

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

MARK T. ANDERSEN A/K/A MARCO BATTAGLIA, LIBERTARIAN CANDIDATE FOR U.S. CONGRESS, THIRD CONGRESSIONAL DISTRICT, STATE OF IOWA Petitioner, v. STATE OBJECTIONS PANEL, Respondent. ANNIE KUHLE AND WES ENOS, Intervenors. BERNIE HAYES, Petitioner, STATE OBJECTIONS PANEL, Respondent. RICK STEWART, Intervenor.	Case No. CVCV071375 CVCV071386 RULING
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I. Introduction

Before the court in this consolidated case are Petitions for Writ of Certiorari and/or for Judicial Review of State Objections Panel (“Panel”) rulings concerning the nomination papers of two candidates of the Libertarian Party,

Mark. T. Andersen a/k/a Marco Battaglia (“Andersen”) and Richard Stewart a/k/a Rick Stewart (“Stewart”).¹ The Panel sustained the objections to Andersen’s nomination and ruled that he shall not appear on the November 2026 ballot as the Libertarian Party’s candidate for the United States House of Representatives in Iowa’s Third Congressional District. The Panel overruled the objections to Stewart’s nomination and ruled that he shall appear on the November 2026 ballot as the Libertarian Party’s candidate for the United States House of Representatives in Iowa’s Second Congressional District.

Andersen is the Petitioner in Case No. CVCV071375. Intervenors Annie Kuhl and Wes Enos are the persons who objected to Andersen’s nomination papers. Bernie Hayes, who objected to Stewart’s nomination papers, is the Petitioner in Case No. CVCV071386. Stewart is the Intervenor in that case. On July 22, 2022, the court held a hearing on the Petitions on an expedited basis and now enters this Ruling.

II. Factual and Procedural Background

A. Mark Andersen

Andersen wants to run for Congress using the name “Marco Battaglia.” He submitted nomination petitions for the United States House of Representatives, Third Congressional District, on which the name “Marco Battaglia” was written on the line for the “Candidate’s Name.” Andersen’s

¹ Andersen characterizes his Petition as one for Judicial Review or in the alternative for Writ of Certiorari, while Hayes’ Petition is an Application for a Writ of Certiorari.

affidavit of candidacy similarly had “Marco Battaglia” as the “Candidate’s Name.” Andersen signed his affidavit of candidacy “Mark T. Andersen.”²

Annie Kuhl and Wes Enos filed objections to Andersen’s nomination papers. Their principal objection was that “Marco Battaglia” is not Andersen’s real name. Andersen characterized “Marco Battaglia” as a “stage” name, one he has used to identify himself publicly since 2005. He uses that name as a member of a band, on social media and in his public-facing professional and political activity. Andersen has qualified for appearance on the ballot and run for office in Iowa the past using the name “Marco Battaglia,” including for Attorney General in 2018 and for Lieutenant Governor in 2022.

Andersen publicly holds himself out as “Marco Battaglia,” but Mark Andersen is the name he was given at birth and remains his legal name. The record shows that Mark Andersen is the name by which he is registered to vote, is on his driver’s license, and other government documents that identify him by name. Mark Andersen is the name he uses to enter into legal agreements, including those related to the purchase of real estate and borrowing money from financial institutions. There is evidence Andersen has been sued under the name “Mark Andersen.” When Andersen submitted nomination papers to the secretary of state on June 2, 2026, the “Filer Name” is identified as “Mark Andersen,” and as noted above, he signed the affidavit of candidacy as “Mark T. Andersen.”

² By signing the affidavit of candidacy, the candidate affirms, among other things, that, “I will be qualified to hold this office and if I am elected I will qualify by taking the oath of office.”

The Panel sustained the objections to Andersen's nomination papers. The Panel concluded that Iowa Code Chapter 45 requires a candidate to use his "legal name" or a form of his name that is "connected" to the legal name, such as a nickname or popular name. The Panel characterized "Marco Battaglia" as a "fake" name and ruled it bears no connection to his real name.

B. Rick Stewart

Stewart submitted nomination petitions for the United States House of Representatives, Second Congressional District, with "Richard Stewart" on the line for the "Candidate's Name." But Stewart's affidavit of candidacy identified "Candidate's Name" as "Rick Stewart." He signed his affidavit of candidacy "Richard W. Stewart."

Bernie Hayes objected to Stewart's nomination papers. Hayes' objection was that the Candidate's Name in his nomination petitions was different than the Candidate's Name in his affidavit of candidacy.

The Panel overruled the objection to Stewart's nomination papers. They found that the name on Stewart's affidavit of candidacy, "Rick", is a shortened version of his legal name "Richard" and complies with the requirement that he use his legal name. The Panel ruled that using "Richard Stewart" on the petition and "Rick Stewart" on the affidavit of candidacy also complied with Chapter 45, as the law permits the affidavit to list the Candidate's name in the form the candidate wants it to appear on the ballot.

III. Standards of Review

Certiorari actions are proper when an inferior board, exercising judicial functions, acts illegally. Iowa R. Civ. P. 1.1401. An inferior board acts illegally if it has not acted in accordance with a statute or if its decision was not supported by substantial evidence. *Id.*, citing, *Norland v. Worth County Compensation Bd.*, 323 N.W.2d 251, 253 (Iowa 1982). Evidence is substantial “when a reasonable mind could accept it as adequate to reach the same findings.” *Id.* (citation omitted) (quoting *Norland v. Iowa Dep’t of Job Serv.*, 412 N.W.2d 904, 913 (Iowa 1987)). Evidence is still substantial even though it would have supported contrary inferences. *Id.*

When exercising judicial review authority, the district court “acts in an appellate capacity” rather than as trial court conducting *de novo* proceedings. *Lowe’s Home Ctrs., LLC v. Iowa Dep’t of Revenue*, 921 N.W.2d 38, 45 (2018). A party challenging agency action bears the burden of demonstrating the action's invalidity and resulting prejudice. Iowa Code § 17A.19(8)(a). However, the Court is not bound by an agency’s legal conclusions and may correct misapplications of the law. *Ginsburg v. Iowa Dep’t of Transp.*, 508 N.W.2d 663, 664 (Iowa 1993); *Sallis v. Emp. Appeal Bd.*, 437 N.W.2d 895, 896 (Iowa 1989).

For factual determinations clearly vested in agency discretion, district courts apply the substantial evidence standard. Iowa Code §17A.19(10)(f). Factual findings are binding if supported by substantial evidence when the record is viewed as a whole. *IBP, Inc. v. Iowa Emp. Appeal Bd.*, 604 N.W.2d 307,

311 (Iowa 1999); *see also IBP, Inc. v. Al-Gharib*, 604 N.W.2d 621, 632 (2000) (“An agency's findings of fact are binding on the courts when they are supported by substantial evidence and courts should broadly and liberally apply those findings to uphold rather than to defeat the agency's decision”). Substantial evidence is evidence that a reasonable person would find adequate to reach a conclusion. *Id.* Notably, the Court does not reweigh evidence or redetermine credibility on judicial review. *Dunlavey v. Econ. Fire and Cas. Co.*, 526 N.W.2d 845, 853 (Iowa 1995).

Iowa Supreme Court has in the past reviewed decisions of the State Objection Panel pursuant to Iowa Code Chapter 17A but has not decided whether Chapter 17A or a writ of certiorari is the proper procedure for review. *Gluba v. State Objections Panel*, 11 N.W.3d 459, 463-64 (Iowa 2024). As in *Gluba*, the court finds that resolution of the judicial review versus writ of certiorari is not germane to the determination in this case, as the standards for the court's review of the Panel's decisions are substantially similar if not identical under both procedures.

IV. Analysis

Iowa Code Chapter 45 provides the procedure for a candidate for elective office to be nominated by petition. The law requires such a candidate to submit “nomination papers,” which include petitions and an affidavit of candidacy. *See* Iowa Code § 45.5(1). The petitions must contain, among other information, “the name of the candidate nominated by the petition.” *Id.* § 45.5(1)(b). The affidavit of candidacy must be submitted in a form prescribed by the Secretary of State

and include, among other things, “the candidate’s name in the form the candidate wants it to appear on the ballot.” The law requires the nomination papers to be rejected if the affidavit of candidacy lacks, among other things, “the candidate’s name” and “the signature of the candidate.” *Id.* § 45.5(5)(a) and (c).

The parties all agree that candidates are required to strictly comply with Chapter 45. *See Gluba v. State Objection Panel*, 11 N.W.2d 459, 466-67 (Iowa 2024) (the general rule is that election laws governing candidate qualification for the ballot require strict compliance).

A. Mark Andersen

1. Compliance with Chapter 45

The question in Andersen’s case is whether strict compliance with Chapter 45 permits a candidate to be nominated and appear on the ballot using a name other than the candidate’s legal name, in Andersen’s case, a so-called “stage” name he has used many years to publicly identify himself.

Neither the term “name” nor the phrase “candidate’s name” is defined in the statute. Undefined words in a statute are usually construed in accordance with their ordinary and common meanings. *Andover Volunteer Fire Dep’t v. Grinnell Mut. Reinsurance Co.*, 787 N.W.2d 75, 85 (Iowa 2010) (citations omitted). This means that statutory words are usually “understood in their ordinary, everyday meanings” and “in the context within which they are used,” *State v. Lind*, No. 25–0819, 2026 WL 1765364, at *5 (Iowa June 19, 2026) (quoting *Kelchner v. CRST Expedited Inc.*, 29 N.W.3d 315, 324 (Iowa 2025)).

Understanding the context in which words are used means that the word is not read in isolation but together with surrounding words. *Id.* Such context must also include the full “*corpus juris*,” that is the full body of law of which the statute forms a part. *Id.* Statutes relating to the same subject matter are to be interpreted together. *Id.*

Courts often determine the ordinary meaning of a term by resorting to a dictionary definition. *See Jorgensen v. Smith*, 2 N.W.3d 868, 875–76 (Iowa 2024), *as amended* (Apr. 23, 2024) (citing multiple dictionaries to determine the meaning of statutory term). While different dictionaries have slightly varying definitions, the term “name” generally encompasses a word or phrase that identifies a person, determines how the person is known, or what makes the person distinct from another person. *See Merriam-Webster Online Dictionary* (<https://www.merriam-webster.com/dictionary/name> (“a word or phrase that constitutes the distinctive designation of a person or thing”); *Dictionary.com* (“a word or a combination of words by which a person, place, or thing, a body or class, or any object of thought is designated, called, or known”); (<https://www.dictionary.com/browse/name>); *Collins Dictionary* (“The name of a person, place, or thing is the word or group of words that is used to identify them”) (<https://www.collinsdictionary.com/us/dictionary/english/name>).

Black’s Law Dictionary defines “name” as “a word or phrase identifying or designating a person or thing and distinguishing that person or thing from others.” NAME, *Black’s Law Dictionary* (12th ed. 2024). But *Black’s* adds the following explanation absent in the other dictionary definitions: “[b]y itself,

name may refer to either a given name or a surname.” *Id.* “Given name” is defined as “an individual’s name or names given at birth, as distinguished from family name.” *Id.* Surname is “the family name automatically bestowed at birth, acquired by marriage, or adopted by choice.” *Id.*³ *Black’s* defines “legal name” as “[a] person’s full name as recognized in law. A legal name is usu. [sic] acquired at birth or through a court order.” *Id.*

To the extent a person is known or identified by a stage name, alias, pseudonym, or the like, such names are arguably encompassed by some of standard dictionary definitions of “name.” Andersen contends the Panel erred by ignoring this ordinary meaning of the term. He argues the Panel effectively added the modifying term “legal” to the statutory term “name” in sections 45.3 and 45.5, which he claims narrowed the meaning of the term in a way the legislature did not intend. Andersen points to other statutes in the Iowa Code that use the phrase “legal name” or “full legal name,” when referring to a person’s name as used on a legal document. If the legislature intended Chapter 45 to limit a candidate to his or her legal name, Andersen contends it would have expressly so stated. In other words, by omitting modifier “legal” before the term “name,” Andersen claims the legislature intended to allow the candidate’s name on the nomination petition and the ballot to be something other than his or her legal name.

³ *Black’s* definition of surname also includes the explanation that, “[a]lthough in many cultures a person’s surname is traditionally the father’s surname, a person may take the mother’s surname or a combination of the parent’s surnames.” NAME, *Black’s Law Dictionary* (12th ed. 2004). Andersen’s counsel represented at the hearing that “Battaglia” is a surname on his mother’s side of the family, but it is not clear whether that was his mother’s maiden name or simply the surname of another ancestor on his mother’s side.

The court is not persuaded that in the context of the laws governing ballot access that in omitting “legal” before “name” in sections 45.3 and 45.5 the legislature intended that a candidate may use any name to run for office, regardless of its connection or lack thereof to the candidate’s legal name. That the legislature has expressly used the phrase “legal name” in other contexts does not mean the word “name” alone in Chapter 45 means something other than a person’s legal name. More likely is that the legislature used a “belt and suspenders” approach in the other statutes to avoid any conceivable doubt about the meaning of the term. *See Green Belt Bank & Tr. v. Van Mill*, 32 N.W.3d 437, 443 (Iowa 2026) (holding that term “employee” in garnishment statute excludes independent contractors even though it does not contain express language to that effect as do other statutes in the Code that define the term); *see also Randolph v. Aidan, LLC*, 6 N.W.3d 304, 311 (Iowa 2024) (“[W]e recognize the legislature sometimes purposefully employs a degree of ‘overlap or redundancy’ if only to ‘remove any doubt and make doubly sure.’”(citations omitted)).

One of the principal purposes of enforcing strict compliance with election laws is to promote regularity and evenhandedness in the operation and public perception of the electoral system. *See Gluba*, 11 N.W.3d at 466 (per curiam) (citing *Staber v. Fidler*, 65 N.Y.2d 529, 493 N.Y.S.2d 288, 482 N.E.2d 1204, 1205 (1985)); *see also Burdick v. Takushi*, 504 U.S. 428, 433, 112 S.Ct. 2059, 2064, 119 L.Ed.2d 245 (1992) (noting that there must be a substantial regulation of elections if they are to be fair and honest and if some sort of

order, rather than chaos, is to accompany the democratic process). Requiring a candidate for public office to be nominated and appear on the ballot using their name recognized by law (which for Andersen is his birth name) is more aligned to strict statutory compliance than allowing the candidate to use whatever name the candidate wants to use. There is little doubt that Mark Andersen uses his legal name for virtually every other act in his life that carries legal significance, such as voting, paying taxes, applying for government benefits, obtaining a passport, showing eligibility to work in the United States, opening a bank account, suing or being sued, or entering into a contract. That he signed his affidavit of candidacy using his legal name, “Mark T. Anderson” and not “Marco Battaglia” shows that he recognized the legal significance of signing an affidavit of candidacy under oath.

Andersen also contends “Marco Battaglia” is a “form” of his name that should be permitted because section 45.3(1) expressly requires the candidate’s name in the affidavit of candidacy to be “in the form the candidate wants it to appear on the ballot.” “Form” is not defined in Chapter 45, but Iowa Code § 49.31, which governs restrictions on how names appear on a ballot, provides some guidance on how to interpret the term. *See State v. Hensley*, 911 N.W.2d 678, 682 (Iowa 2018) (“When there are similar statutes relevant to the subject matter at issue, we interpret the challenged statute ‘*in pari materia*, or “by reference to other similar statutes or other statutes related to the same subject matter.””) (citations omitted). Section 49.31(6) provides that the name of a candidate printed on the ballot “shall not include parentheses, quotation

marks, or any personal or professional title.” In fact, the Secretary of State’s affidavit of candidacy form where the “Candidate’s Name” is listed is followed by the explanation that incorporates the language from section 49.31(6): “exactly as it should appear on the ballot-no titles, parentheses, or quotation marks.” If a candidate cannot add words or extraneous marks to his legal name as it appears on the ballot, it defies common sense that the law would allow the candidate to use a name on the ballot altogether different and unrelated to his legal name. *See Gluba*, 11 N.W.3d at 466 (relying on a “common sense” reading of statutory term).

Finally, Andersen insists that his use of the name “Marco Battaglia” for many years in public facing settings, even running for office under that name in the past, supports his right to use that name to run for Congress now. He downplays the risk that his stage name will mislead the electorate in his case, and claims there is no evidence in the record before the court that “Marco Battaglia” is misleading. But whether running for office as “Marco Battaglia” is misleading is beside the point. The court need not consider evidence of voter confusion when the law requires strict, as opposed to substantial, compliance. *Cf., Neal v. Bd. of Sup’rs, Clarke Cnty.*, 243 Iowa 723, 729, 53 N.W.2d 147, 150 (1952) (considering evidence of voter confusion in determining whether officials substantially complied with election notice requirements); *Moreno v. Jones*, 213 Ariz. 94, 102, 139 P.3d 612, 620 (2006) (in considering whether there was substantial compliance, this court has focused on whether the omission of information could confuse or mislead electors signing the petition).

Nor is it not the job of the Secretary of State or the Panel to make a judgment whether the name the candidate proposes to use on the ballot is a legitimate pseudonym, a nickname, or is simply a made-up name that could mislead. Requiring the candidate to use his legal name on the petition and ballot is consistent with strict compliance because it avoids imposing on these officials the burden of making that determination, for which the law provides no criteria. Requiring the candidate to use his legal name is evenhanded because it allows ballot access based upon an objective standard and does not permit a candidate to be excluded based upon arbitrary or subjective criteria. The Panel correctly applied the law in ruling that Andersen cannot run for office using the name “Marco Battaglia” because it is not his legal name.

2. Constitutional Issues

Andersen also argues that denying him access to the ballot would violate the First Amendment’s right to association and the Fourteenth Amendment’s due process clause.

a. First Amendment

It is true that the U.S. Supreme Court has noted that “[t]he exclusion of candidates . . . burdens voters’ freedom of association, because an election campaign is an effective platform for the expression of views on the issues of the day, and a candidate serves as a rallying-point for like-minded citizens.” *Anderson v. Celebrezze*, 460 U.S. 780, 787–88 (1983). However, in that same decision the Court went on to state that “generally applicable and evenhanded restrictions that protect the integrity and reliability of the electoral process

itself” are permissible. *Id.* at 789 n. 9. That is what we have here. The requirement that candidates use their legal name is not a requirement that is aimed at any particular party. It applies equally to all who would run for office in Iowa. The State’s interest in preventing voter confusion and frivolous candidacies far outweighs this minimal burden. Additionally, as the Iowa Supreme Court observed just two years ago, striking a candidate from the ballot for failing to meet the statutory requirements “does not affect the Libertarian Party's ability to convey its message to the voters of Iowa, to make endorsements, to associate only with individuals it wants to associate with, or even to determine its own governance structure.” *Gluba* 11 N.W.3d at 469.

b. Fourteenth Amendment

The Iowa Supreme Court has “usually deem[ed] the federal and state due process and equal protection clauses to be identical in scope, import, and purpose.” *Exira Cmty. Sch. Dist. v. State*, 512 N.W.2d 787, 792 (Iowa 1994). The first step to determining if there is a violation of due process is to determine if there is a protected liberty or property interest at stake. *E.g.*, *Callender v. Skiles*, 591 N.W.2d 182, 189 (Iowa 1999). Federal courts have long held that there is no protected interest in a political office or in the ability to run for a political office. *Taylor v. Beckham*, 178 U.S. 548, 578 (1900); *Snowden v. Hughes*, 321 U.S. 1, 7 (1944). Without a protected interest, Andersen cannot show that there was a violation of the due process clauses of the state or federal constitution.

3. Equitable Estoppel

Andersen contends the fact that he ran for office in the past under the name “Marco Battaglia” and received hundreds of thousands of votes in those elections should bar the Panel from excluding him from the ballot in the Third Congressional District in the 2026 election. The Secretary of State obviously accepted Andersen’s nomination petitions and affidavit of candidacy in those elections under his stage name. When he submitted his nomination papers for the 2026 election in essentially the same form as he had in prior elections, Andersen contends he relied to his detriment on the Secretary of State’s past conduct, and therefore the Panel should be estopped from excluding him from the ballot now.

The general rule is that estoppel does not lie against government agencies except in exceptional circumstances. *Bailiff v. Adams Cnty. Conf. Bd.*, 650 N.W.2d 621, 627 (Iowa 2002) (citations omitted). The “exceptional circumstances” under which equitable estoppel will lie against the government include instances when, “in addition to the traditional elements of estoppel, the party raising the estoppel proves affirmative misconduct or wrongful conduct by the government or a government agent.” *Fennelly v. A-1 Mach. & Tool Co.*, 728 N.W.2d 163, 180 (Iowa 2006) (quoting 28 Am. Jur.2d *Estoppel and Waiver* § 140, at 559 (2000)). That the government did not strictly enforce Chapter 45 in connection with Anderson’s nomination papers in past elections is not the type of exceptional circumstances that will estop the Panel from enforcing the law now. *See ABC Disposal Sys., Inc. v. Dep’t Of Nat. Res.*, 681 N.W.2d 596, 607 (Iowa 2004) (DNR’s failure to require a waste hauler to obtain a permit in the

past based upon erroneous interpretation of the law did not estop enforcement thereafter).

B. Rick Stewart

In Stewart's case, the issue is whether strict compliance requires the form of the candidate's name that he wants to appear on the ballot be identical to the candidate's name in the nominating petitions. Hayes' objection is that Stewart cannot use the first name "Richard" on the nominating petition but use "Rick" on the ballot. Hayes contends he must pick one and use it in both places.⁴

Neither section 45.3 nor 45.5 speak to whether the candidate's name on the nominating petitions must be identical in form to the name on the affidavit of candidacy. Indeed, Hayes' brief ignores altogether the statutory language, the strict application of which does not address the issue about which he objects. Instead, Hayes is concerned that a different form of the candidate's name on the ballot compared to the petitions is misleading to voters. All the precedents Hayes relies upon concern whether there was *substantial* compliance with the election statutes. In this case, all parties agree that the question is one of *strict* compliance with Chapter 45. *See Gluba*, 11 N.W.2d 466-67 (contrasting strict compliance with substantial compliance).

⁴ Notably, the objector is satisfied that the name "Rick Stewart" on the ballot instead of the candidate's legal name "Richard Stewart" strictly complies with section 45.3. Based upon the court's analysis concerning Mark Andersen, it is not clear section 45.3 allows a nickname to appear on the ballot rather than a form of the candidate's legal name. But Hayes did not object to Stewart's nomination petition on that basis, so there is no need for the court to address the issue.

Nothing in Chapter 45 requires the form of the candidate's name on the nominating petitions to be identical to the form of the name on the affidavit of candidacy or the ballot. The Panel correctly applied the law in so ruling.

V. Disposition

For the reasons and authorities set forth herein, the court rules as follows:

1. The State Objections Panel's ruling sustaining the objection to Mark Andersen's nomination papers is AFFIRMED and/or the Petitioner's Writ of Certiorari is ANNULLED.
2. Petitioner Bernie Hayes' Writ of Certiorari is ANNULLED.
3. Costs are assessed to Petitioners.



State of Iowa Courts

Case Number
CVCV071375
Type:

Case Title
MARK ANDERSEN VS STATE OBJECTIONS PANEL
ORDER FOR JUDGMENT

So Ordered

Patrick D. Smith, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2026-07-29 16:03:17