



1997 edition

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The Auditor's Guide to

SPECIAL Elections

★ inside: ★

Setting the Date

Planning Checklist

Planning Calendar

Supplies Needed

Discussions on
Vacancies

Public Measure
Elections

Local Option Tax
Elections



Secretary of State, **Paul D. Pate**

1997 Edition

Notice: Although every attempt has been made to make this an accurate and reliable guide, if there are conflicts between the Code of Iowa and the information contained in this guide, the Code and session laws shall be considered authoritative. Any changes in the Code of Iowa or in the Iowa Administrative Code since the preparation of this guide shall be followed.

*References to the Code of Iowa are cited only by section number.
For example: 47.6.*

*References to the Iowa Administrative Code are cited as follows:
IAC 721--21.4.*

"721" is the Secretary of State's department number in the Iowa Administrative Code. Elections Division rules are found in chapters 20 through 24.

For Additional Help--

If you have questions or need further assistance, please call

*the Elections Division of the Office of the Secretary of State
(515) 281-5865, voice or TDD.*

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Please Discard the Previous Edition!

Auditor's Guide to Special Elections

☛ Photocopy this checklist to plan each special election.

Setting the Date

1. Request received. A special election may be called by a city council, county board of supervisors, school board or other governing body for any purpose authorized or required by law. *Counties and cities may adopt local election ordinances authorizing elections on matters under the jurisdiction of the Board of Supervisors or the City Council.* 77GA, HF636, §1. [39.3(15)]

Withdrawal of Public Measure

Requests for public measure elections cannot be withdrawn if the request is for a special election called by a petition or for a special election called to decide a public measure for a single political subdivision. [47.6(1)¶3]

- a. Name of city, school, or other jurisdiction requesting this special election:

- b. Date written notice of proposed election date was received from governing body (such as the city council, school board, board of supervisors) of the jurisdiction for which the election will be held: ____/____/____ [47.6(1)]
- c. Proposed election date: ____/____/____
 - i. Is this a Tuesday? ☐ Yes ☐ No
All special elections must be held on Tuesdays. [39.2(1)]
 - ii. Number of days from the date of receipt of notice until the proposed election date: _____

Advance Notice to Auditor Required

Most special elections -- at least 32 days' notice. [47.6(1).]

Local option tax elections -- 75 days' notice.

[IAC 721--21.800(1)"c"]

Special city elections to fill vacancies -- 60 days' notice.

[372.13(2)]

To hold a special election with a regularly scheduled election, notice must conform to the calendar for the scheduled election.

[39.2(3)]

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Reasons to Deny Request for Election Date

You may refuse to conduct a special election on the date requested if it conflicts with a previously scheduled election or if the requested date is excluded by law.

Conflict exists only when one of the elections would require

- ☛ *the use of precinct boundaries which differ from those to be used for the other election, OR*
- ☛ *when some but not all of the registered voters of any precinct would be entitled to vote in one of the elections and all of the registered voters of the same precinct would be entitled to vote in the other election.*

Even if the elections conflict the auditor may decide to hold them at the same time, if the auditor concludes that to do so will cause no undue difficulties.

[39.2(2), 47.6(2)]

Excluded by law:

No elections may be held on the two Tuesdays before or after statewide primary and general elections. [39.2(1)]

Special elections may not be held with primary elections. [39.2(1)]

Special elections may not be held with school elections unless the special election is for a school district or merged area school. [39.2(1)]

Special city elections to fill vacancies may not be held with the General Election if the city has a primary election provision. [39.2(3)]

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2. Purpose(s) of this proposed special election:
- a. To fill a vacancy in the office of: _____
- Date vacancy occurred: ____/____/____ Term expires: ____/____/____
- Name of officer to be replaced: _____
- b. To decide the following public measure(s):
The complete text of the public measure must be provided with the notice of the proposed election date. [47.6(1)]
- _____
- _____
- _____
3. Code section(s) or local election ordinance authorizing this election: _____
See Public Measure Elections chart (page 25-36) to help find relevant sections of the Code of Iowa and the Iowa Administrative Code.
4. Have (other) vacancies occurred in the jurisdiction that must be filled at this special election? ☐ Yes ☐ No [69.12]
- If yes, list office(s) to be filled: _____
5. Is there another election scheduled for the proposed election date? ☐ Yes ☐ No
Special elections may be held with other, previously scheduled elections if they do not conflict. [39.2(2), 47.6(2)]
If two (or more) elections are held in the same precinct at the same time, they are conducted together. Use the same election register, precinct workers, tally list and other election supplies. [39.2(3)]
- If yes, does it conflict with the proposed special election? ☐ Yes ☐ No
6. Election date is ☐ approved OR ☐ denied.
7. Promptly send written approval (or denial) of proposed election date sent to the jurisdiction requesting the election. [47.6(1)]
- Date sent: ____/____/____ [Attach copy.]

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Special Election Planning Checklist

Items 1-12 should be done immediately -- within a day or two of your written approval of the election date.

1. **\$** Keep records of election costs to bill to the political subdivision for which the election is held. [Exception: the cost of a special election called by the governor is paid by the county.]
The following items may be included in the bill: [47.3]
 - a. Printing of ballots
 - b. Election registers and lists of registered voters
 - c. Publication of election notice
 - d. Declaration of eligibility slips
 - e. Compensation of precinct election officials
 - f. Canvass materials (tally lists, and canvass books)
 - g. Preparation and installation of voting machines
 - h. Other costs, *not including*: costs of voter registration, administration, clerical costs, and rent for voting machines. [47.3]
2. **Election Calendar.** Using the calendar format on page 12 (for special city elections to fill vacancies, see page 19) map out the dates of basic events for this election. Include the following items:
 - a. Candidate filing deadline
 - b. Publication period [49.53]
 - c. Worry-free voter registration by mail date [48A.9(3)]
 - d. Close of voter registration [48A.9]
 - e. Election day
 - f. Canvass of votes [50.24, 331.425(4), 376.7, 376.9, etc.]
3. **Ballot planning.** Begin basic ballot planning. [See also items 13-14.]
 - a. What voting equipment will be used?
 - b. What offices will be included on the ballot?
 - c. How many people are to be elected to each office?
 - d. How many public measures will be on the ballot?
 - e. How long is the text?
 - f. Assign each public measure a letter. (See page 37.) [47.2(4)]
 - g. Is it necessary to summarize the question on the ballot and post the full text in the voting booth? (This option is not available in elections where hand-counted paper ballots are used.) [49.43 & 52.25]
4. **Other counties.** Notify other counties that will be involved in this special election, if any. [47.2(2)]
5. **Equipment preparation.** Notify the people who will program your voting

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equipment, if necessary. Check to see if any additional maintenance is needed before programming.

6. **Printer.** Provide the date you anticipate delivering the ballot information and the date you want the printer to have the ballots ready.
7. **Publication.** Notify the newspaper(s) of the date you wish to have the official notice(s) published. Find out the deadline for submission. [See also item 24 in this checklist, and 49.23 & 49.53]

Newspaper: _____

Publication date: ____/____/____

Submission Deadline: ____/____/____

☛ *For local option tax and special levy elections, two publications are needed.*
[See also 331.425(5), 422B.1(4) and IAC 721--21.800(3)]

60-day publication date: ____/____/____

Submission Deadline: ____/____/____

8. **Election registers.** Notify data processing (or State Voter Registration) of the election date and voter registration deadline. Tell them whether you will need lists of all registered voters in the county in addition to the election registers.

Voter Registration Lists for Changes of Address at the Polls

Lists of registered voters may be used at the polls on election day to verify whether people whose names do not appear on the election register are registered to vote in the county but have moved to a different precinct. The person must show approved identification. If the person is in the correct precinct and registration in the county can be verified, the person may fill out a voter registration form showing the person's current name, address and other required information. The person gives the card to the precinct officials and is allowed to vote.

The auditor must decide whether or not to send the lists to any or all of the precincts. The precinct officials may also telephone the commissioner's office on election day to verify registrations. If a heavy volume of other telephone calls is expected on election day, the lists may be very useful. [IAC 721--21.3 - 21.4]

9. **Estimate turnout.** Prepare an estimate of the number of people you expect to vote. You may want to revise this estimate later, but it is important to consider the anticipated turnout as you order ballots and supplies, hire election officials, and decide whether or not to merge precincts.

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10. **Hours.** Decide what hours the polls will be open. [49.73]
Open at 7 a.m. OR Noon (schools; cities <3,500; benefited districts)
Close at 8 p.m. OR Close at 9 p.m. (all partisan elections)
11. **Precincts.** Determine what precincts will be used for the special election. Decide whether you will need to merge or divide precincts to conduct the election. [49.11]
12. **Precinct Election Officials.** Determine how many officials will be needed at each polling place. [49.12 - 49.20] Notify precinct election officials of election date, date of school of instruction (if any) and any other details. [49.124 & 49.125]
Note: Some candidates' relatives may not work at the polls.
[See also *Auditor's Guide to Training Precinct Election Officials*, pages 1-8.]
13. **Ballot layout.** As soon as possible, finish laying out the ballot and deliver it to the printer. On a portion of the ballot that will be visible when the ballot is folded, each ballot must include the following:
 - a. The words: "Official Ballot."
 - b. Designation of ballot rotation, if any. [See 14"f" below.]
 - c. Date of the election.
 - d. Facsimile of county auditor's signature. [49.57(5)]
14. **Ballot printing specifications.** *Please read all applicable sections of the Code and administrative rules.*
 - a. Candidate names must be in all capital letters, 1/8" to 1/4" high.
 - b. Plain white paper used for ballots must be heavy enough so that one cannot read through it.
 - c. Public measure ballots (paper ballots) must be on colored paper. [49.43]
Exception: All voting machine ballots are printed on white paper. [52.10]
 - d. Quantities of ballots: Print 50% more ballots than were needed in the previous, similar election. It is better to print extra ballots than to run out. If necessary you may photocopy ballots. See Form 1-R. [49.64, 49.66, 49.67]
 - e. Candidate rotation.
 - i. For nonpartisan, single-precinct elections, the candidates' names appear on the ballot in alphabetical order.
 - ii. In a nonpartisan election with more than one precinct, rotation is necessary only if there are more candidates than there are positions to be filled.
 - iii. For partisan offices candidate names are rotated only if more than one person is to be elected to the office. Otherwise the names of candidates for partisan offices are arranged by party. [49.31]
 - f. Public measure elections: Refer to 49.43, 49.45, and 49.47 for basic information about public measure ballots.

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- g. **Special paper ballots:** Specific details are in IAC 721--22.53(2). See also 52.28(1), and 52.25.
 - h. **Voting machines:** see also 52.10 and 52.25. A supply of paper ballots for emergency use must be delivered to each precinct. [IAC 721--22.5(47)]
15. **Supplies.** Inventory and order election supplies. (See page 14 for a basic list of supplies for each precinct.) Other examples:
- a. Absentee ballot envelopes and application forms
 - b. Voter registration forms
 - c. Receipts for ballots [49.65, 50.9 & 50.10]
 - d. Canvass materials
 - e. Abstract form(s)
 - f. Certificates of election [50.29]
 - g. Open meetings law information [21.10]
16. **Polling places.** Notify people responsible for polling places of date and hours of the election. Be sure to arrange for the workers to have access to the polling places at least one hour before the polls open and one hour (or more) after the polls close. [Voting machine counties, see 52.16.]
17. **Furnishings.** Check on the availability of telephones, tables and chairs, heat, lights, restrooms and other necessities at the polling places.
18. **Voting equipment.** Arrange for delivery of voting equipment, if needed.
To be delivered by: _____ Date: ____/____/____
19. **News.** Notify news media of election date, voter registration deadlines, availability of absentee ballots.
20. **Ballot proofing.** Proofread everything thoroughly -- at least twice -- when the ballot proofs come back from the printer. Keep a record of the corrections that are needed, and make sure that all corrections are made. [49.63]
Things to look for:
- a. Spelling of candidates' names. (Use only the candidate's affidavit to check spelling of name.)
 - b. Are all candidates included?
 - c. If rotation is needed has it been done correctly?
 - d. Office title. (Be sure that "To Fill Vacancy" is included.)
 - e. Election date.
21. **Corrections.** Make a list of the corrections needed. When the next proof copy is received make sure that all corrections were made.
22. **Ballot records.** Keep records of
- a. Types of ballots ordered.

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- b. Quantity of each type.
 - c. Quantity received for each type.
23. **Test optical scan ballots.** Test a sample of the ballots for the election to be sure they can be read in your voting equipment.
24. **Publication.** Prepare the official notice of the election. It is wise to publish this notice early. Sometimes errors are made that require re-publication. The notice must include the following information: [49.53]
- a. Date of the election.
 - b. Hours the polls will be open.
 - c. Location of each polling place.
 - d. Names of the precinct(s) voting at each polling place.
 - e. Changes in the usual polling places for any precinct. [49.23]
 - f. It is desirable to include in the listing of polling places an indication of which sites are accessible to elderly and handicapped voters.
 - g. Facsimile of ballot (first rotation). This may be reduced only if the upper case letters in candidates' names and in summaries of public measures will be at least 5/36" high in the publication. [49.53]
 - h. Any offices or candidates not included on facsimile ballot.
 - i. The full text of all public measures.
 - j. Be sure to specify the number of copies of the proof of publication that you will need for your records.

Date delivered: ___/___/___

Date to be published: ___/___/___

25. **Follow up.** Check with the newspaper to be sure that your notice was received and that it will be published when you want it.
26. Prepare the voting equipment.
27. **Test voting equipment.** Use Form 5-B or 5-C in *Election Forms* to report the test.
28. **Follow up.** Always make sure that the publication appeared on the correct date, and that all the required information was included. Save a copy of the publication for your files.

Date published: ___/___/___ Page: _____

29. **Precinct election officials.** Fifteen days before the election is the last day to appoint precinct officials. [49.13]
30. **Follow up.** Be sure that all precinct officials who were notified to work at this election have responded. Replace any officials who are unable to work. Arrange for last-minute substitutes to be available.

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31. **Supplies and training.** Plan the school of instruction and/or arrangements for delivering election supplies to precinct officials. Consider using the training video provided by the Secretary of State.
32. **Supplies.** Prepare election supplies for each precinct. Refer to the list on page 14.
33. **Work assignments.** Coordinate staff assignments for election day. Consider who will be responsible for the following tasks:
 - a. While the polls are open:
 - i. Voting equipment trouble calls and repair trips.
 - ii. Problem calls from precinct officials and voters.
 - iii. Voter registration questions.
 - b. After the polls close:
 - i. Phone calls from precincts with results. [50.11]
 - ii. Tabulation of precinct results.
 - iii. Phone calls from the news media and the public for results.
 - iv. Check in precinct supplies and ballots. [50.10]
34. **Public test.** Where required, publicly test the voting equipment. Send a copy of the test certificate to the Secretary of State. Keep the original for your files. [52.9, 52.35, 52.38]
35. **Supplies.** Distribute election supplies, including ballots and election registers. The deadline for distribution is one hour before the polls open. Use Form 1-K: *Ballot Record and Receipt*. [49.55 & 49.65]
36. **Monday -- One day before election day.**
 - a. **Special precinct board.** If a large number of absentee ballots have been requested, the commissioner may convene the board on the day before the election to consider the affidavits on the ballot envelopes. [53.23(3)]
 - b. **Pollwatchers.** People who wish to serve as pollwatchers for public measure elections must file notices of intent to serve as observers with the commissioner before election day. Form 1-J: *Declaration of Intent to Serve as an Election Observer* may be used (not required). [49.104(6)]
37. **Election day.** Check Post Office for absentee ballots received late in the day. Deliver them to the special precinct board for counting before the polls close.
38. **Election night.** As election supplies are returned, use Form 1-K: *Ballot Record and Receipt*. (Supplies may be returned on Wednesday morning. See #39.) [50.10]
39. **Wednesday -- The morning after election day.** All precinct supplies and ballots must be returned by noon. [50.17]

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40. **Ballots.** Carefully preserve all ballots. The packages containing the ballots are to be preserved unopened for six months, unless there is a recount or a contest. [50.12, 50.13, 50.15, & 50.19]
- Exception: If this special election was held to fill a vacancy in the U.S. House of Representatives, all documents, including the ballots, must be kept for 22 months. [50.12, 50.19, Form 5-D: *Election Document Retention Record*]
41. **Special ballots.** As soon as possible, but no later than 9 a.m., Thursday, post a list of the number of special ballots cast in each precinct. [50.20]
42. **Reconvene special precinct board** no earlier than noon on the second day after the election (Thursday) to consider special ballots. If the canvass will be held during the week of the election, they reconvene on Wednesday. [50.21]
43. **Absentee ballot deadline: noon Monday.** Check post office for absentee ballots. If necessary, reconvene the special precinct board to count absentee ballots. [53.17]
44. **Canvass day.** Monday or Tuesday following the election.
[Exceptions: special vacancy elections for congress or legislature (see 50.46); city elections which are primary elections or the regular election in cities with runoff provisions (see 376.9); special levy elections (see 331.425).]
- a. Canvass day: Board of Supervisors canvasses from tally lists. [50.24]
 - b. Tie vote for an office? [50.44]
 - c. Who wins? [50.45]
 - d. Exceptions: City candidate elections. [376.8]
 - e. Bond issue elections: 60% to pass. [75.1]
- See also *Public Measure Elections*, page 25 - 36.
45. **Abstracts.** Prepare two copies of abstracts. [50.24]
- a. Send one copy to the jurisdiction for which the election was held.
 - b. Keep the other copy for your files.
46. **Certificates of Election.** Prepare and distribute to people elected. You may wish to include open meetings law information with the certificates. [21.10, 50.29]
47. **Document Retention.** Tally lists are kept forever. Other documents pertaining to the election are kept for six months. [50.19, Form 5-D]
48. **\$** After the canvass, pay the precinct officials. [49.20]
49. **\$** Certify the costs of the election to the Board of Supervisors. The Supervisors bill the political subdivision. The following items may be included in the bill:
- a. Printing of ballots.
 - b. Election registers and lists of registered voters.

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- c. Publication of election notice.
- d. Declaration of eligibility slips.
- e. Compensation of precinct election officials.
- f. Canvass materials (tally lists and canvass books).
- g. Preparation and installation of voting machines.
- h. Other costs, *not including*: costs of voter registration, administration, clerical costs and voting machine rent. [47.3]

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Planning Calendar (can be used for most elections)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
121 days before election	120	119	118	117	116	115
114	113	112	111	110	109	108
107	106	105	104	103	102	101
100	99	98	97	96	95	94
93	92	91	90	89	88	87
86	85	84	83	82	81	80
79	78	77	76	75	74	73
72	71	70	69	68	67	66
65	64	63	62	61	60	59
58	57	56	55	54	53	52
51	50	49	48	47	46	45

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
44	43	42	41	40	39	38
37	36	35	34	33	32	31
30	29	28	27	26	25	24
23	22	21	20 First day to publish election notice	19	18	17
16	15 Worry- free post- mark date; workers appointed.	14	13	12	11 Voter registration closes 5 pm	10
9	8	7	6	5	4 Last day to publish	3
2	1 Postmark deadline for absentee ballots	<i>Election Day</i>	1	2 Post list of special ballots. Reconvene special precinct board.	3	4
5	6 Canvass Absentee deadline	7 Canvass	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25

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Supplies Needed for Every Election

Written Instructions

Every precinct should receive a complete set of written instructions. See Part II of the *Auditor's Guide to Training Precinct Election Officials* for the "Precinct Official's Handbook."

Ballots & Voting Equipment

Ballots: All ballots must be wrapped and sealed. The outside of the package must be clearly marked with:

- Number of ballots [49.64, 49.65]
- Name of precinct
- Location of polling place

Ballot boxes [49.25(3)]

Voting booths [49.25]

Cards of Instructions: One copy is to be posted in each voting booth, four copies are to be posted around the polling place. [49.70, 49.71]

4 Sample ballots [49.71]

Public measure text, if needed. [52.25]

For counties with voting machines:

Voting machines (AVM or DRE): For regularly scheduled elections one machine for each 350 voters at the last similar election. [49.25(2)]

Voting machine printer packs, if needed [52.23]

Emergency supply of paper ballots for handicapped and special voters [49.90; IAC 721--22.5(47)]

Voter Check-in Materials

Election register [49.28]

List of the names of persons who requested absentee ballots [49.72]

Form 1-A: Voter's Declaration of Eligibility [49.77]

Voter registration forms for recording changes of address [48A.27(2)"a"3]

Form 1-G: Statement to Person Casting a Special Ballot [49.81]

Form 1-H: Special ballot envelopes [49.81(4)]

Form 1-I: Affidavit of voter needing assistance [49.90]

Form 3-C: Affidavit of voter who did not receive absentee ballot [53.19]

Canvass Materials

Tally list [50.16]

Envelopes for returning:

- Tally lists
- Voted special ballots
- Voted ballots [50.12]
- Unused ballots [50.9]
- Spoiled ballots [50.9]
- Disputed ballots [50.5]

Clerical Supplies

- pens
- pencils
- scissors
- tape and/or thumb tacks

Supply box or bag to carry everything.

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Vacancies

A vacancy exists when an elected official leaves office before the end of the term. There are a variety of reasons that this happens; resignations and deaths are the most common. Chapter 69 of the *Code of Iowa* provides general guidance for dealing with vacancies. If a special election to fill a vacancy is held with another scheduled election, the filing deadlines for the scheduled election will apply to both elections. The chart on the following page summarizes the vacancy provisions for most elective offices. [39.2(3)]

There is a list in §69.2 of circumstances that create vacancies. Sometimes it is not clear whether a specific situation actually constitutes a vacancy. When that happens, the body which is authorized by law to fill vacancies in the office in question may examine the situation and, if the members of that body believe that a vacancy exists, fill the vacancy. [Letter of informal advice from Assistant Attorney General to Guthrie County Attorney.]

Appointments. As a general rule, most vacancies are filled by appointment. Most appointees serve only until the next election held in the political subdivision (state, county, city, school district, etc.). However, appointments to fill vacancies in *regional library trustees* and *agricultural extension council members* are for the balance of the unexpired term. You will never have elections to fill vacancies in these two bodies.

Special Elections to fill Vacancies. Vacancies in the Iowa *general assembly* or in the *US house of representatives* are always filled by election; never by appointment. If vacancies occur in these bodies while they are in session or if the vacancy cannot be filled at a general election before the next session, a special election must be held.

Petitions for Special Elections. The voters may petition to demand a special election to fill vacancies only in county and city offices. There are no provisions to petition for special elections for vacancies in school districts, townships or other jurisdictions.

School Board Vacancies. Special elections for vacancies on school boards are held only if the board no longer has a quorum or if the remaining members of the school board do not make an appointment within 30 days. School district voters may not petition for a special election. [279.6-7]

No special elections are held to fill vacancies in the following offices:

U.S. Senator [69.8(1)]

State Offices: Governor, Lieutenant Governor, Secretary of State,
Auditor, Treasurer, Secretary of Agriculture, Attorney General [69.8(2)]

Township Offices [69.8(5)]

Auditor Duty. The auditor must notify the Governor if a legislator from the auditor's county dies or if a legislative seat becomes vacant for any reason other than resignation. [69.5]

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Vacancies in Elective Offices

Office	Resignation given to	Method to fill	Code §	Page
Ag. Extension Council	Not specified	Appointment for balance of term.	176A.8(11)	none
City offices	City Clerk or Mayor [69.4(5)]	Appointment or Election; Voters may petition for special election.	372.13(2)	17
County Auditor	Supervisors [69.4(4)]	Appointment or Election; Voters may petition for special election.	69.8(3) 69.14A(2)	22
County Public Hospital Trustees	Not specified	Appointment until next election.	347.10, 69.12	none
County Supervisor; & Other County offices	Auditor [69.4(4)]	Appointment or Election; Voters may petition for special election.	69.14A	22
Governor	General Assembly if in session; if not, Secretary of State [69.4(1)]	Succession (balance of term)	Constitution: Article IV§19	none
Iowa House	Presiding officer when in session; otherwise to Governor [69.4(2)]	Election only	69.14	24
Iowa Senate				
Merged area school director	Not specified	Appointment until next election.	260C.11, 69.12	none
Regional Library Trustees	Not specified	Appointment for balance of term.	256.64	none
School Board	Not specified	Appointment. Special election held only if no appointment in 30 days.	277.29-.30 279.6-279.7	20
Soil & Water Conservation Comm.	Not specified	Appointment until next election.	161A.5(2), 69.12	none
Statewide offices	Governor [69.4(3)]	Governor appoints	69.8(2), 69.13	none
Township offices	Auditor [69.4(4)]	Appointment until next general election.	69.8(5)	none
US Representative	Governor [69.4(3)]	Election only	69.14	24
US Senator	Governor [69.4(3)]	Governor appoints	69.8(1), 69.13	15

Auditor's Guide to Special Elections

Vacancies in City Offices

Nonpartisan election

Vacancies Filled by Appointment

Vacancies in city offices may be filled by appointment by the city council. [372.13(2)]

- ☛ The appointment must be made within 40 days after the vacancy occurs.
- ☛ The council must publish notice of its intention to appoint and the right of the people to call a special election by petition.

Special City Elections to Fill Vacancies

The city council may choose to fill the vacancy by special election, or, if the council has chosen to appoint, eligible electors of the city or ward may petition for a special election. A petition requesting that the vacancy be filled by a special election must be filed with the city clerk within 14 days of the publication of the notice of intent to appoint or within 14 days after the appointment is made, whichever is later.

Signature requirements -- petitions for special city elections to fill vacancies:

<u>Population of City</u>	<u>Signatures*</u>	
10,000 or less	15%* or 200, whichever is less	
10,001 - 50,000	15%* or 1000, whichever is less	
50,001 or more	10%* or 2000, whichever is less	[372.13(2) "a"]

* *Signatures of eligible electors of the city equal to the required percentage (10 or 15) of the votes cast for all candidates for that office at the last preceding regular election in which the office was on the ballot.*

Calendar

The timetable for special city elections is the same as it is for regular city elections, except that the council must give the auditor at least 60 days' notice of the date for the special election. The election must be held on a Tuesday. Primary or runoff elections must be held if the city has chosen either of those processes and it is necessary. [372.13 (2) "b"]

60 days before election	✓ Notice to auditor due
47 days before election	✓ Nomination papers due in city clerk's office
28 days before election	✓ Primary election, if needed
28 days after election	✓ Runoff election, if needed

Use the calendar on page 19 to calculate dates for special city elections.

The special city election may be held in conjunction with a pending city election if this will get the vacancy filled within 90 days of its occurrence. If the vacancy occurs 52 or more days before a pending election in the city it shall be filled at that election. [372.13(2)"b"; 69.12(1)"a"(2)]

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Nominations

The signature formula and petition forms are the same for special elections to fill vacancies as for the regular city election. The filing period begins as soon as the notice is given to the auditor and ends 47 days before the date set for the special election.

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Calendar for Special City Elections

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT.
65 Days before election	64	63	62	61	60 Notice deadline	59
58	57	56	55	54	53	52 Last day for vacancies
51	50	49	48	47 Last day for candidates to file	46 City clerk takes papers to auditor	45
44	43 Primary Worry-free postmark date	42	41	40	39 Voter Registration closes-Primary	38
37	36	35	34	33	32	31
30	29	28 PRIMARY, if needed	27	26 PRIMARY CANVASS, if needed	25	24
23	22	21	20	19	18	17
16	15 Worry-free postmark date	14	13	12	11 Voter Registration deadline	10
9	8	7	6	5	4	3
2	1	ELECTION DAY	1 Day after elec. Post list of special ballots	2 Canvass for Runoff cities	3	4
5	6Canvass	7or Canvass	8	9	10	11
12	13 Worry-free postmark R/O	14	15	16	17 Voter reg. closes RO	18
19	20	21	22	23	24	25
26	27	28 Runoff, if needed	29	30 Post list of special ballots	31	32
33	34 Canvass	35 or Canvass	36	37	38	39

Vacancies on School Boards

Nonpartisan election

Filled by Appointment

Vacancies on school boards are nearly always filled by appointment by the remaining members of the board. Appointments must be made within thirty days of the occurrence of the vacancy. The newly appointed director takes the oath of office within ten days after the appointment is made and serves until the next election in the school district.

[279.6 & 279.7]

Refer to *Iowa Code* §277.29-.30 for additional details about vacancies on school boards.

Timing of Vacancies on School Boards

If a vacancy occurs between 45 and 70 days before the annual school election the School Board may decide not to appoint a successor and to determine that the vacancy will be filled at the approaching regular school election. Reasoning:

1. *Iowa Code* §279.7 requires a special election to be held if the school board has not filled a vacancy by appointment by thirty days after the vacancy occurs. That special election must be held no later than 40 days after the deadline to make the appointment. The maximum amount of time between the occurrence of the vacancy and the date of the required special election is 70 days.
2. *Iowa Code* §69.12(1)"a"(3) requires vacancies on school boards to be filled at the next regular school election if the vacancy occurs 45 or more days before the date of the regular school election.

Iowa law also permits a school board member to submit a resignation before the nomination filing period for the regular school election and specify that the resignation will take effect when the newly elected board members are sworn in. The school board president shall declare the seat vacant and the vacancy will be filled at the regular school election, before the vacancy actually occurs. This is the only provision like this in Iowa law.

[279.6]

Special Elections

Unlike city and county offices, there is no provision in the *Code of Iowa* that allows the voters of a school district to petition to fill a vacancy by a special election.

However, special elections are required to be held if--

- ☛ The board is reduced below a quorum for any reason.
- ☛ The board fails to make an appointment within 30 days after a vacancy occurs.

The school board secretary calls the special election. If the secretary has not called the special election within 3 days after it becomes the secretary's duty to do so, or if there is no secretary, the area education agency administrator calls the election. The board cannot make an appointment after the notice of the special election has been given.

[279.7]

Auditor's Guide to Special Elections

Scheduling the Election

<u>Days after vacancy</u>	<u>Event</u>
30	No appointment has been made
60	Earliest date for special election
70	Latest date for special election

Candidate Requirements -- Nominations

The office title should include "To Fill Vacancy." Nomination petitions are filed with the school secretary and are due 25 days before the election. [279.7]

The number of signatures needed to nominate candidates for special elections is calculated from the number of registered voters in the school district, if all the voters of the school district will vote on the position. If only the voters of the director district may vote for a candidate, the number of signatures is calculated from the number of registered voters in the director district. Calculations shall be made based upon the number of registered voters on the first day of the month preceding the date the auditor receives the request for the special election. [IAC 721--21.500]

Canvass

The board of supervisors' canvass for a special vacancy election for the school board is held on the Monday or Tuesday following the election. Regular school elections are canvassed on the Friday after the election, but this requirement does not apply to special elections. [50.24]

Oath of Office

The board member elected at the special election shall take the oath of office within ten days after the election and shall serve the balance of the unexpired term. [279.6]

Auditor's Guide to Special Elections

Vacancies in County Offices

Partisan election

Vacancy Announced or Occurs

A vacancy becomes effective on the date specified in the resignation notice or on the date it was submitted, if no effective date was specified. [OAG 4/2/93: #93-4-3(L)]

Committee or Supervisors to Fill Vacancy

A committee consisting of the treasurer, auditor and recorder meets to determine how to fill a vacancy on the board of supervisors. If any of these three offices has been abolished through consolidation, the county attorney replaces the missing member. Meetings are subject to open meetings law. Vacancies in other elective county offices (not the board of supervisors) are filled by the board of supervisors. [69.8(3)&(4)]

The committee (or the board of supervisors) may decide to fill the vacancy by appointment. It may publish notice of this decision before the effective date of a resignation. If the committee has decided to hold a special election, the committee may not call a special election until the vacancy actually occurs. [OAG 4/2/93: #93-4-3(L)]

Appointment

The appointment may not be made before the vacancy occurs. It is made after the notice is published or after the vacancy occurs, whichever is later. The appointment must be made within 40 days after vacancy occurs. [69.14A(1)"a"]

Qualifications of Appointee

The person who is appointed must have actually resided in the county sixty days before the appointment. Exception: If no eligible candidate comes forward for appointment the board may temporarily hire a nonresident for 60 to 90 days.

[69.14A(1)"a"; 69.14A(3)]

Petition for Special Election

If the people of the county wish to hold a special election to fill the vacancy they may submit a petition to the county auditor. The petition must be signed by eligible electors of the county. The minimum number of signatures required is a number equal to 10% of the number of votes cast in the county for the office of president or governor at the last general election. Signers must include their signatures, places of residence, and the date they signed the petition. The petition must be filed with the auditor within 14 days after the notice was published or within 14 days after the appointment is made.

[69.14A(1)"a" & 331.306]

Nominations

Each political party may nominate one candidate by reconvening the party's county convention. Nonpartisan candidates and candidates who are associated with nonparty political organizations may file nomination petitions. The number of signatures for these petitions is based upon the number of registered voters in the county on July 1 of the year before the election. Nonparty political organizations may also nominate by convention. [43.78(4), 44.1, 45.1, IAC 721-21.11]

Auditor's Guide to Special Elections

Calendar: Special Elections to fill Vacancies in County Offices

<u>Days Before</u>	<u>Event</u>	<u>Code Section</u>
30	Minimum notice of date of election	69.14A(1b) 69.14A(2b)
	<u>Methods of Nomination</u>	
	Nominations by Political party conventions	43.78(4)
	Nonparty organizations	44.1, IAC721--21.11, 45.1
	Petition (nonpartisan)	
20	Last day to file nomination certificates and petitions	43.88, 44.4
20-4	Publication period	49.53
15	Worry-free postmark date	48A.9
	Precinct officials must be appointed	49.13(1)
11	Voter registration deadline	48A.9
5-1	Electronic voting equipment tested	52.35
0	Election day: Polls open 7 a.m. to 9 p.m.	49.73
<u>Days After</u>	<u>Event</u>	<u>Code Section</u>
2	Special precinct board meets no earlier than noon on Thursday after election	50.21
6 or 7	Canvass of votes to be held on the Monday or Tuesday after the election	50.24
10	Newly elected officer shall take the oath of office within 10 days after election	63.8
10	Auditor shall report to the Secretary of State the name, office and term of the new officer	331.510(2)

Auditor's Guide to Special Elections

Vacancies in the Iowa General Assembly or U.S. House of Representatives

Partisan election

Notice Required

If the legislature is in session, or will be within forty-five days of the occurrence of a vacancy in either the Iowa House or Senate, the Governor must call a special election as soon as possible; only 18 days' notice is required. If the legislature will convene in more than 45 days, 40 days' notice is required. Otherwise, these vacancies are filled at the General Election. The counties involved pay for the special election. [69.14; 47.3¶1]

Instructions from the Secretary of State

The Secretary of State will provide instructions to any county involved in a special legislative or congressional election. Nonpartisan candidates and candidates who are associated with nonparty political organizations may file nomination petitions. Nonparty political organizations may also nominate by convention. All candidates file with the Secretary of State. [43.78(4), 44.1, 45.1, IAC721--21.11]

Calendar

Monday 15 days before election	Last postmark date allowed on postcards received after 5 p.m. on the last day to register to vote. [48A.9]
Tuesday, 14 days before election, 5p.m.	Deadline for candidates to file nomination papers with the Secretary of State. [43.88; 44.4; see also 43.78(4), 45.1]
Friday, 11 days before	Last day to register to vote. Deadline: 5 p.m. [48A.9]
ASAP	Certification of candidate names by Secretary of State: No specific date is set. However, the certification shall be made "at the earliest practicable time." [43.73]
Friday, 4 days before	Last day to publish election notice, sample ballot. [49.53]
Saturday 3 days before election	Courthouse open at least eight hours for absentee voting. [47.2(5)]
Tuesday Election Day	ELECTION DAY. Polls open 7 a.m. to 9 p.m. in all precincts. [49.11 & 49.73]
Thursday 2 days after election	Canvass by the Board of Supervisors at 1 p.m. As soon as the canvass is completed, the commissioner shall send the abstract to the state commissioner. [50.46]
Within 5 days of receipt of abstracts.	The state board of canvassers shall convene within five days after receipt of the abstracts. [50.46]

Auditor's Guide to Special Elections

Public Measure Elections

"Public measure" means any question authorized or required by law to be submitted to the voters at an election. Special elections can be held to decide a wide variety of these questions. Most public measure elections have the same basic requirements as all others. There are some notable exceptions. Please note **"Special Requirements"** below. The following list is not necessarily complete. The list is also available in sequence by *Iowa Code* section. Contact the Elections Division (515)281-5865. [39.3(10)]

☛ *Always consult relevant sections of the Code of Iowa and Iowa Administrative Code.*

Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Airport commission establishment or abolition	G or P ¹	City County	330.17 - 330.19		M ²	NR ³
Asbestos project, additional enrichment amount	G	School Board	279.52 - 279.54	Restrictions on election date. Limit on amount of surtax: 298.14.	M	1 yr.
Board of Supervisors: election plan selection	P	County	331.207	All three election plans are on the ballot. All terms expire if plan changes.	PL	NR
Board of Supervisors: Membership increased	G or p	County	331.203	General election only	M	NR
Board of Supervisors: Membership reduced	G or P	County	331.204	General Election only	M	NR
Bond tax, exceed \$2.70/\$1000 valuation	G	School District	298.18	Not more than \$4.05/\$1000	60 %	NR

¹ G = Governing Body P = Petition

² M = Majority, see §50.45 PL = Plurality (more votes than other choices, but not a majority)

³ NR = No Restrictions

Auditor's Guide to Special Elections

Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Bonds	G	City, County, School, Community College, Township, Local Boards & Commissions	75.1		60 %	6 mos.
Bonds & levy limit increase	G	Board of Supervisors	331.447		60 %	6 mos.
Bonds, general corporate purpose	G	City Council	75.1 384.26(2-4)	See exceptions: 384.26(5)	60 %	6 mos.
Bonds, general obligation: essential county purpose-- Hospital improvements	P	County	331.441(2)"b" (7); 331.442(2-4); 331.445	Extra publication	60 %	6 mos.
Bonds, general obligation: General county purpose-- See list at 331.441(2)"c"	G	Board of Supervisors	75.1 331.441(2)"c" 331.442		60 %	6 mos.
Bonds in anticipation of local option tax revenue	P	city or county	422B.12	yes	60 %	6 mo.
Bonds, merged area community college	G	Community College Board	75.1 260C.21		60 %	6 mos.
Bonds, school district	G or P	School District	75.1, 277.2 279.39 Chapter 296, 298.21		60 %	6 mos.
Capital improvement reserve fund: establish or terminate	G or P	City	384.7		M	NR
City: annexation	G	City Council	368.19		M	NR
City council representation plan	P	City	372.13(11)	choices limited	M	2 yrs.
City: discontinuance	G	City Council	368.19		M	NR

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
City government: change form	P	City	372.1 -- 372.12 IAC:721--21.402	Yes	M	4 yrs.
City: incorporation	G	City Council	368.19		M	NR
City: name change	G	City Council	368.2	Regular city election only	M	NR
City officers' terms	P	City	376.2		M	4 yrs.
City: severance	G	City Council	368.19		M	NR
City-County consolidation	G	Charter Commission	331.247 - .252	Yes!	M in City	
Community clusters revenue sharing	G or P	County, City, Township	28E.39		M	NR
Community commonwealth	G	Board of Supervisors, City Council, Township Trustees	331.260 - .263	Commission required	M	NR
Consolidated metropolitan corporation	G or P	Cities	373	General election only	M in city	2 yrs.
Constitutional amendment	G	Iowa General Assembly	Constitution: Art. X, Ch 49A		M	NR
Constitutional convention question	G	State	Iowa Constitution: Art. X § 3	Every year ending in 0; General Elect. only	M	10 yrs.
County agricultural extension council education tax	G	County Ag. Extension Council	176A.10	General election only	M	2 yrs.

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
County care facility established	G	Board of Supervisors	347B.1	Election needed if cost >\$15,000	M	NR
County conservation board established	P	County	331.306 350.2	General Election only	M	NR
County fair--official designation	P	County	174.10	General election or special election at no cost to county	M	NR
County government alternative forms	P	County Charter Commission	331.232 - 331.243	Yes!	M 331.237	2 yrs.
County government amendment	P or G	County	331.244	Yes!	M	2 yrs.
County officers, combining duties	P	County	331.323		M	NR
Director districts: establish or change boundaries or abandon	G or P	School District	275.35-.37 277.2 278.2	Cannot submit more than one question pursuant to 278.1(7) & (8) at the same election. Must keep 6 years if approved.	M	3 yrs.
Drainage district, acceptance of improvements	G	Drainage Dist. Board	468.259(1)	Voters determined by property ownership; no secret ballot.	60 %	NR
Drainage district, dissolution	G	Drainage Dist. Board	468.259(2)	Voters determined by property ownership; no secret ballot.	60 %	NR
Educational & recreational tax levy -- school	G or P	School District	300.2	If called more than 3 months before regular school election a special election must be held.	M	NR

Auditor's Guide to Special Elections

Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Educational improvement program	G	School Board	257.29	Election date not later than February 1.	M	NR
Educational improvement program, discontinue	P	School District	257.29, unnumbered ¶15		M	NR
Electric power facilities, joint financing	G	City Council	28F.1	City must have municipal electric utility	M	1 yr.
Emergency 911 surcharge	G	E911 Board for service area	34A.6 34A.6A IAC:721--21.810	No separate special election	M	NR
Emergency medical services district: tax levy, bonds	G	Board of Supervisors	357F.8 357F.11	YES	60 %	NR
Emergency medical services district, city: tax levy, bonds	G	City Council	357G.8 357G.11	YES	60 %	NR
Emergency medical services tax: income surtax, property tax	G	Board of Supervisors	422D.1 422D.5	Maximum time: 5 years.	M	NR
Enterprise commission, county--establish or discontinue	G or P	County	331.471		M	4 yrs.
Equipment replacement program sharing levy	G	Community College Board	260C.28		M	12 mos.
Facilities levy, merged area community college	G	Community College Board	260C.22	At annual school election.	M	NR
Franchise for utilities	G or P	City	364.2	Ordinance on ballot, utility company pays for election.	M	NR

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Gambling, excursion boat	P	County	99F.7 IAC:721--21.820	After approval repeat in 2002, & every 8 years after	M	2 yrs.
Gambling games at race tracks	G	County	99F.7(10) IAC:721--21.820	Election called when race track licensee applies for gambling game license. Special election must be held ASAP.	M	2 yrs.
Historical preservation district	P	Dept. of Cultural Affairs	303.20 - 303.26	Includes write-in ballot for commissioners	M	NR
Historical preservation district -- termination	P	Historical Preservation Dist. Commission	303.33	Must exist for 2 years.	M	2 yrs.
Hospital, area: formation; protest of merger plan	P	County, City, School District, Township	145A.6 - .9		M	NR
Hospital, city changed to county	P	County	347.23		M in both city and county	NR
Hospital, county: revenue bonds	P	County (pop. <150,000)	347A.1 331.461(2)"e" 331.442(2-4)	Publication	60 %	6 mo.
Hospital, county public	P	County Hospital Trustees	331.461(2) "d & e"	Publication	60 %	6 mos.
Hospital, county public Sale or lease	G	Hospital Board of Trustees	347.14(15)		M	NR
Hospital, memorial or county supported by revenue bonds changed to county hospital	P	County	347.23A		M	NR
Hotel-motel tax	G	City Council or Board of Supervisors	422A.1	Yes	M	NR

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Instructional support levy	G or P	School District	257.18	5 or 10 year limit	M	NR
Instructional support levy continuation	G or P	School District	257.27		M	120 days
Insurance: bond issue, tax levy	G	School Board	75.1 296.7	See § 296.7 (3, 5 & 6)	60 %	6 mos.
Joint city-county property: Bonds	G	City Council/ Board of Supervisors	346.27(10)	Extra publication	M	NR
Joint city-county property: Conveyance	G	City Council/ Board of Supervisors	346.27(25)		M	NR
Joint government bonds	G	Supervisors/ City council	28E.16	may be joint or separate	60 %	6 mos.
Joint water utility established	G or P	2 or more Cities	389.2		M	NR
Law enforcement district: Tax levy, bonds	G	Board of Supervisors	357D.8 357D.11	YES	60 %	NR
Law enforcement (Unified) Expansion of district tax levy	G	Supervisors/ City council	28E.25		M	
Law enforcement (Unified), Levy	G or P	Collective: County, City	28E.22		M in each jurisdiction	NR
Law enforcement (Unified), levy; discontinue	P	Collective: County, City	28E.28A	District must exist for 5 years.	M in each jurisdiction	NR
Lease, lease purchase contracts	P	County	331.301(10)		60 %	NR

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Lease - purchase for property or services outside city	P	City	362.4 364.4(4)"e" 2b	\$, population limits	60 %	NR
Levy adjustment greater than \$2.70/\$1000	G	School Board	298.18A	not more than \$4.05/\$1000	60 %	NR
Levy election (special)	G	City Council	384.12(20)	2nd Tuesday in March	M	1 yr.
Levy election (special)	G	Board of Supervisors	331.425	Only on 2nd Tues. in March; canvass 1 pm Thursday	M	1 yr.
Library district, county Establishment	P	County	336.2	Must be held at primary or general election within 40 days after petition received. Impossible.	M	NR
Library district, county termination	G	Board of supervisors	336.16	General or other county election	M	4 yrs.
Library district, county withdrawal by city	G	City council	336.16	with general or city election	M	4 yrs.
Library district, county withdrawal by county	G	Board of supervisors	336.16	general election only	M	4 yrs.
Library use contract, termination	G or P	School, city, township, county	336.18(2)		M	NR
Loan agreements, city	P	City	384.24A	\$, population limits	60 %	NR
Loan agreements, county	P	County	331.402	\$, population limits	60 %	NR

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Local option taxes: sales and services	G or P	County Cities	422B.1 IAC: 721--21.800- 721--21..801	Extra publication 60 days before election; contiguous cities vote as a group.	M	NR
Local option taxes: vehicle tax	P	County	422B.1(3,4a) IAC:721--21.801(2), 721--21.802	See IAC for ballot.	M	NR
Local transient guest fund: bonds	P	City or county	422A.2(4)"f"		M	NR
Memorial halls & monuments	P	County, City	37.1; 37.4		M	NR
Memorial halls & monuments: bond issue	G	County, City	37.6; 75.1 County:331.441-9 City: 384.26(2-4)		60 %	6 mos.
Merged areas, combining	G	Community College Board	260C.39	Special election must be >30 days before or after general election	M	NR
Multi-county consolidation	G	Boards of Supervisors	331.253 - 331.256	Yes!	M	NR
Physical plant & equipment levy (PPEL) 67¢	G or P	School District	277.2 279.39 298.2 298.9		M	NR
Real estate improvement district: establishment	P	County or City	358C	YES	M	NR
Recreational lake district: tax levy, bonds	G	Board of Supervisors	357E.8 357E.11 IAC:721--21.830	YES	M	NR
Roads for access to schools	G or P	School District	278.1(6) 278.2	Only at regular school election.	M	1 yr.
Sanitary district: establishment	P	County	358	Petitioners must post bond	M	NR

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
School board, change method of election; increase or decrease size	G or P	School District	275.35- 275.37 277.2 277.23 278.1(7)	Cannot submit more than one question pursuant to 278.1(7) & (8) at the same election. Must keep 6 years if approved.	M	3 yrs.
School board, change to 7 members	G or P	School Board	275.35 -.37 277.2 277.23 278.1(7) 278.2	District size restriction	M	3 yrs.
School buildings: rental extended time payments	G or P	School District	278.1(9) 278.2	Only at regular school election. Bids required.	60 %	1 yr.
School buildings: rescind restricted use	G	School Board	297.11		M	NR
School buildings: restrict use	G or P	School District	278.1(4) 278.2 297.11	Only at regular school election.	M	1 yr.
School curriculum, determine additional branches to be taught	G or P	School District	278.1(3) 278.2	Only at regular school election.	M	1 yr.
School district, change name	G or P	School District	278.1(9) 278.2	Only at regular school election.	M	1 yr.
School district, dissolution	G	School Board	275.55		M	NR
School districts: Reorganization	P	School Districts	275.11 275.12 275.27	Separate vote in existing districts. If approved, must keep 5 yrs.	M in 75% of all dists.	6 mos.
School property, sale	G or P	School District	277.2 278.1(2) 278.2		M	NR
Soil & water conservation district discontinuance	P	Soil & Water Conservation District	161A.10	Only land owners vote	65 %	5 yrs.

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Storm water drainage construction project: Revenue bonds	P	City	384.84A	\$, population restrictions	M	NR
Street lighting district: Tax levy, bonds	G	Board of supervisors	357C.7 357C.10	Yes	60 %	NR
Taxes, additional city	P	City	384.12	Only at regular city election.	M	2 yrs.
Teachers' pensions	G	School Board	294.8	Population restrictions. General Election only.	M	2 yrs.
Textbooks, change	G or P	School District	278.1(1) 278.2	Only at regular school election.	M	1 yr.
Textbooks, free	P	School District	301.24-.25	Regular election only.	M	1 yr.
Textbooks, free -- discontinue	P	School District	301.27	Regular election only.	M	1 yr.
Township Hall acquisition	P	Township	360.1		M	NR
Transfer of surplus funds to general fund	G or P	School District	278.1(5) 278.2	Only at regular school election.	M	1 yr.
Transit agency bonds	P	County City	28E.17		60 %	6 mos.
Utilities, city: establish, acquire, lease or dispose of; utility board established or discontinued.	G or P	City	388.2	Petition: regular city election only; Gov.: any city election.	M	4 yrs.
Water & sanitary district, established	G or P	Board of Supervisors	357.1, 357.1A 357.12 358.2	Elect board at same time.	M	NR

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Public Measure Election	Called by	Jurisdiction or Governing Body	Code & IAC Sections	Special Requirements	% to pass	Repeat after failure
Water & sanitary district, construction of improvement	G	Board of Supervisors	357.12	No \$ for poll workers. Must be held with election for trustees.	M	NR
Water & sanitary district, inadequate dummy assessment	G	Board of Supervisors	357.15		M	NR
Water & sanitary district combined	P	County	357.1A 357.1, 358.2		M	NR
Water & sewer district (rural) Franchise	G or P	City	364.2 357A.23		M	NR
Zoo, city: contracts with other cities	G	City council	394.4		M	NR
Zoo, city: general obligation bonds	G or P	City	75.1 394.2	General or regular city election.	60 %	1 yr.

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Letters for Public Measures

Each local question that appears on a ballot must have a letter assigned to it. The Secretary of State assigns a number to proposed constitutional amendments and other state public measures. This letter has no great significance except as a quick reference to distinguish one question from another. [47.2(4)]

One method of assigning letters to public measures is to start by assigning the letter "A" to the first ballot question of the calendar year. Each succeeding public measure is assigned the next letter in turn. This method helps track the number of questions voted on during a year. The following log may be used to assign letters to public measures and to record whether questions passed or failed.

	Election	Date	Question	P	F
A					
B					
C					
D					
E					
F					
G					
H					
I					
J					
K					
L					
M					
N					
O					
P					
Q					
R					
S					

Notes:

Auditor's Guide to Special Elections

Local Option Tax Elections

Types of Local Option Taxes

There are two types of local option taxes:

- ☛ sales and services taxes
- ☛ vehicle taxes.

Each of these local option taxes may be imposed by ordinance by the county board of supervisors following an election approving imposition of the tax or taxes. [422B.1(1)]

Both types of local option taxes may be voted on at the same election. If both the sales and services tax and the vehicle tax are presented to the voters at the same election, both questions must appear on the same ballot. [422B.1(7); IAC 721--21.801]

Election Times

Local option tax questions may be voted on at

- ✓ state general elections and
- ✓ special elections.

[422B.1(5)]

✗ No local option tax questions may be voted on at regular city elections.

Notices of Local Option Tax Elections

Two separate notices are required to be published to inform the public that a local option tax election will be held. The first notice must be published at least 60 days before the election. This initial notice must include all the information that will be included on the ballot; but it does not need to include the ballot. The city councils and the board of supervisors are required to provide the information to appear in the notice. See sample notices on pages 44 and 48. [422B.1(5); IAC 721--21.800(3)]

A notice of the election including a sample ballot and notice to voters of the locations of the polling places and voting hours must also be published not more than 20 days nor less than 4 days before the election. [49.53; IAC 721 -- 21.800(3)"d" & 21.802(2)]

Cost of Local Option Tax Elections

The costs of local option tax elections are apportioned among the jurisdictions within the county voting on the question. Each city pays a share of the cost of the election based on the percentage found when the number of registered voters in the city is divided by the number of registered voters in the county who have the opportunity to vote on the question. The county pays its share of the cost based on the proportion of registered voters in the unincorporated area of the county. [422B.1(7)]

Majority Approval Required

Local option tax questions require majority approval. The sales and services tax has specific requirements for contiguous cities. See page 44. [422B.1 (3 & 6)"a"]

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Duration

Both local option taxes are imposed at the rate specified on the ballot for an unlimited period, or until repealed. The vehicle tax may be repealed only by election. There are three ways to repeal the sales and services tax. A sunset date may be included on the ballot at the election on imposition of the sales and services tax. [422B.1(3) & (6)"a"]

Notice to Department of Revenue or Transportation

Within ten days after an election at which a local option tax passes, the board of supervisors shall notify the director of the department of revenue. The department of revenue needs at least forty days' notice before the tax can be collected. Local officials shall consult with the director of the department of revenue in preparing the ordinance imposing the local sales and services tax.

Following approval of a local vehicle tax, the director of the department of transportation shall be notified.

[422B.1(6)"b"]

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Local Option Sales and Services Tax (LOSST)

The local option sales and services tax is a county tax officially imposed by ordinance by the board of supervisors. However, the tax will be collected only in the parts of the county where a majority of voters have approved it.

Contiguous Cities

Local option sales and services tax elections have a unique feature. Approval of this local sales tax is a collective decision by the voters of cities with common boundaries, that is, cities which are contiguous. Even though each city council will decide separately how its city will use the revenue, a majority of the voters in the combined contiguous cities must approve the tax before any of the cities can collect it. For this one election all contiguous cities are treated as one incorporated area. [422B.1(3), 422B.1(6)]

However, the city council of one of the contiguous cities may vote to repeal the local option sales and services tax, even if other contiguous cities do not. (*See OAG 96-10-6: Scase to Pate.*) For additional information about repeal of the local sales and services tax, see **Repeal** below.

Cities That Cross County Lines

Local option taxes stop at the county line. If a city has territory in more than one county it is possible for one part of the city to collect a local option sales and services tax, but not the other part of the city. In very rare circumstances a city may have territory across the county line that has businesses, but no residents. See 422B.1(2) for details.

Initiating the Election

There are two ways to get sales and services tax questions on the ballot. Either of these options may be used. These methods are used to call all LOSST elections whether the election is the first, county-wide imposition election or a subsequent imposition, rate or use change, or repeal election when only part of the county will be voting. The number of signatures needed on a petition AND the number of motions from governing bodies needed are the same to call any local sales and services tax election, even if the election will be held only in one small town. [422B.1(6)"a"]

By petition: A petition requesting imposition of a local option sales and services tax must contain signatures equal in number to five percent (5%) of the people in the county who voted in the last preceding state general election. If more than one valid petition is received, the earliest one is used. The petition is required to specify the type of tax to be voted upon. Other details about the sales and services tax are decided by the city councils and the board of supervisors. [422B.1(4)"a"]

The petition is filed with the Board of Supervisors. The form to be used for petitions is prescribed by administrative rules. [IAC 721--21.800(1) & 21.802(1)]

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By motion(s) of governing bodies: Local sales and services tax elections may be initiated by motions from the governing bodies (city councils and the board of supervisors) representing at least fifty percent (50%) of the population of the county. The motions requesting the election are filed with the county auditor. When the auditor has received motions from governing bodies representing at least half of the population of the county, the auditor must notify the board of supervisors and begin preparations for the election at which the question of imposition of the tax is presented to the voters.

If motions from more than one jurisdiction are needed to initiate a local sales and services tax election, the motions are kept on file by the auditor until motions are received from the governing bodies representing at least 50% of the population of the county. A motion is valid only until the next regular election for members of the governing body which adopted the motion. For example, after each regular city election, all motions passed by city councils would be invalid and would be removed from the file. [422B.1(4)"b"]

Imposition Election

The first election on the question of imposing a local option sales and services tax will always be held county-wide. At this election several things may happen:

[422B.1(4)"a"]

1. The voters in one or more cities in the county will approve the tax, or
2. The voters in the unincorporated area will approve the tax, or
3. A combination of the first two options will occur, or
4. The tax will be approved in the whole county, or
5. The tax will NOT be approved anywhere in the county.

If the voters in only part of the county (one or more cities and/or the unincorporated area) approve the tax, subsequent LOSST imposition elections will be held everywhere in the county that has not yet approved the tax. An imposition election cannot be held for a single city, or the unincorporated area of the county, unless that part of the county is the only place the tax has not been imposed. [422B.1(6)"a"]

Ballot Preparation

Please refer to the Iowa Administrative Code for the form of ballots to be used for local option sales and service tax elections. All information included in the rules prescribing the form of ballots is mandatory. [IAC 721 -- 21.801(1)]

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Information for Notices and Ballots for

Sales and Services Tax Elections

Information Required	Source	Code, IAC citation
Type of tax	Petition or Motions	422B.1(4)"a" 721--21.800(1)
Rate of tax, not more than 1%	Board of Supervisors City Councils	422B.1(8) 422B.8
Date tax will be imposed, beginning of earliest possible calendar quarter: January 1, April 1, July 1, or October 1. Timing must allow at least 40 days' notice to the Iowa Department of Revenue.	Code of Iowa, Iowa Administrative Code	422B.9 IAC 721-- 21.800(3)"b"(2)
Approximate amount of revenue that will be used for property tax relief	Board of Supervisors City Councils	422B.1(5) IAC 721-- 21.800(3)"c"
Specific statement of the other purposes for which revenue from the tax will be used. (May be used for any lawful purpose of the city or county.)	Board of Supervisors City Councils	422B.10(6) IAC 721-- 21.800(3)"c"
Optional sunset date (repeal without election). Date must be at the end of a calendar quarter: 3/31, 6/30, 9/30, 12/31	Board of Supervisors	422B.1(6)"a", final ¶ 422B.9

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Publication Sample

The following is a sample publication for a local sales and services tax election. This notice must be published at least 60 days before the election.

[422B.1(5), IAC 721--21.800(3)]

The fictional county of Roosevelt has three cities: Theodore, Eleanor and Franklin.

Notice of Local Option Tax Election

On [date] an election will be held in Roosevelt County to vote on the question of imposition of a local sales and services tax. The proposal to be voted upon at that election will include the following information:

Type of tax: Local Sales and Services Tax

Rate of tax: 1%

Date of imposition: [next possible imposition date]

The following information will appear on the ballots for the jurisdictions listed:

In the city of Theodore revenue is to be used:

50% for property tax relief

The specific purpose(s) for which revenues will otherwise be expended

is/are:

[list other planned uses, if any]

In the contiguous cities of Eleanor and Franklin revenue is to be used:

In the city of Eleanor:

99% for property tax relief

The specific purpose(s) for which revenues will otherwise be expended

is/are:

[list other planned uses, if any]

In the city of Franklin:

1% for property tax relief

The specific purpose(s) for which revenues will otherwise be expended

is/are:

[list other planned uses, if any]

In the unincorporated areas of

Roosevelt County revenue is to be used:

100% for property tax relief

Auditor's Guide to Special Elections

Calendars for Local Option Sales and Services Tax Initiated by Petition

<u>Days before</u>	<u>Event</u>	[IAC 721--21.800(1)"b-c"]
120 days	Maximum time from receipt of petition to election.	
90 days	Maximum number of days before the election date for notice by Board to Auditor. Notice must be given within 30 days of receipt of petition.*	
75 days	Last day for Supervisors to notify Auditor of election date.	
67 days	Last day for governing bodies to provide Auditor with ballot information. If nothing is submitted: 0% for property tax relief; other uses, "any lawful purpose."	
60 days	Last day to publish notice of ballot proposition.	
20 days	First day to publish election notice including sample ballot.	
4 days	Last day to publish election notice including sample ballot.	

* If the date chosen by the Supervisors conflicts with another election, the supervisors must set another date within 7 days of receiving notice from the Auditor.

Initiated by Motions of Governing Bodies

[IAC 721--21.800(2)]

<u>Days Before</u>	<u>Event</u>	
120 days	Maximum time between filing last motion and election date, unless election would fall on a prohibited date. Within 30 days, auditor and governing bodies set election date.	
105 days	Minimum time between filing motions and election date. Within 30 days, the auditor consults with governing bodies to set election date.	
67 days	Last day for governing bodies to provide Auditor with ballot information. If nothing is submitted: 0% for property tax relief; other uses, "any lawful purpose."	
60 days	Last day to publish notice of ballot proposition.	
20 days	First day to publish election notice including sample ballot.	
4 days	Last day to publish election notice including sample ballot.	

[IAC 721--21.800(1)"c"]

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Majority Approval Required

Sales and services taxes are only implemented in those jurisdictions where they are approved by a majority of those voting. Contiguous cities (cities which have shared boundaries) are considered a single incorporated area for the purpose of this tax. The sales and services tax is implemented in contiguous cities only if it is approved by a majority of the voters in the entire area. [422B.1(3), 422b.1(6)"a"]

Notice to Department of Revenue

Within ten days after the election approving LOSST the supervisors shall notify the director of the department of revenue. The department of revenue needs at least forty days' notice before the tax can be collected. Local officials shall consult with the revenue director in preparing the ordinance imposing LOSST. [422B.1(6)"b"]

Duration

The supervisors may specify a date to repeal local option sales and services tax without an election. This sunset date must appear on the ballot at the implementation election. The repeal date must be at the end of a calendar quarter (March 31, June 30, September 30, or December 31). If no sunset date appears on the ballot, the tax remains in effect for an unlimited period, or until it is repealed. See repeal sections below.

[422B.1(3), 422B.1(6)"a", final ¶; 422B.9]

Changes in the LOSST

Rate and use changes in the local option sales and services tax must be submitted to the voters. The same two methods can be used to call the election: motions by governing bodies representing more than half the population of the county or by petition. Rate and use change questions are voted upon where everywhere the tax has been imposed. [422B.1(6)"a"]

In addition to the general provisions noted above, a city council or the board of supervisors may pass a motion requesting the county auditor to hold an election at which the voters of a single city (or the unincorporated area) will be asked to approve a change in the use of the local option sales and services tax revenues. [422B.1(6)"a"]

Repeal by Election

After it has been in effect for a year, LOSST may be repealed at an election called in the same manner as the election at which the tax was imposed. The repeal election must be held everywhere the tax has been imposed in the county. [422B.1(6)"a", 422B.9]

Repeal by Motion

The city council of any city may request the repeal of the LOSST by motion at ANY time, even if the tax has been in effect less than one year. The board of supervisors shall repeal the tax. Even cities which are contiguous with others may opt out of the LOSST in this manner. The supervisors may repeal a local option sales and services tax imposed in the unincorporated area of the county on its own motion. Repeal can be effective only at the end of the calendar quarter (3/31, 6/30, 9/30, or 12/31) during which the repeal motion was adopted. (See OAG 96-10-6: *Scase to Pate*.) [422B.1(9)]

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Local Option Vehicle Tax

This is a county tax voted presented to all the voters in the county.

[422B.1(3)]

Initiating the Election

This election may be called only by petition. (The form is prescribed by administrative rules.) The petition requesting imposition of the local vehicle tax must include the rate of the tax and the classes to be exempt, if any.

The number of signatures on the petition must equal five percent (5%) of the people in the county who voted in the last preceding state general election. It is filed with the Board of Supervisors. If more than one valid petition is received the earliest one is used.

[422B.1(4)"a"; IAC 721--21.802(1)]

Information for Notices and Ballots for Vehicle Tax Elections

Information Required	Source	Code, IAC citation
Type of tax	Petition	422B.1(4)"a" 721--21.802(1)"a"
Rate of tax in increments of \$1 per vehicle	Board of Supervisors Petition	422B.1(4)"a" 422B.1(8) 721--21.802(1)"a"(1)
Classes to be exempt, if any	Petition	422B.1(5) 422B.1(4)"a"
Approximate amount of revenue that will be used for property tax relief	Board of Supervisors City Councils	422B.1(5) IAC 721--21.801(2)
Specific statement of the other purposes for which revenue from the tax will be used. <i>(Credited to the general fund of the city or county to be used solely for public transit OR shall be credited to the street construction fund for that city or the secondary road fund of that county to be used for the purposes specified in 312.6)</i>	Board of Supervisors City Councils	422B.3 IAC 721--21.800(3)"c"

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Publication Sample

The following is a sample format for publishing notice of a local vehicle tax election 60 days before the election.

Notice of Local Option Tax Election

On [date] an election will be held in Roosevelt County to vote on the question of imposition of a vehicle tax. The ballot proposition to be voted upon at that election will include the following information:

Type of tax: Local Vehicle Tax

Rate of tax: \$1 per vehicle

Classes to be exempt: [list, if any]

Uses of Revenue: 95% to be used for property tax relief. The balance of the revenues is to be credited to the general fund of the county to be used solely for public transit.

[Other uses are possible, see 422B.1(4)]

Calendar for Local Vehicle Tax Elections

[IAC 721--21.802(1)"b"]

Days Before

Event

120 days

Maximum number of days that may elapse between receipt of petition and election.

90 days

Maximum number of days before election for Supervisors to notify Auditor of election date. Notice must be given within 30 days of receipt of petition.*

75 days

Last day for Supervisors to notify Auditor of election date.

60 days

Last day to publish notice of ballot proposition.

20 days

First day to publish election notice including sample ballot.

4 days

Last day to publish election notice including sample ballot.

* If the date chosen by the Supervisors conflicts with another election, the supervisors must set another date within 7 days of receiving notice from the Auditor.

[IAC 721--21.802(1)"c"]

Ballot Preparation

For a sample ballot refer to IAC 721--21.801(2).

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Majority Approval Required

Local vehicle tax questions are voted upon county-wide and require approval of a majority of those voting on the question. [422B.1(3) & 422B.1(6)"a"]

Duration

Vehicle taxes remain effective for an unlimited period, or until repealed at an election. [422B.1(3) & 422B.1(6)"a"]

Notice to Department of Transportation

Local officials shall consult with the director of the department of transportation in preparing the ordinance imposing the local vehicle tax. Following approval, the director of the department of transportation shall be notified.

[422B.1(6)"b"]

Notes:

Local Election Ordinances

1. Counties and cities have authority to adopt ordinances spelling out procedures to conduct elections on local matters under the jurisdiction of county boards of supervisors and city councils.
 - a. The law specifically permitting local election ordinances became effective on May 19, 1997.
 - b. City councils and county supervisors can adopt these ordinances if they want to.
 - c. They are not required to do this.
2. The local election ordinance can limit the scope of matters that can be subject to these elections which are established by the ordinance.
3. The local election ordinance must be compatible with Iowa laws.
4. Local election ordinances may include procedures for:
 - a. Initiative
 - b. Referendum
 - c. Public measures
 - d. Some additional elective offices

The Secretary of State has adopted administrative rules to guide counties and cities in the preparation of local election ordinances. A copy of those rules is included on the following pages.

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ARC _____

SECRETARY OF STATE [721]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 47.1, the Secretary of State hereby amends Chapter 21, Election Forms and Instructions," Iowa Administrative Code.

With the enactment of section 1, 77GA, HF636, counties and cities have new statutory authority to adopt ordinances to conduct elections on matters under the jurisdiction of county boards of supervisors and city councils. These two new rules are promulgated to provide uniform election procedures for counties and cities drafting local election ordinances. Separate rules are provided for counties and cities. Although many provisions are common to both rules each rule is intended to provide a complete guide for the county or city in writing its own election ordinance. Included in each rule are basic definitions, a guide to the sections of existing laws that can and cannot be modified by local ordinances, and basic considerations for public measure, initiative, referendum and candidate elections.

In compliance with Iowa Code section 17A.4(2), the Secretary of State finds that notice and public participation are impracticable because of the immediate need to provide rules to implement section 1, 77GA, HF636, which became effective on May 19, 1997, upon the signature of the Governor.

In compliance with Iowa Code section 17A.5(2), the Secretary of State finds that emergency adoption of these rules confers a benefit on the public by providing a uniform structure for adoption of local election ordinances. The law authorizing these ordinances, section 1, 77GA, HF636, became effective on May 19, 1997, upon the signature of the Governor. These rules will provide guidance to city councils and county boards of supervisors who wish to take immediate advantage of this law.

This amendment is also published herein under Notice of Intended Action as ARC____ to allow public comment. This emergency filing permits the Secretary of State to immediately implement the provisions of this new law.

These rules are intended to implement section 1, 77GA, HF636.

These rules became effective May 21, 1997.

The following new rules are adopted:

721--21.30(39) County Election Ordinances. The county board of supervisors may adopt an ordinance providing for elections on matters under its jurisdiction. A copy of the county election ordinance, and any subsequent amendments, shall be filed with the county commissioner of elections.

21.30(1) Definitions.

"Initiative" means the process of proposing an ordinance by petition. The board may adopt the proposed ordinance or submit the ordinance to the voters for their approval.

"Matters under the jurisdiction of the governing body" means: any power or duty delegated by the Code of Iowa to the board of supervisors or any other matter which is within the authority of the board pursuant to Iowa Constitution, Article III, §39A. It does not include any matter under the jurisdiction of another political subdivision or the exclusive jurisdiction of the state.

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"Ordinance" means a county law of a general and permanent nature adopted pursuant to Iowa Code section 331.302.

"Public measure" means any question authorized or required by law to be submitted to the voters at an election.

"Referendum" means an election called by a petition requesting that a county ordinance adopted by the board of supervisors be submitted to the voters for their approval.

21.30(2) A county election ordinance shall not conflict with Iowa law. The following provisions shall not be modified by a county election ordinance:

a. Calling an election. The board of supervisors shall call each election. The board may authorize other entities to file petitions or requests for elections with the board, but only the board may pass a resolution calling for an election to be held on a matter under the jurisdiction of the board. The provisions of Iowa Code section 47.6 regarding withdrawal of public measures apply to elections established by ordinance of the board of supervisors. The resolution calling the election shall include:

(1) the proposed date of the election, which may be the same day as another election if the elections do not conflict as defined in Iowa Code section 47.6.

(2) the full text of each public measure to be presented to the voters of the county.

(3) the date the public measure will become effective, if approved by the voters.

(4) the titles of any offices to be filled at the election.

b. Petition. If the ordinance permits petitions requesting elections, the provisions of 331.306 shall apply. The petition shall be filed with the board; however, the minimum number of required signatures may be increased, pursuant to Iowa Code section 331.301(6).

c. Notice to the commissioner. Notice to the commissioner shall include a copy of the resolution calling the election. Notice shall be given not less than 32 days before a special election or at the time required for notice of a special election to be held with a previously scheduled election, as required by section 47.6 or 39.2(3). If the date requested conflicts with another election the county commissioner may refuse as provided in section 47.6.

d. Election day. Each election shall be held on a Tuesday, pursuant to Iowa Code section 39.2. However, the county election ordinance may set limits on the number of elections that may be held and may specify dates for those elections. If the election will be held in conjunction with another election, the calendar for the previously scheduled election shall be followed, pursuant to Iowa Code section 39.2(3).

e. Voter registration. The deadline is 11 days before the date of the election, or ten days before the general election, pursuant to Iowa Code section 48A.9.

f. The county commissioner of elections shall conduct the election as provided by state law including, but not limited to, the following requirements:

(1) Ballot preparation. Ballots shall be prepared, printed and published as required by Iowa Code chapters 43, 49, and 52, as applicable.

(2) Absentee voting: Absentee and satellite absentee voting shall be conducted as required by Iowa Code chapter 53.

(3) Precinct election officials. Precinct election officials shall be hired by the county commissioner pursuant to Iowa Code chapter 49.

g. Polling place hours. The polls shall be open from 7 am to 8 pm, pursuant to Iowa

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Code section 49.73.

h. Canvass date. The county board of supervisors shall canvass elections as specified in Iowa code section 50.24.

i. Approval of public measures. Majority approval is required for adoption of a public measure as provided in Iowa Code section 50.45. The board may set a higher percentage for approval, pursuant to Iowa Code section 331.301(6).

21.30(3) Public measures. A county election ordinance may provide for public measure elections. The ordinance shall include the following provisions.

a. Limitations, if any, on the matters that may be submitted to the voters at an election. For example: "The county of _____ may hold elections on the following matters under the jurisdiction of the board of supervisors:"

b. Petition procedures, if any. If a public measure election may be called by petition, the procedures and signature requirements shall be specified in the ordinance if they are more restrictive than the procedures specified in Iowa Code section 331.306.

(1) The formula for determining the number of signatures to be submitted on the petition.

(2) The time for filing the petition.

21.30(4) Initiative. A county election ordinance may provide for initiative elections. The following language is suggested: "The [eligible electors or registered voters] of the county may propose by petition ordinances or amendments to ordinances to the board. If the board does not adopt the proposed ordinance or amendment as submitted, the ordinance or amendment shall be submitted to the voters for their approval or disapproval at an election. If a majority of voters votes for adoption of the ordinance, it shall be enacted."

21.30(5) Referendum. A county election ordinance may provide for referenda. The following language is suggested: "The [eligible electors or registered voters] of the county may request by petition reconsideration of an existing ordinance, in whole or in part. If the board does not repeal the ordinance it shall be submitted to the voters for their consideration. If a majority of voters votes for repeal of the ordinance, it shall be repealed." The county election ordinance may limit the amount of time following adoption or amendment of an ordinance that it is subject to reconsideration by referendum. For example: "The petition shall be filed within [x] days following adoption [or amendment] of the ordinance."

21.30(6) Initiative and referendum ordinances shall include the following sections:

a. Subject limitations. The ordinance may limit the matters subject to initiative and referendum by providing a list of those matters that may be considered. The ordinance shall list matters, if any, not subject to initiative or referendum. The following are examples of matters that the board may wish to exclude:

1. Amendments to the following ordinances: (followed by a list of those ordinances)
2. Appropriations
3. Bond issues
4. Budget
5. County charter amendments
6. Executive or administrative matters
7. Letting of contracts

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- 8. Salaries
- 9. Special assessments
- 10. Tax levies

b. Resubmission. The ordinance shall state the period of time which shall elapse after an initiative or referendum election before the same matter may be reconsidered. For example: "For [x] years after an election on a matter proposed by initiative or referendum petition no initiative or referendum petition shall be filed calling for an election on substantially the same matter."

c. Board repeal, amendment or reenactment. The ordinance shall state the period of time which shall elapse after an initiative or referendum election before the board may act on the same matter. For example: "For [x] years after an election on an ordinance proposed by initiative petition and adopted by the board without submission to the voters, or adopted by the voters at an election, the board shall not repeal or amend the ordinance, unless other provisions for amendment or repeal are included in the original ordinance. For [x] years after an election on an ordinance placed on the ballot by referendum petition and repealed by the board without submission to the voters, or repealed by the voters at an election, the board shall not reenact the ordinance, unless other provisions for reenactment are included in the referendum petition."

d. Affidavit of circulators. The ordinance shall require a simple process for petitioners to notify the board and the county commissioner of their intention to circulate an initiative or referendum petition. For example: "Before circulating an initiative or referendum petition one or more [registered voters or eligible electors] shall file an affidavit with the county commissioner. The affidavit shall include the name, address and telephone number of a person who is responsible for circulating the petition and the full text of the proposed initiative ordinance or citation of the ordinance to be reconsidered."

e. Petition. Petition forms shall include space for signatures, the street address of each signer and the date each person signed the petition. Copies of the proposed ordinance shall be included on or attached to each petition page. The requirements of Iowa Code section 331.306 shall apply unless the board establishes a higher minimum number of signatures pursuant to 331.301(6).

21.30(7) The county election ordinance may provide for the election of one or more officers specified in the Code of Iowa to be appointed by the board of supervisors. The following information shall be included in the ordinance:

- a. Title of the office.
- b. Length of term.
- c. Whether the office shall be elected on a partisan or nonpartisan basis. Nominations for all partisan offices shall be made at the primary election, or as otherwise provided by Iowa Code chapter 43. Nonpartisan offices are filled without reference to the political affiliation of the candidates on the ballot and may be filled at the general election, or at another election.

d. Time of election. All elections are held on Tuesday. A specific time, such as at the time of the general election, shall be specified in the ordinance. The time of the election shall be specified in the ordinance, but shall not be on the same day as the regular school

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election held on the second Tuesday in September, or at the time of the primary election.

e. Qualifications, if any, necessary to run for or to hold the office, such as:

- Age.
- Residence, where and for how long?
- Training or other qualifications.
- Registered voter or eligible elector
- Limitations. When must a candidate meet these qualifications? When nomination papers are filed? At the time of the election? When taking office?

f. Candidate filing deadline and the method for making nominations, which shall be consistent with the requirements of chapter 43, 44 or 45.

g. The method for filling vacancies shall be specified in the ordinance.

This rule is intended to implement section 1, 77GA, HF636.

721--21.31(39) City Election Ordinances. The city council may adopt an ordinance providing for elections on matters under its jurisdiction. A copy of the city election ordinance, and any subsequent amendments, shall be filed with the county commissioner of elections.

21.31(1) Definitions.

"Initiative" means the process of proposing an ordinance by petition. The council may adopt the proposed ordinance or submit the ordinance to the voters for their approval.

"Matters under the jurisdiction of the governing body" means: any power or duty delegated by the Code of Iowa to the city council or any other matter which is within the authority of the council pursuant to Iowa Constitution, Article III, §38A. It does not include any matter under the jurisdiction of another political subdivision or the exclusive jurisdiction of the state.

"Ordinance" means a city law of a general and permanent nature adopted pursuant to Iowa Code chapter 380.

"Public measure" means any question authorized or required by law to be submitted to the voters at an election.

"Referendum" means an election called by a petition requesting that a city ordinance adopted by the city council be submitted to the voters for their approval.

21.31(2) A city election ordinance shall not conflict with Iowa law. The following provisions apply to all elections and shall not be modified by ordinance:

a. Calling an election. The city council shall call the election. The council may authorize other entities to file petitions or requests for elections with the council, but only the council may pass a resolution calling for an election to be held on a matter under the jurisdiction of the council. The provisions of Iowa Code section 47.6 regarding withdrawal of public measures apply to elections established by ordinance of the city council. The resolution calling the election shall include:

- the proposed date of the election, which may be the same day as another election if the elections do not conflict as defined in 47.6.

- the full text of each public measure to be presented to the voters of the city.
- the date the public measure will become effective, if approved by the voters.
- the titles of any offices to be filled at the election.

b. Petition. If the ordinance permits petitions requesting elections, the provisions of

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362.4 shall apply. The petition shall be filed with the board; however, the minimum number of required signatures may be increased, pursuant to Iowa Code section 364.3(3).

c. Notice to the commissioner: The notice shall include a copy of the resolution calling the election. The council shall provide not less than 32 days' notice for a special election or shall comply with the requirements for holding a special election with a previously scheduled election, as required by sections 47.6 and 39.2.(3). If the date requested conflicts with another election the county commissioner may refuse as provided in section 47.6.

d. Election day. The election shall be held on a Tuesday, pursuant to Iowa Code section 39.2. However, the city election ordinance may set limits on the number of elections that may be held and may specify dates for those elections. If the election will be held in conjunction with another election, the calendar for the previously scheduled election shall be followed, pursuant to Iowa Code section 39.2(3).

e. Voter registration. The deadline is 11 days before the date of the election, or ten days before the general election, pursuant to Iowa Code section 48A.9.

f. The county commissioner of elections shall conduct the election as provided by state law, including, but not limited to, the following requirements:

(1) Ballot preparation. Ballots shall be prepared, printed and published as required by Iowa Code chapters 43, 49, and 52, as applicable.

(2) Absentee and satellite absentee provisions of chapter 53.

(3) Precinct election officials. Precinct election officials shall be hired by the county commissioner pursuant to chapter 49.

g. Polling place hours. The polls shall be open from 7 am (or noon) until 8 pm, pursuant to Iowa Code section 49.73.

h. Canvass date. The county board of supervisors shall canvass elections as specified in Iowa Code section 50.24.

i. Approval of public measures. Majority approval is required for adoption of a public measure as provided in Iowa Code section 50.45. The council may set a higher percentage for approval, pursuant to Iowa Code section 364.3(3).

j. The city shall pay the costs of all elections called pursuant to the city election ordinance, as provided in Iowa Code section 47.3.

21.31(3) Public measures. A city election ordinance may provide for public measure elections. The ordinance shall include the following provisions:

a. Limitations, if any, on the matters that may be submitted to the voters at an election, for example: "The city of ____ may hold elections on the following matters under the jurisdiction of the city council:"

b. Petition procedures, if any. If a public measure election may be called by petition, the procedures and signature requirements shall be specified in the ordinance if they are more restrictive than the procedures specified in Iowa Code section 362.4, including,

1. The formula for determining the minimum number of signatures to be submitted on the petition.

2. The time for filing the petition.

21.31(4) Initiative. A city election ordinance may provide for initiative elections. The following language is suggested: "The [eligible electors or registered voters] of the city

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may propose ordinances or amendments to ordinances by petition to the council. If the council does not adopt the proposed ordinance or amendment as submitted, the ordinance or amendment shall be submitted to the voters for their approval or disapproval at an election. If a majority of voters votes for adoption of the ordinance, it shall be enacted."

• 21.31(5) Referendum. A city election ordinance may provide for referenda. The following language is suggested: "The [eligible electors or registered voters] of the city may request by petition reconsideration of an existing ordinance, in whole or in part. If the council does not repeal the ordinance it shall be submitted to the voters for their consideration. If a majority of voters votes for repeal of the ordinance, it shall be repealed." The city election ordinance may limit the amount of time following adoption or amendment of an ordinance that it is subject to reconsideration by referendum. For example: "The petition shall be filed within [x] days following adoption [or amendment] of the ordinance."

21.31(6) Initiative and referendum ordinances shall include the following sections:

a. Subject limitations. The ordinance may limit the matters subject to initiative and referendum by providing a list of those matters that may be considered. The ordinance shall list matters, if any, not subject to initiative or referendum. The following are examples of matters the council may wish to exclude:

1. Amendments to the following ordinances: (followed by a list of those ordinances)
2. Appropriations
3. Bond issues
4. Budget
5. City charter amendments
6. Executive or administrative matters
7. Letting of contracts
8. Salaries
9. Special assessments
10. Tax levies

b. Resubmission. The ordinance shall state the period of time which must elapse after an initiative or referendum election before the same matter may be reconsidered. For example: "For [x] years after an election on a matter proposed by initiative or referendum petition no initiative or referendum petition shall be filed calling for an election on substantially the same matter."

c. Council repeal, amendment or reenactment. The ordinance shall state the period of time which must elapse after an initiative or referendum election before the council may act on the same matter. For example: "For [x] years after an election on an ordinance proposed by initiative petition and adopted by the council without submission to the voters, or adopted by the voters at an election, the council shall not repeal or amend the ordinance, unless other provisions for amendment or repeal are included in the original ordinance. For [x] years after an election on an ordinance placed on the ballot by referendum petition and repealed by the council without submission to the voters, or repealed by the voters at an election, the council shall not reenact the ordinance, unless other provisions for reenactment are included in the referendum petition."

d. Affidavit of circulators. The ordinance shall require a simple process for

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petitioners to notify the council of their intention to circulate an initiative or referendum petition. For example: "Before circulating an initiative or referendum petition one or more [registered voters or eligible electors] shall file an affidavit with the city clerk. The affidavit shall include the name, address and telephone number of a person who is responsible for circulating the petition and the full text of the proposed initiative ordinance or citation of the ordinance to be reconsidered."

e. Petition. Petition forms shall include space for signatures, the street address of each signer and the date each person signed the petition. Copies of the proposed ordinance shall be included on or attached to each petition page. The requirements of Iowa Code section 362.4 shall apply unless the council establishes a higher minimum number of signatures pursuant to 364.3(3).

21.31(7) The council may provide for the election of additional city officers.

a. The following requirements for elections of additional city officers shall not be modified in the ordinance:

(1) The term of office shall be 2 years unless otherwise specified in the city charter or changed by petition and election as provided in section 376.2.

(2) All elections of city officials shall be conducted as provided in chapter 376. The method for nominations shall be consistent with the method used for other elective city offices.

(3) All vacancies shall be filled pursuant to 372.13(2).

b. The following information shall be included in the ordinance:

(1) Title of the office.

(2) Qualifications necessary to hold the office, such as the following:

- Age.
- Residence, where and for how long?
- Training or other qualifications.

This rule is intended to implement section 1, 77GA, HF636.

Paul D. Pate, Secretary of State
May 21, 1997

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