

Elections

▶ 1997 edition ◀

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1997

City Clerk's Guide

to

City Elections

inside:

An overview
of the
city clerks
role and
responsibilities
in
**CITY
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.*

City Clerk's Guide to City Elections

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Candidate Guides

City Election Calendars

For Cities with Primary Elections

For Cities with Nominations Under Chapter 44 or 45

For Cities with Runoff Elections

Code of Iowa, Chapter 376, City Elections

Code of Iowa, Section 372.13, Vacancies in City Offices

Please Discard the Previous Edition!

Introduction

Iowa law provides cities with a variety of choices for the election of city officials. There are four nomination processes:

- ① Primary Election (candidates file nomination petitions)
- ② Runoff Election (candidates file nomination petitions)
- ③ Nomination by Petition, with only one election (Chapter 45)
- ④ Nomination by Convention, with only one election (Chapter 44)

The type of nomination process must be certified by the city clerk to the county auditor no later than 77 days before the regular city election. After certification, the nomination process cannot be changed unless the change will go into effect only for later city elections.

Primary Election

If the city's ordinances do not include a specific provision naming a nomination process, Iowa law requires that the primary election process be used. *Effective July 1, 1997, the filing period for cities with primary elections is shorter and earlier than it is for other cities.* Candidates file nomination petitions to get on the ballot. The number of signatures needed by each candidate is determined by the number of votes cast for that office at the previous election. If there are one or two (or no) candidates for an office no primary election is held for that office.

If there are more than two candidates for an office a primary election is held four weeks before the regular election. Only the offices with more than two candidates are included on the ballot at the primary election. The two candidates who receive the most votes are declared nominated and their names appear on the ballot at the regular city election.

The other types of nomination processes must be adopted by ordinance.

Nomination by Petition, Chapter 45

The number of signatures needed on a nomination petition is based upon the population of the city. The regular city election is the only election held if nominations under chapter 45 have been adopted. No primary or runoff elections are required. Some cities allow nominations to be made under either chapter 45 or chapter 44.

Nomination by Convention, Chapter 44

Candidates are nominated by conventions of nonparty political organizations. Iowa law requires that a minimum number of people attend the convention or the convention is not valid. The regular city election is the only election held if nominations under chapter 44 have been adopted. No primary or runoff elections are required. Some cities allow nominations to be made under either chapter 45 or chapter 44.

City Clerk's Guide to City Elections

Runoff Election

This option must be adopted by ordinance. Candidates file nomination petitions to get on the ballot. The number of signatures needed by each candidate is determined by the number of votes cast for that office at the previous election. All of the candidates' names appear on the ballot at the regular city election in November. Only candidates who receive a majority of the votes can be declared elected.

If no candidate receives a majority of the votes cast for an office, or if a write-in winner declines to accept election, a runoff election is held for those offices four weeks after the regular election. No more than two candidates for each office are declared nominated and their names appear on the ballot at the runoff election. Candidates for the runoff election cannot withdraw.

City Clerk's Guide to City Elections

Responsibilities and Planning Tips

Refer to Page --

Any Questions? Before the filing period begins, check with the city council to see whether they wish to include any questions on the ballot. (The filing deadline for cities to submit questions to the auditor is the day after nominations close.)

5
PLANNING WORKSHEET

PLANNING WORKSHEET. This form is to help you determine what offices must be on the ballot. Completing Part III (and filing on time) will fulfill the requirement that you report your city's nomination process to the auditor. [376.6]

4 & 5
PLANNING WORKSHEET

Nomination papers -- Out. You must provide nomination papers and candidate guides to anyone who asks for them.

6
DISTRIBUTING
NOMINATION PAPERS

Nomination papers -- In. During the period when candidates may file nomination papers someone must be in your office to receive them. Examine papers for compliance with requirements.

7 & 8
RECEIVING
NOMINATION PAPERS

Filing deadline hours. On the last day for candidates to file nomination papers the City Clerk's office must be open until 5 p.m.

7

Deliver to the Auditor. The day after nominations close deliver to the county auditor:

- ✓ All nomination papers and candidates' affidavits
- ✓ Council's action requesting inclusion of any questions on the regular city election ballot,
- ✓ Complete text of all questions.

For Additional Information -- Contact

The County Auditor:

or

The Elections Division
Office of the Secretary of State
Hoover Building
Des Moines, Iowa 50319

[NAME]

(515) 281-5865
voice or TDD

[TELEPHONE]

City Clerk's Guide to City Elections

Planning Worksheet

City Of: _____

Part I: Ballot Planning--Offices

Purpose: To determine which offices will be on the ballot for this year's city election.

Instructions:

- Office.**
List all offices that are filled by election, even if the term ends in two years. Examples of offices to include are city council member and mayor. DO NOT list any offices that are always filled by appointment (e.g.: city clerk and treasurer).
- Term.**
In column 2 put the number of years (2 or 4) a person elected to a full term would serve for each office listed in column 1.
- Date Term Ends.**
In column 3 indicate the date the term expires. If the incumbent was elected or appointed to fill a vacancy, use the expiration date of the term the last time a person was elected to the seat for a full term.
- Name of Incumbent.**
In column 4 list the names of all persons who are currently holding the offices listed in column 1. Include the names of persons who were temporarily appointed to fill vacancies in elective offices.
- Date Appointed.**
If the incumbent was **appointed** to the office, indicate the date of the appointment in column 5. If the incumbent has been elected since initially assuming office by appointment, leave the appointment date blank.

1. Office	2. Term	3. Date Term Ends	4. Name of Incumbent	5. Date Appointed

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Part II: Ballot Planning-- Public Measures

Purpose: To determine whether or not questions will be on the city election ballot.

Instructions: Check appropriate response to the following question:

Does your city council plan to include any public measures (questions) on the ballot at

the regular city election?

YES NO MAYBE

Please Note: Public measures must be filed in the office of the County Auditor no later than 5 P.M. on Friday, September __, ____.

Part III -- Type of Nomination Process

Purpose: To determine which election calendar to follow in planning elections for your city and the number of signatures needed by candidates. *PLEASE NOTE: Reporting this information is required by law. See Iowa Code Section 376.6.*

Instructions: Mark the method your city has chosen for making nominations. For all methods other than primary elections attach a copy of the ordinance mandating your nomination process.

Primary Election: Default, no action by city council needed.

Regular Election, followed by **Runoff Election**, if needed. [376.9]

One Election only: Chapter 44 and/or Chapter 45

Part IV -- Population

Purpose: To determine whether polls may be opened at noon and the number of signatures needed in cities with nominations under chapter 45.

Instructions: Check the appropriate population range for your city --

3,501 or greater

100-3,499

exactly 3,500

less than 100

If the population of your city is 3,500 or less, would you prefer to have the polls opened at noon, rather than 7 A.M.? YES NO

Part V -- Publication

Purpose: To determine in which newspaper(s) to publish the notice of election.

Instructions: List the newspaper(s) in which you would like the notice of election to be published: _____

Signed: _____
City Clerk

Date: ___/___/___

City Clerk's Guide to City Elections

Distributing Nomination Papers

1. **Forms.** Give nomination papers to anyone who asks for them.
 - a. **Nominations by Petition**
 - i. Affidavit by Candidate. Secretary of State Form 2-M
 - ii. Petition Form. Secretary of State form 2-H.
 - b. **Nominations by Convention**
 - i. Affidavit by Candidate. Secretary of State Form 2-N
 - ii. Nomination by Convention Form 2-I (only for Chapter 44).
2. **Office list.** Using the information from the **Planning Worksheet**, the county auditor will provide you with a list of the offices that will appear on the ballot, including which offices are to be voted upon to fill vacancies. Give copies of this list with the nomination papers.
3. It is not necessary to
 - a. Fill out the tops of petitions for candidates.
 - b. Record names of people who request papers.
4. **Other sources.** Nomination papers are also available from
 - a. county auditors
 - b. other cities and counties
 - c. vendors and printers
 - d. people may make their own.
5. **Signatures needed.** The number of signatures varies with type of nomination process.
 - a. **Chapter 45:** flat rate based on population
 - i. 3,500, or more = 25 signatures
 - ii. 100 - 3,499 = 10 signatures
 - iii. 99 or fewer = 5 signatures [45.1]
 - b. **Primary or Runoff:** 2% of votes cast for office the last time it was on the ballot.

For at-large council seats, divide the total number of votes by the number of seats on the ballot at the election two years ago, then multiply by .02. Compare your results with the county auditor to be sure that both offices are providing the same information. [376.4]
 - c. **Chapter 44:** no signatures, nomination certificates must show attendance by at least ten (10) eligible electors, including one person from each of at least one half of the precincts in the city. [44.1]
6. **Candidate Guides.** Make photocopies of the Guides and give a copy to each person who receives nomination papers.

City Clerk's Guide to City Elections

Receiving Nomination Papers

1. **No Early or Late Filing.**

No nomination papers can be accepted before the filing period begins or after 5:00 p.m. on the last day nomination papers may be filed with the city clerk.

First day to file = 71 days before the regular city election.

Last day to file = 47 days before the regular city election.

For cities with primary elections the filing period is 85 to 68 days before the regular city election.

2. **City Clerk or Clerk's Designee May Receive Papers.**

Nomination papers must be filed with city clerk or the clerk's designee.

☞ Candidates may NOT file nomination papers with the auditor.

3. **Designate Substitute.**

If the city clerk is not available during usual business hours, a substitute must be designated to receive nomination papers.

4. **Required Office Hours on Last Day to File.**

City clerks are required by law to have their offices open until 5 p.m. on the last day candidates may file nomination papers.

5. **Written Objections Required.**

If nomination papers appear to meet the basic requirements, you shall accept them for filing. Questions about the qualifications of candidates or the legal sufficiency of nomination papers are resolved by a formal examination following written objections. Objections must be filed with the city clerk no later than 35 days before the date of the regular city election. [376.4, 44.4, 44.5, 44.8]

6. **Personal Filing Not Required.**

It is not necessary for the candidate to appear in person to file the nomination papers. Completed forms may be delivered by someone else.

7. **Examination Guidelines.**

Examine the nomination papers carefully to be sure that all requirements are met:

a. **Affidavit by Candidate.** Check the following information:

- i. Office and district or ward, if any.
- ii. Vacancy candidates: If the candidate running for an office that is on the ballot to fill a vacancy, the words "TO FILL VACANCY" must appear on the affidavit and the petition.
- iii. Candidate's name --
 - (1) Legibly printed at the top, signed at bottom. If the name is unclear, print it neatly at the top of the affidavit.
 - (2) No titles, parentheses, or quotation marks are allowed.
 - (3) Address, city, county and zip code.

City Clerk's Guide to City Elections

- (4) Election date: (the date of the Regular City Election).
- iv. Signed by the candidate and the signature notarized. If necessary, the city clerk may witness the signature of the candidate. The affidavit must be signed in the presence of the clerk, or any notary.
 - v. Affidavits must be filed at the same time as the nomination petition.
 - vi. Affidavits by Candidate may be FAXED to the office if the original is also mailed to the County Auditor. Be sure to report to the auditor that the original will arrive in the mail. Nomination petitions may not be FAXED.
- b. **Petition pages must be fastened together.**
 - i. All pages of the petition must be securely fastened together. Staples are the best method.
 - ii. We do not want to lose any part of anyone's nomination petition.
 - c. **Petition must be properly filled out.**
 - i. Information should be the same on both the petitions and affidavit.
 - ii. All pages must be filled out at the top.
 - d. **Count the signatures.**
 - i. Be sure that the minimum number of signatures has been filed.
 - ii. Do not count signatures which have been crossed out.
 - e. **Written Objections Required.**

If nomination papers appear to meet the basic requirements, you must accept them for filing. See also item 5 on the previous page.
 - f. **Return unacceptable nomination papers.**

If the papers are not acceptable, return them to the person who delivered them. The papers may be corrected and refiled before the deadline.
 - g. **Date & Time.** Note the date and time of filing on both the affidavit and the nomination papers.
 - h. **Receipt.** Issue a receipt for the nomination papers.
 - i. **Copy affidavit.** Keep a photocopy of each candidate's affidavit, **OR**
 - j. **Candidate list.** Keep a list of the names of candidates and the offices for which they have filed.
 - k. **Deliver all nomination papers and questions to auditor by 5 pm Friday.** Friday, the day after the deadline, deliver the nomination papers, along with the full text of any questions for the ballot to the auditor's office. They must be filed before 5 p.m.

Write-in Votes in City Elections

Iowa laws about write-in votes are different for city elections than for any other type of election. *Please read these instructions carefully.*

Write-in Votes Permitted

Write-in votes are permitted in all elections for elective city offices. This includes primary, regular, and runoff elections.

If a Write-in Candidate is Elected

This section refers only to elections (regular city election or runoff) at which a write-in candidate was declared elected. This does not apply to primary elections or the regular election before a runoff when a write-in candidate is nominated to appear on the ballot at a later election. If a write-in candidate wins an election and **wants the job:**

1. No affidavit of candidacy is needed.
2. The person is declared elected, just as anyone whose name was printed on the ballot and won the election.

If a Write-in Candidate is Elected, then Declines the Office

This section applies only to cities with no runoff provision, that is, cities under Chapter 44, Chapter 45 or with primary elections. Separate sections are included for primary and runoff elections.

If a write-in candidate wins an election and does NOT want the job, the winning candidate may submit a letter of resignation to the city clerk by 5 p.m. on the day after the canvass. Then--

1. The city clerk notifies the person who received the next-highest number of votes.
2. If that person accepts, the person shall be considered the duly elected officer UNLESS
 - a. a petition is filed requesting a special election, and
 - b. the petition is signed by eligible electors of the city equal in number to 25% of the people who voted for the office in the election.
3. If that person declines in writing within ten days --
 - a. the office is vacant at the end of the term.
 - b. the vacancy shall be filled pursuant to 372.13.
 - c. an appointment may be made before the end of the current term.

City Clerk's Guide to City Elections

[P] Write-in Votes in City Primary Elections

1. Any person who receives write-in votes at a city primary election and who wants to be eligible for the regular city election must file an affidavit of candidacy. The auditor should notify the write-in candidates of this requirement. Filing must be:
 - a. by 5 p.m. on the day following the canvass.
 - b. with city clerk or with auditor.
2. The county auditor shall disregard the write-in votes for any write-in candidate who does not file an affidavit of candidacy.
3. Notations shall be made on the abstract showing which persons received write-in votes and filed affidavits of candidacy.
4. The total number of votes cast for the office shall be amended by subtracting the write-in votes of candidates who did not file the affidavit.

[R] Write-in Votes in Cities with Runoff Provisions

If a person who was elected by write-in votes chooses not to accept the office:

1. The winner must file a notice of resignation with the city clerk or with the commissioner by 5 p.m. on the day following the canvass.
2. All remaining persons who received write-in votes and wish to be on runoff ballot must file affidavits of candidacy with the city clerk or county commissioner by 5 p.m. on the fourth day following the canvass. The auditor should notify the write-in candidates of this requirement.
3. The abstract of votes shall be amended to show that the person who was declared elected declined the office and a notation shall be made next to the names of those persons who did not file an affidavit.
4. The runoff election must be held even if one of the remaining candidates has a majority of the votes after the write-in votes are disregarded.

If a runoff is necessary and write-in votes were cast:

1. Everyone who received write-in votes and who wants to be eligible for the runoff election must file an affidavit of candidacy; the votes for any person who received write-in votes and does not file an affidavit will be disregarded. The auditor should notify the write-in candidates of this requirement.
2. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. The runoff election must be held even if the abstract now shows that someone received a majority. [376.11]

City Clerk's Guide to City 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 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
68* or 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

* *Filing deadline is earlier for cities with primaries, more than 60 days' notice needed.*

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. All vacancies not previously filled by election must go on the ballot. [372.13(2)"b"; 69.12(1)"a"(2)]

Nominations

The signature formula and petition forms are the same for special vacancy elections as they are for the regular city election. The filing period begins as soon as the notice is given to the auditor and ends 47 (or 68) days before the date set for the special election.

Candidate Guides

For Candidates Seeking



Nomination by Petition

for cities with Primary Elections



Nomination by Petition

for cities under Chapter 45 & cities with Runoff Elections



Nomination by Convention

There are three Guides. Each is updated in odd-numbered years.



PAUL D. PATE
Secretary of State
State of Iowa

CANDIDATE'S GUIDE

City Election

November 4, 1997

*For Candidates Seeking Nomination By Petition
In Cities With Primary Elections*

WHERE TO GET NOMINATION PAPERS -

Call, write or visit: City Clerk or County Auditor's Office

QUALIFICATIONS -

Candidates for election to city offices must be eligible electors of the city. An eligible elector is a person who meets all of the qualifications to register to vote whether or not the person is registered. Candidates who are seeking election from wards must be residents of the ward at the time the nomination petition is filed and at the time of the election.

NOMINATIONS -

There are three methods of getting one's name on the ballot for city elections. **Ask your City Clerk or County Auditor which of the following applies to your city:**

(1) For cities with Primary Elections or Runoff Provisions (by petition)

Candidates are nominated by petition. Each petition must include a number of signatures equal to at least 2% of the number of people who voted to fill the same office at the last regular election, but not less than 10 signatures. No city will have both a primary and a runoff election.

(2) For cities with nominations under Chapter 45 (by petition)

Candidates are nominated by petition. The minimum number of signatures is based on the population of the city:

<u>Population of the City</u>	<u>Signatures Required</u>
Less than 100	5
100 or more, but less than 3,500	10
3,500 or more	25

NOTE: In Chapter 45 cities there is no primary or runoff election.

(3) For cities with nominations under Chapter 44 (by convention)

Nominations are made by a convention attended by at least ten (10) eligible electors, including at least one eligible elector from one-half of the voting precincts in the city.

NOTE: In Chapter 44 cities there is no primary or runoff election.

NOTE: A separate guide is available for candidates who will be nominated by convention.

WHERE TO FILE -

In the Office of the City Clerk

WHEN TO FILE -

FIRST DAY - Monday, August 11, 1997

LAST DAY - Thursday, August 28, 1997 **no later than 5 p.m.**

There are no filing fees.

CHECKLIST FOR NOMINATION PETITIONS

1. Getting ready to circulate the nomination petitions:

- FILL IN THE TOP. At the top of each page fill in all information requested, including the name of the candidate, the office sought, and the ward or district number, if any.
- INDICATE IF TO FILL VACANCY. If you are seeking election to fill a vacancy in a city office, be sure to indicate that fact on your nomination papers. For example, FOR THE OFFICE OF: Mayor, To Fill Vacancy.
- CHECK WARD OR DISTRICT NUMBER. Be sure that the correct district number is on each page of the nomination petitions, if it is needed.
- CANDIDATE'S NAME. Be sure that the candidate's name is plainly printed or typed exactly as the candidate wishes it to appear on the ballot, and in exactly the same form on each page of the petition and on the Affidavit by Candidate. Only the candidate's name may be used; no parentheses, quotation marks or titles may be included.

2. Circulating the petitions:

- SIGNERS MUST BE QUALIFIED. Each signer must:
 1. Be an eligible elector of Iowa (meets the qualifications to register, but is not necessarily registered to vote).
 2. Be a resident of the city. Signers of petitions for candidates for ward seats must be residents of the ward when they sign.
 3. The candidate may not sign the petition. [45.3]
- INCLUDE ADDRESSES AND DATES. All signers of nomination petitions must include their residences (number, street or rural route, and city) and the date of signing.

3. Filing out the affidavit by each candidate:

- NOMINATION PAPERS WILL NOT BE ACCEPTED WITHOUT AN AFFIDAVIT BY CANDIDATE.
- INCLUDE OFFICE NAME AND WARD OR DISTRICT NUMBER. Be sure that the affidavit includes the name of the same office and ward or district number that appear on the nomination petition.
- CANDIDATE'S NAME. The candidate's name must appear on the affidavit in **exactly** the same form as it appears on the nomination petition. This must be plainly printed or typed exactly as the candidate wishes the name to appear on the ballot. Only the candidate's name may be used; no parentheses, quotation marks, or titles may be included.
- NOTARY REQUIRED. A notary public must be present when the candidate signs the affidavit. The notary must also sign the Affidavit by Candidate and include the official title - Notary Public. Other officers who may legally witness oaths may substitute for a notary.
- CANDIDATE'S SIGNATURE. The spelling of the name, including initials, should be **exactly** the same as the spelling of the name on the nomination petitions and as printed on the affidavit. The candidate must sign the affidavit in front of a notary public, or other officer who is empowered to witness oaths.

4. Getting ready to file:

- COUNT THE SIGNATURES. It is wise to file more than the required minimum number of signatures.
- BE SURE YOU ARE READY. Once the nomination papers have been accepted for filing nothing can be added to them and they cannot be returned to the candidate.
- STAPLE ALL PETITIONS TOGETHER AT THE TOP. DO NOT USE paper clips, rubber bands, or metal clamps.

5. Filing with the City Clerk:

- AFFIDAVIT AND PETITIONS MUST BE FILED TOGETHER.** No papers will be accepted without both an Affidavit by Candidate and the nomination petitions. The affidavit may be submitted by facsimile machine if the original is mailed to the County Auditor no later than the filing deadline.
 - FILE AS EARLY AS POSSIBLE.** Your nomination papers will be inspected for completeness before they are accepted for filing. If the papers do not meet minimum filing requirements, they will not be accepted for filing and will be returned. If you file early, you may have time to correct your error and to resubmit your papers.
 - IF YOU MAIL YOUR PAPERS.** Remember that your papers must be received by the city clerk before 5 p.m. on September 18. **Postmark dates don't count.**
 - THE DEADLINE IS FIVE O'CLOCK.** Papers presented after 5 p.m. on September 18 will be rejected.
-

1997 CITY ELECTION CALENDAR

<u>DAY AND DATE</u>	<u>EVENT</u>
Monday, August 11	CANDIDATE FILING BEGINS First day to file with the City Clerk.
Thursday, August 28	CANDIDATE FILING DEADLINE Last day to file nomination papers in the Office of the City Clerk. Deadline is 5 p.m. City Clerk's Offices are required by law to be open until 5 p.m.
Tuesday, September 23	WITHDRAWAL DEADLINE Last day for candidates to withdraw by filing a written request with the City Clerk. [NOTE: Although the filing deadline changed, the withdrawal and objection deadline did not.]
Tuesday, September 23	OBJECTION DEADLINE Last day to file written objections to nomination papers or eligibility of candidate with the City Clerk.
Friday, September 26	VOTER REGISTRATION DEADLINE Registration closes at 5 p.m. for Primary Election. Forms postmarked by Monday, September 22 are considered on time even if received after today.
Tuesday, October 7	PRIMARY ELECTION DAY , if necessary. A primary must be held in some cities for offices for which the number of individuals for whom valid petitions are filed is more than twice the number of positions to be filled. (Primary elections are held only in cities where the council has not chosen another nominating process.)
Thursday October 9	CANVASS OF VOTES - PRIMARY CITIES ONLY Canvass by Board of Supervisors at 1 p.m. for cities which held primary elections.
Friday, October 10	WRITE-IN NOMINEES' FILING DEADLINE - PRIMARY ELECTION Persons nominated by write-in votes in primary elections must file affidavits of candidacy with the City Clerk or County Auditor by 5 p.m. or write-in votes shall be disregarded.
Friday, October 24	VOTER REGISTRATION DEADLINE Registration closes at 5 p.m. for Regular City Election. Forms postmarked by Monday, October 20 are considered on time even if received after today.
Tuesday, November 4	REGULAR CITY ELECTION DAY Polls open at 7 a.m. and close at 8 p.m. Exception: under some conditions, the polls may be opened at noon.

Monday,
November 10

CANVASS OF VOTES

Canvass by Board of Supervisors for all cities with nominations under Chapter 44 or 45; and cities with primaries.

Tuesday,
November 11

VETERAN'S DAY - HOLIDAY

Thursday,
November 13

RECOUNT REQUEST DEADLINE

Written Request for a recount must be filed in the Office of the County Auditor by 5 p.m.

For more information please contact:

The Elections Division
Office of the Secretary of State
Hoover Building, 2nd Floor
Des Moines, Iowa 50319

515/281-5865 (voice or TDD)

or your County Auditor

or the City Clerk

Note: The information furnished in this pamphlet has been compiled in the Office of the Iowa Secretary of State to assist candidates and the public in meeting the requirements of Iowa's election laws. If any errors in compilation or computation have occurred, or if there have been amendments to the Iowa Code, the provisions of the Iowa Code and the Session Laws shall prevail.



PAUL D. PATE
Secretary of State
State of Iowa

CANDIDATE'S GUIDE
City Election

November 4, 1997

*For Candidates Seeking Nomination By Petition
 (Cities under Chapter 45 or Runoff)*

WHERE TO GET NOMINATION PAPERS -

Call, write or visit: City Clerk or County Auditor's Office

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NOMINATIONS -

There are three methods of getting one's name on the ballot for city elections. **Ask your City Clerk or County Auditor which of the following applies to your city:**

(1) For cities with Primary Elections or Runoff Provisions (by petition)

Candidates are nominated by petition. Each petition must include a number of signatures equal to at least 2% of the number of people who voted to fill the same office at the last regular election, but not less than 10 signatures. No city will have both a primary and a runoff election.

(2) For cities with nominations under Chapter 45 (by petition)

Candidates are nominated by petition. The minimum number of signatures is based on the population of the city:

<u>Population of the City</u>	<u>Signatures Required</u>
Less than 100	5
100 or more, but less than 3,500	10
3,500 or more	25

NOTE: In Chapter 45 cities there is no primary or runoff election.

(3) For cities with nominations under Chapter 44 (by convention)

Nominations are made by a convention attended by at least ten (10) eligible electors, including at least one eligible elector from one-half of the voting precincts in the city.

NOTE: In Chapter 44 cities there is no primary or runoff election.

NOTE: A separate guide is available for candidates who will be nominated by convention.

WHERE TO FILE -

In the Office of the City Clerk

WHEN TO FILE -

FIRST DAY - Monday, August 25, 1997

LAST DAY - Thursday, September 18, 1997 **no later than 5 p.m.**

There are no filing fees.

CHECKLIST FOR NOMINATION PETITIONS

1. Getting ready to circulate the nomination petitions:

- FILL IN THE TOP. At the top of each page fill in all information requested, including the name of the candidate, the office sought, and the ward or district number, if any.
- INDICATE IF TO FILL VACANCY. If you are seeking election to fill a vacancy in a city office, be sure to indicate that fact on your nomination papers. For example, FOR THE OFFICE OF: Mayor, To Fill Vacancy.
- CHECK WARD OR DISTRICT NUMBER. Be sure that the correct district number is on each page of the nomination petitions, if it is needed.
- CANDIDATE'S NAME. Be sure that the candidate's name is plainly printed or typed exactly as the candidate wishes it to appear on the ballot, and in exactly the same form on each page of the petition and on the Affidavit by Candidate. Only the candidate's name may be used; no parentheses, quotation marks or titles may be included.

2. Circulating the petitions:

- SIGNERS MUST BE QUALIFIED. Each signer must:
 1. Be an eligible elector of Iowa (meets the qualifications to register, but is not necessarily registered to vote).
 2. Be a resident of the city. Signers of petitions for candidates for ward seats must be residents of the ward when they sign.
 3. The candidate may not sign the petition. [45.3]
- INCLUDE ADDRESSES AND DATES. All signers of nomination petitions must include their residences (number, street or rural route, and city) and the date of signing.

3. Filing out the affidavit by each candidate:

- NOMINATION PAPERS WILL NOT BE ACCEPTED WITHOUT AN AFFIDAVIT BY CANDIDATE.**
- INCLUDE OFFICE NAME AND WARD OR DISTRICT NUMBER. Be sure that the affidavit includes the name of the same office and ward or district number that appear on the nomination petition.
- CANDIDATE'S NAME. The candidate's name must appear on the affidavit in **exactly** the same form as it appears on the nomination petition. This must be plainly printed or typed exactly as the candidate wishes the name to appear on the ballot. Only the candidate's name may be used; no parentheses, quotation marks, or titles may be included.
- NOTARY REQUIRED. A notary public must be present when the candidate signs the affidavit. The notary must also sign the Affidavit by Candidate and include the official title - Notary Public. Other officers who may legally witness oaths may substitute for a notary.
- CANDIDATE'S SIGNATURE. The spelling of the name, including initials, should be **exactly** the same as the spelling of the name on the nomination petitions and as printed on the affidavit. The candidate must sign the affidavit in front of a notary public, or other officer who is empowered to witness oaths.

4. Getting ready to file:

- COUNT THE SIGNATURES. It is wise to file more than the required minimum number of signatures.
- BE SURE YOU ARE READY. Once the nomination papers have been accepted for filing nothing can be added to them and they cannot be returned to the candidate.
- STAPLE ALL PETITIONS TOGETHER AT THE TOP. DO NOT USE paper clips, rubber bands, or metal clamps.

5. Filing with the City Clerk:

- AFFIDAVIT AND PETITIONS MUST BE FILED TOGETHER.** No papers will be accepted without both an Affidavit by Candidate and the nomination petitions. The affidavit may be submitted by facsimile machine if the original is mailed to the County Auditor no later than the filing deadline.
 - FILE AS EARLY AS POSSIBLE.** Your nomination papers will be inspected for completeness before they are accepted for filing. If the papers do not meet minimum filing requirements, they will not be accepted for filing and will be returned. If you file early, you may have time to correct your error and to resubmit your papers.
 - IF YOU MAIL YOUR PAPERS.** Remember that your papers must be received by the city clerk before 5 p.m. on September 18. **Postmark dates don't count.**
 - THE DEADLINE IS FIVE O'CLOCK.** Papers presented after 5 p.m. on September 18 will be rejected.
-

1997 CITY ELECTION CALENDAR

<u>DAY AND DATE</u>	<u>EVENT</u>
Monday, August 25	CANDIDATE FILING BEGINS First day to file with the City Clerk.
Thursday, September 18	CANDIDATE FILING DEADLINE Last day to file nomination papers in the Office of the City Clerk. Deadline is 5 p.m. City Clerk's Offices are required by law to be open until 5 p.m.
Tuesday, September 23	WITHDRAWAL DEADLINE Last day for candidates to withdraw by filing a written request with the City Clerk.
Tuesday, September 23	OBJECTION DEADLINE Last day to file written objections to nomination papers or eligibility of candidate with the City Clerk.
Friday, October 24	VOTER REGISTRATION DEADLINE Registration closes at 5 p.m. for Regular City Election. Forms postmarked by Monday, October 20 are considered on time even if received after today.
Tuesday, November 4	REGULAR CITY ELECTION DAY Polls open at 7 a.m. and close at 8 p.m. Exception: under some conditions, the polls may be opened at noon.
Thursday, November 6	CANVASS OF VOTES FOR RUNOFF CITIES Canvass by Board of Supervisors at 1p.m. for all cities where the council has chosen the runoff provision
Monday, November 10	WRITE-IN NOMINEE'S FILING DEADLINE - RUNOFF Persons nominated by write-in votes must file an affidavit of candidacy in the Office of the City Clerk or County Auditor by 5 p.m. or write-in votes will be disregarded.
Monday, November 10	CANVASS OF VOTES Canvass by Board of Supervisors for all cities with nominations under Chapter 44 or 45; and cities with primaries.
Tuesday, November 11	VETERAN'S DAY - HOLIDAY

Thursday,
November 13

RECOUNT REQUEST DEADLINE

Written Request for a recount must be filed in the Office of the County Auditor by 5 p.m.

Friday,
November 21

VOTER REGISTRATION DEADLINE

Registration closes at 5 p.m. for Runoff Election. Forms postmarked by Monday, November 17 are considered on time even if received after today.

**Tuesday,
December 2**

RUNOFF ELECTION DAY, if necessary

In cities where the council has chosen the runoff option, runoffs are held only for seats for which no one received a majority of the votes cast for the office.

Monday or Tuesday,
December 8 or 9

CANVASS OF VOTES - RUNOFF ELECTION

Canvass by Board of Supervisors.

For more information please contact:

The Elections Division
Office of the Secretary of State
Hoover Building, 2nd Floor
Des Moines, Iowa 50319

515/281-5865 (voice or TDD)

or your County Auditor

or the City Clerk

Note: The information furnished in this pamphlet has been compiled in the Office of the Iowa Secretary of State to assist candidates and the public in meeting the requirements of Iowa's election laws. If any errors in compilation or computation have occurred, or if there have been amendments to the Iowa Code, the provisions of the Iowa Code and the Session Laws shall prevail.



PAUL D. PATE
Secretary of State
State of Iowa

CANDIDATE'S GUIDE
City Election

November 4, 1997

For Candidates Seeking Nomination By Convention

WHERE TO GET NOMINATION PAPERS -

Call, write or visit: City Clerk or County Auditor's Office

QUALIFICATIONS -

Candidates for election to city offices must be eligible electors of the city. An eligible elector is a person who meets all of the qualifications to register to vote whether or not the person is registered. Candidates who are seeking election from wards must be residents of the ward at the time the nomination certificate is filed and at the time of the election.

NOMINATIONS -

There are three methods of getting one's name on the ballot for city elections. **Ask your City Clerk or County Auditor which of the following applies to your city:**

(1) For cities with nominations under Chapter 44 (by convention)

Nominations are made by a convention attended by at least ten (10) eligible electors, including at least one eligible elector from one-half of the voting precincts in the city.

NOTE: In Chapter 44 cities there is no primary or runoff election.

(2) For cities with nominations under Chapter 45 (by petition)

Candidates are nominated by petition. The minimum number of signatures is based on the population of the city:

<u>Population of the City</u>	<u>Signatures Required</u>
Less than 100	5
100 or more, but less than 3,500	10
3,500 or more	25

NOTE: In Chapter 45 cities there is no primary or runoff election.

(3) For cities with Primary Elections or Runoff Provisions (by petition)

Candidates are nominated by petition. Each petition must include a number of signatures equal to at least 2% of the number of people who voted to fill the same office at the last regular election, but not less than 10. No city will have both a primary and a runoff election.

NOTE: A separate guide is available for candidates who will be nominated by petition.

WHERE TO FILE -

In the Office of the City Clerk

WHEN TO FILE -

FIRST DAY - Monday, August 25, 1997

LAST DAY - Thursday, September 18, 1997 **no later than 5 p.m.**

There are no filing fees.

CHECKLIST FOR NOMINATION CERTIFICATES

1. The Convention:

CHECK ATTENDANCE. Be sure that enough people are present to meet the minimum requirements of the law:

A. At least one eligible elector from half the voting precincts in the city. Check with the County Auditor or the City Clerk for this number.

Number of precincts in the city = _____ x .5 = _____

Number of precincts represented = _____

B. At least ten people must attend. Number attending = _____

2. The nomination certificate will be certified by the chairperson and the secretary of the convention. It must include all of the following information:

ORGANIZATION NAME. The name of the organization may not exceed five words.

OFFICE TO WHICH EACH CANDIDATE IS NOMINATED. Including:

INDICATE IF TO FILL VACANCY. If an incumbent office holder resigned or died before the end of the term, the office must appear on the ballot at the next city election. If the term of office does not expire at the end of this year, you must indicate on the nomination certificate that the election is to fill a vacancy. For example, FOR THE OFFICE OF: Mayor, To Fill Vacancy.

CHECK WARD OR DISTRICT NUMBER. Be sure that the correct district number is indicated on the nomination certificate, if needed.

NAME OF EACH CANDIDATE NOMINATED. Be sure that each candidate's name is plainly printed or typed exactly as the candidate wishes it to appear on the ballot, and in exactly the same form on the nomination certificate and on the affidavit by candidate. Only the candidate's name may be used; no parentheses, quotation marks or titles may be included.

PLACE OF RESIDENCE. The street address of each nominee must be included.

VACANCY PROVISIONS. Specify the method that will be used to fill any vacancies, if candidates withdraw, die, or are found ineligible to run before the deadline.

COMMITTEE MEMBERS. Include the names and addresses of each member of the organization's executive or central committee.

DELEGATE LIST. The name and address of each delegate or voter in attendance at the convention or caucus must be included on the nomination certificate.

SIGNATURES OF CHAIRPERSON AND SECRETARY. The presiding officer and secretary must sign the certificate in front of a notary public. The officers' addresses must also be included.

3. Filing out the affidavit by each candidate:

NOMINATION CERTIFICATES MUST BE FILED WITH AFFIDAVITS BY EACH CANDIDATE.

INCLUDE OFFICE NAME AND WARD OR DISTRICT NUMBER. Be sure that the affidavit includes the name of the same office and ward or district number that appear on the nomination certificate.

CANDIDATE'S NAME. The candidate's name must appear on the affidavit in **exactly** the same form as it appears on the nomination certificate. This must be plainly printed or typed exactly as the candidate wishes the name to appear on the ballot. Only the candidate's name may be used; no parentheses, quotation marks, or titles may be included.

- NOTARY REQUIRED.** A notary public must be present when the candidate signs the affidavit. The notary must also sign the Affidavit by Candidate and include the official title - Notary Public. Other officers who may legally witness oaths may substitute for a notary.
- CANDIDATE'S SIGNATURE.** The spelling of the name, including initials, should be **exactly** the same as the spelling of the name on the nomination petitions and as printed on the affidavit. The candidate must sign the affidavit in front of a notary public, or other officer who is empowered to witness oaths.

4. Getting ready to file:

- BE SURE YOU ARE READY.** Once the nomination papers have been accepted for filing nothing can be added to them and they cannot be returned to the candidate..

5. Filing with the City Clerk:

- AFFIDAVIT AND CERTIFICATE MUST BE FILED TOGETHER.** No papers will be accepted without both an Affidavit by Candidate and the nomination certificate. The affidavit may be submitted by facsimile machine if the original is mailed to the County Auditor no later than the filing deadline.
- FILE AS EARLY AS POSSIBLE.** Your nomination papers will be inspected for completeness before they are accepted for filing. If the papers do not meet minimum filing requirements, they will not be accepted for filing and will be returned. If you file early, you may have time to correct any error and to resubmit your papers.
- IF YOU MAIL YOUR PAPERS.** Remember that your papers must be received by the City Clerk before 5 p.m. on September 18. **Postmark dates don't count.**

THE DEADLINE IS FIVE O'CLOCK. Papers presented after 5 p.m. on September 18 will be rejected.

For more information please contact:

The Elections Division
Office of the Secretary of State
Hoover Building, 2nd Floor
Des Moines, Iowa 50319
515/281-5865 (voice or TDD)

or your County Auditor

or the City Clerk

Note: The information furnished in this pamphlet has been compiled in the Office of the Iowa Secretary of State to assist candidates and the public in meeting the requirements of Iowa's election laws. If any errors in compilation or computation have occurred, or if there have been amendments to the Iowa Code, the provisions of the Iowa Code and the Session Laws shall be followed.

1997 CITY ELECTION CALENDAR

<u>DAY AND DATE</u>	<u>EVENT</u>
Monday, August 5	CANDIDATE FILING BEGINS First day to file with the City Clerk.
Thursday, September 18	CANDIDATE FILING DEADLINE Last day to file nomination papers in the Office of the City Clerk. Deadline is 5 p.m. City Clerk's Offices are required by law to be open until 5 p.m.
Tuesday, September 23	WITHDRAWAL DEADLINE Last day for candidates to withdraw by filing a written request with the City Clerk.
Tuesday, September 23	OBJECTION DEADLINE Last day to file written objections to nomination papers or eligibility of a candidate with the City Clerk.
Monday, October 20	WORRY-FREE POSTMARK DATE Correctly completed voter registration forms postmarked by today are considered timely even if received after October 24.
Friday, October 24	VOTER REGISTRATION DEADLINE Voter registration for the regular city election closes at 5 p.m.
Tuesday, November 4	REGULAR CITY ELECTION DAY Polls open at 7 a.m. and close at 8 p.m. Exception: under some conditions, the polls may be opened at noon.
Monday, November 10	CANVASS OF VOTES Canvass by the Board of Supervisors. (Some canvasses may be held on Wednesday, November 12.)
Tuesday, November 11	VETERAN'S DAY - HOLIDAY
Thursday, November 13	RECOUNT REQUEST DEADLINE Written request for a recount must be filed in the Office of the County Auditor by 5 p.m. (If the canvass was held on November 12, the recount request deadline is November 17.)
Friday, November 14	CONTEST NOTICE DEADLINE Statement of intent to contest election must be filed with the City Clerk <u>no later than ten days after the election.</u>

City Election Calendars

City Election Calendar

For Cities with Primary Elections

This calendar applies ONLY to cities which are required to have Primary Elections if more than two candidates file for an elective office.

If the city council has not adopted an ordinance choosing another nomination method, a primary election is required for any office for which more than two candidates have filed nomination petitions. Some cities have adopted ordinances specifically choosing this method.

Cities using this method

- ✓ may (or may not) have an ordinance in the city code choosing it.
- ✓ will not have a runoff election.

City Election Calendar -- 1997

For Cities with Primary Elections

Days from Election	Day and Date	Event & Iowa Code Section
85	Monday August 11	Candidate Filing Begins. First day to file nomination petitions with the City Clerk. Clerk must designate substitute if unavailable during regular hours. [376.4]
77	Tuesday August 19	Certification of Process. Deadline for City Clerk to certify nomination process to auditor. No changes may be made after certification. [376.6]
70	Tuesday August 26	Absentee Requests Begin. First day to submit applications for absentee ballots for the city election. File requests with Auditor. [53.2]
68	Thursday August 28 5 p.m.	Candidate Filing Deadline. Last day to file nomination papers in the Office of the City Clerk. Deadline is 5 p.m. City Clerk's offices are required by law to be open until 5 p.m. [376.4]
67	Friday August 29	Nominations and Public Measures Delivered. City Clerk delivers all nomination papers and the full text of all public measures to be included on city election ballot to the Auditor by 5 p.m. [376.4]
	Monday, Sept. 1	LABOR DAY -- HOLIDAY. [1C.1(7)]
	Tuesday, Sept. 9	SCHOOL ELECTION DAY. [277.1]
52	Saturday September 13	Last Day for Vacancies. Vacancies in city offices occurring on or before today must be filled at city election. [69.12(1) "a" 2]
P-15	Monday September 22	Worry-free Postmark Date. Correctly completed voter registration forms postmarked by today are on time even if received after 9/26. [48A.9(3)]
42	Tuesday September 23	Withdrawal Deadline. Last day for candidates to withdraw by filing a written request with the City Clerk. [44.9(6); 376.4]

City Election Calendar -- 1997

For Cities with Primary Elections

Days from Election	Day and Date	Event & Iowa Code Section
42	Tuesday September 23	Objection Deadline. Last day to file written objections to nomination papers or to candidates' eligibility. File with the City Clerk. [44.4(3), 44.5, 44.8, 376.4]
P-11	Friday September 26 5 p.m.	Voter Registration Deadline. All registration forms must be received by the Auditor no later than 5 p.m. unless postmarked on or before September 22. Auditor's office must be open 8 a.m. - 5 p.m. [48A.9]
P-5	Thursday October 2	Central Count Voting Equipment Testing Begins. Within five days before any election where a central count electronic voting system will be used the system must be tested publicly. [52.35]
P-4	Friday October 3	Publication Deadline. Last day to publish notice containing a copy of the ballot for the city primary. [376.5]
P-1	Monday October 6	Voting Equipment Testing Completed. Precinct voting equipment testing must be completed not later than twelve hours before the polls open. [52.9 & 52.38]
28	Tuesday October 7	PRIMARY ELECTION DAY, if necessary. A primary must be held for offices with more than two candidates per position to be filled. Polls are open from 7 a.m. until 8 p.m. except as noted below for the regular city election. [49.73, 376.6-7]
P+1	Wednesday October 8	Special Ballots Listed. List of the number of special ballots cast in each precinct must be available as soon as possible. [50.20]
P+1	Wednesday October 8	Special Ballots Considered. Special Precinct Board convenes at noon. [50.21]

City Election Calendar -- 1997

For Cities with Primary Elections

Days from Election	Day and Date	Event & Iowa Code Section
P+2	Thursday October 9, 1p.m.	Canvass of Votes by Board of Supervisors at 1 p.m. [376.7]
Canvass +1	Friday October 10 5 p.m.	Write-in Nominees' Filing Deadline. Persons NOMINATED by write-in votes must file an affidavit of candidacy with the City Clerk or Auditor by 5 p.m. or write-in votes shall be disregarded. [376.11]
P+3	Friday October 10	Recount Request Deadline. Written request must be filed with the Auditor. [50.48(7)]
P+10	Friday October 17	Contest Notice Deadline. Statement of intent to contest election must be filed with the City Clerk no later than ten days after the primary. [376.10]
15	Monday October 20	Worry-free Postmark Date. Correctly completed voter registration forms postmarked by today are on time even if received after 10/24. [48A.9(3)]
11	Friday October 24 5 p.m.	Voter Registration Deadline. All registration forms must be received by the Auditor no later than 5 p.m. unless postmarked on or before October 20. Auditor's office must be open 8 a.m.-5 p.m. [48A.9]
5	Thursday October 30	Central Count Voting Equipment Testing Begins. See October 2 for explanation. [52.35]
4	Friday October 31	Publication Deadline. Last day to publish notice containing a copy of the ballot for the regular city election. [362.3, 376.5]
1	Monday November 3	Voting Equipment Testing Completed. See Monday, Oct. 6 for explanation. [52.9 & 52.38]

City Election Calendar -- 1997

For Cities with Primary Elections

Days from Election	Day and Date	Event & Iowa Code Section
0	Tuesday November 4	Regular City Election Day. Polls open 7 a.m. - 8 p.m. Exception: Polls may open at noon in cities of 3,500 or less and in any city if there is no contest for any office and no public measure on the ballot -- unless a petition objecting to shortened hours is filed with Auditor. [49.73(1)"b&c", 376.1]
+2	Thursday November 6	Special Ballots Listed. List of the number of special ballots cast in each precinct must be posted by 9 a.m. [50.20]
+2	Thursday November 6	Special Ballots Considered. Special Precinct Board reconvenes not earlier than noon to examine special ballots. [50.21]
+6	Monday November 10; or Wednesday 11/12	Canvass of Votes. Canvass of votes by the Board of Supervisors. If canvass day is a holiday, may be moved to next work day. [4.1(34); 50.24]
	Tuesday November 11	VETERAN'S DAY - HOLIDAY. [1C.1(8)]
Canvass +3	Thursday November 13 5 p.m. (or 11/17)	Recount Request Deadline. Written request must be filed with the Auditor by 5 p.m. [50.48(1)]
+10	Friday November 14	Contest Notice Deadline. Statement of intent to contest election must be filed with the City Clerk no later than ten days after the election. [376.10]

For More Information:

Contact
The Auditor
In Your County

OR **The Elections Division**
Office of the Secretary of State
Hoover Building, Second Floor
Des Moines, Iowa 50319

(515)281-5865, voice or TDD

City Election Calendar

For Cities with Nominations under Chapters 44 or 45

This calendar applies **ONLY** to cities which have adopted an ordinance choosing to have nominations for city elections under
Chapter 44, Nominations by Convention, or
Chapter 45, Nominations by Petition.

Cities using this method

- ✓ have an ordinance in the city code choosing it.
- ✓ have only one city election;
 - ☞ there is no primary election;
 - ☞ there is no runoff election.

City Election Calendar -- 1997

For Cities with Nominations under Chapters 44 or 45

Days from Election	Day and Date	Event & Iowa Code Section
77	Tuesday August 19	Certification of Process. Deadline for City Clerk to certify nomination process to auditor. No changes may be made after certification. [376.6]
71	Monday August 25	Candidate Filing Begins. First day to file nomination petitions with the City Clerk. Clerk must designate substitute if unavailable during regular hours. [376.4]
70	Tuesday August 26	Absentee Requests Begin. First day to submit applications for absentee ballots for the city election. File requests with Auditor. [53.2]
	Monday, Sept. 1	LABOR DAY -- HOLIDAY. [1C.1(7)]
	Tuesday, Sept. 9	SCHOOL ELECTION DAY. [277.1]
52	Saturday September 13	Last Day for Vacancies. Vacancies in city offices occurring on or before today must be filled at city election. [69.12(1) "a" 2]
47	Thursday September 18 5 p.m.	Candidate Filing Deadline. Last day to file nomination papers in the Office of the City Clerk. Deadline is 5 p.m. City Clerk's offices are required by law to be open until 5 p.m. [376.4]
46	Friday September 19	Nominations and Public Measures Delivered. City Clerk delivers all nomination papers and the full text of all public measures to be included on city election ballot to the Auditor by 5 p.m. [376.4]
42	Tuesday September 23	Withdrawal Deadline. Last day for candidates to withdraw by filing a written request with the City Clerk. [44.9(6); 376.4]
42	Tuesday September 23 5 p.m.	Objection Deadline. Last day to file written objections to nomination papers or to candidates' eligibility. File with the City Clerk. [44.4(3), 44.5, 44.8; 376.4]

City Election Calendar -- 1997

For Cities with Nominations under Chapters 44 or 45

Days from Election	Day and Date	Event & Iowa Code Section
15	Monday October 20	Worry-free Postmark Date. Correctly completed voter registration forms postmarked by today are on time even if received after 10/24. [48A.9(3)]
11	Friday October 24 5 p.m.	Voter Registration Deadline. All registration forms must be received by the Auditor no later than 5 p.m. unless postmarked on or before October 20. Auditor's office must be open 8 a.m. - 5 p.m. [48A.9]
5	Thursday October 30	Central Count Voting Equipment Testing Begins. Within five days before any election where a central count voting system will be used the system must be tested publicly. [52.35]
4	Friday October 31	Publication Deadline. Last day to publish notice containing a copy of the ballot for the regular city election. [362.3, 376.5]
1	Monday November 3	Voting Equipment Testing Completed. Testing must be finished not later than 12 hours before polls open. [52.9 & 52.38]
0	Tuesday November 4	Regular City Election Day. Polls open 7 a.m. - 8 p.m. Exception: Polls may open at noon in cities of 3,500 or less and in any city if there is no contest for any office and no public measure on the ballot -- unless a petition objecting to shortened hours is filed with Auditor. [49.73(1)"b&c"; 376.1]
+2	Thursday November 6	Special Ballots Listed. List of the number of special ballots cast in each precinct must be posted by 9 a.m. [50.20]
+2	Thursday November 6	Special Ballots Considered. Special Precinct Board reconvenes not earlier than noon to examine special ballots. [50.21]

City Election Calendar -- 1997

For Cities with Nominations under Chapters 44 or 45

Days from Election	Day and Date	Event & Iowa Code Section
+6	Monday November 10; or Wednesday, 11/12	Canvass of Votes by Board of Supervisors. If canvass day is a holiday, may be moved to next work day. [4.1(34); 50.24]
	Tuesday November 11	VETERAN'S DAY - HOLIDAY.
Canvass +3	Thursday November 13 5 p.m. (or 11/17)	Recount Request Deadline. Written request must be filed with the Auditor by 5 p.m. [50.48(1)]
+10	Friday November 14	Contest Notice Deadline. Statement of intent to contest election must be filed with the City Clerk no later than ten days after the election. [376.10]

For More Information:

Contact
The Auditor
In Your County

OR

The Elections Division
Office of the Secretary of State
Hoover Building, Second Floor
Des Moines, Iowa 50319

(515)281-5865, voice or TDD

City Election Calendar

For Cities with Runoff Elections

This calendar applies **ONLY** to cities which have adopted an ordinance choosing to have Runoff Elections for offices in which no candidate receives a majority of the vote at the regular city election.

Cities using this method

- ✓ will have an ordinance in the city code choosing it.
- ✓ will not have a primary election.

City Election Calendar -- 1997

For Cities with Runoff Elections

Days from Election	Day and Date	Event & Iowa Code Section
77	Tuesday August 19	Certification of Process. Deadline for City Clerk to certify nomination process to auditor. No changes may be made after certification. [376.6]
71	Monday August 25	Candidate Filing Begins. First day to file nomination petitions with the City Clerk. Clerk must designate substitute if unavailable during regular hours. [376.4]
70	Tuesday August 26	Absentee Requests Begin. First day to submit applications for absentee ballots for the city election. File requests with Auditor. [53.2]
	Monday, Sept. 1	LABOR DAY -- HOLIDAY. [1C.1(7)]
	Tuesday, Sept. 9	SCHOOL ELECTION DAY. [277.1]
52	Saturday September 13	Last Day for Vacancies. Vacancies in city offices occurring on or before today must be filled at city election. [69.12(1) "a" 2]
47	Thursday September 18 5 p.m.	Candidate Filing Deadline. Last day to file nomination papers in the Office of the City Clerk. Deadline is 5 p.m. City Clerk's offices are required by law to be open until 5 p.m. [376.4]
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42	Tuesday September 23 5 p.m.	Objection Deadline. Last day to file written objections to nomination papers or candidates' eligibility. File with the City Clerk. [44.4(3), 44.5, 44.8; 376.4]

City Election Calendar -- 1997

For Cities with Runoff Elections

Days from Election	Day and Date	Event & Iowa Code Section
15	Monday October 20	Worry-free Postmark Date. Correctly completed voter registration forms postmarked by today are on time even if received after 10/24. [48A.9(3)]
11	Friday October 24 5 p.m.	Voter Registration Deadline. All registration forms must be received by the Auditor no later than 5 p.m. unless postmarked on or before October 20. Auditor's office must be open 8 a.m. to 5 p.m. [48A.9]
5	Thursday October 30	Central Count Voting Equipment Testing Begins. Within five days before any election where a central count voting system will be used the system must be tested publicly. [52.35]
4	Friday October 31	Publication Deadline. Last day to publish notice containing a copy of the ballot for the regular city election. [362.3, 376.5]
1	Monday November 3	Voting Equipment Testing Completed. Precinct voting equipment testing must be completed not later than twelve hours before the polls open. [52.9 & 52.38]
0	Tuesday November 4	Regular City Election Day. Polls open 7 a.m. - 8 p.m. Exception: Polls may open at noon in cities of 3,500 or less and in any city if there is no contest for any office and no public measure on the ballot -- unless a petition objecting to shortened hours is filed with Auditor. [49.73(1)"b&c"; 376.1]
+1	Wednesday November 5	Special Ballots Listed. List of the number of special ballots cast in each precinct must be posted as soon as possible. [50.20]
+1	Wednesday November 5	Special Ballots Considered. Special Precinct Board reconvenes at noon. [50.21]

City Election Calendar -- 1997

For Cities with Runoff Elections

Days from Election	Day and Date	Event & Iowa Code Section
+2	Thursday November 6, 1 pm	Canvass of Votes. Canvass of votes by the Board of Supervisors. [50.24, 376.9]
Canvass +1	Friday November 7 5 p.m.	Write-in NOMINEES Filing Deadline. To remain in consideration a person who received write-in votes must file a candidate's affidavit by 5 p.m. <i>See exception at 11/7.</i> [376.11] Write-in Winners Withdrawal Deadline. If a candidate ELECTED by write-in votes resigns by 5 p.m. a RUNOFF ELECTION IS REQUIRED. <i>See also 11/10 for deadline for other write in candidates.</i>
Canvass +1	Friday November 7, 5 p.m.	Recount Request Deadline. Written request must be filed with the Auditor by 5 p.m. [50.48(7)]
Canvass +4	Monday November 10	If a person ELECTED by write-in votes resigned by 5 p.m. 11/7, others who received write-in votes must file candidate's affidavits to be eligible for the runoff election. [376.11]
	Tuesday November 11	VETERAN'S DAY - HOLIDAY. [1C.1(8)]
+10	Friday November 14	Contest Notice Deadline. Statement of intent to contest election must be filed with the City Clerk no later than ten days after the election. [376.10]
R/O - 15	Monday November 17	Worry-free Postmark Date. Correctly completed voter registration forms postmarked by today are on time even if received after 11/21. [48A.9(3)]
R/O - 11	Friday November 21	Voter Registration Deadline. All registration forms must be received by the Auditor no later than 5 p.m. unless postmarked on or before November 17. [48A.9]
	Thursday November 27	THANKSGIVING HOLIDAY. [1C.1(9)]

City Election Calendar -- 1997

For Cities with Runoff Elections

Days from Election	Day and Date	Event & Iowa Code Section
R/O - 5	Thursday November 27	Central Count Voting Equipment Testing May Begin. <i>See Thursday, October 30, for explanation.</i>
R/O - 4	Friday November 28	Publication Deadline. Last day to publish notice containing a copy of the ballot. [376.5]
R/O - 1	Monday December 1	Voting Equipment Testing Completed. <i>See Monday, November 3, for explanation.</i>
Regular City Elec. + 28	Tuesday December 2	Runoff Election, if necessary. Held only for offices for which no one received a majority of votes at the regular city election, or if a write-in winner refused the office. <i>See 11/4 for polling hours.</i> [376.9, 376.11, 49.73]
R/O + 2	Thursday December 4	Number of Special Ballots Listed. Post no later than 9 a.m. [50.20]
R/O + 2	Thursday December 4	Special Ballots Considered. Special precinct board must convene not earlier than noon. [50.21]
R/O + 6 or 7	Monday or Tuesday December 8 or 9	County Canvass of Votes by Board of Supervisors. [50.24]
R/O Canvass + 3	Thursday or Friday December 11 or 12	Recount Request Deadline. Not more than 3 days after the canvass recount requests must be filed with the County Auditor. [50.48(1)]
R/O + 10	Friday December 12	Contest Notice Deadline. Statement of intent to contest runoff must be filed with the City Clerk no later than 10 days after the election. [376.10]

For More Information:

<p>Contact The Auditor In Your County</p>	<p>OR</p>	<p>The Elections Division Office of the Secretary of State Hoover Building, Second Floor Des Moines, Iowa 50319</p>	<p>(515)281-5865, voice or TDD</p>
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Code of Iowa:

Chapter 376

City Elections



Use the current Code:

The Code of Iowa is changed annually and reprinted in every odd-numbered year. Never rely on outdated Code language. If you do not have a current edition of the Code, copies are available in the county law library, county officials' offices, and in public libraries.

City Clerk's Guide to City Elections

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House File 636, p. 40

Sec. 91. Section 376.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days ~~nor~~ and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing.

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CHAPTER 376

CITY ELECTIONS

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| 376.3 | Nominations. | 376.9 | Runoff election. |
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| 376.6 | Primary or other method of nomination — certification. | | |

376.1 City election held.

A city shall hold a regular city election on the first Tuesday after the first Monday in November of each odd-numbered year. A city shall hold regular, special, primary, or runoff city elections as provided by state law.

The mayor or council shall give notice of any special election to the county commissioner of elections. The county commissioner of elections shall publish notice of any city election and conduct the election pursuant to the provisions of chapters 39 to 53, except as otherwise specifically provided in chapters 362 to 392. The results of any election shall be canvassed by the county board of supervisors and certified by the county commissioner of elections to the mayor and the council of the city for which the election is held.

[R60, §1130; C73, §501; C97, §642, 936; S13, §646, 1056-a20, -a21; SS15, §1056-b5, -b6; C24, 27, 31, 35, 39, §5627, 6488, 6494, 6507, 6514, 6643, 6644, 6737; C46, 50, §363.5, 416.12, 416.18, 416.31, 416.38, 419.29, 419.30; C54, 58, 62, 66, 71, 73, §363.8, 363.20, 363.24, 363.26; C75, 77, 79, 81, §376.1]

376.2 Terms.

Terms of city officers begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular city election.

Except as otherwise provided by state law or the city charter, terms for elective offices are two years. However, the term of an elective office may

be changed to two or four years by petition and election. Upon receipt of a valid petition as defined in section 362.4, requesting that the term of an elective office be changed, the council shall submit the question at a special city election to be held within sixty days. If a majority of the persons voting at the special election approves the changed term, it becomes effective at the beginning of the term following the next regular city election. If a majority does not approve the changed term, the council shall not submit the same proposal to the voters within the next four years.

At the first regular city election after the terms of council members are changed to four years, terms shall be staggered as follows:

1. If an even number of council members are elected at large, the half of the elected council members who receive the highest number of votes are elected for four-year terms. The remainder are elected for two-year terms.

2. If an odd number of council members are elected at large, the majority of the elected council members who receive the highest number of votes are elected for four-year terms. The remainder are elected for two-year terms.

3. In case of a tie the mayor and clerk shall determine by lot which council members are elected for four-year terms.

4. If the council members are elected from wards, the council members elected from the odd-numbered wards are elected for four-year terms and the council members elected from even-numbered wards are elected for two-year terms.

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After July 1, 1986, a petition submitted under this section to change the term of council members from two to four years shall specify if the terms are to be staggered or run concurrently. If the petition provides for concurrent terms and the changed term is approved by the voters, unnumbered paragraph 3 of this section shall not apply and the terms shall be concurrent. If valid petitions for staggered and concurrent terms are submitted, the first filed shall govern.

[R60, §1081, 1084, 1091, 1093, 1106; C73, §390, 511, 514, 518, 521, 535; C97, §646-649; S13, §646-649; SS15, §1056-b3; C24, 27, 31, 35, 39, §5632, 6625, 6626; C46, 50, §363.10, 419.11, 419.12; C54, 58, 62, 66, 71, 73, §363.9, 363.10, 363.28; C75, 77, 79, 81, §376.2]

86 Acts, ch 1224, §34

376.3 Nominations.

Candidates for elective city offices must be nominated as provided in sections 376.4 to 376.9 unless by ordinance a city chooses the provisions of chapters 44 or 45. However, a city acting under a special charter in 1973 and having a population of over fifty thousand shall continue to hold partisan elections as provided in sections 43.112 to 43.118 and 420.126 to 420.137 unless the city by election as provided in section 43.112 chooses to conduct city elections under this chapter or chapter 44 or 45. The choice of one of these options by such a special charter city does not otherwise affect the validity of the city's charter. However, special charter cities which choose to exercise the option to conduct non-partisan city elections may choose in the same manner the original decision was made, to resume holding city elections on a partisan basis.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §6492, 6496, 6634, 6638; C46, 50, §416.16, 416.20, 419.20, 419.24; C54, 58, 62, 66, 71, 73, §363.11, 363.16; C75, 77, 79, 81, §376.3; 82 Acts, ch 1097, §2]

376.4 Candidacy.

An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days nor less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing.

The petitioners for an individual seeking election from a ward must be residents of the ward at

the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time of election.

The petition must include the signature of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the city clerk shall remain open until five p.m.

The city clerk shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The city clerk shall note upon each petition and affidavit accepted for filing the date and time that they were filed.

The city clerk shall deliver all nomination petitions together with the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed.

Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect as prescribed in section 44.9. Objections to the legal sufficiency of petitions shall be filed in accordance with the provisions of sections 44.4, 44.5, and 44.8.

[S13, §1056-a21, -a40; SS15, §1056-b4; C24, 27, 31, 35, 39, §6478, 6495-6498, 6634-6638; C46, 50, §416.2, 416.19-416.22, 419.20-419.24; C54, 58, 62, 66, 71, 73, §363.11-363.16; C75, 77, 79, 81, §376.4]

86 Acts, ch 1224, §35; 87 Acts, ch 221, §33; 88 Acts, ch 1119, §39; 89 Acts, ch 136, §72; 90 Acts, ch 1238, §40; 94 Acts, ch 1180, §55

376.5 Publication of ballot.

Notice containing a copy of the ballot for each regular, special, primary, or runoff city election must be published by the county commissioner of elections as provided in section 362.3, except that notice of a regular, primary, or runoff election may be published not less than four days before the date of the election. The published ballot must contain the names of all candidates, and may not contain any party designations. The published ballot must

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contain any question to be submitted to the voters.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §6499, 6500, 6501, 6503, 6640; C46, 50, §416.23-416.25, 416.27, 419.26; C58, 62, 66, 71, 73, §363.19; C75, 77, 79, 81, §376.5]

376.6 Primary or other method of nomination — certification.

An individual for whom a valid petition is filed becomes a candidate in the regular city election for the office for which the individual has filed, except that a primary election must be held for offices for which the number of individuals for whom valid petitions are filed is more than twice the number of positions to be filled. However:

1. The council may by ordinance choose to have a runoff election, as provided in section 376.9, in lieu of a primary election.

2. If the council has by ordinance chosen to have nominations made in the manner provided by chapter 44 or 45, neither a primary election nor a runoff election is required.

Each city clerk shall certify to the commissioner of elections responsible under section 47.2 for conducting elections for that city the type of nomination process to be used for the city no later than seventy-seven days before the date of the regular city election. If the city has by ordinance chosen a runoff election or has chosen to have nominations made in the manner provided by chapter 44 or 45, or has repealed nomination provisions under those sections in preference for the primary election method, a copy of the city ordinance shall be attached. No changes in the method of nomination to be used in a city shall be made after the clerk has filed the certification with the commissioner, unless the change will not take effect until after the next regular city election.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §6492, 6510, 6638; C46, 50, §416.16, 416.34, 419.24; C54, 58, 62, 66, 71, 73, §363.16, 363.18; C75, 77, 79, 81, §376.6]

88 Acts, ch 1119, §40

376.7 Date of primary.

If a primary election is necessary, it shall be held on the Tuesday four weeks before the date of the regular city election. The county board of supervisors shall publicly canvass the tally lists of the vote cast in the primary election, following the procedures prescribed in section 50.24, at a meeting to be held beginning at one o'clock in the afternoon on the second day following the primary election.

The names of those candidates who receive the highest number of votes for each office on the primary election ballot, to the extent of twice the number of unfilled positions, must be placed on the ballot for the regular city election as candidates for that office.

[S13, §1056-a21; SS15, §1056-b5; C24, 27, 31, 35, 39, §6493, 6507, 6643; C46, 50, §416.17, 416.31,

419.29; C54, 58, 62, 66, 71, 73, §363.17, 363.24; C75, 77, 79, 81, §376.7]

86 Acts, ch 1224, §36

376.8 Persons elected in city elections.

1. In a regular city election following a city primary, the candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open.

2. In a regular city election held for a city where the council has chosen a runoff election in lieu of a primary, candidates are elected as provided by subsection 1, except that no candidate is elected who fails to receive a majority of the votes cast for the office in question. In the case of at-large elections to a multimember body, a majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled.

In calculating the number of votes necessary to constitute a majority, fractions shall be rounded up to the next higher whole number.

3. In a regular city election held for a city where the council has chosen to have nominations made in the manner provided by chapter 44 or 45, the candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §6492, 6633; C46, 50, §416.16, 419.24; C54, 58, 62, 66, 71, 73, §363.16; C75, 77, 79, 81, §376.8]

88 Acts, ch 1119, §41

376.9 Runoff election.

A runoff election may be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election. When a council has chosen a runoff election in lieu of a primary, the county board of supervisors shall publicly canvass the tally lists of the vote cast in the regular city election, following the procedures prescribed in section 50.24, at a meeting to be held beginning at one o'clock in the afternoon on the second day following the regular city election. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

Runoff elections shall be held four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

Candidates in the runoff election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

[C71, 73, §363.16; C75, 77, 79, 81, §376.9]

86 Acts, ch 1224, §37

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376.10 Contest.

A nomination or election to a city office may be contested in the manner provided in chapter 62 for contesting elections to county offices, except that a statement of intent to contest must be filed with the city clerk within ten days after the nomination or election. The mayor is presiding officer of the court for the trial of a nomination or election contest, except that if the mayor's nomination or election is contested, the council shall elect one of its members other than the mayor to serve as presiding officer.

[C97, §678, 679; C24, 27, 31, 35, 39, §5629; C46, 50, §363.7; C54, 58, 62, 66, 71, 73, §363.22; C75, 77, 79, 81, §376.10]

376.11 Write-in votes.

Write-in votes are permitted to be cast in all elections for city offices. A person who receives a sufficient number of write-in votes to be elected to a city office shall be declared the winner of the election. If a person who was elected by write-in votes chooses not to serve in that office the person shall submit a resignation in writing to the city clerk not later than five o'clock p.m. on the day following the canvass of the election. If a person who was elected by write-in votes resigns at a later time, the office shall be considered vacant at the end of the term and the council shall fill the vacancy pursuant to the provisions of section 372.13, subsection 2.

Except in cities where the council has chosen a runoff election in lieu of a primary, following the resignation of a person who was elected by write-in votes, the city clerk shall notify the person who received the next highest number of votes cast for the office that the person may assume the office. If the person accepts the position, the person shall be considered the duly elected officer unless a petition requesting a special election is filed by eligible electors of the city equal in number to twenty-five percent of the number of persons who voted for the office at the election. If the person declines, the person shall do so in writing to the city clerk within ten days and the office shall be considered vacant at the end of the term. The vacancy shall be filled pursuant to the provisions of section 372.13, subsection 2. If the council chooses to appoint, the appointment may be made before the end of the current term.

In city primary elections any person who receives write-in votes shall execute an affidavit in substantially the form required by section 45.3, and file it with the county commissioner of elections or the city clerk not later than five o'clock p.m. on the day after the canvass of the primary election. If any person who received write-in votes

fails to file the affidavit at the time required, the county commissioner shall disregard the write-in votes cast for that person. A notation shall be made on the abstract of votes showing which persons who received write-in votes filed affidavits. The total number of votes cast for each office on the ballot shall be amended by subtracting the write-in votes of those candidates who failed to file the affidavit. It is not necessary for a candidate whose name was printed upon the ballot to file an affidavit. Of the remaining candidates, those who receive the highest number of votes to the extent of twice the number of unfilled positions shall be placed on the ballot for the regular city election as candidates for that office.

In cities in which the city council has chosen a runoff election in lieu of a primary, if a person who was elected by write-in votes chooses not to accept the office by filing a resignation notice with the city clerk or commissioner of elections not later than five o'clock p.m. on the day following the canvass, all remaining persons who received write-in votes and who wish to be considered candidates for the runoff election shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner or the city clerk not later than five o'clock p.m. of the fourth day following the canvass. If a person receiving write-in votes fails to file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to show that the person who was declared elected declined the office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

In a city in which the council has chosen a runoff election, if no person was declared elected for an office all persons who received write-in votes shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner of elections or the city clerk not later than five o'clock p.m. on the day following the canvass of votes. If any person who received write-in votes fails to file the affidavit the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

[C77, 79, 81, §376.11]

88 Acts, ch 1119, §42

Code of Iowa:

Section 372.13

City Vacancies



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Section 372.13(2), Vacancies in City Offices

DIVISION II
CITY OFFICERS

372.13 The council.

1. A majority of all council members is a quorum.

2. A vacancy in an elective city office during a term of office shall be filled, at the council's option, by one of the two following procedures:

a. By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph "b" shall be followed. The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the council chooses to proceed under this paragraph, it shall publish notice in the manner prescribed by section 362.3, stating that the council intends to fill the vacancy by appointment but that the electors of the city or ward, as the case may be, have the right to file a petition requiring that the vacancy be filled by a special election. The council may publish notice in advance if an elected official submits a resignation to take effect at a future date. The council may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, there is filed with the city clerk a petition which requests a special election to fill the vacancy, an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph "b". The number of signatures of eligible electors of a city for a valid petition shall be determined as follows:

(1) For a city with a population of ten thousand or less, at least two hundred signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(2) For a city with a population of more than ten thousand but not more than fifty thousand, at least one thousand signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.