

# Candidate's Guide to the Regular City Election

November 5, 2013

Prepared by the Office of the Iowa Secretary of State

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<http://sos.iowa.gov/elections/candidates/index.html>

For more information, please contact your city clerk or county auditor.

**Important Note:** The information provided in this guide has been compiled in the Iowa Secretary of State's Office 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* or *Iowa Administrative Code*, the provisions of the *Iowa Code*, *Iowa Administrative Code*, and the session laws shall prevail.



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## Overview

### **What is the City Election?**

The city election is held in odd-numbered years to elect city officers and vote on public measures. All cities will hold a regular city election.

As part of the election process, a city may hold a city runoff after the election if set by city ordinance.

[§39.3(3)]

### **Candidate Qualifications**

A candidate must be an eligible elector in the city and city ward (if any) at the time of the election. An eligible elector meets all of the requirements to register to vote but does not have to be registered to vote.

[§376.4(1)]

An eligible elector must:

- Be a citizen of the United States,
- Be a resident of Iowa, and
- Be at least 18 years old.

An eligible elector may not:

- Be a convicted felon (unless voting rights have been restored by the president or governor),
- Be currently judged incompetent to vote by a court, and
- Claim the right to vote in any other place.

[§39.3(6)]

## **Nomination Papers**

Candidates for the regular city election in cities without primary election provisions may be nominated by two methods:

1. Circulating nomination petitions (Chapter 45 nominations or runoff provisions)
2. Holding a non-party political organization (NPPO) nomination convention (Chapter 44 nominations)

[§376.3]

Check with the city clerk or county auditor to determine which nomination method is allowed and whether the city has a runoff provision.

Each candidate must file nomination papers with the city clerk. The affidavit of candidacy and nomination petitions or convention certificate must be filed together or they will be rejected.

[§376.4(1)(a)]

Copies of nomination papers are available at the city clerk's office, county auditor's office, or on the Secretary of State's website: <http://sos.iowa.gov/elections/electioninfo/CityElections.html>.

## **Filing Period**

Nomination papers must be filed during the filing period. They cannot be filed before or after that filing period. The filing period is:

**First day:** Monday, August 26, 2013

**Last day:** Thursday, September 19, 2013 – 5 p.m.

There are no filing fees in Iowa.

[§376.4(1)(a)]

## Preparing Nomination Papers

### Affidavit of Candidacy

Each candidate must complete and file an affidavit of candidacy. Affidavits lacking the required information listed below will be rejected:

- Candidate's Name

The candidate's name should be printed exactly as the candidate wishes the name to appear on the ballot. No parentheses, quotation marks, or titles (e.g. Dr., Mrs., etc.) may be included. Please provide the phonetic spelling of the candidate's name. This is helpful when producing audio ballots for voters who are visually impaired. Be as clear as possible. For example, Eisenhower = "EYES-in-how-er."

- Office Sought and Ward (if any)

The name of the office and the city and city ward (if any) that the candidate is running for must be included.

- Is the candidate running to fill a vacancy due to the death, resignation, removal, or temporary appointment of an office holder?

The "yes" box must be checked if the candidate is running to fill the remainder of an unexpired term. This happens when an incumbent office holder resigned, died, or was removed from office before the end of the term and another officer was not appointed (not elected) to fill the remainder of the unexpired term.

Contact the city clerk and county auditor with questions about whether you are running to fill a vacancy.

- Type and Date of Election

The 2013 Regular City Election will be held on Tuesday, November 5.

- Candidate Affiliation

Leave this blank unless a candidate was nominated by a NPPO nominating convention.

- Candidate's Home Address

Candidates must provide their house number and street name. The mailing address, phone, and email are optional but do assist the filing officer and the public in contacting the candidate.

- Candidate's Affirmation, Signature and Notarization

The affidavit must be notarized. A notarial officer must be present when the candidate signs the affidavit and will complete the verification on the bottom of the affidavit. Once an affidavit is notarized, the affidavit cannot be altered.

## **Nomination Petitions**

Candidates may collect signatures on nomination petitions and file the petitions at the same time the affidavit of candidacy is filed.

### **Preparing Nomination Petitions**

Before anyone signs the petition, complete the required information in the header of every petition page. Signatures cannot be counted on petitions missing the required information.

**Best Practice:** Complete the header on one petition page and make copies of that page so all petition page headings are identical.

The following information is required on each petition header:

- Candidate's Name

The candidate's name should be printed exactly as the candidate wishes the name to appear on the ballot. No parentheses, quotation marks, or titles (e.g. Dr., Mrs., etc.) may be included.

- Office Sought

- Candidate's County and City of Residence

- Type and Date of Election

The 2013 Regular City Election will be held on Tuesday, November 5.

- Is the candidate running to fill a vacancy due to the death, resignation, removal, or temporary appointment of an office holder?

The "yes" box must be checked if the candidate is running to fill the remainder of an unexpired term. This happens when an incumbent office holder resigned, died, or was removed from office before the end of the term and another officer was appointed (not elected) to fill the remainder of the unexpired term.

Contact the city clerk and county auditor with questions about whether you are running to fill a vacancy.

- City Ward (if any)

The candidate must provide the city ward (if any). Signatures on petition pages that do not provide the applicable city ward (when required) cannot be counted.



### **Signature Requirements for Cities Without Runoff Provisions (Chapter 45 nominations)**

The minimum number of signatures needed is dependent on the size of the city.

- For cities with a population of 3,500 or greater: at least 25 signatures
- For cities with a population between 100 and 3,499: at least 10 signatures
- For cities with a population of 99 or less: at least 5 signatures

In cities where council members are only voted on by the residents of the ward, petition signers must live within the ward.

[§45.1(8)]

### **Signature Requirements for Cities with Runoff Provisions**

The minimum number of signatures needed is at least 10 or two percent of the number of people who voted for the office at the last regular city election, whichever is greater.

In cities where council members are only voted on by the residents of the ward, petition signers must live within the ward.

Ask the city clerk or county auditor for the minimum number of signatures needed.

[§376.4(1)(a)]

## Collecting Signatures

Eligible electors of the city and ward (if applicable) may sign nomination petitions. (See page 1 for the definition of an eligible elector.)

Candidates may sign their own petitions assuming they are eligible electors of the city and ward (if applicable).

Candidates may begin collecting signatures at any time. However, the signers must still be eligible electors when the papers are filed in order for the signatures to count.

All signers must include the following information:

- A signature (the signature may be printed)
- The address of their residence

This must include a house number and street name. Providing a post office box only is not sufficient. A signer who is homeless should describe where the signer lives or write "homeless."

- The name of the city in which they live
- The date of signing

There is no limit on the number of nomination petitions one elector may sign for different candidates.

**Important Note:** Petition signers often use "ditto" marks when appropriate (e.g. when the name of a city or the date of signing the petition is the same as the previous signer). The use of ditto marks alone does not invalidate a signature.

## **Convention Certificate (Chapter 44 – Nominated by NPPO Convention)**

Non-party political organizations (NPPOs) may make nominations by convention in some cities. Candidates who are not members of any political organization may not be nominated by convention.

**Important Note:** Candidates nominated by NPPO convention will not have the name of the NPPO follow their name on the ballot because the city election is a non-partisan election.

### **Minimum Number of Convention Attendees**

At least ten eligible electors must be in attendance at the convention and at least half of the precincts in the city must be represented by those electors. (See page 1 for definition of eligible elector.)

If the minimum attendance requirements are not met for the specific office for which a nomination is being made, the nominations made at the convention cannot be included on the ballot.

[§44.1]

### **Completing the Convention Certificate**

The convention certificate must include the following required information:

- Name of NPPO

The name of the organization may not exceed five words and no part or version of the words Democratic or Republican may be used as part of the NPPO's name.

- Date of Convention

- Candidate's Name

- Office Sought and Ward (if any)

- Candidate's Home Address

Candidates must provide their house number and street name.

- Type and Date of Election

The 2013 Regular City Election will be held on Tuesday, November 5.

- Is the candidate running to fill a vacancy due to the death, resignation, removal, or temporary appointment of an office holder?

The "yes" box must be checked if the candidate is running to fill the remainder of an unexpired term. This happens when an incumbent office holder resigned, died, or was

removed from office before the end of the term and another officer was appointed (not elected) to fill the remainder of the unexpired term.  
Contact the city clerk and county auditor with questions about whether you are running to fill a vacancy.

- Names and Addresses of NPPO's Executive or Central Committee Members
- Method to Fill Ballot Vacancies

NPPOs may specify the organization's provisions (if any) for filling vacancies in nomination. This is optional and not required.

- Affidavit of Convention Chairperson and Secretary

The chairperson and secretary of the convention must certify the certification of nomination from the convention. They must also include their places of residence.

- Names and Addresses of Each Delegate or Voter in Attendance

When more than one candidate has been nominated at the same convention, those nominations may be added to the certificate by including the required information and using a separate sheet of paper.

[§44.3]

## Filing Checklist

- Review your affidavit and nomination petition headers or convention certificate.**

Nothing can be added to a notarized affidavit or a petition header if there are signatures on the page. Nomination papers can only be returned if they have been rejected.

- Count the signatures.**

**Best Practice:** File more than the required number of signatures since it is possible for signatures to be challenged. If there are signatures on your petition you know should not be included, simply draw a line through the name. Those signatures will not be counted.

- Make a copy of your nominations papers for your own records.**

- Bind your nomination papers together.**

Nomination papers may be rejected without examination if not bound together.

**Best Practice:** Use staples or a three-ring binder.

- File both the affidavit and nomination petitions or convention certificate at the same time.**

- File as early as possible.**

Nomination papers will be inspected for completeness before they are accepted for filing. If they file early, candidates may have time to correct any errors in rejected papers and resubmit them.

Nomination papers may be filed in person or by mail. When filing by mail, postmark dates are irrelevant. The filing officer must receive the papers by 5 p.m. on the filing deadline. If candidates would like to be contacted when their nomination papers have been received, they should indicate that when they mail their papers and include a daytime phone number at which they can be reached.

**Important Note:** It is the responsibility of the candidate to ensure the nomination papers are received by the filing officer before the deadline.

## After Regular City Election Day

### Cities Without Runoff Provisions

#### Who Wins?

Candidates who get the most votes (up to the number of seats to be filled) are declared elected. If there is a tie, the board of supervisors must draw lots.

[§50.44, 376.11(1)]

#### Write-In Votes

If a write-in candidate wins and accepts, the candidate is declared elected as if their name had been printed on the ballot. The person does not need to file an affidavit of candidacy.

When 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 10<sup>th</sup> day after the canvass.

[§376.11(1)]

The city clerk then notifies the person who received the next-highest number of votes that they may assume the office. If there is a tie vote for the next highest number of votes, the board of supervisors draws lots to determine the person who received the next highest number of votes.

[§50.44, 376.11(2)]

If the next highest vote-getter accepts, the person is considered the duly elected officer.

**Exception:** A petition may be filed requesting a special election if the next highest vote-getter takes office. The petition must be signed by eligible electors of the city equal in number to 25% of the people who voted for the office in the election.

[§376.11(2)]

If the next highest vote-getter declines, the person must do so in writing within 10 days of the notice from the city clerk. If this occurs:

- The office is vacant at the end of the term
- The vacancy must be filled pursuant to §372.13(2)
- If the council chooses to appoint, the appointment may be made before the end of the current term.

[§376.11(2)]

## Cities With Runoff Provisions

### **Who Wins?**

It depends. If a city has a runoff provision, all candidates must receive a majority of the votes cast to be declared elected at the regular city election; however, there are two different definitions of “majority” in cities with runoff provisions.

### Majorities in “Vote for No More Than One” Races

A simple majority is needed to be declared elected at the regular city election in a city with a runoff provision. A simple majority is at least one vote more than 50% of the total votes cast. If no candidate receives a majority in this type of race, a runoff must be held between the two highest vote getters. For example, a runoff for the office of mayor will have two candidates on the runoff ballot.

### Majorities in At-Large Multi-Member Body Races

A majority is found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled and adding 1.

For example, Happytown has a five member at-large city council and a runoff provision. At the regular city election, three at-large seats are on the ballot. There were eight candidates on the ballot and there were 15,876 total votes cast (TVC).

To determine the majority:

1. Divide the TVC by the number of seats to be filled:  $15,876 \div 3 = 5,292$
2. Divide 5,292 by 2 = 2,646
3. Add one to 2,646 = 2,647 (always round up if necessary)

The majority is 2,647. If no candidate receives a majority in this type of race or if not enough candidates received a majority to fill all the seats, a runoff will be held to fill the remaining seat(s).

The highest vote-getter, Tom, received 8,215 votes. Tom has won this council seat. A runoff is not necessary for this seat.

The second highest vote-getter, Nancy, received 2,488 votes. The third highest vote-getter, Mark, received 1,774 votes. Neither of these candidates received a majority (2,647) so two of the three council seats require a runoff between the highest vote-getters. The number of candidates on the runoff ballot will equal twice the number of seats to be filled. There are two seats left to be filled in Happytown so the four highest vote-getters who did not receive a majority will appear on the runoff ballot.

[§376.8]

## **Write-In Votes in Cities with Runoff Provisions**

### Write-In Candidate Receives Majority at Regular City Election and Declines

1. The winner must file a notice of resignation with the city clerk or with the county auditor by 5 p.m. on the day following the canvass.
2. All remaining persons who received write-in votes and want to be on the run-off ballot must file affidavits of candidacy with the city clerk or county auditor by 5 p.m. on the fourth day following the canvass. The auditor should notify the write-in candidates of this requirement.
3. The runoff election must still be held even if one of the remaining candidates has a majority of the votes after the write-in votes of candidates that fail to file an affidavit are disregarded.

[§376.11(4)]

### Runoff Election Necessary Because No Candidate(s) Received the Majority and Write-In Votes Were Cast for that Office

1. Everyone who received write-in votes and wants to appear on the runoff election ballot must file an affidavit of candidacy with the city clerk or county auditor by 5 p.m. on the day after the canvass. The write-in votes received by a person who does not file an affidavit will be disregarded. The auditor should notify the write-in candidates of this requirement.
2. The runoff election must still be held even if one of the remaining candidates has a majority of the votes after the write-in votes of candidates that file to file an affidavit are disregarded.

[§376.11(5)]



## After the Runoff City Election

### **Who Wins?**

Candidates with the highest number of votes for an office win, even if no majority is obtained in the city runoff election. If there is a tie, the board of supervisors must draw lots.

[§50.44, 376.9]

### **Write-In Votes**

If a write-in candidate wins the election and wants the job, the candidate is declared elected as if their name had been printed on the ballot. The person does not need to file an affidavit of candidacy.

[§376.11(1)]

## Frequently Asked Questions

### **Can I run for more than one office?**

No. If a candidate files nomination papers for more than one office appearing on the same ballot, the candidate must file an affidavit on or before the last day to file candidate nomination papers declaring the one office the candidate wishes to run for. If the affidavit is not filed, the candidate's name cannot appear on the ballot for any of the offices for which the person filed nomination papers.

**Exception:** This prohibition against seeking more than office does not apply to:

- County agricultural extension council members, or
- Soil and water conservation district commissioners

[§39.11, 49.41(3)]

### **Can I hold more than one office?**

Statewide elected officials, state senators, and state representatives cannot hold more than one elective office at time.

All other elected officials cannot hold more than one elective office at the same level of government at a time. For example, a person could serve on the school board and county board of supervisors, but a person could not serve on the county board of supervisors and serve as county auditor.

**Exception:** This prohibition against holding more than office does not apply to:

- County agricultural extension council members, or
- Soil and water conservation district commissioners

[§39.11]

### **What is the Hatch Act?**

The Hatch Act restricts the political activities of people principally employed by state or local government executive agencies in connection with a program financed in whole or in part by federal loans or grants. For more information, contact:

U.S. Office of Special Counsel – Hatch Act Unit  
1730 M. Street, N.W. Suite 218  
Washington, D.C. 20036-4505  
1-800-854-2824 or 202-254-3650  
[hatchact@osc.gov](mailto:hatchact@osc.gov)  
[www.osc.gov/hatchact.htm](http://www.osc.gov/hatchact.htm)

**Who do I contact for questions about nomination papers, filing procedures, and lists of registered voters?**

The Elections Division of the Secretary of State's Office is available to assist with questions about the filing process and to provide lists of registered voters. You can contact the Elections Division of the Secretary of State's Office in the following ways:

- Be phone: 1-888-SOS-VOTE or 515-281-0145
- By email: [sos@sos.iowa.gov](mailto:sos@sos.iowa.gov)
- By mail: Lucas Building, 1<sup>st</sup> Floor  
321 E. 12<sup>th</sup> Street  
Des Moines, IA 50319

The Secretary of State's website also provides useful information for candidates on these topics: [sos.iowa.gov/elections/candidates/index.html](http://sos.iowa.gov/elections/candidates/index.html).

**Where can I find information about campaign disclosure and ethics requirements?**

For information about candidates' ethics and campaign filing responsibilities and deadlines, please contact the Iowa Ethics and Campaign Disclosure Board at 515-281-4028 or [www.iowa.gov/ethics](http://www.iowa.gov/ethics).

## 2013 Regular City Election and City Runoff Election Candidates' Calendar

Date	Event	Code Cite
Monday, August 26	<b>Regular City Election Candidate Filing Begins.</b> First day to file nomination papers with the city clerk.	§376.4(1)(a)
Thursday, September 19 – 5 p.m.	<b>Regular City Election Candidate Filing Deadline.</b> Last day to file nomination papers with the city clerk. Deadline is 5 p.m.	§376.4(1)(a)
Tuesday, September 24 – 5 p.m.	<b>Regular City Election Candidate Withdrawal Deadline.</b> Last day for candidates to withdraw by filing a written request with the city clerk.	§44.9(6), 376.4(6)
	<b>Regular City Election Candidate Objection Deadline.</b> Last day to file written objections to nomination papers or eligibility of a candidate with the city clerk. Deadline is 5 p.m.	§44.4(2), 376.4(6)
Monday, October 7 – 5 p.m.	<b>Regular City Election Satellite Absentee Voting Station Petition Deadline.</b> A petition requesting a satellite absentee voting station must be filed with the county auditor no later than 5 p.m.	§53.11(2)(b)
Monday, October 21	<b>Regular City Election Worry-Free Postmark Date.</b> Mailed voter registration forms which are postmarked on or before today are considered on time to be pre-registered for the regular city election even if they are received after October 25.	§48A.9(3)
Friday, October 25 - 5 p.m.	<b>Regular City Election Voter Pre-Registration Deadline.</b> The deadline to pre-register to vote for the regular city election is 5 p.m.	§48A.9(1)
	<b>Exception:</b> Mailed voter registration forms postmarked on or before Monday, October 21, are considered on time even if they are received after 5 p.m. today.	
Friday, November 1 – 5 p.m.	<b>Regular City Election Absentee Ballot by Mail Request Deadline.</b> Last day to request an absentee ballot by mail. Deadline is 5 p.m.	§53.2(1)(b)
Monday, November 4	<b>Regular City Election Absentee Ballot In-Person Deadline.</b> Last day to request and vote an absentee ballot in person at the county auditor's office.	§53.2(1)(a)
	<b>Exception:</b> If the polls open at noon on election day, voters may vote by absentee ballot in person at the auditor's office from 8 a.m. until 11 a.m.	
Tuesday, November 5	<b>Regular City Election Day.</b> Polls are open from 7 a.m. until 8 p.m.	§49.73(1)(b), 49.73(3), 376.1
	<b>Exception:</b> The polls may be opened at noon for any city election unless the county auditor receives a petition objecting to the shortened hours.  If the polls open at noon, voter may vote by absentee ballot in person at the county auditor's office from 8 a.m. until 11 a.m.	

Date	Event	Code Cite
Wednesday, November 6	<b>Special Precinct Board Convened at Noon for Cities with Runoff Provisions.</b> The auditor must convene the special precinct board at noon to consider provisional ballots and absentee ballots that were postmarked before Tuesday, November 5.	§50.21, 50.22
Thursday, November 7	<b>County Canvass of Votes for Regular City Election for Cities with Runoff Provisions.</b> Must occur this day no earlier than 1 p.m.  <b>Special Precinct Board Convened for Cities without Runoff Provisions.</b> The auditor may convene the special precinct board no earlier than noon to consider provisional ballots and absentee ballots that were postmarked before Tuesday, November 5.	§376.9(1)  §50.21, 50.22
Friday, November 8 – 5 p.m.	<b>Recount Request Deadline for Cities with Runoff Provisions.</b> Written requests must be filed with the county auditor by 5 p.m. on the third day following the election.  <b>Last Day for Write-in Candidates to File Affidavits of Candidacy for City Runoff Election.</b> In cities with runoff provisions, candidates who received write-in votes at the regular city election must file affidavits of candidacy not later than the day after the canvass to become eligible for the city runoff election. Deadline is 5 p.m.	§50.48(7)  §376.11(5)
Monday, November 11	<b>Veteran’s Day – State Offices Closed.</b>	§1C.1
Tuesday, November 12/ Wednesday, November 13	<b>County Canvass of Votes for Regular City Election for Cities without Runoff Provisions.</b> May occur either Tuesday or Wednesday.	§50.24(1), IAC 721— 21.13
Tuesday, November 12 – 5 p.m.	<b>City Runoff Election Satellite Absentee Voting Station Petition Deadline.</b> A petition requesting a satellite absentee voting station must be filed with the county auditor no later than 5 p.m.	§53.11(2)(c)
Friday, November 15/ Monday, November 18 – 5 p.m.	<b>Recount Request Deadline for Cities without Runoff Provisions.</b> Written requests must be filed with the county auditor by 5 p.m. on the third day after the canvass of votes.	§50.48(1)
Friday, November 15	<b>Regular City Election Contest Notice Deadline.</b> Statement of intent to contest election must be filed in the city clerk’s office no later than 10 days after the election.	§376.10
Monday, November 18	<b>City Runoff Election Worry-Free Postmark Date.</b> Mailed voter registration forms which are postmarked on or before today are considered on time to be pre-registered for the runoff city election even if they are received after November 22.	§48A.9(3)

Date	Event	Code Cite
Friday, November 22 – 5 p.m.	<b>City Runoff Election Pre-Registration Deadline.</b> The deadline to pre-register to vote for the runoff city election is 5 p.m.	§48A.9(1)
Wednesday, November 27 – 5 p.m.	<b>City Runoff Election Absentee Ballot by Mail Request Deadline.</b> Last day to request an absentee ballot by mail. Deadline is 5 p.m. <i>Deadline moved due to Thanksgiving holiday unless the auditor's office is open on Friday.</i>	§53.2(1)(b)
Thursday, November 28 – Friday, November 29	<b>Thanksgiving Holiday – State Offices Closed.</b>	§1C.1
Monday, December 2	<b>City Runoff Election Absentee Ballot In-Person Deadline.</b> Last day to request and vote an absentee ballot in person at the county auditor's office.  <b>Exception:</b> If the polls open at noon on election day, voters may vote by absentee ballot in person at the auditor's office from 8 a.m. until 11 a.m.	§53.2(1)(a)
Tuesday, December 3	<b>City Runoff Election Day (if necessary).</b> Runoff is only held in cities with runoff provisions for offices in which no one received a majority of votes at the regular city election or if a write-in winner refused the office.  Polls are open from 7 a.m. until 8 p.m.  <b>Exception:</b> The polls may be opened at noon for any city election unless the county auditor receives a petition objecting to the shortened hours.  If the polls open at noon, voter may vote by absentee ballot in person at the county auditor's office from 8 a.m. until 11 a.m.	§49.73, 376.9, 376.11      §53.2(1)(a)
Thursday, December 5	<b>Special Precinct Board Convened at Noon for City Runoff Election.</b> The auditor may convene the special precinct board no earlier than noon to consider provisional ballots and absentee ballots that were postmarked before Tuesday, December 3.	§50.21, 50.22
Monday, December 9/ Tuesday, December 10	<b>County Canvass of Votes for City Runoff Election.</b> May occur either Monday or Tuesday.	§50.24(1)
Thursday, December 12/ Friday, December 13– 5 p.m.	<b>City Runoff Election Recount Request Deadline.</b> Written requests for a recount must be filed with the county auditor by 5 p.m. on the third day after the canvass of votes.	§50.48(1)(a)
Friday, December 13	<b>City Runoff Election Contest Notice Deadline.</b> Statement of intent to contest election must be filed in the city clerk's office no later than 10 days after the election.	§376.10