

September 29, 2025
Hearing in Regards to Roger Buckingham Candidacy

Mayor Rich called the hearing to order at 6:00 pm in the Brighton Community Room. The following were present: Mayor Melvin Rich, city clerk Michelle Talley, council member Rob Farley, attorney Steven Leidinger, objectors Sue and Mike Rich and Mary Smith, candidate Roger Buckingham, and members from the community.

Objections were heard from Sue and Mike Rich and Mary Smith. Then, the candidate Roger Buckingham, was allowed to speak.

Both the objectors and candidate were asked if they had anything else to add once all parties were done presenting. Sue and Mike Rich, Mary Smith, and Roger Buckingham again got up to speak.

The mayor closed the meeting at 6:36 pm.

The city attorney advised on legal standards and concerns.

The Objection Committee deliberated.

Mayor Rich moved that the objections be sustained; that Roger Buckingham is not a citizen of the City of Brighton. Motion failed for a second.

Deliberation continued.

Mayor Rich again moved that the objections be sustained; that Roger Buckingham is not a citizen of the City of Brighton. Seconded by Farley with all ayes.

Mayor Rich moved to adjourn the meeting at 6:55 pm. Seconded by Farley with all ayes.

Michelle Talley
Clerk

Melvin Rich
Mayor

DECISION AND FINDINGS OF FACT

This matter came before Melvin Rich, the Mayor of Brighton, Iowa; Michelle Talley, City Clerk for the City of Brighton, Iowa; and Robert Farley, a Councilmember for the City of Brighton, Iowa, appointed by City Council, pursuant to the provisions of Iowa Code §44.8 (hereinafter referred to collectively as the "Objection Commission") on September 29, 2025.

The Objection Committee received testimony from objectors, Mary Smith, and Mike and Sue Rich, and from candidate, Roger Buckingham. The Objection Committee accepted as exhibits Washington County Auditor Parcel Reports for Washington County Parcels 1431183005 (1640 335th Street) and 1431400023 (1645 335th Street), copies of which were filed together with each objection.

Iowa Code §39.27 provides in relevant part that:

“any person elected to an office under the laws of this state shall be an eligible elector. At the time an elected official takes office the official shall be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised.” (Emphasis added).

Iowa Code §44.3(2)(a) provides that each candidate shall complete and sign a notarized Affidavit of Candidacy including “the candidate’s home address.”

Mr. Buckingham asserts in his Affidavit of Candidacy that his “home address” is 1640 335th Street, Brighton, Iowa 52540.

Objectors, Mary Smith and Mike and Sue Rich assert that 1640 335th Street, Brighton, Iowa 52540, is not in fact Mr. Buckingham’s home address; that Mr. Buckingham’s bona fide home address is 1645 335th Street, Brighton, Iowa 52540; that Mr. Buckingham is not a resident of the City of Brighton; and that Mr. Buckingham is not an eligible elector qualified to serve on Brighton’s City Council.

The Washington County Auditor’s Parcel Reports for Washington County Parcel 1431183005 (1640 335th Street) indicates the parcel, owned by Roger and Deborah Buckingham, includes an agricultural building (or more specifically a machine or utility building) with an assessed value of \$5,400 and annual taxes of \$116.00. The tax mailing address for 1640 335th Street is 1645 335th Street. 1640 335th Street is denoted as being located within the City of Brighton.

The Washington County Auditor’s Parcel Reports for Washington County Parcel 1431400023 (1645 335th Street), owned by Roger and Deborah Buckingham, indicates the parcel, also owned by Roger and Deborah Buckingham, includes a residential dwelling with an assessed value of \$271,000 and annual taxes of \$4,012. 1645 335th Street is denoted as being located within Brighton Township and is designated as Roger and Deborah Buckingham’s homestead for purposes of receiving Iowa’s homestead tax credit.¹

Pursuant to Iowa Code §48A.5(2), residency for purposes of voter registration and status as an eligible elector, shall be determined in accordance with the following principles:

1. The residence of a person is in the precinct where the person’s home or dwelling is located.
2. A residence for purposes of this chapter cannot be established in a commercial or industrial building that is not normally used for residential purposes unless the building is used as a primary nighttime residence.
3. A person does not lose residence if the person leaves the person’s home to reside temporarily in another state or precinct.
4. If a person goes to another state or precinct and files an affidavit of residence in that state or precinct for election purposes, the person loses residence in the former state or precinct, unless the person moved to the other state after that state’s deadline for registering to vote in a particular election.
5. A student who resides at or near the school the student attends, but who is also able to claim a residence at another location under the provisions of this section,

¹ The homestead tax credit is only available to residents of the State of Iowa who own and occupy their homes for at least 6 months of the calendar year. The required application to obtain a homestead tax credit requires homeowners to affirm the following under threat of perjury:

“I began to occupy this homestead on this date: _____ and will occupy the dwelling house, in good faith, on July 1 and for at least six months during that calendar year, or I am confined in a nursing home, extended-care facility, or hospital and the homestead is maintained and not leased or rented, or I am on active duty in the military.”

- may choose either location as the student's residence for voter registration and voting purposes.
6. If an active member of the United States armed forces, as defined by section 53.37, has previously resided at a location that meets the requirements of this section, that person may claim either that previous residence or the person's current residence as the person's residence for voter registration and voting purposes.
 7. Notwithstanding subsections 1 through 6, the residence of a homeless person is in the precinct where the homeless person usually sleeps. Residence requirements shall be construed liberally to provide homeless persons with the opportunity to register to vote and to vote.
 8. A person's declaration of residency for voter registration and voting purposes is presumed to be valid unless a preponderance of evidence indicates that another location should be considered the person's voting residence under the provisions of this chapter. (Emphasis added).

Further, the Iowa Supreme Court has regularly applied the following standard in determining the domicile/residency of parties:

“A domicile once acquired continues until a new one is perfected by the concurrence of three essential elements:

- (1) a definite abandonment of the former domicile;
- (2) actual removal to, and physical presence in the new domicile;
- (3) a bona fide intention to change and to remain in the new domicile permanently or indefinitely.” Julson v. Julson, 255 Iowa 301, 305, 122 N.W.2d 329, 331 (1963).

Mr. Buckingham testified in response to questions posed by the Objection Commission that he had only changed his residence for purposes of voter registration from 1645 335th Street to 1640 335th Street within the past six weeks; that his driver's license currently lists his home address as 1645 335th Street; that his vehicles are registered at 1645 335th Street; that he listed his home address as 1645 335th Street on his 2024 federal and state tax returns; that he had no intention of selling 1645 335th Street; that some of his possessions would remain at 1645 335th Street; that he was not certain whether he would relinquish 1645 335th Street as his homestead for purposes of Iowa's homestead tax credit; that 1640 335th Street lacked sewer service or a septic system necessary for sanitary facilities; but that 1640 335th Street would be his primary nighttime residence moving forward.

The Objection Committee unanimously finds, by a preponderance of evidence, that 1645 335th Street, and not 1640 335th Street, is Mr. Buckingham's lawful voting residence and his lawful “home address” for purposes of his Affidavit of Candidacy.

As provided in Iowa Code §44.8(3), “objections relating to incorrect or incomplete information that is required under Iowa Code §44.3 shall be sustained.” Accordingly, the objections filed with respect to Mr. Buckingham's candidacy for Brighton City Council are sustained. Mr. Buckingham is not a resident of the City of Brighton, Iowa, and is not eligible to run for or to serve on Brighton City Council.