

## Chapter 10

# School Elections

This chapter of the handbook applies only to school elections.

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



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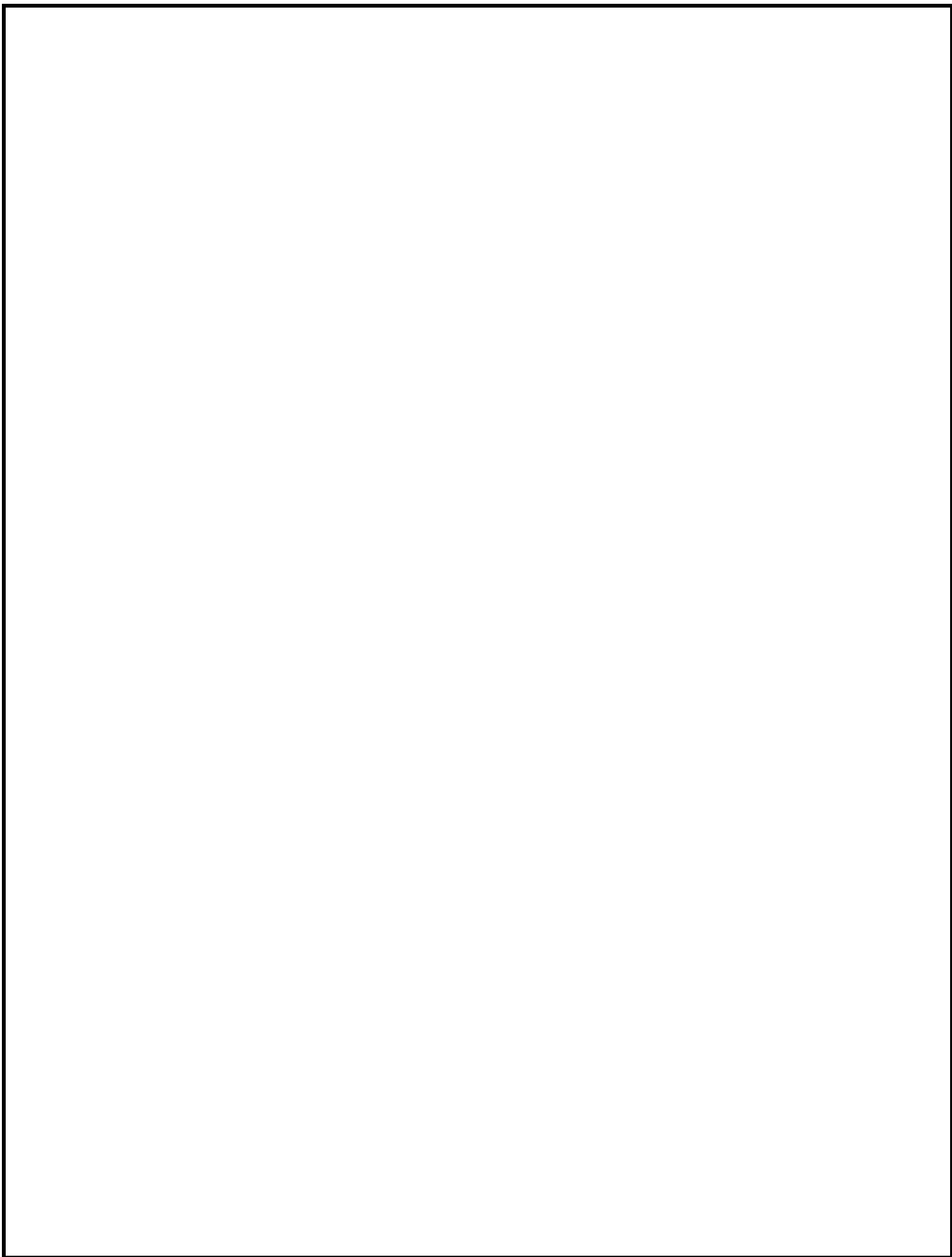
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## Overview

### **What is the School Election?**

The school election is the election held in odd-numbered years to elect school district and community college officers and vote on public measures for these jurisdictions.

[§277.1]

### **Date of School Election**

The school election is held on the second Tuesday in September of odd-numbered years.

[§277.1]

### **Laws Related to School Elections**

Chapter 277 of the *Iowa Code* is the main source of information for laws relating to school districts.

Chapter 260C is the main source of information for laws relating to community colleges.

§277.3 and §260C.15 both refer to other sections of the *Iowa Code* that apply whenever these chapters don't contain a specific requirement for the conduct of these elections.

### **Merged Area = Community College**

The *Iowa Code* refers to community colleges as merged area schools.

### **Control Counties**

Many school districts (and all community colleges) cross county lines. When that happens, the county auditor whose county has the largest taxable base is given the responsibility of conducting the election for that district. This auditor is known as the "control county auditor."

[§47.2(2)]

### **UOCAVA Absentee Ballot Requests**

You must forward copies of valid absentee requests from UOCAVA voters from your county who live in school districts controlled by another auditor. They must be forwarded to the control county auditor for that school district. This is only necessary if the voter has requested ballots specifically for the school election or has requested ballots for all elections.

## **Pre-Election**

### **Paying for the Election**

The school district and community college pay the election costs associated with conducting the election. See the Pre-Election Day chapter for a list of items that can be included in the bill.

[§47.3]

### **Satellite Voting Petitions**

Residents of a school district or community college district can petition for satellite voting for school elections. The minimum number of signatures required on a petition is 100, and the petition must be delivered to the auditor no later than 30 days before the election at 5 p.m. Signatures must be from eligible electors living in the school district or community college area, as appropriate.

For more information about establishing satellite voting locations, see the Absentee Voting chapter.

[§53.11(2)(d), IAC 721—21.300(1)(b)]

### **Voter Pre-Registration Deadline**

The pre-registration deadline is 11 days before the school election at 5 p.m. This is a Friday and the auditor's office must be open from 8 a.m. until 5 p.m. that day. After this deadline, voters can register to vote and cast an absentee ballot at the same time using EDR procedures at the auditor's office or at a satellite voting station or they can use EDR procedures at their polling place on election day.

[§48A.7A, 48A.9]

### **Affidavit Review**

All ballots that are received on or before 5 p.m. on the Friday before the school 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.

[§53.18(2)]

For more information about reviewing affidavits and notifying voters, see the Absentee Voting chapter.

## **Planning Worksheets**

Planning worksheets are available on the SOS website to help auditors, school secretaries and community college secretaries. They will help plan polling place hours, estimate turnout, and provide information about other school preferences.

Be sure to tell the school secretary how many signatures candidates are required to gather for the seats that will be on the ballot. The number may be different for different director districts if directors are elected by district (as opposed to at-large) at the school election.

## **May 1st Voter Registration Numbers**

Voter registration totals for each school district need to be collected on May 1<sup>st</sup> of each odd-numbered year. They are used to calculate how many signatures candidates need to get their names on the ballot.

[§277.4, IAC 721—21.500]

The SOS Office will email instructions for compiling these totals at the end of April in odd-numbered years.

## **Labor Day**

Occasionally the Labor Day holiday affects certain deadlines related to the school election. For example, when Labor Day is the Monday before the school election, as it was in 2009, the absentee ballot postmark deadline cannot extend to the “next business day” because that day is election day. Absentee ballots must be postmarked by an officially authorized postal service no later than the day before the election to be considered on time for counting. The United States Postal Service was closed on Labor Day which meant the last chance to obtain a USPS postmark was the Saturday before the 2009 school election.

Other deadlines will typically extend to the next business day after Labor Day.

[§53.17(2)]

If you have questions about how the Labor Day holiday will affect the school elections, contact the SOS.

## **Polling Places**

### **Consolidated/Merged Precincts**

Consolidated/merged precincts are allowed for school elections.

See the Pre-Election Day chapter for more information.

### **Vote Centers**

Vote centers are allowed for school elections.

See the Pre-Election Day chapter for more information.

### **Check Accessibility**

Check to make sure that all polling places or vote centers are accessible to voters with disabilities. See the Pre-Election Day chapter for more information.

### **Polling Place Hours**

The auditor can open the polls at 7 a.m. or noon, based on past turnout for similar elections and other factors that will affect turnout. The planning worksheet asks the school district whether they would like to have the polls opened at 7 a.m. or noon. The decision, however, is up to the auditor based on the factors mentioned. See the Pre-Election Day chapter for more information.

[§49.73]

If the polling places are opened at noon, the auditor's office must be open from 8 a.m. to 11 a.m. for absentee voting on election day.

[§53.2(1)(a)]

## Nomination Period

### Filing Officer

The school district secretary or community college secretary, not the auditor, is the filing officer for school elections. It is very important to make contact with all school secretaries in the spring of odd-numbered years (before school is out for the summer) and make sure they understand the responsibility they have as the filing officer for these elections.

[§277.4]

**Best Practice:** Send a copy of the School Secretary's Guide, the Filing Officer's Guide, and School Election Planning Worksheet to each school secretary in April of odd-numbered years. All of these materials are available on the SOS website. Follow-up with school secretaries to make sure they understand their responsibilities.

### Filing Period

The filing period begins 64 days before the election and ends at 5 p.m. on the 40th day before the election. School secretaries' offices must be open until 5 p.m. on the final day for filing.

On the 39<sup>th</sup> day before the election (the day after the filing deadline), school secretaries must deliver all the nomination papers received and the text of any public measure(s) that must appear on the school election ballot to the auditor by no later than 5 p.m.

[§277.4]

For specific dates, see the Auditor's Calendar for the School Election.

Any candidate whose papers were accepted for filing by the school secretary has a right to have his or her name placed on the ballot, even if the auditor finds deficiencies in the nomination papers after they are delivered by the school secretary. The auditor's duty at this point is to place the name on the ballot and let the normal objection process run its course. The only exception to this is if the deficiency in the nomination papers makes it impossible to determine for what office the candidate's name should be placed on the ballot.

[§277.5]

## **Number of Signatures Required**

The number of signatures required depends on the number of registered voters in the school district or director district.

### **Director Districts**

In school districts where directors must reside in a specific director district but are voted upon by the entire school district, the number of signatures needed is calculated from the number of registered voters in the entire school district. Petition signers may live anywhere in the school district.

In school districts where directors are only voted on by the residents of the director district, the number of signatures needed is calculated from the number of registered voters in the director district. Petition signers must live in the director district.

<b>Non-Partisan Offices</b>	<b>Signatures Needed</b>
School Board Members	Between 10 and 50, depending on the district size (1% of registered voters in school district or director district; maximum of 50) [§277.4]
Community College Board Members	At least 50 signatures from director district [§260C.15(2)]

### **Withdrawals**

Withdrawals in writing must be filed with the school secretary no later than 5 p.m. on the 35th day before the election.

[§277.4(4)]

**Important note about community college candidates:** There is no procedure specifically outlined in §260C for community college candidates to withdraw. The community college secretary should consult the community college attorney for information on how to proceed if a withdrawal is filed. The auditor should consult the county attorney before proceeding based on direction from the community college regarding a withdrawal for a community college candidate.

### **Objections**

Written objections must be filed with the school secretary or community college secretary 35 days or more before the election.

[§260C.15(4), 277.5]

### **Certifications from Other Counties**

Before printing ballots and generating ballot styles in I-VOTERS, make sure you have received certifications from community college control counties. If you do not receive anything from the control county, contact them to verify there are no seats to be filled and no public measures for the community college on the ballot.

## **Ballot Preparation**

### **Voting Equipment**

The auditor can decide whether to use voting equipment or whether to have the ballots counted by hand for each school district in the county. If counting by hand will cause a significant savings in election costs, the auditor may use hand-counted paper ballots. The decision about whether to use voting equipment is made on a district by district (not precinct by precinct) basis. Voters in the school district can petition to require the use of voting equipment if the auditor decides not to use it. See §49.26 for more information.

[§49.26]

### **Non-Partisan Election**

School elections are non-partisan. Candidates' names appear on the ballot with no reference to political affiliation.

[§49.31(3)]

### **When Ballots Must be Ready**

Ballots must be ready as soon as practicable, but there is no date specifically set by law. As soon as ballots are prepared, you must begin mailing out absentee ballots.

[§53.10(1)]

### **Public Measures**

School districts and community colleges can always include public measures on the school election ballot. The deadline for filing the full text of the public measure with the auditor is 39 days before the election, no later than 5 p.m.

[§277.4(3)]

### **Vacancies**

See the Vacancies chapter for more information.

## **Rotation**

Rotation is required if:

- Candidates are running opposed (e.g. three people seeking two at-large school board seats)

AND

- The office will appear on the ballot in more than one precinct.

[§49.31(3)]

## **Example:**

Happytown School District is electing three at-large school board directors. Six people are running for the open seats. All of the voters in Happytown School District vote at one polling place in the Happytown High School. In this case, rotation is NOT required. Even though the candidates are running opposed, this race will only appear on the ballot in one precinct.

## **Order of Offices**

1. School Board Members
2. Merged Area Trustees (if any)
3. School District Public Measures (if any)
4. Merged Area Public Measures (if any)

**Important Note:** If any vacant offices must appear on the ballot, list them as the last office under the appropriate numbered heading.

**Ballot Layout**

All offices on the ballot are non-partisan offices. No reference to affiliation is listed with the candidates' names. List the names of the candidates in alphabetical order. Rotation is required if candidates are running opposed and the office appears in more than one precinct.

[§49.31(3)]

Example of an ES&S School Election Ballot:

A Johnson County	B State of Iowa	C September 9, 2008
<p>County of Johnson, State of Iowa</p> <p>STYLE 1 IC01</p> <p>School Election held on the 9th day of September, 2008</p> <p><i>Tom Shobert</i> County Auditor and Commissioner of Elections</p> <p><b>INSTRUCTIONS TO VOTER</b></p> <p><b>1. Voting Mark.</b> To vote, fill in the oval next to your choice.</p> <p><input type="radio"/> Candidate Name <input checked="" type="radio"/> Candidate Name</p> <p><b>2. Write-in Votes.</b> 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><b>3. Use only the pen or pencil provided.</b></p> <p><b>4. Do not cross out.</b> If you change your mind, exchange your ballot for a new one.</p>	<p><b>IOWA CITY COMMUNITY SCHOOL DISTRICT</b></p> <p><b>SCHOOL OFFICES</b></p> <p><b>FOR SCHOOL BOARD DIRECTOR</b> (Vote for no more than three.)</p> <p><input type="radio"/> Toni Cilek <input type="radio"/> Patti Fields <input type="radio"/> Michael Shaw <input type="radio"/> Richard P. Tiegs</p> <p><input type="radio"/> Write-in vote, if any. <input type="radio"/> Write-in vote, if any. <input type="radio"/> Write-in vote, if any.</p>	<div data-bbox="1063 745 1274 1081" style="border: 1px solid black; padding: 5px;"> <p>Rotation required if the office appears on ballots in more than one precinct because candidates are opposed.</p> </div>
A	B Typ:00 Seq:0000 Spl:01	C
Official's Initials _____ 7.4.2.0 / 012805-14 © Election Systems & Software, Inc. 1981, 2002		

Example of Premier School Election Ballot:

OFFICIAL BALLOT  
SPECIAL ELECTION  
CITY OF PRAIRIEBURG  
IN THE COUNTY OF LINN, STATE OF IOWA  
APRIL 24, 2007

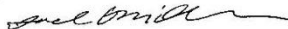
INSTRUCTIONS FOR VOTING: Fill in the oval to the left of the candidate of your choice, like this . For a write-in vote, write the name of a person of your choice on the write-in line; then fill in the oval to the left of the write-in line.

**FOR MAYOR, To Fill Vacancy**  
(Vote for no more than one)

- Donald R. Holub
- Robert Stanard
- write-in vote, if any

Rotation required if the office appears on ballots in more than one precinct because candidates are opposed.

ATTEST: OFFICIAL BALLOT



JOEL D. MILLER  
LINN COUNTY COMMISSIONER OF ELECTIONS

PRECINCT OFFICIALS INITIALS \_\_\_\_\_

FRONT Card 1 SEQ# 1

## **Post Election Day**

### **Provisional Ballots**

Post a list of the number of provisional ballots cast in each precinct as soon as possible. The ASVP board must meet on Wednesday at noon for school elections and the list must be posted before they meet.

[§50.20]

### **ASVP Board**

The board has to meet the day after the election (Wednesday) at noon to consider any provisional ballots cast in the election and any absentee ballots that were received and postmarked on time.

For additional information about ASVP board procedures, see the Absentee Voting chapter.

[§50.21-22]

### **County Canvass**

The canvass for school elections is held on the Friday after the election, earlier than most elections. The canvass can be held anytime on Friday.

[§277.20]

### **Community College Canvass (Control Counties)**

If your county is the control county for a community college, the board of supervisors must meet on the last Monday in September or at the board's last regularly scheduled meeting in September to canvass the abstracts received from the other counties in the community college area.

[§260C.15(5)]

### **Write-In Votes**

There are no special provisions for write-in votes in school elections. Write-in votes are allowed and the candidate with the most votes is declared elected. There is no "next highest vote-getter" provision in school elections. If a person who was elected by write-in votes declines the office, it creates a vacancy and must be filled by appointment.

[§50.24, 50.45, 277.20, 277.29]

### **Required Percentage for Passage of Public Measures**

Most public measures require a simple majority to pass. Bond issues, however, need 60% to pass.

[§50.45, 75.1, 296.6]

## **Election Results**

To generate abstracts and certificates of election, enter election results in I-VOTERS.

## **Abstracts**

Two sets of each school district's abstracts will need to be prepared and signed by a majority of the board of supervisors.

### **For school districts:**

- Send one set of the abstract to the school district.
- Keep one set for your files.

### **For community colleges when you are NOT the control county:**

- Send one set of the abstract to the control county auditor.
- Keep one set for your files.

### **For community colleges when you ARE the control county:**

- At the first canvass on Friday after the election, keep one set of the county abstract for use in the community college canvass.
- At the community college canvass, you will need two sets of the abstract.
  - Send one set of the abstract to the community college.
  - Keep one set for your files.

[§50.24, 277.20]

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

## **Certified Election Canvass Summary**

A canvass summary must be prepared for each school district and signed by a majority of the board of supervisors. See the Post Election Day chapter for more information.

[§50.24(3)]

## **Term Start Dates for Certificates of Election**

### **School Districts**

The term for school officers begins at the first regular board meeting after the canvass. This date should have been provided to you by the school secretary.

[§50.29, 277.28, 279.1]

Enter the start date for each school district on the “**Election Results**” screen in “**Election Management**” in I-VOTERS.

After generating certificates of election for one school district, enter the “start date” for another school district. Generate certificates of election for the second school district and continue until all certificates of election have been generated.

To determine start dates for directors elected to fill vacancies, see the Vacancies chapter.

### **Community Colleges (Control Counties)**

The term for new members begins at the first regular meeting of the board held after the canvass of votes. This date should have been provided to you by the secretary.

[§50.29, 260C.15(5), 277.28]

Enter the start date for each community college on the “**Election Results**” screen in “**Election Management**” in I-VOTERS, following the instructions under school elections above.

## **Recounts**

Requests for recounts for school elections must be filed within three days of the county canvass. See the Recounts chapter for more information.

[§50.48(1)]

## **Contests**

The deadline to file a statement of intent to contest the school election must be filed 20 days after the canvass of votes with the auditor. See the Contests chapter for more information.

[§57.6, 62.5, 277.22]

## **Record Retention**

Keep records for 6 months, unless a school election contest is pending because the school election ballot will never contain federal offices. Tally lists and abstracts which have not been electronically recorded must be kept forever.

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

**Exception to the Six Month Rule:** Unvoted ballots and programmed memory cards.

[§50.19, IAC 721—22.51(13-14)]