

Chapter 10

School Elections

This chapter of the handbook applies only to school elections.

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

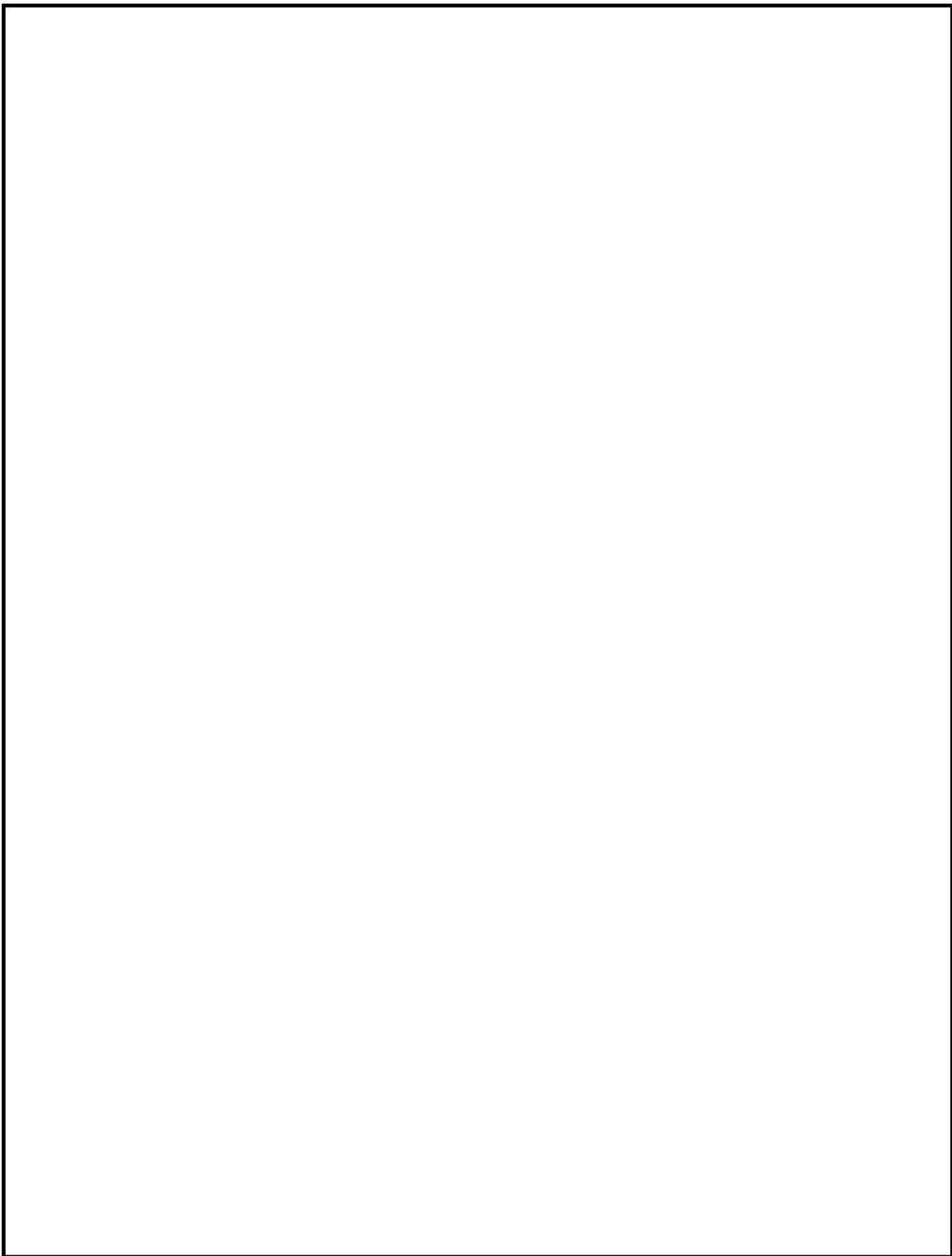


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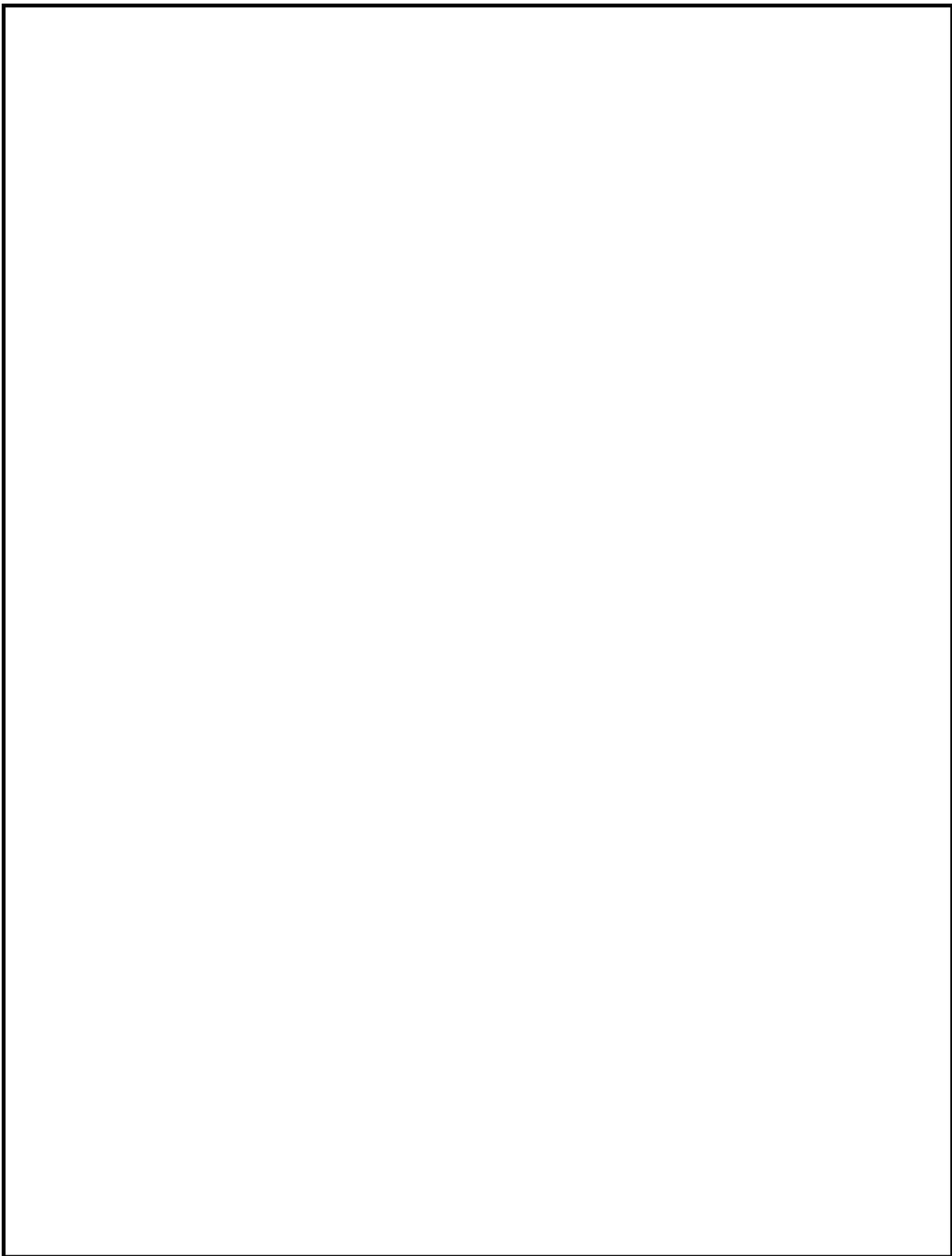
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Overview

What is the School Election?

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

[§277.1]

Date of School Election

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

[§277.1]

Laws Related to School Elections

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

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

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

Merged Area = Community College

The *Iowa Code* refers to community colleges as merged areas.

Control Counties

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

[§47.2(2)]

UOCAVA Absentee Ballot Requests

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

Pre-Election

Paying for the Election

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

[§47.3]

Satellite Voting Petitions

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

[§53.11(2)(d)]

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

[§53.11(5)]

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

Voter Pre-Registration Deadline

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

[§48A.7A, 48A.9]

Affidavit Review

All ballots that are received on or before 5 p.m. on the Friday before the school election must have their return envelopes opened (if a combined return-affidavit envelope wasn't used) and their affidavit envelopes reviewed for defects and completeness. If any problems are discovered, the voter must be notified immediately.

[§53.18(2)]

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

Communication with School Secretaries

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

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

Ask the school secretary if there are any vacancies or if any appointments were made. Ask if the school or community college place public measures on the ballot.

Best Practice: Send a copy of the School Secretary's Guide and the Filing Officer's Guide to each school secretary along with the planning worksheets available on the SOS website. Follow up with school secretaries to make sure they understand their responsibilities.

Labor Day

Occasionally the Labor Day holiday affects certain deadlines related to the school election. For example, when Labor Day is the Monday before the school election, as it will in 2015, the absentee ballot postmark deadline cannot extend to the "next business day" because that day is election day. Absentee ballots must be postmarked by an officially authorized postal service no later than the day before the election to be considered on time for counting. The United States Postal Service is closed on Labor Day which means the last chance to obtain a USPS postmark is the Saturday before the 2015 school election.

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

[§47.4, 53.17(2)]

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

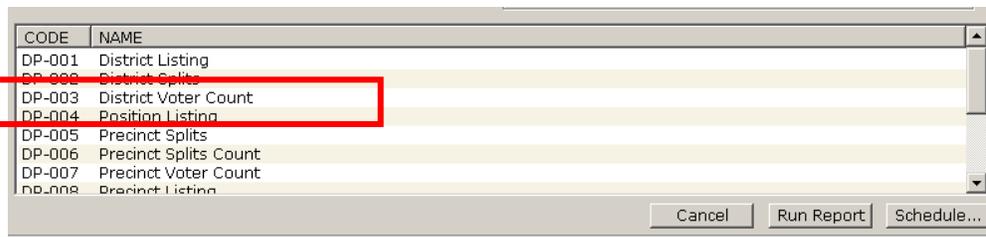
May 1st Voter Registration Numbers

Voter registration totals for each school district must be calculated on May 1st of each odd-numbered year. They are used to calculate how many signatures candidates need to get their names on the ballot. If May 1 is a day when the office is closed, calculate the voter registration totals on the next business day.

[§277.4(2)(a), IAC 721—21.500]

Generating Numbers from I-VOTERS

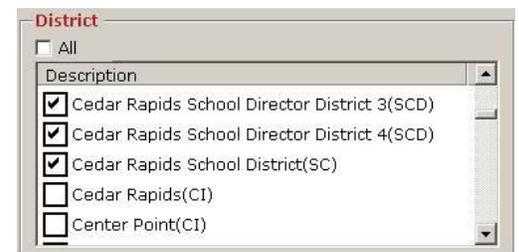
1. Select “**Reports and Labels**” from the main I-VOTERS screen.
2. Select “**Districts and Precincts**” in the menu on the left-hand side.
3. Select “**DP-003 – District Voter Count.**”



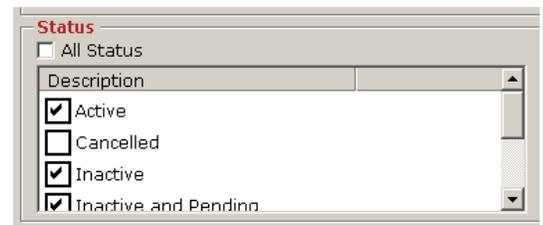
4. Select school districts for which you are the control county under “**District.**”

You may choose to either run one report for each school district or you may run one report that includes all the school districts.

Be sure to select the school director districts (if any).



5. Under “**Status**” select all except for “**Cancelled**” and “**Incomplete.**”
6. Select “**Run Report.**”



The report will list the number of registered voters in each school district and director district (if any), including voters who live outside of your county but within the school district you are control county for.

Best Practice: Print this report immediately after running it. To have a record of the voter counts on May 1, you must save or print the report on May 1.

Polling Places

Consolidated/Merged Precincts

Consolidated/merged precincts are allowed for school elections.

[§49.11(3)]

See the Pre-Election Day chapter for more information.

Vote Centers

Vote centers are allowed for school elections.

[§49.11(3)]

See the Pre-Election Day chapter for more information.

Check Accessibility

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

Polling Place Hours

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

[§49.73]

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

[§53.2(1)(a)]

Nomination Period

Filing Officer

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

[§277.4]

Filing Period

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

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

[§277.4]

Important Note: The school secretary must not deliver nomination papers to the auditor's office before the filing period has ended. Nomination papers must be available for public inspection in the school secretary's office until the end of the filing period.

[§260C.15(3), 277.4(3)]

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

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

[§277.5]

Candidate Qualifications

Candidates must be eligible electors of the school district and director district (if any) at the time of the election.

[§277.27]

Number of Signatures Required

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

Non-Partisan Offices	Signatures Needed
School Board Members	1% of registered voters in school district or director district; minimum of 10, maximum of 50 [§277.4] *See minimum signature requirements chart on next page
Community College Board Members	At least 50 signatures from director district [§260C.15(2)]

At-Large

In school districts where directors may live anywhere in the school district, the number of signatures needed is calculated from the number of registered voters in the entire school district. Petition signers may live anywhere in the school district.

[§277.4(2)(a)]

Director Districts

Elected At Large

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

Elected by Director District

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

[§277.4(2)(a)]

Minimum Signature Requirements Chart

Registered Voters	Signatures Needed	Registered Voters	Signatures Needed
1-1,000	10	3,001 – 3,100	31
1,001 - 1,100	11	3,101 – 3,200	32
1,101 - 1,200	12	3,201 – 3,300	33
1,201 - 1,300	13	3,301 – 3,400	34
1,301 - 1,400	14	3,401 – 3,500	35
1,401 - 1,500	15	3,501 – 3,600	36
1,501 - 1,600	16	3,601 – 3,700	37
1,601 - 1,700	17	3,701 – 3,800	38
1,701 - 1,800	18	3,801 – 3,900	39
1,801 - 1,900	19	3,901 – 4,000	40
1,901 - 2,000	20	4,001 – 4,100	41
2,001 - 2,100	21	4,101 – 4,200	42
2,101 - 2,200	22	4,201 – 4,300	43
2,201 - 2,300	23	4,301 – 4,400	44
2,301 - 2,400	24	4,401 – 4,500	45
2,401 - 2,500	25	4,501 – 4,600	46
2,501 - 2,600	26	4,601 – 4,700	47
2,601 - 2,700	27	4,701 – 4,800	48
2,701 - 2,800	28	4,801 – 4,900	49
2,801 - 2,900	29	4,901 – 5,000	50
2,901 - 3,000	30	5,001 and over	50

Withdrawals

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

[§277.4(4)]

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

Objections

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

[§260C.15(4), 277.5]

Certifications from Other Counties

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

Ballot Preparation

Voting Equipment

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

[§49.26]

Important Note: For community college special elections, the results must be tabulated by school district, including the absentee and special precinct results. The auditor may program the voting equipment to tabulate the ballots in this manner or may manually sort and tabulate the ballots by school district.

[IAC 721—21.204]

Non-Partisan Election

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

[§49.31(3)]

When Ballots Must be Ready

Ballots must be ready as soon as practicable, but there is no date specifically set by law. As soon as ballots are ready, you must begin mailing out absentee ballots. In-person absentee voting cannot begin more than 40 days before the election.

[§53.10(1)]

Public Measures

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

[§277.4(3)]

Vacancies

See the Vacancies chapter for more information.

Rotation

Rotation of candidates' names is required if:

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

AND

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

[§49.31(3)]

Example:

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

Order of Offices

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

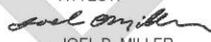
Important Note: If any vacant offices must appear on the ballot, list them as the last office under the appropriate school/college and director district (if any) heading.

Ballot Layout

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

[§49.31(3)]

Example Ballot:

Official Ballot - School Election September 13, 2011 Alburnett Community School District In the County of Linn, State of Iowa and Kirkwood Community College, Merged Area X	
<input type="text"/> Pct. Off. Initials	ATTEST:  JOEL D. MILLER LINN COUNTY COMMISSIONER OF ELECTIONS
Instructions to Voters	
To vote, completely fill in the oval <input type="radio"/> to the left of your choice.	
To cast a write-in vote, you MUST completely fill in the oval <input type="radio"/> AND write the name of your candidate on the line provided. If you make a mistake, you may request a new ballot.	
To vote to approve any question on this ballot, fill in the oval to the left of the word "YES", like this <input type="radio"/> . To vote against a question, fill in the oval to the left of the word "NO", like this <input type="radio"/> .	
Alburnett Community School District	Kirkwood Community College
For Director at Large (Vote for no more than three)	Public Measure Q
<input type="radio"/> Duane Bolton <input type="radio"/> David Kirk <input type="radio"/> Kala Liebe <input type="radio"/> Jason J. Martin <input type="radio"/> _____ (Write-in vote, if any) <input type="radio"/> _____ (Write-in vote, if any) <input type="radio"/> _____ (Write-in vote, if any)	Shall The Following Public Measure be Adopted? Shall the Kirkwood Community College (Merged Area X) in the Counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama and Washington, be authorized to remodel, erect and equip buildings at the main campus and other enrollment locations, acquire a site or sites for use of the Community College, contract indebtedness therefor, and issue its school bonds in an amount not exceeding \$46,500,000 for that purpose? <input type="radio"/> YES <input type="radio"/> NO

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

FRONT Card 3 SEQ# 1

Post Election Day

Provisional Ballots

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

[§50.20]

ASVP Board

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

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

[§50.21, 50.22]

County Canvass

School District Canvass

The control county canvasses the results for the entire school district. The canvass for school elections is held on the Friday after the election, earlier than most elections. The canvass can be held anytime on Friday.

[§277.20]

Community College Canvass

Non-Control Counties

The control county for the school district within the community college canvasses the results for the community college races and measures for the school district it controls. Those abstracts are then forwarded to the control county for the community college.

Control County

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

[§260C.15(5)]

Write-In Votes

Write-in votes are allowed and the candidate with the most votes is declared elected. There is no “next highest vote-getter” provision in school elections, even if no one filed papers to run for the office. If a person was elected by write-in votes declines the office, a vacancy is created and the vacancy must be filled by appointment.

[§50.24, 50.45, 277.20, 277.29]

Required Percentage for Passage of Public Measures

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

[§50.45, 75.1, 296.6]

Election Results

To generate abstracts, the election canvass summary, and certificates of election, enter election results in I-VOTERS. See the Post Election Day chapter for more information.

Important Note: For community college special elections, the results must be tabulated by school district, including the absentee and special precinct results. The auditor may program the voting equipment to tabulate the ballots in this manner or may manually sort and tabulate the ballots by school district.

[IAC 721—21.204]

Abstracts

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

For school districts:

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

For community colleges when you are NOT the control county:

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

For community colleges when you ARE the control county:

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

[§50.24, 260C.15(5), 277.20]

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

Certified Election Canvass Summary

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

[§50.24(3)]

Certificates of Election

Each person who was elected must receive a certificate of election. Include open meetings and records laws (Chapters 21 and 22 of the *Iowa Code*) information with the certificates.

[§21.10, 50.29]

Term Start Dates for School Districts

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

The terms of officers elected to fill vacancies begin within 10 days of the canvass. See the Vacancies chapter for more information.

[§50.29, 63.8, 277.28, 279.1]

Term Start Dates for Community Colleges (Control Counties)

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

[§50.29, 260C.15(5), 277.28]

Recounts

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

[§50.48(1)]

Contests

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

[§57.6, 62.5, 277.22]

Record Retention

Keep records for 6 months, unless a school election contest is pending. Tally lists and abstracts which have not been electronically recorded must be kept forever.

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

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

[§50.19, IAC 721—22.51(13), 22.51(14)]