

Chapter 8

Primary Elections

This chapter of the handbook applies only to Primary Elections.

When planning for a primary election, also refer to the other chapters of this handbook for information that applies to all elections, including primaries.



Table of Contents

Overview

What is the Primary Election?.....	1
Date of Primary Election.....	1
Laws Related to Primary Elections	1
Political Parties.....	1
What is Different About Primary Elections?	2
Party Affiliation Matters.....	2
No One is Elected.....	2
Two Elections in One.....	2
Additional Publication Required	2
Changes in Polling Places Since Last Primary Election	2

Pre-Election

Paying for the Election.....	3
Special Election “Blackout” Dates.....	3
Memorial Day	3
Satellite Voting Petitions.....	3
Voter Pre-Registration Deadline	3
Auditor’s Office Open on Two Saturdays.....	4
Affidavit Review.....	4

Polling Places

All Polling Places Used.....	5
Polling Place Review	5
Consolidating Precincts	5
Vote Centers	5

Polling Place Hours	5
---------------------------	---

Precinct Election Officials

Precinct Election Board Panels	6
Change in Party Affiliation	6

Nomination Period

Filing Officer	8
Filing Period	8
Number of Signatures Needed to Get on the Ballot	9
Withdrawals.....	10
Objections	10

Ballot Preparation

Voting Equipment.....	11
Party Affiliation – How Listed.....	11
Ballot Requirements	11
Candidate Certifications	11
When Ballots Must be Ready	11
Public Measures/Special Elections Prohibited	12
Rotation.....	12
Check for Vacancies	12
Order of Offices.....	13
Primary Elections in Presidential Election Years.....	13
Primary Elections in Gubernatorial Election Years.....	13
Ballot Layout	14

Processing Voters for Primary Elections (Absentee and Election Day)

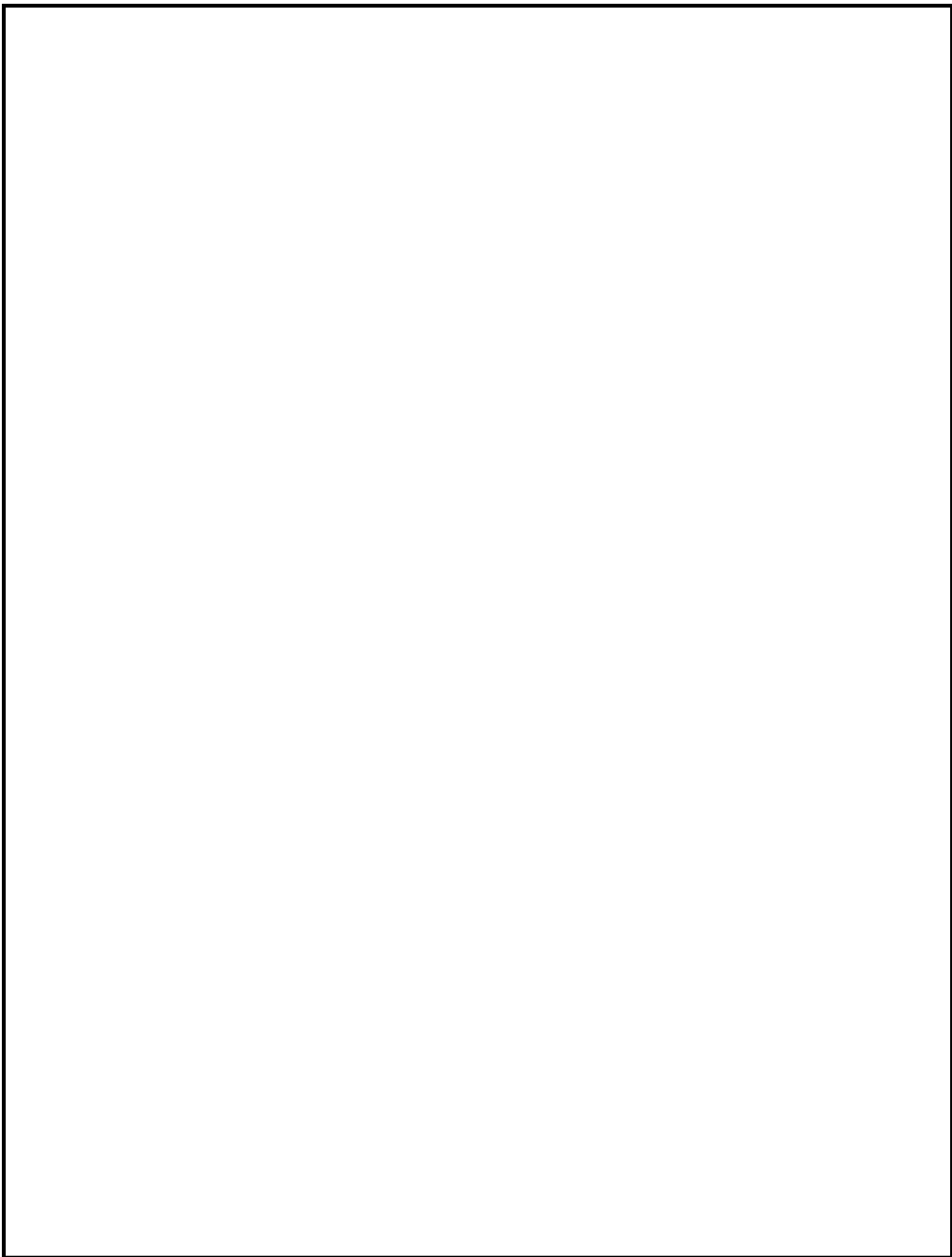
Party Affiliation16
Changing Back.....16
Federal Write-In Ballot (FWAB) Allowed.....16

Election Day

Precinct Canvass of Votes17
Write-In Votes for Another Party’s Candidate17

Post Election Day

Provisional Ballots18
ASVP Board18
County Canvass18
35% Needed for Nomination18
Write-In Votes in Primary Elections19
 No Names on Ballot for a Particular Office.....19
 Write-In Nominees19
Abstracts20
Certified Election Canvass Summary20
No Certificates of Election20
Report Sent to Political Parties21
Publication of Minutes21
Recounts21
Contests21
Record Retention22
 Exceptions22



Overview

What is the Primary Election?

The primary election is held for the members of political parties to nominate candidates for the general election. The term “primary election” when it is used in the *Iowa Code* or in this handbook refers to this election. It does NOT include the city primary election. For information on elections for cities with primary provisions, see the City Elections section of this handbook.

[§39.3(9), 43.1, 43.3]

Date of Primary Election

The primary election is held on the first Tuesday after the first Monday in June of even-numbered years.

[§43.7]

Laws Related to Primary Elections

Chapter 43 of the *Iowa Code* is the main source of information for laws relating to the primary election. Section 43.5 refers to the other chapters of the *Iowa Code* that apply whenever Ch. 43 doesn't contain a specific requirement.

Political Parties

A political party is an organization whose candidate for president of the United States or governor of Iowa received at least two percent of the votes cast for president or governor at the last general election as determined by the state commissioner.

[§43.2]

Currently, there are only two political parties in Iowa: the Democratic Party and the Republican Party.

For more information, see the following link at the SOS website:
<http://sos.iowa.gov/elections/electioninfo/formpoliticalparty.html>.

What is Different About Primary Elections?

Party Affiliation Matters

The biggest difference between the primary election and all other elections is that a voter's party affiliation matters and must be included on election registers, eligibility slips (if used), absentee ballot requests, absentee ballot affidavits, etc. Only voters who are registered with the Democratic or Republican parties (or people who declare their affiliation with one party or the other when casting a ballot) are allowed to vote in primary elections.

A voter must be a member of the party to participate in that party's nomination process. Iowa has a "closed" primary which means that voters can only vote in one party's primary election and only if they are willing to declare themselves as members of that party.

[§43.38]

No One is Elected

Candidates are *nominated* at the primary election to run as a political party's candidate in the general election.

Two Elections in One

At the primary, auditors are conducting one election for the Democratic Party and one election for the Republican Party. There are separate ballots, canvass materials, and certificates of write-in votes for each party.

Additional Publication Required

The notice of election must be published in two newspapers of general circulation if there are two generally circulated newspapers in the county.

[§49.53(2)]

Changes in Polling Places Since Last Primary Election

If the polling place for any precinct is different than the one used at the last primary election, you must include that information in the notice of election. You must also post a notice at the former polling place before the polls open on election day indicating where the polling place is for that precinct.

[§49.23]

Pre-Election

Paying for the Election

The county pays the election costs associated with conducting the election.

[§47.3(1)]

Special Election “Blackout” Dates

No special elections (including special elections held to fill vacancies) may be held for three weeks before and after the primary election.

[§39.2(1)(a)]

Memorial Day

Occasionally the Memorial Day holiday may affect certain deadlines related to the primary election. Deadlines (if any) will typically extend to the next business day after Memorial Day.

[§1C.1(5), 47.4]

Satellite Voting Petitions

Residents of the county can petition for satellite voting for primary elections. The minimum number of signatures required on a petition is 100 and the petition must be delivered to the auditor no later than 47 days before the election at 5 p.m. For more information about satellites, see the Absentee Voting chapter.

[§53.11]

At least seven days before the first day of a satellite, the auditor must notify the political parties of the date, time, and location of a satellite so the parties may appoint observers.

[§53.11(5)]

See the Absentee Voting chapter for more information.

Voter Pre-Registration Deadline

The pre-registration deadline is 10 days before the primary election at 5 p.m. This is a Saturday; the auditor’s office must be open from 8 a.m. to 5 p.m. After the deadline, voters may register to vote and cast an absentee ballot at the same time using EDR procedures at the auditor’s office or satellite station or they can use EDR procedures at their polling place on election day.

[§48A.7A(3), 48A.9]

Auditor's Office Open on Two Saturdays

On the voter registration deadline, the auditor's office must be open from 8 a.m. to 5 p.m. On the Saturday before the election, the auditor's office must be open for absentee voting and other election business for at least eight hours. There are no set hours, but the office must be open until at least 5 p.m. because that is the deadline for receiving absentee ballots eligible for affidavit review.

[§47.2(5), 48A.9(2), 53.18(2)]

Affidavit Review

All ballots that are received by 5 p.m. on the Saturday before the primary election must have their return envelopes opened and their affidavit envelopes reviewed for defects and completeness. If any problems are discovered, the voter must be notified immediately. For more information about reviewing affidavits, see the Absentee Voting chapter.

[§53.18(2)]

Polling Places

All Polling Places Used

Except for the rare exceptions listed under “Consolidating Precincts” below, every precinct’s polling place must be used in primary elections.

Polling Place Review

The auditor is required to determine if any polling places must be re-inspected to determine whether they meet accessibility requirements at least 90 days before the primary election.

[IAC 721—21.50(3)]

Best Practice: Re-inspect all the polling places in your county in February/March of each even-numbered year. Sometimes structural changes have been made that the facility managers have not reported.

See the Pre-Election Day chapter for more information.

Consolidating Precincts

Usually, precincts cannot be consolidated for primary elections. All primary election precincts must have separate polling places.

There are only three rare circumstances when consolidated precincts are allowed to be used in the primary election:

1. When one of the precincts involved consists entirely of dormitories that are closed at the time the election is held.
2. When the consolidated precincts, if established as a permanent precinct, would meet all the requirements of §49.3, and a combined total of no more than 350 voters voted in the consolidated precincts at the last preceding similar election.
3. When the city council of a special charter city with a population of 3,500 or less which is divided into council wards requests the auditor to consolidate two or more precincts for any election.

[§49.11(3)(d)]

Vote Centers

Vote centers are not allowed in primary elections.

[§49.11(3)(b)]

Polling Place Hours

All polling places must be open from 7 a.m. to 9 p.m.

[§49.73]

Precinct Election Officials

Precinct Election Board Panels

The precinct election board panels, from which all precinct election boards for the next two years will be appointed, must be drawn up before the primary election. Political parties can designate names to the auditor. City councils and school boards can designate names of people willing to serve without pay for city and school elections. If names are not designated by the political parties, the auditor appoints the panels. See the Pre-Election Day chapter for complete details.

Panels must be finalized by the auditor no later than 20 days before the primary election.

[§49.15]

Best Practice: Contact political parties, city councils, and school districts to remind them of their ability to designate names to you up to 30 days before the primary election.

Change in Party Affiliation

Just like any voter, PEOs can change party affiliation at any time. However, depending on when the change in affiliation takes place and the party balance of the polling place, the PEO may or may not be able to continue to work at the polls at a primary election.

The following basic principles must be kept in mind if a PEO changes political parties:

- Political party county chairs must be notified at least 30 days before any partisan election that substitute PEOs may be need to be appointed in the upcoming election.
- If a PEO was designated to the panel by a political party chair, and changes affiliation before election day, the chairperson must be notified so they can designate a replacement to the panel.
- Primary elections are partisan elections, so preference must always be given to political party designees before appointing members of the political party that were not designated by the party chair.
- On election day, substitutions may be made as necessary in order to ensure the polling place continues to operate. See §49.18 for details.

[§49.14, 49.16(5)]

Example 1

Cindy is a Republican PEO designated by the county party chair. She changes political affiliation to Democratic when voting absentee 10 days before the election. In this case, you must notify the Republican Party chair so a replacement for Cindy can be designated to the election board panel. Cindy could work at the polls as a Democrat as long as party balance is maintained and there are no designees of the Democratic Party who are on the panel and not already working in a precinct.

Example 2

Brenda is a no party PEO, but she decides to vote in the primary election as a Republican. She votes at the auditor's office 15 days before the election. Brenda could work at the polls as a Republican as long as party balance is maintained and there are no designees of the Republican Party who are on the panel and not already working in a precinct.

Example 3

The auditor appointed two Democrats and one Republican to work at a polling place. It's election day and the auditor receives a call from the polling place informing him/her that one of the Democrat PEOs is going to change affiliation and vote in the Republican Primary. Since it is election day, the auditor could choose to allow the Democrat to continue working at the polling place as a Republican because doing so would not cause the polling place to lose party balance.

Nomination Period

Filing Officer

The auditor is the filing officer for candidates for county offices. The SOS is the filing officer for candidates for state and federal offices. It is very important to understand the responsibility of filing officers.

[§43.11]

Best Practice: Review all the procedures for accepting/rejecting nomination papers during the filing period with all staff members who may receive nomination papers from candidates. Use the Filing Officer's Guide as a resource.

Important Note: Candidates for state and federal offices must meet signature requirements in multiple counties (see signature charts on SOS website). For this reason, petition pages must be county-specific. The signers of the petitions must be from the same county. There is a blank in the header of the petition form to indicate the county in which the petition is being circulated.

Filing Period

State and Federal Candidates: Begins 99 days before the election and ends 5 p.m. on the 81st day before the election.

County Candidates: Begins 92 days before the election and ends 5 p.m. on the 69th day before the election

The SOS Office and auditors' offices must be open until 5 p.m. on the final day for filing.

[§43.11]

Any candidate whose nomination papers were accepted for filing has a right to have his or her name placed on the ballot. After papers have been accepted, the auditor's duty is to place the name on the ballot and let the normal objection process run its course.

[§43.24]

Number of Signatures Needed to Get on the Ballot

Federal Office	Signatures Needed
U.S. Senator	Based on votes cast at last general election; refer to signature charts. [§43.20(1)(a)]
U.S. Representative	Based on votes cast at last general election; refer to signature charts. [§43.20(1)(c)]
State Executive Office	Signatures Needed
Governor & Lieutenant Governor	Based on votes cast at last general election; refer to signature charts. [§43.20(1)(a)]
Secretary of State, Auditor of State, Treasurer of State, Secretary of Agriculture, Attorney General	1,000, including 50 signatures from at least 10 counties. [§43.20(1)(b)]
Iowa General Assembly	Signatures Needed
State Senator	100 from state senate district. [§43.20(1)(c)]
State Representative	50 from state representative district. [§43.20(1)(c)]
County Offices	Signatures Needed
County Supervisor	Plan 1 and Plan 2 counties: At least 100 or 2% of party vote in the whole county at last general election, whichever is less. Plan 3 counties: At least 100 or 2% of party vote in the supervisor district (including election day and absentee votes) at last general election, whichever is less. [§43.20(1)(d)]
County Attorney, County Auditor, County Treasurer, County Recorder, County Sheriff	At least 100 or 2% of party vote in the county at last general election, whichever is less. [§43.20(1)(d)]

Withdrawals

A written notice of withdrawal must be filed with the SOS for state and federal offices 76 days or more before the primary election.

A written notice of withdrawal must be filed with the auditor for county offices 67 days or more before the primary election.

The deadline for filing is the close of business.

[§43.16, 43.23]

Objections

Written objections to candidates for state/federal offices must be filed 74 days or more before the primary election with the SOS.

Written objections to candidates for county offices must be filed 64 days or more before the primary election with the auditor.

The deadline for filing is close of business.

[§43.24(1)]

Ballot Preparation

Voting Equipment

Voting equipment must be used in primary elections. For more information on preparing voting equipment and marking test decks, see the Pre-Election Day chapter.

[§52.1]

Party Affiliation – How Listed

Primary elections are partisan, but the political party for which the candidate is seeking nomination is not listed with each individual candidate's name on the ballot. Instead, there must be separate ballots for each party. Only Democratic Party candidates will be listed on the Democratic Party ballot and only Republican Party candidates will be listed on the Republican Party ballot.

[§43.27, IAC 721—22.102(4)]

Ballot Requirements

In addition to the requirements outlined in the Pre-Election Day chapter, all primary election ballots must list “Democratic Party” or “Republican Party” in 24 pt. font (1/4 of an inch high) at the top of ballots.

[§43.27, IAC 721—21.202(1), 22.102(4)]

Candidate Certifications

The official list of the names of all candidates for state and federal offices is called the certification or certificate and is prepared by the SOS. Only candidates named on the certificate can have their names on the ballot for state and federal offices. This certificate lists the correct spelling of candidate names. The certificate will be sent as soon as possible after the filing period is over.

[§43.22]

Please review the certificate carefully and notify the SOS immediately if any errors or omissions are discovered.

When Ballots Must be Ready

Ballots must be mailed, emailed, or faxed to UOCAVA voters at least 45 days before the election.

Ballots can be mailed to domestic absentee voters as soon as they are ready.

Ballots can be voted in-person at satellites and auditors' offices no sooner than 40 days before the election.

[§53.8(1), 53.10(1), 53.40(2)]

Public Measures/Special Elections Prohibited

No public measures of any kind are allowed to be included on the primary election ballot, and special elections are not allowed to be held at the same time as the primary election.

[§39.2(1)(b)]

Rotation

Rotation is required in any office in which a candidate is running opposed. In the primary election, a candidate is running opposed if there are other candidates from the same political party seeking that party's nomination for the same office (e.g. There are two Republican candidates seeking nomination for the office of county treasurer).

[§43.28, 49.31(2)(b)]

Check for Vacancies

See the Vacancies chapter of this handbook.

Order of Offices

Primary Elections in Presidential Election Years (2012, 2016, 2020, etc.)

1. Federal Offices
 - a. U.S. Senator (if any)
 - b. U.S. Representative
2. State Offices
 - a. State Senator (if any)
 - b. State Representative
3. County Offices
 - a. Board of Supervisors
 - b. Auditor
 - c. Sheriff

Important Note: A U.S. Senate race will not appear on the ballot in 2012.

Important Note: If any vacant offices must appear on the ballot, list them as the last office under the appropriate numbered heading unless the office is a part of a multimember body. If the office is part of a multimember body, list the vacant office after the regularly scheduled offices. (E.g.: If county recorder must appear on this ballot to fill vacancy, you would list it under Heading 3: county offices after sheriff).

Primary Elections in Gubernatorial Election Years (2014, 2018, 2022, etc.)

1. Federal Offices
 - a. U.S. Senator (if any)
 - b. U.S. Representative
2. State Offices
 - a. Governor
 - b. Secretary of State
 - c. Auditor of State
 - d. Treasurer of State
 - e. Secretary of Agriculture
 - f. Attorney General
 - g. State Senator (if any)
 - h. State Representative
3. County Offices
 - a. Board of Supervisors
 - b. Treasurer
 - c. Recorder
 - d. County Attorney

Important Note: If any vacant offices must appear on the ballot, list them as the last office under the appropriate numbered heading unless the office is a part of a multimember body, in which case you will list the vacant office after the regularly scheduled offices. (E.g.: If county auditor must appear on this ballot to fill vacancy, you would list it under Heading 3: county offices after county attorney).

Ballot Layout

There must be separate ballots for each political party. List the state and federal offices in the order they appear on the certificate you receive from the SOS. See the previous page for the order of the other offices. Candidates for each office should be listed alphabetically. Rotation by precinct is required if candidates are running opposed.

Example of an ES&S Primary Election Ballot:

Johnson County	State of Iowa	June 3, 2008	
<p>Democratic Party County of Johnson, State of Iowa STYLE D9 IC01, IC05, IC09, IC13, IC21</p> <p>Primary Election held on the 3rd day of June, 2008</p> <p><i>Tom Slockett</i></p> <p>County Auditor and Commissioner of Elections</p> <p>INSTRUCTIONS TO VOTER</p> <p>1. Voting Mark. To vote, fill in the oval next to your choice.</p> <p><input type="radio"/> Candidate Name <input type="radio"/> Candidate Name</p> <p>2. Write-in Votes. To vote for a person whose name is not on the ballot, write the name on the write-in line below the list of candidates and fill in the oval next to it.</p> <p>3. Use only the pen or pencil provided.</p> <p>4. Do not cross out. If you change your mind, exchange your ballot for a new one.</p>	<p>FEDERAL OFFICES</p> <p>FOR U.S. SENATOR (Vote for no more than ONE)</p> <p><input type="radio"/> Tom Harkin</p> <p><input type="radio"/> Write-in vote, if any</p>	<p>COUNTY OFFICES</p> <p>FOR BOARD OF SUPERVISORS (Vote for no more than THREE)</p> <p><input type="radio"/> Terry L. Dahms</p> <p><input type="radio"/> Pat Harney</p> <p><input type="radio"/> Terrence Neuzil</p> <p><input type="radio"/> Rod Sullivan</p> <p><input type="radio"/> Write-in vote, if any</p> <p><input type="radio"/> Write-in vote, if any</p> <p><input type="radio"/> Write-in vote, if any</p>	<p>Rotation is required if candidates are opposed.</p>
	<p>FOR U.S. REPRESENTATIVE 2ND DISTRICT (Vote for no more than ONE)</p> <p><input type="radio"/> Dave Loebsock</p> <p><input type="radio"/> Write-in vote, if any</p>	<p>STATE OFFICES</p> <p>FOR STATE REPRESENTATIVE HOUSE DISTRICT 77 (Vote for no more than ONE)</p> <p><input type="radio"/> Mary Mascher</p> <p><input type="radio"/> Write-in vote, if any</p>	<p>FOR COUNTY AUDITOR (Vote for no more than ONE)</p> <p><input type="radio"/> Mona Shaw</p> <p><input type="radio"/> Tom Slockett</p> <p><input type="radio"/> Write-in vote, if any</p> <p>Rotation is required if candidates are opposed.</p>
	<p>FOR COUNTY SHERIFF (Vote for no more than ONE)</p> <p><input type="radio"/> Lonny L. Pulkrabek</p> <p><input type="radio"/> Write-in vote, if any</p> <p>Rotation is not required if candidates are unopposed.</p>		
	A	B	C
	<p>Official's Initials _____ 7.4.2.0 / 012803-14 © Election Systems & Software, Inc. 1981, 2002</p>		

Example of a Premier Primary Election Ballot:

<div style="border: 1px solid black; width: 40px; height: 15px; margin-bottom: 5px;"></div> <small>Pct. Off. Initials</small> <small>Black Hawk County Commissioner of Elections</small>	OFFICIAL PRIMARY ELECTION BALLOT <h2 style="margin: 0;">Democratic Party</h2> of Black Hawk County, State of Iowa Primary Election -- June 6, 2006	Special & Representative District 18
INSTRUCTIONS: To vote, blacken the target <input type="radio"/> completely! TO CAST A WRITE-IN VOTE, you must blacken the target <input type="radio"/> completely AND write the name of your candidate on the line provided.		
FEDERAL OFFICES	SECRETARY OF AGRICULTURE (Vote for no more than one) <input type="radio"/> Denise O'Brien <input type="radio"/> Dusky Terry <input type="radio"/> _____ (Write-in vote, if any)	COUNTY TREASURER (Vote for no more than one) <input type="radio"/> Barbara Freet <input type="radio"/> _____ (Write-in vote, if any)
UNITED STATES REPRESENTATIVE DISTRICT 1 (Vote for no more than one) <input type="radio"/> Bruce Braley <input type="radio"/> Rick Dickinson <input type="radio"/> Bill Gluba <input type="radio"/> Denny Heath <input type="radio"/> _____ (Write-in vote, if any)	ATTORNEY GENERAL (Vote for no more than one) <input type="radio"/> Tom Miller <input type="radio"/> _____ (Write-in vote, if any)	COUNTY RECORDER (Vote for no more than one) <input type="radio"/> Judy McCarthy <input type="radio"/> _____ (Write-in vote, if any)
STATE OFFICES	GOVERNOR (Vote for no more than one) <input type="radio"/> Mike Blouin <input type="radio"/> Chet Culver <input type="radio"/> Ed Fallon <input type="radio"/> Sal Mohamed <input type="radio"/> _____ (Write-in vote, if any)	COUNTY ATTORNEY (Vote for no more than one) <input type="radio"/> Thomas J. Ferguson <input type="radio"/> _____ (Write-in vote, if any)
SECRETARY OF STATE (Vote for no more than one) <input type="radio"/> Michael A. Mauro <input type="radio"/> _____ (Write-in vote, if any)	STATE SENATOR DISTRICT 9 (Vote for no more than one) <input type="radio"/> Bill Heckroth <input type="radio"/> _____ (Write-in vote, if any)	<p>Note: On this sample ballot, rotation is required for the races of U.S. representative, governor, secretary of agriculture, and board of supervisors because there are more candidates than open seats.</p> <p>Rotation is not required for the other races because the candidates are unopposed.</p>
AUDITOR OF STATE (Vote for no more than one) <input type="radio"/> _____ (Write-in vote, if any)	STATE REPRESENTATIVE DISTRICT 18 (Vote for no more than one) <input type="radio"/> Andrew Wenthe <input type="radio"/> _____ (Write-in vote, if any)	
TREASURER OF STATE (Vote for no more than one) <input type="radio"/> Michael L. Fitzgerald <input type="radio"/> _____ (Write-in vote, if any)	COUNTY OFFICES	
	BOARD OF SUPERVISORS (Vote for no more than two) <input type="radio"/> Tim Anderson <input type="radio"/> Frank L. Magsamen <input type="radio"/> Craig White <input type="radio"/> _____ (Write-in vote, if any) <input type="radio"/> _____ (Write-in vote, if any)	
FRONT Card 3 SEQ# 1		

Processing Voters for Primary Elections (Absentee and Election Day)

Party Affiliation

Every primary election voter must be registered to vote with a political party before voting and receiving the ballot for that party only.

Any registered voter can declare or change party affiliation at the polls on election day or when voting an absentee ballot by completing a new voter registration form or by writing a different party on an eligibility slip, in the election register, or on an absentee ballot request.

[§43.38, 43.41, 43.42, 53.2(5)]

Changing Back

Voters who express an interest in changing party affiliation after voting may take voter registration forms with them and send the form in after the election. PEOs should not collect forms from voters who wish to change party affiliation after voting.

If a voter switched party affiliation to vote in the primary, the change in party affiliation is updated in the voter's registration record in I-VOTERS when the election register is processed or when the voter's absentee ballot request is entered.

Best Practice: If voters wish to change party affiliations back after voting, process those changes after the election is closed in I-VOTERS.

Federal Write-In Ballot (FWAB) Allowed

See the Absentee Voting chapter of this handbook for more information on FWABs and when they can be counted.

[§53.53]

Election Day

Precinct Canvass of Votes

PEOs will need to be provided with two certificates of write-in votes at each precinct: one for the Democratic Party and one for the Republican Party.

Counted ballots from the optical scanner that do not contain write-in votes should be sealed in an envelope. They do not need to be sorted by party.

Ballots containing write-in votes should be sorted by party and then tallied on the appropriate certificate of write-in votes for that party.

[§43.45(2)]

Sample certificates of write-in votes and tally lists are available in the Election Forms Library.

Write-In Votes for Another Party's Candidate

Primary election voters are making nominations only for their own political parties. If a Democratic voter writes in the name of a Republican candidate on the Democratic party ballot, that vote counts as a vote for the candidate to be the nominee for the Democratic Party.

[§43.39]

Post Election Day

Provisional Ballots

Post a list of the number of provisional ballots cast in each precinct as soon as possible, but no later than 9 a.m. on the Thursday after the election.

[§50.20]

ASVP Board

The board must meet no earlier than noon on the Thursday after the election to consider any provisional ballots cast in the election and any absentee ballots with timely postmarks that have been received.

Best Practice: Run all ballots, including late absentees and provisional ballots through the optical scanner.

For more information on the ASVP board process, see the Absentee Voting chapter.

[§50.21, 50.22]

County Canvass

The county canvass for primary elections is held on the Monday or Tuesday after the election. Absentee ballots with a timely postmark can be received until noon on Monday. If the canvass is scheduled before noon on Monday, the auditor must check the post office for any timely ballots.

[§43.49, 53.17(2)]

For more information on the canvass process, see the Post Election Day chapter.

35% Needed for Nomination

In order to win a political party's nomination and have their names placed automatically on the general election ballot, candidates must:

- receive more votes than anyone else in their political party for that office

AND

- receive at least 35% of the votes cast for that office by members of their political party.

To determine whether a candidate received the required percentage of votes, multiply the total number of votes cast for the office (including write-in votes but excluding over and undervotes) by 0.35. Always round the result up to the next whole number.

[§43.52]

In offices with more than one nominee (e.g. at-large county supervisors), divide the total number of votes cast (including write-ins but excluding over and undervotes) by the number of seats to be filled. Multiply that number by 0.35. If the candidate who received the most votes also

received at least this number of votes, the candidate is nominated to appear on the ballot at the general election.

[§43.52]

Example: Two at-large supervisors to be nominated.

There were 1692 total votes cast and 18 write-ins cast for a final total of 1710.

$$1710 \div 2 = 855$$

$$855 * 0.35 = 299.25. \text{ Round up to } 300.$$

Each candidate needs at least 300 votes to be nominated and move on to the general election automatically. If only one candidate in a vote for two race receives enough votes to be nominated, the political party can nominate another candidate at a county convention.

[§43.77(2), 43.78(1)(d)]

Write-In Votes in Primary Elections

Write-in votes are allowed and the candidate with the most votes is declared nominated (as long as they also received 35% of the votes as explained on the previous page). There is no “next highest vote-getter” provision in primary elections. If a person who was nominated by write-in votes declines the nomination, the political party will have to nominate a candidate by convention for the general election.

[§43.66, 43.78(1), IAC 721—21.602]

No Names on Ballot for a Particular Office

If there were no candidates on one of the political party’s ballots for an office at a primary election, then a write-in candidate in that race must have at least 35% of the number of votes that were cast by the party’s voters for the same office the last time the party had a candidate for that office on the primary election ballot.

For example, there is not a Democratic candidate for the county recorder race. Look back at past primary elections to find the last time there was a Democratic candidate for county recorder at a primary election and use the total votes cast in that race at that time to determine the nomination threshold.

See §43.66 for information about what to do if this situation occurs in a General Assembly seat when the party has not had a candidate on the ballot since the last redistricting.

[§43.66, IAC 721—21.602]

Write-In Nominees

If any write-in candidate wins nomination at the primary election, the write-in candidate must file an affidavit of candidacy by 5 p.m. on the seventh day after the canvass or the candidate’s name will not be included on the general election ballot. Any write-in candidates who are nominated for county offices at the primary election must be notified by the auditor of this requirement as soon as possible after the canvass.

[§43.67]

Abstracts

Two sets of all state and federal abstracts will need to be prepared and signed by a majority of the board of supervisors.

For state and federal offices:

- Send one set of the abstracts to the SOS with the board's original signatures no later than 13 days after the election.
- Keep one set for your files.

For county offices:

- Keep one set for your files.

See Post Election Day chapter for more information on preparing abstracts.

[§43.60, 50.24(2), 50.30]

Certified Election Canvass Summary

A canvass summary must be prepared and signed by a majority of the board of supervisors.

For state and federal offices:

- Send a canvass summary to the SOS with the board's original signatures no later than 13 days after the election.
- Keep one canvass summary for your files.

For county offices:

- Keep one canvass summary for your files.

See Post Election Day chapter for more information.

[§50.24(3), 50.30A]

No Certificates of Election

No certificates of election are issued because no candidates are elected at the primary election.

Report Sent to Political Parties

You must certify the following information to the county political party chairs as soon as possible after the county canvass:

- A list of that party's candidates for county offices who were nominated at the primary election and for which office each person was nominated.
- A list of the county offices for which no one from that party was nominated, including a list of all candidates who received votes for that office on that political party's ballot but who failed to meet the requirements to win nomination.

The names of people who received write-in votes do not need to be included on this report.

[§43.55]

Publication of Minutes

The board of supervisors must publish the following after the canvass:

- The names of the candidates nominated for county office and the offices for which they were nominated.
- The offices for which no nomination was made by a political party

Important Note: The actual vote totals are not required to be published.

[§43.62]

Recounts

The deadline to request a recount for the primary election is 5 p.m. on the third day after the board of supervisors' canvass of votes.

[§50.48]

See §43.56 if a recount is requested for an office in which no candidate received 35% of the vote for information about determining members of the recount board.

See the Recounts chapter for more information about conducting recounts.

Contests

The deadline to file a statement of intent to contest the primary election varies by office:

- **Governor:** 30 days after the state canvass [§58.1]
- **General Assembly:** up until 20 days before the start of the next session [§59.1]
- **Federal Offices:** 2 days after the state canvass [§60.4]

- **Statewide Offices:** 30 days after the state canvass [§61.3]
- **County Offices:** 20 days after the county canvass [§62.5]

See the Contests chapter for more information.

[§43.5]

Record Retention

Keep records for 22 months because the primary election ballot contains federal offices. If a primary election contest is pending, keep until the final determination of the contest. Tally lists and abstracts that have not been electronically recorded must be kept forever.

See the election document retention record available in the Election Forms Library.

Exceptions

- Nomination papers for primary election candidates for state and county offices must be destroyed 10 days before the general election, if an election contest is not pending. [§50.19(1)]
- Unvoted ballots and programmed memory cards. [§50.9, IAC 721—21.51(13-14)]