

Candidate's Guide to the Regular City Election

November 8, 2011

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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

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.

An eligible elector must:

- Be a citizen of the United States
- Be a resident of Iowa
- 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
- Claim the right to vote in any other place.

[§376.4(1)]

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: www.sos.state.ia.us/elections/electioninfo/CityElections.html.

Filing Period

Nomination papers must be filed during the filing period. They cannot be filed before or after the following dates:

First day: Monday, August 29, 2011

Last day: Thursday, September 22, 2011 – 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

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 would be the case if the office term does not normally end this year but must appear on the ballot this year. 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 2011 Regular City Election will be held on Tuesday, November 8.

- 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.

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 2011 Regular City Election will be held on Tuesday, November 8.

- **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 would be the case if the term does not normally end this year but must appear on the ballot this year. 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

Signatures requirements for candidates who are elected only by the voters of a ward are based on the number of registered voters in the ward and signatures must be collected from ward residents.

[§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 votes for the office at the last regular city election, whichever is greater.

Signature requirements for candidates who are elected only by the voters of a ward are based on the number of registered voters in the ward and must be collected from residents of 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).

You 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.

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.

- 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 2011 Regular City Election will be held on Tuesday, November 8.

- 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 would be the case if the term does not normally end this year but must appear on the ballot this year. 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.

- Filling Vacancy Method

Specify the method that will be used to fill any vacancies if candidates withdraw, die, or are found ineligible to run before the deadline. (This is optional but recommended.)

- Convention Attendance List

Include the name and address of each delegate.

- Affidavit of Chairperson and Secretary

The chair and secretary of the convention must sign and certify that the certificate is true.

Important Note: When more than one candidate has been nominated at the same convention, those nominations may be added to the certificate by using a separate sheet of paper. In this case, multiple certificates from the same convention are not necessary; however, each candidate must complete an affidavit of candidacy.

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 you file early, you may have time to correct any errors and resubmit your papers.

Nomination papers may be filed in person or by mail. When filing by mail, postmark dates do not count. The filing officer must receive the papers by 5 p.m. on the filing deadline. If you would like to be contacted when your nomination papers have been received, please indicate that when you mail your papers and include a daytime phone number at which you can be reached.

Important Note: It is the responsibility of the candidate to ensure the nomination papers are filed by 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.

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 10th day after the canvass.

[§376.11(1)]

The city clerk then notifies the person who received the next-highest number of votes. 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.

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
- 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. 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. 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 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.

For example, Happytown has a five member at-large city council. At the regular city election, three at-large seats are on the ballot. The ballot for this race reads “Vote for no more than three”. 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

Write-In Candidate Wins 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 wish 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; 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 Runoff City Election Day

Who Wins?

Candidates with the highest number of votes for an office win, even if no majority is obtained in the city runoff election.

[§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.

2011 Regular City Election and City Runoff Election Candidates' Calendar

Date	Event	Code Cite
Monday, August 29	Regular City Election Candidate Filing Begins. First day to file nomination papers with the city clerk.	§376.4(1)(a)
Thursday, September 22 – 5 p.m.	Regular City Election Candidate Filing Deadline. Last day to file nomination papers with the city clerk. Deadline is 5 p.m.	§376.4(1)(a)
Tuesday, September 27 – 5 p.m.	Regular City Election Candidate Withdrawal Deadline. Last day for candidates to withdraw by filing a written request with the city clerk.	§44.9(6), 376.4(6)
	Regular City Election Candidate Objection Deadline. 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 10 – 5 p.m.	Regular City Election Satellite Absentee Voting Station Petition Deadline. 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 24	Regular City Election Worry-Free Postmark Date. 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 28.	§48A.9(3)
Friday, October 28 - 5 p.m.	Regular City Election Voter Pre-Registration Deadline. The deadline to pre-register to vote for the regular city election is 5 p.m.	§48A.9(1)
Friday, November 4 – 5 p.m.	Regular City Election Absentee Ballot by Mail Request Deadline. Last day to request an absentee ballot by mail. Deadline is 5 p.m.	§53.2(1)(b)
Monday, November 7	Regular City Election Absentee Ballot In-Person Deadline. Last day to request and vote an absentee ballot in person at the county auditor's office. <i>Exception:</i> If the polls open at noon on election day, voters may vote by absentee ballot in person at the auditor's office until 11 a.m.	§53.2(1)(a)
Tuesday, November 8	Regular City Election Day. Polls are open from 7 a.m. until 8 p.m. <i>Exception:</i> 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 until 11 a.m.	§49.73(1)(b), 49.73(3), 376.1 §53.2(1)(a)
Wednesday, November 9	Special Precinct Board Convened for Cities with Runoff Provisions. The auditor must convene the special precinct board at noon to consider provisional ballots and absentee ballots that were postmarked before Tuesday, November 8.	§50.21, 50.22

Date	Event	Code Cite
	County Canvass of Votes for Regular City Election for Cities with Runoff Provisions.	§376.9
Thursday, November 10	Special Precinct Board Convened for Cities without Runoff Provisions. 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 8.	§50.21, 50.22
	Veteran's Day – State Offices Closed.	§1C.1
	Recount Request Deadline for Cities with Runoff Provisions. Written requests must be filed in the county auditor's office by 5 p.m. <i>If the county auditor's office is closed, the holiday moves to the next business day Monday, November 14.</i>	§50.48(7)
Friday, November 11 – 5 p.m.	Last Day for Write-in Candidates to File Affidavits of Candidacy for City Runoff Election. 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. <i>If the county auditor's office is closed, the holiday moves to the next business day Monday, November 14.</i>	§376.11(5)
Monday, November 14/ Tuesday, November 15	County Canvass of Votes for Regular City Election for Cities without Runoff Provisions.	§50.24
Tuesday, November 15 – 5 p.m.	City Runoff Election Satellite Absentee Voting Station Petition Deadline. 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)
Thursday, November 17/ Friday, November 18 – 5 p.m.	Recount Request Deadline for Cities without Runoff Provisions. Written requests must be filed in the county auditor's office by 5 p.m. on the third day after the canvass of votes.	§50.48(1)
Friday, November 18	Regular City Election Contest Notice Deadline. 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 21	City Runoff Election Worry-Free Postmark Date. 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 28.	§48A.9(3)
Thursday, November 24 – Friday, November 25	Thanksgiving Holiday – State Offices Closed.	§1C.1

Date	Event	Code Cite
Monday, November 28 – 5 p.m.	<p>City Runoff Election Pre-Registration Deadline. The deadline to pre-register to vote for the runoff city election is 5 p.m.</p> <p><i>*Deadline moved due to Thanksgiving holiday.</i></p>	§48A.9(1)
Friday, December 2 – 5 p.m.	<p>City Runoff Election Absentee Ballot by Mail Request Deadline. Last day to request an absentee ballot by mail. Deadline is 5 p.m.</p>	§53.2(1)(b)
Monday, December 5	<p>City Runoff Election Absentee Ballot In-Person Deadline. Last day to request and vote an absentee ballot in person at the county auditor's office.</p> <p>Exception: If the polls open at noon on election day, voters may vote by absentee ballot in person at the auditor's office until 11 a.m.</p>	§53.2(1)(a)
Tuesday, December 6	<p>City Runoff Election Day (if necessary). 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.</p> <p>Polls are open from 7 a.m. until 8 p.m.</p> <p>Exception: The polls may be opened at noon for any city election unless the county auditor receives a petition objecting to the shortened hours.</p> <p>If the polls open at noon, voter may vote by absentee ballot in person at the county auditor's office until 11 a.m.</p>	§49.73, 376.9, 376.11
Thursday, December 8	<p>Special Precinct Board Convened for City Runoff Election. 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 6.</p>	§50.21, 50.22
Monday, December 12/ Tuesday, December 13	<p>County Canvass of Votes for City Runoff Election.</p>	§50.24
Thursday, December 15/ Friday, December 16 – 5 p.m.	<p>City Runoff Election Recount Request Deadline. Written requests for a recount must be filed in the county auditor's office by 5 p.m. on the third day after the canvass of votes.</p>	§50.48(1)
Friday, December 16	<p>City Runoff Election Contest Notice Deadline. Statement of intent to contest election must be filed in the city clerk's office no later than 10 days after the election.</p>	§376.10