states a legal conclusion to which no response is required.

17. Contestee admits that there have been prior election contests filed in the House of Representatives.

18. Contestee admits that Congress passed the Federal Contested Elections Act (FCEA) and that it is codified at 2 U.S.C. §§ 381-396.

19. Contestee admits that under the FCEA, the Contestant files a Notice of Contest with the Clerk of the House and the Contestee is given an opportunity to answer the notice or move to dismiss it, as has been done in this contest.

20. Contestee admits that the Contestant has the burden and that this burden is “necessarily substantial” *Tunno v. Veysey*, H.R. Rep. 92-626.

21. Contestee denies the allegations contained in Paragraph 21.

FIRST GROUND FOR ELECTION CONTEST:
IMPROPERLY EXCLUDED BALLOTS

22. Contestee denies the allegations contained in Paragraph 22.

23. Contestee denies the allegations contained in Paragraph 23.

24. Contestee denies the allegations contained in Paragraph 24.

LEGAL PRINCIPLES

25. Paragraph 25 states a legal conclusion to which no response is required.

26. Paragraph 26 states a legal conclusion to which no response is required.

27. Paragraph 27 states a legal conclusion to which no response is required.

28. Paragraph 28 states a legal conclusion to which no response is required.

29. Paragraph 29 states a legal conclusion to which no response is required.

30. Paragraph 30 states a legal conclusion to which no response is required.

WRONGFULLY EXCLUDED BALLOTS

Scott County Curbside Ballots (Two Ballots)

31. Paragraph 31 states a legal conclusion to which no response is required.

32. Paragraph 32 states a legal conclusion to which no response is required.

33. Contestee denies any allegations or inferences contained in Paragraph 33 due to lack of knowledge or information in order to form a belief thereto.

34. Contestee denies any allegations or inferences contained in Paragraph 34 due to lack of knowledge or information in order to form a belief thereto.

35. Contestee denies any allegations or inferences contained in Paragraph 35 due to lack of knowledge or information in order to form a belief thereto.

36. Contestee denies any allegations or inferences contained in Paragraph 36 due to lack of knowledge or information in order to form a belief thereto.

37. Contestee denies the allegations contained in Paragraph 37, and states that the recount process was done in accordance with Iowa law, and further states that if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

Marion County Absentee Ballots (Nine Ballots)

38. Paragraph 38 states a legal conclusion to which no response is required.

39. Paragraph 39 states a legal conclusion to which no response is required.

40. Paragraph 40 states a legal conclusion to which no response is required.

41. Paragraph 41 states a legal conclusion to which no response is required.

42. Paragraph 42 states a legal conclusion to which no response is required.

43. Contestee admits the allegations contained in Paragraph 43.

44. Contestee admits that the Marion County Recount Board found that the box contained 466 ballots and not 457 ballots.

45. Contestee admits that the majority of the Marion County Recount Board voted not to count the nine ballots "at the end of the stack of ballots."

46. Contestee admits that the Marion County Recount Board reviewed and tallied the nine ballots.

47. Contestee denies the allegations of Paragraph 47 and states that the recount process was done in accordance with Iowa law, and further states that if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

Johnson County Cured Provisional Ballot (One Ballot)

48. Paragraph 48 states a legal conclusion to which no response is required.

49. Paragraph 49 states a legal conclusion to which no response is required.

50. Paragraph 50 states a legal conclusion to which no response is required.

51. Paragraph 51 states a legal conclusion to which no response is required.

52. Contestee denies any allegations or inferences contained in Paragraph 52 due to lack of knowledge or information in order to form a belief thereto.

53. Contestee denies any allegations or inferences contained in Paragraph 53 due to lack of knowledge or information in order to form a belief thereto.

54. Contestee denies any allegations or inferences contained in Paragraph 54 due to lack of knowledge or information in order to form a belief thereto.

55. Contestee denies any allegations or inferences contained in Paragraph 55 due to lack of knowledge or information in order to form a belief thereto.

56. Contestee denies any allegations or inferences contained in Paragraph 56 due to lack of knowledge or information in order to form a belief thereto.

57. Contestee denies the allegations contained in Paragraph 57 and states that the recount process was done in accordance with Iowa law, and further states that if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

Johnson County Signed Absentee Ballot (One Ballot)

58. Paragraph 58 states a legal conclusion to which no response is required.

59. Paragraph 59 states a legal conclusion to which no response is required.

60. Paragraph 60 states a legal conclusion to which no response is required.

61. Paragraph 61 states a legal conclusion to which no response is required.

62. Contestee denies any allegations or inferences contained in Paragraph 62 due to lack of knowledge or information in order to form a belief thereto.

63. Contestee denies any allegations or inferences contained in Paragraph 63 due to lack of knowledge or information in order to form a belief thereto.

64. Contestee denies any allegations or inferences contained in Paragraph 64 due to lack of knowledge or information in order to form a belief thereto.

65. Contestee denies any allegations or inferences contained in Paragraph 65 due to lack of knowledge or information in order to form a belief thereto.

66. Contestee denies any allegations or inferences contained in Paragraph 66 due to lack of knowledge or information in order to form a belief thereto.

67. Contestee denies any allegations or inferences contained in Paragraph 67 due to lack of knowledge or information in order to form a belief thereto.

68. Contestee denies the allegations contained in Paragraph 68, and states the recount process was done in accordance with Iowa law, and further

states that if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

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

69. Paragraph 69 states a legal conclusion to which no response is required.

70. Paragraph 70 states a legal conclusion to which no response is required.

71. Paragraph 71 states a legal conclusion to which no response is required.

72. Contestee denies any allegations or inferences contained in Paragraph 72 due to lack of knowledge or information in order to form a belief thereto.

73. Contestee denies any allegations or inferences contained in Paragraph 73 due to lack of knowledge or information in order to form a belief thereto.

74. Contestee denies any allegations or inferences contained in Paragraph 74 due to lack of knowledge or information in order to form a belief thereto.

75. Contestee denies any allegations or inferences contained in Paragraph 75 due to lack of knowledge or information in order to form a belief thereto.

76. Contestee denies any allegations or inferences contained in Paragraph 76 due to lack of knowledge or information in order to form a belief thereto.

77. Contestee denies any allegations or inferences contained in Paragraph 77 due to lack of knowledge or information in order to form a belief thereto.

78. Contestee denies any allegations or inferences contained in Paragraph 78 due to lack of knowledge or information in order to form a belief thereto.

79. Contestee denies any allegations or inferences contained in Paragraph 79 due to lack of knowledge or information in order to form a belief thereto.

80. Paragraph 80 states a legal conclusion to which no response is required.

81. Contestee denies any allegations or inferences contained in Paragraph 81 due to lack of knowledge or information in order to form a belief thereto.

82. Contestee denies any allegations or inferences contained in Paragraph 82 due to lack of knowledge or information in order to form a belief thereto.

83. Contestee denies any allegations or inferences contained in Paragraph 83 due to lack of knowledge or information in order to form a belief thereto.

84. Contestee denies any allegations or inferences contained in Paragraph 84 due to lack of knowledge or information in order to form a belief thereto.

85. Contestee denies any allegations or inferences contained in Paragraph 85 due to lack of knowledge or information in order to form a belief thereto.

86. Contestee denies any allegations or inferences contained in Paragraph 86 due to lack of knowledge or information in order to form a belief thereto.

87. Contestee denies the allegations contained in Paragraph 87 and states the recount process was done in accordance with Iowa law, and further states that if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

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

88. Paragraph 88 states a legal conclusion to which no response is required.

89. Contestee denies any allegations or inferences contained in Paragraph 89 due to lack of knowledge or information in order to form a belief thereto.

90. Contestee denies any allegations or inferences contained in Paragraph 90 due to lack of knowledge or information in order to form a belief thereto.

91. Paragraph 91 states a legal conclusion to which no response is required.

92. Contestee denies any allegations or inferences contained in Paragraph 92 due to lack of knowledge or information in order to form a belief thereto.

93. Contestee denies any allegations or inferences contained in Paragraph 93 due to lack of knowledge or information in order to form a belief thereto.

94. Contestee denies any allegations or inferences contained in Paragraph 94 due to lack of knowledge or information in order to form a belief thereto.

95. Contestee denies any allegations or inferences contained in Paragraph 95 due to lack of knowledge or information in order to form a belief thereto.

96. Contestee denies any allegations or inferences contained in Paragraph 96 due to lack of knowledge or information in order to form a belief thereto.

97. Contestee denies the allegations in Paragraph 97.

98. Contestee denies any allegations or inferences contained in Paragraph 98 due to lack of knowledge or information in order to form a belief thereto.

99. Contestee denies the allegations contained in Paragraph 99 and states the recount process was done in accordance with Iowa law, and further states that

if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

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

100. Paragraph 100 states a legal conclusion to which no response is required.

101. Contestee denies any allegations or inferences contained in Paragraph 101 due to lack of knowledge or information in order to form a belief thereto.

102. Contestee denies any allegations or inferences contained in Paragraph 102 due to lack of knowledge or information in order to form a belief thereto.

103. Contestee denies any allegations or inferences contained in Paragraph 103 due to lack of knowledge or information in order to form a belief thereto.

104. Contestee denies any allegations or inferences contained in Paragraph 104 due to lack of knowledge or information in order to form a belief thereto.

105. Contestee denies the allegations contained in Paragraph 105.

106. Contestee denies the allegations contained in Paragraph 106.

107. Contestee denies any allegations or inferences contained in Paragraph 107 due to lack of knowledge or information in order to form a belief thereto.

108. Contestee denies the allegations contained in Paragraph 108 and states the recount process was done in accordance with Iowa law, and further states that if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

Summary of Erroneously Excluded Ballots

109. Contestee denies the allegations contained in Paragraph 109.

110. Contestee denies the allegations contained in Paragraph 110.

111. Contestee denies the allegations contained in Paragraph 111.

112. Contestee denies the allegations contained in Paragraph 112.

113. Contestee denies the allegations contained in Paragraph 113.

LEGAL PRINCIPLES

Federal Equal Protection Requirements

114. Paragraph 114 states a legal conclusion to which no response is required.

115. Paragraph 115 states a legal conclusion to which no response is required.

116. Paragraph 116 states a legal conclusion to which no response is required.

Iowa Recount Procedures and Counting Standards

117. Contestee admits any allegations contained in Paragraph 117.

118. Contestee admits the allegations contained in Paragraph 118.

119. Contestee admits the allegations contained in Paragraph 119.

120. Contestee denies the allegations contained in paragraph 120.

121. Paragraph 121 states a legal conclusion to which no response is required.

122. Contestee denies the allegations contained in paragraph 122 and states further that both a machine recount and a hand recount are designed to determine the intent of the voter.

123. Paragraph 123 states a legal conclusion to which no response is required.

124. Contestee admits that the process of counting of ballots by machine is designed to count ballots where the voter has marked the voting target as instructed. Contestee denies that machines have a capacity to “think” anything.

125. Contestee admits that ballots should be counted in accordance with Iowa law.

126. Contestee denies the speculative allegations of paragraph 126 due to lack of knowledge or information in order to form a belief thereto.

127. Contestee denies the speculative allegations of paragraph 127 due to lack of knowledge or information in order to form a belief thereto.

128. Contestee denies the speculative allegations of paragraph 128 due to lack of knowledge or information in order to form a belief thereto.

129. Contestee denies the speculative allegations of paragraph 129 due to lack of knowledge or information in order to form a belief thereto.

130. Contestee denies the speculative allegations of paragraph 130 due to lack of knowledge or information in order to form a belief thereto.

131. Contestee denies the allegations contained in paragraph 131.

132. Contestee denies the allegations contained in paragraph 132 and states the recount process was done in accordance with Iowa law, and further

states that if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

FACTS

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

133. Contestee admits that, on election night, Contestee led the race.

134. Contestee admits that the Jasper County Auditor discovered a reporting error and conducted an administrative recount.

135. Contestee admits that the Lucas County Auditor discovered a reporting error and conducted an administrative recount.

136. Contestee admits that Contestant Hart timely requested recounts in all 24 counties.

137. Contestee admits the allegations in Paragraph 137.

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

138. Contestee denies the allegations in Paragraph 138.

139. Contestee denies the allegations in Paragraph 139.

Counties Failed to Review Overvotes for Voter Intent

140. Contestee denies any allegations or inferences contained in Paragraph 140 due to lack of knowledge or information in order to form a belief thereto.

141. Contestee denies any allegations or inferences contained in Paragraph 141 due to lack of knowledge or information in order to form a belief thereto.

142. Contestee denies any allegations or inferences contained in Paragraph 142 due to lack of knowledge or information in order to form a belief thereto.

143. Contestee denies any allegations or inferences contained in Paragraph 143 due to lack of knowledge or information in order to form a belief thereto.

144. Contestee denies any allegations or inferences contained in Paragraph 144 due to lack of knowledge or information in order to form a belief thereto.

145. Contestee denies the allegations contained in Paragraph 145.

Counties Failed to Review Undervotes for Voter Intent

- 146. Contestee denies the allegations contained in Paragraph 146.
- 147. Contestee denies the allegations contained in Paragraph 147.
- 148. Contestee denies the allegations contained in Paragraph 148.
- 149. Contestee denies the allegations contained in Paragraph 149.

Counties Failed to Review Write-In Votes for Voter Intent

- 150. Contestee denies the allegations contained in Paragraph 150.
- 151. Contestee denies the allegations contained in Paragraph 151.

Counties Failed to Review Ballots for Identifying Marks

- 152. Contestee denies the allegations contained in Paragraph 152.
- 153. Contestee denies any allegations or inferences contained in Paragraph 153 due to lack of knowledge or information in order to form a belief thereto.
- 154. Contestee denies any allegations or inferences contained in Paragraph 154 due to lack of knowledge or information in order to form a belief thereto.
- 155. Contestee denies the allegations contained in Paragraph 155.
- 156. Contestee denies the allegations contained in Paragraph 156.

157. Contestee denies the House should conduct a recount, states that the recount process was done in accordance with Iowa law, and further states that if Contestant Hart wanted to challenge the recount process she should have done so through the Iowa Court system.

CONCLUSION

Contestee denies the conclusion as stated in Contestant's Notice of Contest, and states that Contestee, Mariannette Miller-Meeks, was the certified winner in the general election in Iowa's Second Congressional District and this election contest should be dismissed.

AFFIRMATIVE DEFENSES

1. The legal doctrine of waiver applies to Contestee and this contest.
2. The legal doctrine of unclean hands applies to Contestee and this contest.
3. The legal doctrine of estoppel applies to Contestee and this contest.
4. Contestant has failed to exhaust her state-level remedies; as a result, this contest is barred.

WHEREFORE, Contestee, Mariannette Miller-Meeks, prays that Contestant's Notice of Contest be dismissed.

Mariannette Miller-Meeks
Member of Congress
Second Congressional District of Iowa

By:



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VERIFICATION

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



Mariannette Miller-Meeks
Member of Congress