

Candidate's Guide to the Special Election State Senate District 41

January 26, 2021

Prepared by the Office of the Iowa Secretary of State

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sos.iowa.gov/elections/candidates/index.html

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

Iowa General Assembly	U.S. Citizenship	Residence	Age	Term	Signatures Needed (if any)	Papers Filed In
State Senator [Iowa Constitution, Art. III, Sec. 5]	Citizen at the time of the election. [§39.26]	1 year in Iowa. 60 days in the district at the time of the election.	25 when sworn in.	4 years	100 from state senate district. [§45.1(4)]	Iowa Secretary of State's Office

A map of State Senate District 41 is available here:

<https://www.legis.iowa.gov/docs/publications/DMP/925125.pdf>

Nomination Methods

There are three ways a candidate may be nominated to appear on this special election ballot.

1. Nomination by Political Party Convention

Political party candidates are nominated by political party convention. Interested candidates should contact the state party. Contact information for the state political parties can be found at the end of this guide. Candidates must file an affidavit of candidacy and a political party convention certificate. Only one candidate can be nominated by each political party.

2. Nomination by Petition

Candidates who are not affiliated with any political party or non-party political organization (NPPO) may circulate nomination petitions to get their names on this special election ballot. Candidates who are affiliated with an NPPO can also circulate nomination petitions that specify the name of the NPPO.

Important Note about “Independent” Candidates:

The term “independent” is used by candidates and the general public to refer to candidates who are not running under any party or NPPO’s ticket. In Iowa, if a candidate writes the word “Independent” on nomination papers, that candidate is indicating membership in the “Independent” NPPO and will be listed on the ballot that way. If a candidate intends to run without any party or NPPO affiliation, the box next to “Not affiliated with any organization” on the nomination petition and affidavit of candidacy should be checked. The candidate’s name will appear on the ballot without any reference to a party affiliation.

3. Nomination by Non-Party Political Organization Convention

Non-party political organizations (NPPOs) are political organizations that do not meet the requirements to become a political party. NPPOs do not need to file any special paperwork to be officially recognized by the State. NPPOs can hold conventions to nominate candidates for this special election. Candidates must file an affidavit of candidacy and NPPO convention certificate.

Preparing Nomination Papers

Affidavit of Candidacy (all candidates)

Each candidate must complete and file an affidavit of candidacy.

The affidavit of candidacy form is available on the Secretary of State's website:
<http://sos.iowa.gov/elections/pdf/candidates/affidavit.pdf>.

The affidavit should include the following information:

- **Candidate's Name**

The candidate's name must 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 for producing audio ballots for voters who are visually impaired. Be as clear as possible. For example, Eisenhower = "EYES-in-how-er."

- **Office Sought and District (if any)**

Candidates must list "State Senate District 41" on their affidavit of candidacy.

- **Vacancy Information**

Candidates must check the "Yes" box.

- **Type and Date of Election**

Candidates must check the "Special Election" box and list January 26, 2021, as the election date.

- **Candidate Affiliation**

This is a required field. Only candidates who were nominated by Democratic or Republican party conventions may use those parties' distinctions. The name of a NPPO cannot be more than five words and no part or version of the words Democratic or Republican may be used as part of the NPPO's name.

Important Note about "Independent" Candidates:

The term "independent" is used by candidates and the general public to refer to candidates who are not running under any party or NPPO's ticket. In Iowa, if a candidate writes the word "Independent" on nomination papers, that candidate is indicating membership in the "Independent" NPPO and will be listed on the ballot that way. If a candidate intends to run without any party or NPPO affiliation, the box next to "Not affiliated with any organization" on the nomination petition and affidavit of candidacy

should be checked. The candidate's name will appear on the ballot without any reference to a party affiliation.

- Candidate's Home Address

Candidates must provide their house number and street name, city, and county of residence. Mailing address, phone, and email are optional but do assist the filing office 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.

Affidavits missing the information listed below must be rejected:

- Candidate's name,
- Office sought and district,
- Candidate's signature, or
- Signature of notary public.

[§43.14(4), 44.3(2), 45.3, 45.5(5)]

Political Party Convention Certificate (Democratic and Republican candidates only)

Political party candidates are nominated by political party convention. Interested candidates should contact the county or state party for more information. Contact information for the state political parties can be found at the end of this guide. Candidates must file an affidavit of candidacy and political party convention certificate.

Convention Attendance Requirements

Office	Convention Convened By:	Convention Attendees
State Senate	State Party Chairperson	Party precinct committee members whose precincts lie within the district

[§43.78]

Convention Certificate Requirements

The convention certificate must include the following information:

1. 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.

2. Candidate's Home Address and Mailing Address (if different)

Candidates must provide their house number and street name.

3. Office Sought and District

Candidates must list "State Senate District 41."

4. Name of Political Party

Either Democratic or Republican must be included.

5. Signatures of Convention Chairperson and Secretary

The chairperson and secretary of the convention must sign the certification of nomination from the convention.

[§43.88]

The convention certificate should also include the following information:

6. Date of Convention

7. Type and Date of Election

Candidates must check the "Special Election" box and list January 26, 2021, as the election date.

8. Vacancy Information

Candidates must check the "Yes" box.

Nomination Petitions (NPPO or unaffiliated candidates only)

Candidates who are not affiliated with any political party or NPPO may circulate nomination petitions to get their names on this special election ballot. Candidates who are affiliated with an NPPO can also circulate nomination petitions that specify the name of the NPPO. Candidates must collect signatures on nomination petitions and file the petitions at the same time the affidavit of candidacy is filed.

Nomination forms are available on the Secretary of State's website:

<http://sos.iowa.gov/elections/pdf/candidates/nompetpartisan.pdf>

Preparing Nomination Petitions

Before anyone signs the petition, complete the required information in the header of every petition page.

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

The information listed below must appear on each petition header for all offices. Signatures cannot be counted on petition pages missing the following information:

- **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**

Candidates must list "State Senate District 41" on their nomination petitions.

- **Office District (if any)**

Candidates must list "District 41" on their nomination petitions. Signatures on petition pages that do not provide the applicable district number (when required) cannot be counted.

- **Election Date**

Candidates must check the "Special Election" box and list January 26, 2021, as the election date.

- Signers' and Candidate's Affirmation of Residence

The following statement must appear on each petition page:

"We, the undersigned eligible electors of the appropriate county, supervisor, legislative district, city, school district, or school or community college director district in the state of Iowa, hereby make the nomination outlined above. If the candidate named above accepts the nomination, we believe the candidate is or will be a resident of the appropriate county, supervisor, legislative district, city, school district, or school or community college director district within the time frame required by law (60 days prior to the general election for state senate and state house candidates)."

[§45.5, 45.6]

The following information should also appear on each petition header for all offices:

- Vacancy Information

Candidates must check the "Yes" box.

- Candidate Affiliation

Either "Not affiliated with any organization" or "Name of Non-Party Political Organization" must be marked. If affiliated with an NPPO, the NPPO's name must be listed on each petition page header. The name of the NPPO cannot be more than five words and no part or version of the words Democratic or Republican may be used as part of the NPPO's name. The name of the NPPO will be used after the candidate's name on the ballot. If "Not affiliated with any organization" is marked, the candidate's name will appear on the ballot without any reference to a party affiliation.

- Signers' County of Residence

This is not required for this type of election.

- Candidate's County of Residence

Signature Requirements

Candidates must collect at least 100 signatures from the senate district.

Collecting Signatures

Eligible electors of State Senate District 41 may sign nomination petitions. 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, 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, including via Executive Order),
- Be currently judged incompetent to vote by a court, and
- Claim the right to vote in any other place.

[§39.3(6)]

Candidates may sign their own petitions assuming they are eligible electors of the district.

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.”

[§45.5, 45.6]

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.

NPPO Convention Certificate (NPPO candidates only)

NPPOs can hold conventions to nominate a candidate for this special election. Candidates must file an affidavit of candidacy and NPPO convention certificate. If the minimum attendance requirements are not met, the nominations made at the convention cannot be included on the ballot.

Convention Attendance Requirements

Office	Minimum Attendance	Number of counties or precincts that must be represented by at least one eligible elector
State Senate	20 eligible electors	½ precincts in district

[§44.1]

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, and
- 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, including via Executive Order),
- Be currently judged incompetent to vote by a court, and
- Claim the right to vote in any other place.

[§39.3(6)]

There is no limit on the number of conventions one elector may attend.

Convention Certificate Requirements

The convention certificate must include the following information:

1. Name of NPPO

The name of the NPPO cannot be more than five words and no part or version of the words Democratic or Republican may be used as part of the NPPO's name.

2. Name of Each Candidate Nominated

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.

3. Office(s) Sought and District or Ward (if any)

Candidates must list "State Senate District 41."

4. Home Address of Each Candidate

Candidates must provide their house number and street name.

5. Names and Addresses of NPPO's Executive or Central Committee Members

6. Method to Fill Ballot Vacancies

NPPOs may specify the organization's provisions (if any) for filling vacancies in nomination. If it wishes to make a substitution for a ballot vacancy, the NPPO must file these provisions.

7. 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.

8. Names and Addresses of Each Delegate or Voter in Attendance

[§44.1, 44.2, 44.3]

The convention certificate should also include the following information:

9. Date of Convention

10. Type and Date of Election

Candidates must check the "Special Election" box and list January 26, 2021, as the election date.

11. Vacancy Information

Candidates must check the "Yes" box.

Filing Checklist

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

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

[§44.16, 45.5(4)]

- 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 a petition that should not be included, simply draw a line through the names. Those signatures will not be counted.

- Make a copy of nomination papers for own records.**

- Bind 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.**

[§44.3, 45.3]

- File as early as possible.**

Nomination papers will be inspected for completeness before they are accepted for filing. If papers are filed 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.

Frequently Asked Questions

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
www.osc.gov/hatchact.htm

Who do I contact with 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.

- By phone: 1-888-SOS-VOTE or 515-281-0145
- By email: sos@sos.iowa.gov
- By mail: Lucas Building, 1st Floor
321 E. 12th 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.

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.

How do I contact the state's political parties?

Iowa Democratic Party
5661 Fleur Drive
Des Moines, IA 50321
515-244-7292
<http://iowademocrats.org>

Iowa Republican Party
621 E. 9th Street
Des Moines, IA 50309
515-282-8105
<http://iowagop.org>

**January 26, 2021 - Special Election Calendar
State Senate District 41**

Date	Event	Code Cite
Wednesday, December 30	Candidate Filing Begins. First day candidates to file nomination papers with the Secretary of State.	
*Special Provisions	Candidate Withdrawal Deadline. Iowa Code does not provide for candidate withdrawal for candidates nominated by convention under chapter 43. Last day for candidates to withdraw nominated by petition pursuant to §44.9(4)(b) is set at five days after the Governor issues the notice of election. Notice of withdrawal must be submitted in writing to the Secretary of State.	§44.9(4)(b)
Monday January 11	Worry-Free Postmark Date. Mailed voter registration forms which are postmarked before today are considered on time to pre-register for this special election even if they are received after the voter pre-registration deadline.	§48A.9(3))
	Candidate Filing Deadline. Last day to file nomination papers with the Secretary of State. Deadline is 5 p.m.	§43.88, 44.4(1)
Tuesday January 12 5:00 p.m.	Lots Drawn for Non-Party Political Organizations (NPPOs) If multiple nominations for the office are received from candidates for the same NPPO, lots will be drawn on this date to determine which candidate will have the NPPO's name appear with the candidate's name on the ballot. The other candidates will appear without reference to a political party affiliation.	IAC 721— 21.201(2)
	Voter Pre-Registration Deadline. The deadline to pre-register to vote for this special election is 5 p.m. This applies to registration in person (including registration at driver's license stations or agencies) or by mail.	
Friday January 15 5:00 p.m.	Exceptions: Mailed registration forms postmarked before the worry-free postmark date are considered on time even if they are received after 5 p.m. today. After today, a person may register to vote at the auditor's office or at a satellite absentee voting station and vote an absentee ballot. The process is the same as for registering to vote on election day.	§48A.9(1)
	Absentee Ballot by Mail Request Deadline. Last day to request an absentee ballot by mail. Deadline is 5 p.m.	§53.2(1)(b)
	Auditor's office must be open from 8 a.m. to 5 p.m.	

Date	Event	Code Cite
Saturday January 23	County Auditors' Offices Open. The county auditor's office must be open for at least eight hours for absentee voting and other election business.	§47.2(5)
Monday January 25	Absentee Ballot In-Person Deadline.	§53.2(1)(a)
	Last Day for Voters to Fix Incomplete Affidavits Voters have until 5 p.m. to fix incomplete affidavit envelopes	§53.18(2)
	Absentee Ballot Postmark Deadline. Absentee ballots postmarked by this date and received by the time of the county canvass are considered to be on time to be counted.	§53.17(2)
	Candidate Objection Deadline. Objections to nomination papers of political party candidates are filed with the Secretary of State at any time prior to the date of election. *Objection deadlines are different for Partisan and NPPO nominations. Check with the SOS for Objection deadlines.	§43.24(1)(b)(3) §44.4 §45.4
*Special Provisions	Auditor's office must be open until 5 p.m. if there are incomplete absentee ballots in need of correction.	
Tuesday January 26	Election Day. Polls are open from 7 a.m. until 9 p.m. Absentee ballots may be delivered to the county auditor's office until 9 p.m.	§49.73, §53.17(1)(a)
Wednesday January 27	Number of Provisional Ballots Posted. Number of provisional ballots cast in each precinct must be posted by the county auditor as soon as possible.	§50.20
	Special Board Convened at Noon. The county auditor must convene the special precinct board at noon to consider provisional ballots and absentee ballots that were postmarked on or before the absentee ballot postmark deadline.	§50.21, §50.22
Thursday January 28	Absentee Ballot Receipt Deadline. Absentee ballots that were postmarked on or before the absentee ballot postmark deadline and received by the time established for the canvass by the county board of supervisors are considered to be on time to be counted.	§53.17
	County Canvass of Votes Must occur on this date no earlier than 1 p.m.	§50.46
Monday February 1 5:00 p.m.	Recount Request Deadline. Written requests for a recount must be filed in the county auditor's office no later than 5 p.m. on the third day after the county canvass of votes.	§50.48(1)

Date	Event	Code Cite
*Special Provisions	<p data-bbox="440 289 867 317">State Canvass of Votes Complete.</p> <p data-bbox="440 333 1218 394">The state board of canvassers must convene within five days after receipt of county abstracts.</p>	§50.46
*Special Provisions	<p data-bbox="440 434 773 462">Election Contest Deadline.</p> <p data-bbox="440 478 1195 562">The contest deadline will vary depending on the date of the state canvass. Notice of a contest cannot be served on the incumbent later than 20 days after the state canvass of votes.</p>	§59.1