

Filing Officer's Guide

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Prepared by the Office of the Iowa Secretary of State

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For more information, please contact the Secretary of State's Office or the county auditor.

Important Note: The information provided in this guide has been compiled in the Iowa Secretary of State's Office to assist filing officers 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.

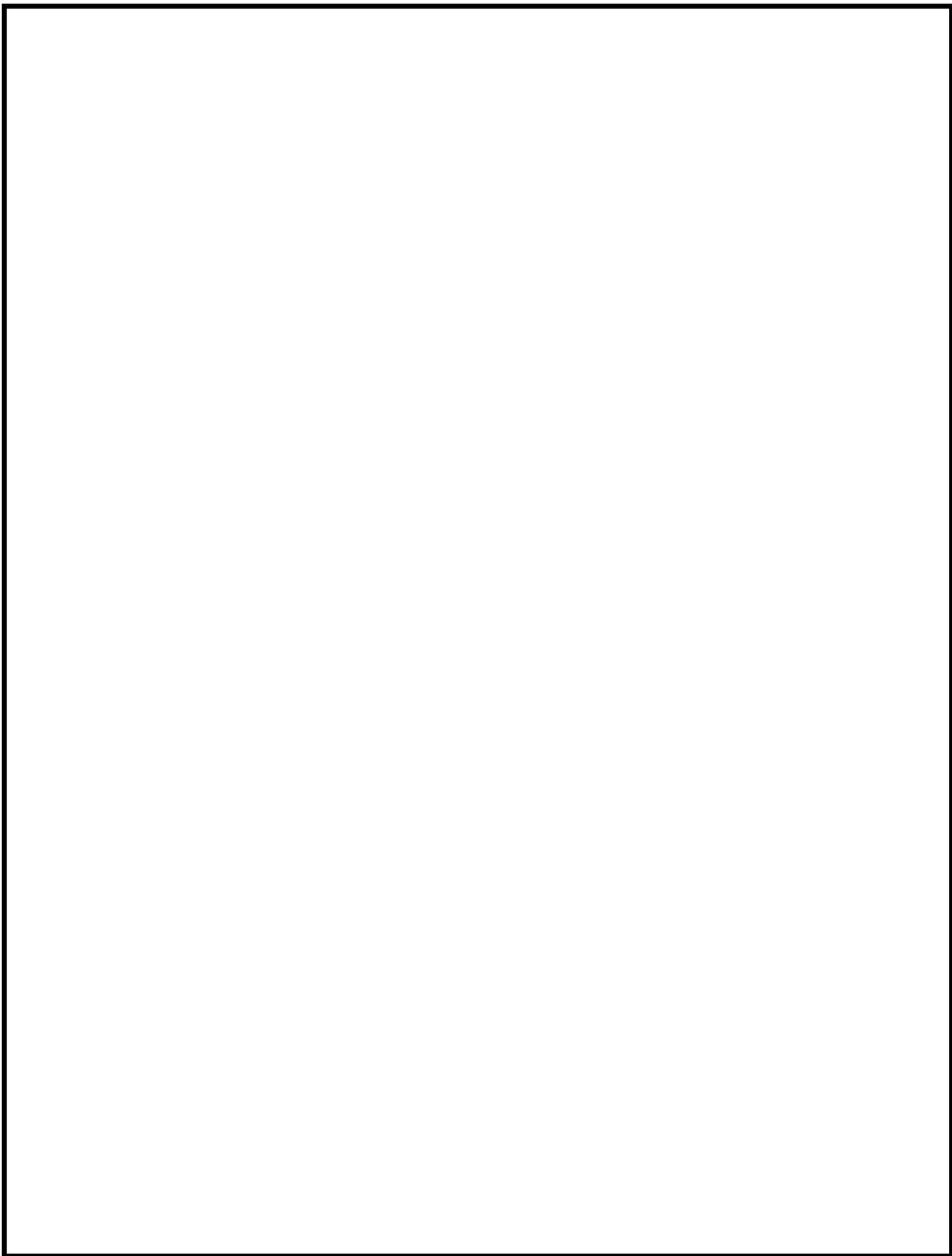


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Overview

Filing Officer Responsibilities

A filing officer assists with the administration of elections in multiple ways. Some responsibilities include:

1. Distributing nomination papers and candidate guides.
2. Receiving, reviewing, and accepting or rejecting nomination papers during the candidate filing period.
3. Receiving and reviewing petitions requesting special elections.

In schools and cities, the filing officer must also communicate with the county auditor to share election information.

Filing Officers for Nomination Papers

Election Type	Filing Officer	Code Cite
School	School Secretary	§277.4(1)
Community College	Community College Board Secretary	§260C.15(3)
City	Control County Auditor	§376.4(1)(a) as amended by 2014 Iowa Acts HF 2366, Sec. 9*
Primary	<u>County Offices:</u> County Auditor <u>State and Federal Offices:</u> Secretary of State	§43.11
General	<u>County Offices:</u> County Auditor <u>State and Federal Offices:</u> Secretary of State	§44.4, 45.4

*Effective July 1, 2014, city clerks are no longer the filing officer for candidate nomination papers in city elections. City clerks may still collect nomination papers and file them on behalf of candidates. The nomination papers must still be filed by the candidate filing deadline with the county auditor.

Filing Officers for Special Elections

The term “special election” applies to any item appearing on the ballot that is not automatically required to appear on a ballot (e.g. public measures and elected offices where vacancies have occurred). Special elections may be held in conjunction with the regular school election, the regular city election, the general election, and on other dates as provided by law.

For special elections, the filing officer is the same individual it is for regularly scheduled elections. For example, the school secretary is the filing officer for a special election to fill a vacancy on a school board.

Petition Signers and Convention Attendees

Petition signers and convention attendees must usually be eligible electors. In some situations, petition signers must be registered voters. The *Iowa Code* statute authorizing the special election will indicate the required qualifications of petition signers.

Eligible Elector Defined

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

[§39.3(6)]

Candidate Qualifications

Candidates must be eligible electors of the jurisdiction and district or ward (if any) at the time of the election. See the Candidate Qualifications charts for specific residency requirements for each office.

[§39.26, 161A.5, 277.27, 376.4(1)]

Primary Election Candidate Qualifications

Federal Office	U.S. Citizenship	Residence	Age	Term	Signatures Needed
U.S. Senator [U.S. Constitution, Art. 1, Sec. 3]	At least 9 years when sworn in.	Iowa resident at the time of the general election.	30 when sworn in.	6 years	Based on votes cast at last general election; refer to signature charts. [§43.20(1)(a)]
U.S. Representative [U.S. Constitution, Art. 1, Sec. 2]	At least 7 years when sworn in.	Iowa resident at the time of the general election.	25 when sworn in.	2 years	Based on votes cast at last general election; refer to signature charts. [§43.20(1)(c)]
State Executive Office	U.S. Citizenship	Residence	Age	Term	Signatures Needed
Governor & Lieutenant Governor [Iowa Constitution, Art. IV, Sec. 6]	2 years at the general election.	Iowa resident for 2 years at the time of the general election.	30 at the time of the general election.	4 years	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	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. [§39.26]	18 at the time of the election. [§39.26]	4 years	1,000, including 50 signatures from at least 10 counties. [§43.20(1)(b)]
Iowa General Assembly	U.S. Citizenship	Residence	Age	Term	Signatures Needed
State Senator [Iowa Constitution, Art. III, Sec. 5]	Citizen when sworn in. [§39.26]	1 year in Iowa, 60 days in the district at the time of the general election.	25 when sworn in.	4 years	100 from state senate district. [§43.20(1)(c)]
State Representative [Iowa Constitution, Art. III, Sec. 3-4]	Citizen when sworn in. [§39.26]	1 year in Iowa, 60 days in the district at the time of the general election.	21 when sworn in.	2 years	50 from state representative district. [§43.20(1)(c)]
County Offices	U.S. Citizenship	Residence	Age	Term	Signatures Needed
County Supervisor	Citizen at the time of the election. [§39.26]	Iowa resident at time of election. Registered voter of the county/supervisor district when sworn in. [§39.26, 331.201(2)]	18 at the time of the election. [§39.26]	4 years	Plan 1 and 2 Counties: At least 100 or 2% of the party vote in the county at last general election, whichever is less. Plan 3 Counties: At least 100 or 2% of the party vote in the supervisor district (including election day and absentee) at last general election, whichever is less. [§43.20(1)(d)]
County Attorney Must be admitted to the practice of law in the courts of Iowa when sworn in. [§331.751(2)]	Citizen at the time of the election. [§39.26]	Iowa resident at time of election. Registered voter in the county when sworn in. [§39.26, 331.751(2)]	18 at the time of the election. [§39.26]	4 years	At least 100 or 2% of the party vote in the county at last general, whichever is less. [§43.20(1)(d)]
County Auditor, County Treasurer, County Recorder	Citizen at the time of the election. [§39.26]	Iowa resident at time of election. Resident of the county when sworn in. [§39.26-27]	18 at the time of the election. [§39.26]	4 years	At least 100 or 2% of the party vote in the county at last general, whichever is less. [§43.20(1)(d)]
County Sheriff Must also meet the requirements in <i>Iowa Code</i> §331.651.	Citizen at the time of the election. [§39.26]	Iowa resident at time of election. Resident of the county when sworn in. [§39.26-27]	21 when sworn in. [§331.651(2)(b)]	4 years	At least 100 or 2% of the party vote in the county at last general, whichever is less. [§43.20(1)(d)]

General Election Candidate Qualifications

Federal Office	U.S. Citizenship	Residence	Age	Term	Signatures Needed
President/Vice President [U.S. Constitution, Art. 2, Sec. 1]	Natural born citizen.	U.S. resident for 14 years and at time of election.	35 when sworn in.	4 years	1,500; must run as a team; must collect signatures from at least 10 counties. [§45.1(1)]
U.S. Senator [U.S. Constitution, Art. 1, Sec. 3]	At least 9 years when sworn in.	Iowa resident at the time of the election.	30 when sworn in.	6 years	1,500; must collect signatures from at least 10 counties. [§45.1(1)]
U.S. Representative [U.S. Constitution, Art. 1, Sec. 2]	At least 7 years when sworn in.	Iowa resident at the time of the election.	25 when sworn in.	2 years	375 from the congressional district. [§45.1(2)]
State Executive Office	U.S. Citizenship	Residence	Age	Term	Signatures Needed
Governor & Lieutenant Governor [Iowa Constitution, Art. IV, Sec. 6]	2 years at the time of the election.	Iowa resident for 2 years at the time of the election.	30 at the time of the election.	4 years	1,500; must run as a team; must collect signatures from at least 10 counties. [§45.1(1)]
Secretary of State, Auditor of State, Treasurer of State, Secretary of Agriculture, Attorney General	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the general election. [§39.26]	18 at the time of the election. [§39.26]	4 years	1,500; must collect signatures from a least 10 counties [§45.1(1)]
Iowa General Assembly	U.S. Citizenship	Residence	Age	Term	Signatures Needed
State Senator [Iowa Constitution, Art. III, Sec. 5]	Citizen when sworn in. [§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(3)]
State Representative [Iowa Constitution, Art. III, Sec. 3-4]	Citizen when sworn in. [§39.26]	1 year in Iowa. 60 days in the district at the time of the election.	21 when sworn in.	2 years	50 from state representative district. [§45.1(4)]
County Offices	U.S. Citizenship	Residence	Age	Term	Signatures Needed
County Supervisor	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Registered voter of the county/supervisor district when sworn in. [§39.26, 331.201]	18 at the time of the election. [§39.26]	4 years	Plan 1 and 2 Counties: At least 250 or 1% of registered voters in the county as of July 1 of previous year, whichever is less. Plan 3 Counties: At least 150 or 1% of registered voters in the supervisor district as of July 1 of previous year, whichever is less. [§45.1(5-6), IAC 721—21.601(2)]
County Attorney Must be admitted to the practice of law in the courts of Iowa when sworn in. [§331.751(2)]	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Registered voter in the county when sworn in. [§39.26, 331.751(2)]	18 at the time of the election. [§39.26]	4 years	At least 250 or 1% of registered voters in the county as of July 1 of previous year, whichever is less. [§45.1(5)]
County Auditor, County Treasurer, County Recorder	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Resident of the county when sworn in. [§39.26-27]	18 at the time of the election. [§39.26]	4 years	At least 250 or 1% of registered voters in the county as of July 1 of previous year, whichever is less. [§45.1(5)]
County Sheriff Must also meet the requirements in <i>Iowa Code</i> §331.651.	Citizen at the time of the election. [§39.26]	Iowa resident at time of election. Resident of the county when sworn in. [§39.26-27]	21 when sworn in. [§331.651(2)]	4 years	At least 250 or 1% of registered voters in the county as of July 1 of previous year, whichever is less. [§45.1(5)]

Non-Partisan Office Candidate Qualifications

Non-Partisan Offices	U.S. Citizenship	Residence	Age	Term	Signatures Needed
Township Trustee	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Trustees must be registered voters of the township when sworn in. [§39.26, 359.17(1)]	18 at the time of the election. [§39.26]	4 years	No petition is required. [§39.22(2)(a)]
Township Clerk	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Resident of the township when sworn in. [§39.26-27]	18 at the time of the election. [§39.26]	4 years	No petition is required. [§39.22(2)(a)]
Soil & Water Conservation Board	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Cannot reside in the same township as any other board member. [§161A.5(2)]	18 at the time of the election. [§39.26]	4 years	25 from the conservation district. [§161A.5(3)(a)]
County Hospital Trustee	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Resident of the county when sworn in. [§39.26, 39.27, 347.9]	18 at the time of the election. [§39.26]	6 years	50 from the county. [§347.25]
County Agricultural Extension	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Registered voter of the district when sworn in. [§176A.5]	18 at the time of the election. [§39.26]	4 years	25 from the extension district. [§176A.8(3)]
City Offices	Citizen at the time of filing papers and at the time of the election. [§39.26, 376.4(1)(a)]	Resident of the city at time of filing papers. Resident of ward (if any) at time of filing papers and at time of election. [§376.4(1)]	18 at the time of filing papers and at time of election. [§39.26, 376.4(1)]	2 or 4 years	<p>Primary or Runoff Provision Cities: At least 10 or 2% of number of people who voted for the office at last regular city election. [§376.4]</p> <p>Chapter 45 Cities: For cities with a population of 3,500 or greater, at least 25 eligible electors of city or ward. [§45.1(8)(a)]</p> <p>For cities with a population between 100 and 3,499, at least 10 eligible electors of city or ward. [§45.1(8)(b)]</p> <p>For cities with a population of 99 or less, at least 5 eligible electors of city or ward. [§45.1(8)(c), 376.4]</p>
City Hospital Trustee	Citizen at the time of the election. [§39.26]	Iowa resident and resident of hospital service area at the time of the election. [§39.26, 39.27, 392.6(1)]	18 at the time of the election. [§39.26]	4 years	See requirements for regular city offices.
School Board Members	Citizen at the time of the election. [§277.27]	Resident of school district and director district (if any) at time of election. [§277.27]	18 at the time of election. [§277.27]	4 years	Between 10 and 50, depending on the number of registered voters in the district as of May 1. [§277.4, IAC 721—21.500]
Community College Board Members	Citizen at the time of the election. [§39.26]	Iowa resident at the time of the election. Resident of the director district when sworn in. [§39.26, 260C.11(1)]	18 at the time of election. [§39.26]	4 years	At least 50 signatures from director district. [§260C.15(2)]

Candidate Filing Periods

Candidate filing periods are set by Iowa law. For regularly scheduled elections, filing periods always start on a Monday. Dates are determined by starting at election day, with election day being zero, and counting backwards. Include weekends and holidays when counting days.

Important Note: The filing officer's office must be open until 5 p.m. on the last day of the filing period.

Election Type	Candidate Filing Period	
School Election [§260C.15(3), 277.4]	Filing Period Begins:	64 days before the date of the regular school election.
	Filing Period Ends:	40 days before the date of the regular school election.
City Primary Election [§376.4(1)(a)]	Filing Period Begins:	85 days before the date of the regular city election.
	Filing Period Ends:	68 days before the date of the regular city election.
Regular City & City Runoff Elections [§376.4(1)(a)]	Filing Period Begins:	71 days before the date of the regular city election.
	Filing Period Ends:	47 days before the date of the regular city election.
Primary Election State & Federal Offices [§43.11(2)]	Filing Period Begins:	99 days before the date of the primary election.
	Filing Period Ends:	81 days before the date of the primary election.
Primary Election County Offices [§43.11(1)]	Filing Period Begins:	92 days before the date of the primary election.
	Filing Period Ends:	69 days before the date of the primary election.
General Election State & Federal Offices [§43.78(2), 44.4(1), 45.4]	Filing Period Begins:	99 days before the date of the general election.
	Filing Period Ends:	81 days before the date of the general election.
General Election County Offices [§43.78(3), 44.4(1), 45.4]	Filing Period Begins:	92 days before the date of the general election.
	Filing Period Ends:	69 days before the date of the general election.

*Refer to the election calendars for specific dates.

Nomination Papers

Overview

Nomination papers consist of an affidavit of candidacy and either a nomination petition or convention certificate. All candidates must file an affidavit of candidacy. Whether a candidate will file a nomination petition or a convention certificate will depend on which nomination method the candidate uses.

Exception: Nomination petitions or convention certificates are not required for township offices.
[§39.22(2)(a)]

Availability of Nomination Papers

Nomination papers are prescribed by the Secretary of State's (SOS) Office. Papers for all offices may be obtained on the SOS's website:

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

Filing officers should provide copies of the papers and candidates' guides to anyone who asks for them. Candidates may request the papers by mail, email, or in person at the filing officer's office.

Best Practice: Provide at least one copy of the candidate's guide, affidavit of candidacy, nomination petition, and convention certificate to a candidate. Filing officers may charge for the cost of reproduction for additional copies.

Public Information

Filing officers are not required to record the names of persons who have requested nomination papers. However, if the filing officer has recorded those names that information is considered public information.

Filed nomination papers are public records. They may be examined by anyone who wishes to see them. It is not necessary to record the names of persons who examine nomination papers.

Important Note: Because filed nomination papers must be available for public inspection during the filing period, school secretaries must not deliver the papers to the county auditors before the end of the filing period.

[§44.15, 277.4]

Best Practices:

Supervise persons who are examining the filed original nomination papers. A fee may be charged for the supervision. Do not permit anyone to remove nomination papers from the office. Do not allow anyone to alter nomination papers.

[§22.3, 43.16, 44.16, 44.15, 45.5(4)]

Photocopies of nomination papers may be purchased as well. Filing officers may charge a fee for the copies as long as the fee is the same for photocopies of other documents the officer may provide.

[§22.3]

Preparing for the Filing Period

Know the Ballot Contents

Be sure to know which offices and public measures must appear on the ballot for upcoming elections. This includes offices regularly scheduled to be on the ballot as well as any vacancies that must appear.

Best Practice: City clerks and school secretaries should communicate with the county auditor to determine which offices, including vacancies, and public measures must appear on the ballot.

Receipts, Logs, and Accounting

Best Practices:

Use a log or accounting system to keep track of nomination papers as they are filed. A sample “Nomination Papers Log” is available in the Election Forms Library.

Issue a receipt to all persons who file nomination papers. A sample “Receipt for Nomination Papers” is available in the Election Forms Library.

Keep nomination papers in a secure location (e.g. a locked filing cabinet, the office safe) during the filing period.

Receiving Nomination Papers

Overview

There are several steps to the nomination paper filing process:

- Receipt by the filing officer (i.e. transfer of custody of the nomination papers),
- Review by the filing officer, and
- Acceptance or rejection by the filing officer.

The affidavit of candidacy must be filed at the same time as the nomination petitions or convention certificate. If only one part is filed, it must be rejected.

[§43.19, 43.88, 161A.5(3)(b), 260C.15(2) 277.4(2)(b), 376.4(2)(b)]

Receiving Nomination Papers In-Person

1. Be sure all the petition pages or convention documents are fastened together. If the papers are not bound, ask the candidate to bind them or bind them in the filer's presence.
2. Be sure the correct forms are being filed. Each candidate must file an affidavit of candidacy (no exceptions). Each candidate must also file nomination petitions or convention certificates.

Exception: Petitions or convention certificates are not required for township offices.

[§39.22(2)(a)]

3. Review the affidavit of candidacy for blank fields. If required information is missing, ask the candidate to complete a new affidavit of candidacy. To determine what information is required, see the "Reviewing the Affidavit of Candidacy" section in this guide.

Important Note: Once notarized, an affidavit cannot be altered. A new affidavit must be completed by the candidate.

4. Ask any questions about the nomination papers while the filer is still in the office.

Best Practice: Ask who to contact if there are any questions regarding the filing.

5. Complete the nomination paper log and a receipt. Make a copy of the receipt. Give the original receipt to the filer and attach the copy to the nomination papers. Time-stamp the affidavit and the first page of the petition or certificate to note the time the papers were received.

Important Note: Do not "File" stamp the nomination papers until they have been reviewed and accepted.

Receiving Nomination Papers in the Mail

1. Be sure all the petition pages or convention documents are fastened together.

If the papers are not bound, bind them.

2. Be sure the correct forms are being filed.

Each candidate must file an affidavit of candidacy (no exceptions). Each candidate must also file nomination petitions or convention certificates.

Exception: Nomination petitions or convention certificates are not required for township offices.

[§39.22(2)(a)]

3. Complete the nomination paper log and a receipt. Attach the receipt to the nomination papers. Time-stamp the affidavit and the first page of the petition or certificate to note the time the papers were received.

Important Note: Do not “File” stamp the nomination papers until they have been reviewed and accepted.

Faxed Affidavits

Candidates may fax a notarized affidavit of candidacy to the filing officer if necessary.

If a candidate chooses to do so:

- The faxed copy must arrive before the filing deadline.
- The candidate must also mail the original, notarized affidavit of candidacy to the filing officer.

The affidavit must be postmarked before the filing deadline to be considered on time.

- The filing officer must receive the original affidavit no later than seven days after the filing deadline, regardless of when it was postmarked.

If the original affidavit of candidacy arrives late or is postmarked after the deadline, the nomination papers are void.

Nomination petitions and convention certificates cannot be faxed and must be filed before the filing deadline even if the affidavit of candidacy was faxed.

Best Practice: If a candidate needs to fax an affidavit, the candidate should contact the filing officer prior to faxing the document to discuss filing the rest of the nomination papers.

[IAC 721—21.2(3)]

Reviewing Nomination Papers

Overview

Nomination papers must be reviewed to ensure they are legally sufficient and can be accepted for filing.

[§44.15, 45.4, 277.4(3), 376.4(4)]

Important Note: School secretaries make the determination to accept or reject nomination papers and must review them once received from candidates. Auditors do not review nomination papers received by school secretaries.

Best Practice: Work with only one set of nomination papers at a time. A “Checklist for Reviewing Nomination Papers” is available in the Election Forms Library.

Accepted on Their Face

The *Iowa Code* states that nomination papers must be “accepted on their face” when they appear to be legally sufficient.

[§44.15, 45.4, 277.4(3), 376.4(4)]

This means that filing officers must inspect nomination papers to ensure they are legally sufficient and the required information is included. While doing so, the information presented on the papers must be accepted on its face. This does not mean nomination papers should not be examined.

Example:

In Humboldt School District, the office of school board director is on the ballot. Wayne Butler files nomination papers as a candidate for school board and lists his address on his affidavit of candidacy as: 45 Main Street, Humboldt City. The school secretary knows everyone in Humboldt City, but she has never heard of Wayne Butler. The school secretary also knows there is a Main Street in town, but she thinks someone else lives at that address.

Q: Should the secretary get out the Humboldt City phone book to check Mr. Butler’s address?

A: No.

The secretary must accept Mr. Butler’s address on its face. Filing officers should assume the candidate is qualified, unless an objection is filed and the objection hearing proves otherwise.

Noting Deficiencies

Filing officers must mark any deficiencies found on nomination papers.

Best Practice: Use a highlighter to mark these deficiencies so the nomination papers cannot be altered and resubmitted.

[§43.14(3), 45.5(4)]

Example:

When a candidate turns in a nomination petition with petition headers that do not contain the name of the office the candidate is seeking, no signatures on those pages can be counted. The blank “Office Sought” field in the header should be highlighted before the rejected papers are returned to the candidate.

Reviewing the Affidavit of Candidacy

All candidates must complete and file an affidavit of candidacy.

Important Note: For the general election, candidates for president and vice president as well as for governor and lieutenant governor file as a team. However, each candidate must file an affidavit of candidacy.

[§45.1(7), 45.3]

Affidavit Elements

The affidavit should include the following information:

- Candidate's Name

- Highlight this field if left blank.

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.

The phonetic spelling of the candidate's name is suggested information. This is helpful for producing audio ballots for voters who are visually impaired. The candidate should be as clear as possible (e.g. Eisenhower = "EYES-in-how-er").

- Office Sought and District or Ward (if any)

- Highlight these fields if left blank.

The name of the office and the congressional, state senate, state representative, supervisor district, city ward or other district (if any) that the candidate is running for must be included.

- Vacancy Information

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

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

- Highlight this field if left blank and it was required.

Candidates should contact the filing officer if they are unsure whether they are running to fill a vacancy.

- Type and Date of Election

- Highlight these fields if left blank.

- Candidate's Affiliation

This is a required field for partisan offices. Candidates for the primary election, candidates nominated by political party conventions, and candidates nominated by NPPOs must provide their party or NPPO affiliation. 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.

- Highlight this field if left blank and it was required.

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

- Highlight this field if left blank.

Candidates must provide their house number, street name, city, and county of residence. 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

- Highlight if the notarization is left blank or is deficient in some way.

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

There are two ways an affidavit can be notarized: by a commissioned notary public or by a person who is allowed by law to witness signatures because of the person's position.

In the case of affidavits of candidacy, the county auditor and the city clerk may witness signatures. School secretaries are not given this authority by the *Iowa Code*. School secretaries can notarize documents only if they are also commissioned notary publics.

Notarized by a Commissioned Notary Public

The notary must complete the verification on the bottom of the affidavit which includes the following:

1. The state the notary is commissioned by (an Iowa notary is not required),
2. The name of the county in which the notarization is taking place,
3. The date of the notarization,
4. The printed name of the candidate, and
5. The seal, signature, and commission expiration date of the notary.

Notarized by a City Clerk or County Auditor who is not a Commissioned Notary Public

If the auditor or clerk is not a commissioned notary public, the auditor or clerk may notarize the affidavit. When notarizing the affidavit, the auditor or clerk must include all of the following in the space for notarization on the document:

1. The auditor's or clerk's signature
2. The title " ____ County Auditor" or " ____ City Clerk," as appropriate.

[§9B.10, 39.22(2)(a) 43.14(4), 44.3(2), 45.5(5), 161A.5(3)(b), 260C.15(2), 277.4(2)(b), 376.4(2)(b)]

Rejecting Affidavits

Affidavits missing the information listed below must be rejected:

- Candidate's name,
- Office sought and district (if any),
- Party affiliation (if filing for a partisan office),
- Candidate's signature, or
- Signature of notary public.

[§43.14(4), 44.3(2), 45.3, 45.5(5)]

Reviewing Nomination Petitions

There are four types of nomination petition forms prescribed by the SOS:

1. Nomination Petition for Primary Election,
2. Nomination Petition for Partisan Office,
3. Nomination Petition for Non-Partisan Office, and
4. Nomination Petition for Community College Trustee.

The nomination petitions are available in the Election Forms Library and in the “Candidates” section on the SOS’s website.

Candidates must file their nomination petitions at the same time the affidavit of candidacy is filed. Be sure the minimum number of signatures has been filed. See the Candidate Qualifications charts for signature requirements.

Petition Header Elements

The petition header should be completed by the candidate before anyone signs the petition.

Best Practice: Advise candidates to 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**

- Highlight this field if left blank.

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.

Important Note: For the general election, candidates for president and vice president file as a team. Both candidates must be named on the same petition.

For the general election, governor and lieutenant governor candidates affiliated with a NPPO or without any NPPO or party affiliation file as a team. Both candidates must be named on the same petition.

For the primary election, candidates for governor are listed independently on the nomination petition. The Democratic and Republican candidates for lieutenant governor are nominated by the state political party conventions and must file an affidavit of candidacy before the general election candidate filing period deadline.

[§43.123, 45.1(7)]

- Office Sought

- Highlight this field if left blank.

- Office District or Ward (if any)

- Highlight this field if left blank.

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

- Type and Date of Election

- Highlight these fields if left blank.

- 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)."

- Make note on the petition page if this statement is missing.

- Candidate's County of Residence

Primary Election: The candidate's county of residence must be indicated for all offices except for state senator and state representative. Highlight this field if left blank.

Petition headers for state senator and state representative candidates must also include a statement that the candidate will be a resident of the legislative district at least 60 days before the general election. Make note on the petition page if this statement is missing.

All Other Elections: Candidates do not need to provide.

- Candidate's Affiliation

Partisan Offices: Democratic, Republican, "Not affiliated with any organization" or "Name of Non-Party Political Organization" must be marked. The name of a NPPO cannot be more than five words and no part of version of the words Democratic or Republican may be used as part of the NPPO's name. The name of the NPPO will be listed 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.

Highlight this field if left blank.

All Other Offices: Candidates do not need to provide.

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

- Vacancy Information

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

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

- Highlight this field if left blank and it was required.

Candidates should contact the filing officer if they are unsure whether they are running to fill a vacancy.

- Signers' County of Residence

This is only required on petitions for U.S. senate, U.S. representative, and statewide candidates. Petition pages should only include signatures from one county for these offices.

- Highlight this field if it was left blank and it was required.

[§45.5, 45.6]

Rejecting Petition Pages

All signatures on petition pages missing the required information cannot be counted.

[§43.14(1), 43.14(2), 45.5(1), 45.5(2)]

Signature Line Elements

All signers must include the following information:

- Signature of Eligible Elector

- Highlight this field if left blank.

Signatures do not have to be legible and may include printed names.

- Address of Eligible Elector

- Highlight this field if left blank or if the address is obviously outside the applicable district.

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

Signers may abbreviate the name of a city if it is clear which city the abbreviation stands for.

[§43.14(2), 43.15(2), 45.5(2), 45.6(2), 260C.15(2), 277.4(2)(b), 376.4(2)(a)]

Important Note: Petitions signers for community college director candidates must also include the school district in which they reside.

[§260C.15(2)]

Ditto Marks

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.

Rejecting Signature Lines

Signature lines missing the signature or complete address or containing an address obviously outside the district cannot be counted.

If the petitions do not contain the minimum number of required signatures, the nomination papers must be rejected.

[§43.14(2), 43.15(2), 45.5(2), 45.6(2)]

Qualifications of Petition Signers

Petition signers must be eligible electors from the jurisdiction and district or ward (if applicable).

School Districts with Director Districts

In school districts where directors are voted on only by the residents of the director district, petition signers must live in the director district.

In school districts where directors must reside in a specific director district but are voted upon by the entire school district, petition signers may live anywhere in the school district.

[§277.4(2)(a)]

Cities with Wards

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

In cities where council members represent a ward but are voted on upon by the entire city, petition signers may live anywhere in the city.

[§45.1(8), 376.4(1)(a)]

Supervisor Plan 2 Counties

Petition signers may live anywhere in the county.

[§43.20(1)(d)]

Supervisor Plan 3 Counties

Petition signers must live in the supervisor district.

[§43.15(3), 45.1(5), 45.1(6)]

Collecting Signatures

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.

Candidates may sign their own petitions assuming they are eligible electors of the jurisdiction and district or ward.

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

[§43.15(1), 45.6(1), 277.4(2)(b), 376.4(2)(a)]

Reviewing NPPO Convention Certificates

NPPOs can hold conventions to nominate one candidate for each partisan office for the general election as well nominate candidates for offices in Chapter 44 cities. Candidates nominated at a convention must file an affidavit of candidacy and NPPO convention certificate.

Convention Attendance Requirements

Minimum requirements for attendance at nominating conventions are established by law. If the minimum attendance requirements are not met, the nominations made at the convention cannot be included on the ballot. Eligible electors may attend more than one nomination convention.

Office	Minimum Attendance	Number of counties or precincts that must be represented by at least one eligible elector
U.S. Senator, President & Vice President, Governor & Lt. Governor, and Statewide Offices	250 eligible electors	25 counties
U.S. Representative	50 eligible electors	½ of counties in district
State Senator	20 eligible electors	½ of precincts in district
State Representative	10 eligible electors	½ of precincts in district
County Offices	10 eligible electors	½ of precincts in county
Chap. 44 City Offices	10 eligible electors	½ precincts in city

[§44.1]

NPPO Convention Certificate Elements

The convention certificate must include the following information:

- Name of NPPO

- Highlight this field if left blank.

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

- Name of Each Candidate Nominated

- Highlight this field if left blank.

- Office(s) Sought and District or Ward (if any)

- Highlight these fields if left blank.

The name of the office and the congressional, state senate, state representative, supervisor district, ward or other district (if any) that the candidate is running for must be included.

- Home Address of Each Candidate

- Highlight this field if left blank.

Candidates must provide their house number and street name.

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

- Highlight these fields if left blank.

- Method for Filling Ballot Vacancies

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

- Affidavit and Addresses of Chairperson and Secretary

- Highlight these fields if left blank.

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

- Name and Address of Each Delegate in Attendance at Convention

- Highlight these fields if left blank.

[§44.1, 44.2, 44.3]

The convention certificate should also include the following information:

- Date of Convention
- Type and Date of Election
- Vacancy Information

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

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

Candidates should contact the filing officer if they are unsure whether they are running to fill a vacancy.

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

Reviewing Political Party Convention Certificates

Political parties may hold nomination conventions to nominate candidates to fill vacancies for special elections held under §69.14 and §69.14A. Also, prior to the general election candidate filing deadline, political parties may hold nomination conventions to fill ballot vacancies caused by:

- No candidate being nominated at the primary election, or
- An inconclusive primary election (no one received 35% of total votes cast), or
- A primary election winner’s withdrawal, death, or failure to qualify (i.e. failure to file an affidavit when nominated by write-in votes).

[§43.77, 43.78]

Important Note: The *Iowa Code* does not provide a “start date” for filing nomination papers from political party conventions held after the primary election to fill general election ballot vacancies. The nomination papers must be filed by the general election candidate filing deadline but may be filed anytime after the primary election is certified by the county or state board of canvassers.

Convention Attendance Requirements

Office	Convention Convened By:	Convention Attendees
U.S. Senator	State Party Chairperson	Party’s state convention
U.S. Representative	State Party Chairperson	Party’s congressional district convention
Governor, Lt. Governor	State Party Chairperson	Party’s state convention
Secretary of State, Auditor of State, Treasurer of State, Secretary of Agriculture, Attorney General	State Party Chairperson	Party’s state convention Exception: Instead of holding a state convention, the party’s state central committee may fill vacancies.
State Senate, State House	State Party Chairperson	Party precinct committee members whose precincts lie within the district
County Auditor, Treasurer, Recorder, Attorney, Sheriff, Board of Supervisors (at-large)	County Party Chairperson	Party’s county convention
County Board of Supervisors (by district)	County Party Chairperson	Delegates to the party’s county convention who represent the precincts lying within the district

[§43.78(1)]

Political Party Convention Certificate Elements

The convention certificate for political party nominations must include the following information:

- Candidate's Name

- Highlight this field if left blank.

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.

- Candidate's Home Address and Mailing Address (if different)

- Highlight this field if left blank.

Candidates must provide their house number and street name.

- Office Sought and District or Ward (if any)

- Highlight these fields if left blank.

The name of the office and the congressional, state senate, state representative, or supervisor district (if any) that the candidate is running for must be included.

- Name of Political Party

- Highlight this field if left blank.

Either Democratic or Republican must be included.

- Signatures of Convention Chairperson and Secretary

- Highlight these fields if left blank.

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:

- Date of Convention

- Type and Date of Election

- Vacancy Information

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

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

Certificate of Presidential Electors

Along with nomination papers, candidates for president and vice president must file a certificate of presidential electors. The electors must include one person from each of Iowa's four congressional districts and two from the state at-large.

The certificate must include:

- The candidates' names for president and vice president,
- The name of political party or NPPO, and
- The names and addresses of six presidential electors.

[§44.3(1)(e), 45.1(7)(a), 54.1, 54.5]

Accepting or Rejecting Nomination Papers

Overview

Nomination papers are filed or rejected as a whole. If the affidavit is rejected, accompanying nomination petitions or convention certificates are also rejected.

[§43.19, 43.88, 161A.5(3)(b), 260C.15(2) 277.4(2)(b), 376.4(2)(b)]

Accepting Papers

If nomination papers meet all of the legal requirements, accept them for filing:

1. Stamp the papers “filed.”

Stamp the affidavit of candidacy and the first page of the nomination petitions or convention certificate.

[§43.12, 277.4(3), 376.4(4)]

2. Photocopy the affidavit and store the original nomination papers in a secure place in the office.

Best Practice: Keep copies of all the affidavits in an easily accessible location in the office for quick reference. Use a log or accounting system to keep track of the nomination papers in your possession. A “Nomination Paper Log” is available in the Election Forms Library.

3. Inform the candidate the nomination papers were successfully filed.

Best Practice: Phone the candidate if a phone number was provided. Also provide the candidate with a letter stating the papers submitted appear to meet the basic requirements for filing and the candidate’s name will appear on the ballot at the election. Give the candidate a file-stamped copy of the affidavit with the letter.

Make a copy of the letter sent to the candidate and keep it with the copies of the affidavits and receipts.

Rejecting Papers

If the papers do not meet all of the legal requirements, they must be rejected. Return the papers to the candidate with a letter stating they do not meet the requirements for filing. In the letter, list the defects found in the papers. If appropriate, explain that the papers may be corrected and re-filed before the filing deadline.

[§43.14(3), 45.5(4), 376.4(4)]

Best Practice: When nomination papers that were sent through the mail have been rejected, contact the candidate by telephone or email to see if the candidate would rather pick up the nomination papers instead of having them returned by mail.

Special Circumstances Affecting Nominations

Objections to Nomination Papers

Any person qualified to vote for an office may file a written objection to a candidate's nomination papers. The objection may call into question the legal sufficiency of the nomination papers or the eligibility of the candidate.

Election Type	Objection Deadline	Objection Filed With	Code Cite
School Election School Board Members	35 days before the school election	School Secretary	§277.5
School Election Community College Directors	35 days before the school election	Community College Board Secretary	§260C.15(4)(b)
City Primary Election	By 5 p.m. 63 days before the regular city election	Control County Auditor	§44.4(2), 376.4(6) as amended by 2014 Iowa Acts HF 2366, Sec. 2
Regular City Election including Cities with Runoffs	By 5 p.m. 42 days before the regular city election	Control County Auditor	§44.4(2), 376.4(6) as amended by 2014 Iowa Acts HF 2366, Sec. 2
Primary Election State & Federal Offices	74 days before the primary election	Secretary of State	§43.24(1)(b)(1)
Primary Election County Offices	64 days before the primary election	County Auditor	§43.24(1)(b)(2)
General Election State & Federal Offices	5 p.m. on 74 days before the general election	Secretary of State	§44.4(2)
General Election County Offices	5 p.m. on 64 days before the general election	County Auditor	§44.4(2)
Special Elections All Offices	See Special Election and Vacancies chapters or call the auditor or SOS	See Special Election and Vacancies chapters or call the auditor or SOS	

Important Note: The objection hearing is open to the public. Notice of the time and place of the meeting and an agenda must be published at least 24 hours before the time set for the meeting.
[§21.4]

Objections to County Political Party Candidates

1. Objection Filed

- All objections must be in writing.
- Objections must state a specific reason why the objection is being filed (e.g. candidate is not old enough to hold the office or there are not enough signatures on the petition).
- Objections to signatures must also be specific (e.g. signature #8 on page 10 contains an address outside of the applicable district).
- All objections must be filed with the filing officer for the election.
- All objections must be filed on or before the objection deadline.

[§43.24, 44.4(2), 45.4]

2. Notice to the Candidate

The auditor must notify the candidate by certified mail within 72 hours when an objection is filed. The notice must:

- Be sent to the address on the candidate's affidavit of candidacy,
- State that objections have been made,
- State the nature of the objections, and
- State the time and place of the objection hearing.

[§43.24(2)(a)]

3. The Hearing

The chairperson of the board of supervisors appoints three elected county officials to consider the objection. No one whose eligibility is in question may serve on the objection panel. If the chairperson's eligibility is in question, the county auditor appoints the objection board members. A majority vote of the objection panel decides the issue.

[§43.24(3)(b)]

Objections to NPPO or Unaffiliated Candidates

1. Objection Filed

- All objections must be in writing.
- Objections must state a specific reason why the objection is being filed (e.g. candidate is not old enough to hold the office or there are not enough signatures on the petition).
- Objections to signatures must also be specific (e.g. signature #8 on page 10 contains an address outside of the applicable district).
- All objections must be filed with the filing officer for the election.
- All objections must be filed on or before the objection deadline.

[§44.4(2)(a), 45.4]

2. Notice to the Candidate

The filing officer (i.e. control county auditor for city candidates, school secretary for school board candidates, county auditor for county candidates) must notify the candidate right away. The notice must:

- Be sent to the address on the candidate's affidavit of candidacy or certificate of nomination,
- State that objections have been made, and
- State the time and place of the objection hearing.

[§44.5, 277.5]

3. The Hearing

County Offices

The hearing must be held no later than one week after the objection is filed. The county auditor, county treasurer and county attorney consider the objections, unless the objection is to the nomination of one or more of those officers. The chairperson of the board of supervisors, the county sheriff and the county recorder, respectively, must substitute for ineligible officers. A majority decision is final.

[§44.5, 44.7]

City Offices

In cities where a city primary election will not be held, the hearing must occur no later than one week after the day the objection was filed.

If a city primary election must be held, the hearing must be held within 24 hours after the objection is filed. The first two members of the objection panel are the mayor and city clerk. The third member must be chosen by the city council members by ballot. No one whose eligibility is in question may serve on the objection panel. A majority decision is final.

[§44.5, 44.8]

School Offices

The hearing must be held within two days after the objection is filed. The first two members of the objection panel are the school board president and school secretary. The third member must be chosen by the school board directors by ballot. No one whose eligibility is in question may serve on the objection panel.

[§277.5]

Candidate Withdrawals

To withdraw, candidates must file a written notice with the appropriate filing officer by the withdrawal deadline.

Election Type	Withdrawal Deadline	Withdrawal Filed With	Code Cite
School Election School Board Members	By 5 p.m. 35 days before the school election	School Secretary	§44.9(3), 277.4(4)
School Election Community College Directors	Not specifically referenced in the <i>Iowa Code</i> . Consult with legal counsel if a withdrawal is submitted.		
City Primary Election	63 days before the regular city election	Control County Auditor	§44.9(6), 376.4(6) as amended by 2014 Iowa Acts HF 2366, Sec. 5
Regular City Election including Cities with Runoffs	42 days before the regular city election	Control County Auditor	§44.9(6) as amended by 2014 Iowa Acts HF 2366, Sec. 5
Primary Election State & Federal Offices	76 days before the primary election	Secretary of State	§43.16
Primary Election County Offices	67 days before the primary election	County Auditor	§43.16
General Election State & Federal Offices	<u>Candidates Nominated at Primary:</u> 89 days before the general election <u>NPPO and Nominated by Petition Candidates:</u> 74 days before the general election	Secretary of State	§43.76(1), 44.9(1)
General Election County Offices	<u>Candidates Nominated at Primary:</u> 74 days before the general election <u>NPPO and Nominated by Petition Candidates:</u> 64 days before the general election	County Auditor	§43.76(2), 44.9(2)
Special Elections All Offices	See Special Elections and Vacancies chapters or call the auditor or SOS	See Special Elections and Vacancies chapters or call the auditor or SOS	

Important Note: There are no withdrawal provisions for candidates nominated at city primary elections or at a regular city election when a runoff election is required.

Running for More than One Office Prohibited

If a candidate files nomination papers for more than one office on the ballot, the candidate must file an affidavit on or before the candidate filing deadline declaring for which office the candidate wants to run. If the affidavit is not filed, the candidate's name cannot appear on the ballot for any of the offices for which the person filed nomination papers.

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

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

[§39.11, 49.41]

Holding More than One Office

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

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

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

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

[§39.11]

Dual Affiliation Nominations Prohibited

A person cannot run for an office as a candidate of more than one political party or NPPO.

If two or more political parties or NPPOs nominate the same person for the same office, the nominee must designate with which party or NPPO the nominee wants to be listed on the ballot. This designation must be filed with the appropriate filing officer.

If the nominee does not file this designation, the name will appear on the ballot with the name of the political party or NPPO that filed the earliest set of nomination papers.

[§49.38, 49.39, 49.40]

NPPO Candidate Substitutions

Only NPPOs may make ballot substitutions. To make a substitution, a NPPO must file the following information with the appropriate filing officer by the candidate filing deadline:

- The names and addresses of the organization's central committee members, chairperson, and secretary (required on convention certificates), and
- A description of the method the NPPO will follow to fill any vacancies resulting from the death, withdrawal, or disqualification of any of its candidates.

This information can be filed with the convention certificate or as a separate document at the time the candidate's nomination petitions are filed.

If this information is not filed, the NPPO may not make a substitution later.

[§44.3(g), 44.11, 44.17]

School District and City Employees as Candidates

There is nothing in the election statutes of the *Iowa Code* that would prohibit school district and city employees from running as candidates and appearing on the ballot. However, there may be other provisions in the *Iowa Code* that would prevent them from serving the school district or city in both capacities. To determine whether other *Code* sections would prevent the person from taking office if elected, seek private legal counsel.

Candidate Relationships

There is no *Iowa Code* provision prohibiting a husband and wife or parent and child serving as elected officials for the same jurisdiction.

Public Measures

Overview

“Public measure” means any question authorized or required by Iowa law to be submitted to the voters at an election. Public measures may appear on ballots at most regularly scheduled elections or at special elections.

Exception: Public measures cannot appear on the ballot at primary elections, city primary elections, and city runoff elections.

[§39.2(1), 47.6(1)(a)(1)(b)]

The governing body calling for the measure to be placed on the ballot must submit a copy of the motion, order, or other official action to the county auditor. Even if a petition requesting a special election is received, the governing body must take action on the petition to formally call for the special election. The governing body should consult with its legal counsel and the authorizing *Iowa Code* section to determine what type of official action is required.

Notice of Election Required

Regularly Scheduled Elections

County Public Measures

The text of the public measure and the motion, order or other official action calling for the measure to be placed on the ballot must be filed with the county auditor by 5 p.m. on the last day of the candidate filing period.

[§47.6(a)(1)]

School and City Public Measures

The text of the public measure and the motion, order or other official action calling for the measure to be placed on the ballot must be filed with the county auditor by 5 p.m. on the day after the candidate filing deadline.

[§47.6(1)(a)(1)]

Special Elections

For most special elections for public measures, at least 46 days notice to the county auditor is required. See the authorizing *Iowa Code* section and consult with legal counsel to determine how much notice is required.

The text of the public measure, proposed date of the special election, and the motion, order or other official action calling for the special election must be filed with the appropriate filing officer.

[§47.6(1)(a)(1)]

Withdrawing Requests for Public Measure Special Elections

Public measures cannot be withdrawn from the ballot if the measure was called by a petition or if a special election was called to decide a public measure for a single political subdivision. This includes changing the requested date of the election once the request has been submitted to the auditor.

The public measure may be withdrawn if the measure was placed on the ballot by the governing board for a regularly scheduled election. Notice of the withdrawal must be by resolution of the governing body and filed with the county auditor by the candidate withdrawal deadline.

[§47.6(1)(b)]

Standards for Reviewing Special Election Petitions

Every time a petition requesting a special election is received:

1. Make sure the petition is legally allowed to be filed in the office.

Check the *Iowa Code* section on the petition form (if the petitioners have listed one). Direct the petitioners to the correct filing officer (board of supervisors, county auditor, city clerk, school secretary, etc.) if the petition was not filed in the appropriate office.

- Most county petitions must be filed with the board of supervisors.

Some county petitions must be filed with the auditor if the *Iowa Code* section authorizing the special election specifically indicates that.

- Most city petitions must be filed with the city clerk.
- Most school district petitions must be filed with the school secretary.

2. Make sure the petition was filed by the deadline for doing so:

- **County petitions pursuant to §331.306:**

If the petition is requesting a public measure to be placed on the general election ballot, the petition must be filed with the board of supervisors at least 82 days before the date of the election.

- **School district petitions pursuant to §278.2:**

If the petition is requesting a public measure to be placed on the regular school election ballot, the petition must be filed with the school secretary at least 75 days before the date of the election.

- **Petitions filed under the authority of other Code sections:**

Check the authorizing *Iowa Code* section and consult with your legal counsel.

3. In all cases, petitions are accepted if they appear to be valid “on their face.” This means that filing officers must inspect the petitions to ensure they are legally sufficient and the required information is included. While doing so, the information presented on the petitions must be accepted on its face. This does not mean the petitions should not be examined.

[§277.7, 331.306, 362.4]

4. Unless the *Iowa Code* section authorizing the petition contains different requirements, in order to count signatures on a special election petition, the signers must have included:

- Their signatures,

- Their statements of place of residence, and
- Date of signing.

[§278.2, 331.306, 362.4]

5. Requirements for the number of signatures vary depending on the jurisdiction:

- **County petitions pursuant to §331.306:**

Petitions must contain signatures of eligible electors of the county equal to at least 10% of the votes cast in the county for president or governor at the last general election.

[§331.306]

- **City petitions pursuant to §362.4:**

Petitions must contain signatures of eligible electors of the city equal to at least 10% of the people who voted at the last regular city election, but not less than 10.

[§362.4]

- **School district petitions pursuant to §278.2:**

Petitions must contain signatures of at least 100 eligible electors or a number equal to 30% of the people who voted at the last regular school election, whichever is greater.

[§278.2]

- **Petitions filed under the authority of other Code sections:**

Check the authorizing *Iowa Code* section and consult with your legal counsel.

6. If the petition lacks the required number of signatures or is invalid in any other way, reject the petition and return it to the filer(s).

[§277.7, 331.306, 362.4]

7. Written objections to petitions must be filed within 5 working days after the petition is filed.

The filing officer for objections and the laws regarding filed objections vary depending on the jurisdiction:

- Objections to §331.306 county petitions must be filed with the auditor. The process outlined in §44.7 is followed when acting on written objections.

[§331.306]

- Objections to §362.4 city petitions must be filed with the city clerk. The process outlined in §44.8 is followed when acting on written objections.

[§362.4]

- Objections to §278.2 school district petitions must be filed with the school secretary. The process outlined in §277.5 is followed when acting on written objections.

[§277.7]

Filing Officers' Frequently Asked Questions

1. Who may file nomination papers?

Anyone may file completed nomination papers on behalf of another person. Candidates do not need to appear in person to file their own papers.

2. May citizens sign more than one set of nomination papers or attend more than one nomination convention?

Yes, assuming they are eligible electors for the office for which the candidate is being nominated.

3. May candidates sign their own nomination papers or attend their own nomination convention?

Yes, assuming they are eligible electors for the office for which the candidate is being nominated.

4. How many candidates who are nominated by petition without affiliation to a political party or NPPO are allowed for each race?

There is no limit on the number of candidates who may be nominated by petition without affiliation to a political party or NPPO for any race.

5. May non-partisan candidates run for partisan offices?

Yes. Candidates who wish to seek partisan office on a non-partisan basis may circulate nomination petitions. The candidate's name will appear on the ballot without any reference to a party affiliation. These candidates must file papers during the general election filing period or during the special election filing period.

6. The objection deadline has passed and I think a candidate who filed nomination papers in my office is not qualified to hold the office. What do I do?

Nothing. Nomination papers must be accepted on their face. If no objection was filed, no further investigation on the part of the filing officer is allowed by law.

7. After nomination papers have been accepted for filing, may they be returned to the candidate?

No. Nomination papers that have been accepted for filing may not be returned to the candidate or anyone else for any reason (even if the candidate withdraws). Nomination

papers are “election materials” after they are accepted and filed and are subject to document retention pursuant to §50.19.

Only nomination papers that have been rejected may be returned to the filer.

[§43.14(3), 43.16, 44.16]

8. May school secretaries deliver nomination petitions to the auditor before the day after the candidate filing deadline?

No, papers cannot be delivered early. See *Iowa Code* sections §277.4. Nomination papers must be made available for public inspection at the filing officer’s office during the filing period. Papers cannot be available as provided by law if they are delivered to the auditor early.

9. If someone is planning to run a write-in campaign, what do they need to do?

Nothing. In Iowa, write-in candidates do not need to file nomination papers or declarations of intent to be write-in candidates.

Additional Resources

1. County Auditor's Office

Contact your local county auditor's office with questions. You can find contact information for county auditors at the following website:

<http://sos.iowa.gov/elections/auditors/auditorslist.html>

2. County, City, or School District Attorney

If you are unsure of the answer to a question, the best place to go for advice is your attorney.

3. Secretary of State's Office

The SOS Office is open Monday through Friday from 8:00 a.m. to 4:30 p.m. For questions, call (515) 281-0145 or the toll-free hotline 1-888-SOS-VOTE.

You may also contact the Election Division via email at sos@sos.iowa.gov.

The SOS Office has a website which is set up to serve as a resource for the general public, for candidates, for county auditors, and for city clerks and school secretaries.

The following items are available on the SOS website and will be of assistance to you:

- **Election Calendars**

<http://sos.iowa.gov/elections/auditors/auditorscalendars.html>

The Election Division produces the following calendars:

- Calendars for each election

The calendars are a chronological list of things that must be done to prepare for each election and a chronological list of things that must be done following election day. These include dates for county auditors, city clerks, and school secretaries.

- Three year calendar with dates and deadlines for regularly scheduled elections
- Calendar of the possible special election dates for public measures

- **Election Forms Library**

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

The Election Forms Library contains all the forms produced by the SOS Office. The Library is organized by category of uses and alphabetically to help locate specific forms easily.

- **City and School-Specific Web Pages**

Cities: <http://sos.iowa.gov/elections/cities.html>

Schools: <http://sos.iowa.gov/elections/schools.html>

These pages include information specific to cities and schools. They include the guides, calendars, and forms referenced in this guide.

- **Candidate Guides**

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

Candidate guides are compiled by the Election Division to assist candidates and the public in meeting the requirements of Iowa's election laws. Filing officers are encouraged to furnish candidate guides and nomination papers to all potential candidates.

- **Additional Guides**

The Election Division also creates guides for use by other people and groups. Some of these other publications were mentioned in this guide:

- Special Elections Chapter

<http://sos.iowa.gov/elections/pdf/auditors/eah/specials.pdf>

- Vacancies Guide

<http://sos.iowa.gov/elections/pdf/auditors/eah/vacancies.pdf>

Glossary

Below are some commonly used election terms that may be helpful to filing officers.

At-Large

At-large refers to offices that are elected by an entire county or district even though the office may only represent one part of the county or district.

Audio Ballot

An audio ballot means the ability of a voting system to read the contents of a ballot to a voter through the use of headphones.

Auditor, County

A county auditor is the county commissioner of elections and county registrar of voters under Iowa law.

Canvass

The canvass is the process of compiling election results. All elections have at least two canvasses. The first canvass is conducted at the precinct after the polls close on election night. It must be completed before the precinct election officials leave. Ballots cast at the polls are counted only at the polling place. Only precinct election officials count votes. Votes are not counted by the county auditor or the auditor's staff.

The second canvass is conducted by the county board of supervisors. The board compiles election results from all precincts and makes the official report of the outcome of the election within the county.

A third canvass takes place at the state level after the primary election, general election, and special elections to fill vacancies for Congress, state senate, and state representative seats. A third canvass also takes place after school elections for community colleges.

Chief State Election Official

The secretary of state is designated as the chief state election official and the state commissioner of elections.

Disqualified Elector

A disqualified elector is a person who is not qualified to register to vote or to vote. A disqualified elector is either of the following:

- A person who has been convicted of a felony and not had rights restored,
- A person who has been judged by a court incompetent to vote.

Eligible Elector

An eligible elector is a person who meets all of the qualifications to register to vote and to vote.

Initiative, Statewide Ballot (referendum)

A statewide ballot initiative is the process of legislating by direct vote of the people. It is voter-initiated. Citizens petition to include legislative or constitutional changes on the ballot. Statewide ballot initiatives are not currently permitted under Iowa law.

Merged Area

Community colleges are referred to as “merged areas” in the *Iowa Code*.

Nominated by Petition

Candidates nominated by petition without affiliation to a political party or NPPO for partisan offices are often referred to as nominated by petition candidates. These candidates’ names will appear on the ballot without any reference to a party affiliation.

Non-Partisan Candidate

A non-partisan candidate is a candidate who is not affiliated with a political party or non-party political organization.

Non-Partisan Election

A non-partisan election is an election held without reference to the political party affiliation of any candidate. City elections and school elections are always non-partisan in Iowa.

Non-Partisan Office

A non-partisan office is any office for which a partisan nomination is not permitted. The name of a candidate for this type of office is listed without reference to a political party or non-party political organization.

Non-Party Political Organization (NPPO)

A non-party political organization is a political organization that is not a political party as defined by Iowa law.

Partisan Election

A partisan election is an election at which the political affiliation of candidates is listed next to the candidates’ names on the ballot.

Partisan Office

A partisan office is any office for which a partisan nomination is permitted. The name of a candidate for this type of office is listed with reference to a political party or organization.

Political Party

Iowa law states that to be a political party in Iowa, an organization must have had a candidate for president or governor who received at least two percent of the total votes cast at the last general election. Then, the organization must apply for political party status in Iowa. Currently, Iowa has two political parties: the Democratic Party and the Republican Party.

Precinct

The precinct is the smallest unit of election geography. All voters in a precinct who vote on election day go to the same polling place to cast their ballots. Precincts are drawn every 10

years after the federal census. No more than 3,500 people can live in a precinct when the lines are drawn.

Public Measure

A public measure is any question authorized or required by law to be submitted to the voters at an election.

Township

A township is a political subdivision of a county. The boundaries are set by the county board of supervisors and may include incorporated territory.

Vacancy

A vacancy is the term used to describe an elective office in need of an officer. Generally, a vacancy is caused when an elected official resigns, dies, or is removed from office.

Ward

A ward is a geographic unit of some city governments from which city council members are elected. A ward may be composed of one or more precincts.

Write-In Vote

A write-in vote is a vote cast for a person whose name does not appear on the ballot.