

City Clerk's Guide

Revised March 2015

Prepared by the Office of the Iowa Secretary of State

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

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 candidates and the public in meeting the requirements of Iowa's election laws. If any errors in compilation or computation have occurred, or if there have been amendments to the *Iowa Code* or *Iowa Administrative Code*, the provisions of the *Iowa Code*, *Iowa Administrative Code*, and the session laws shall prevail.

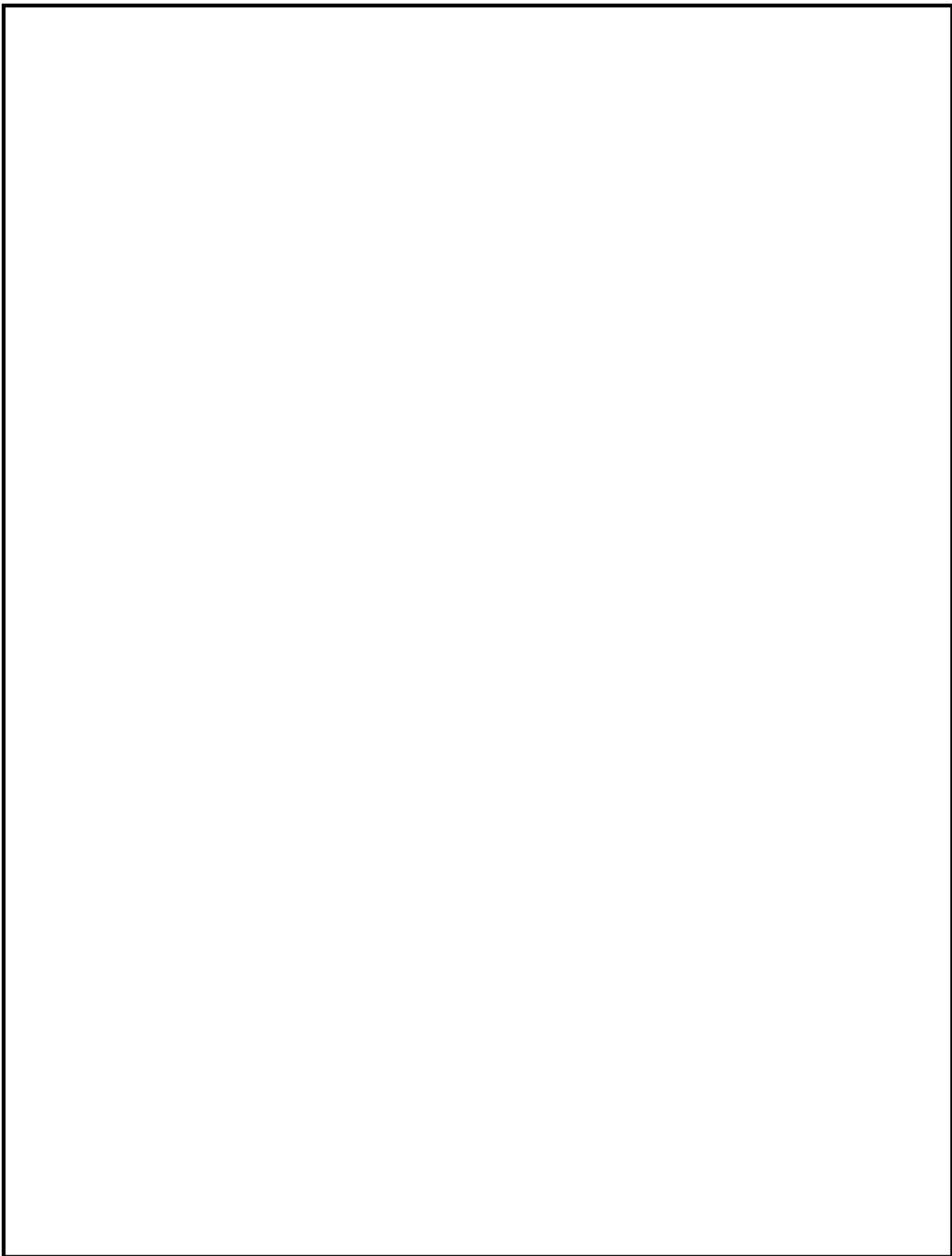


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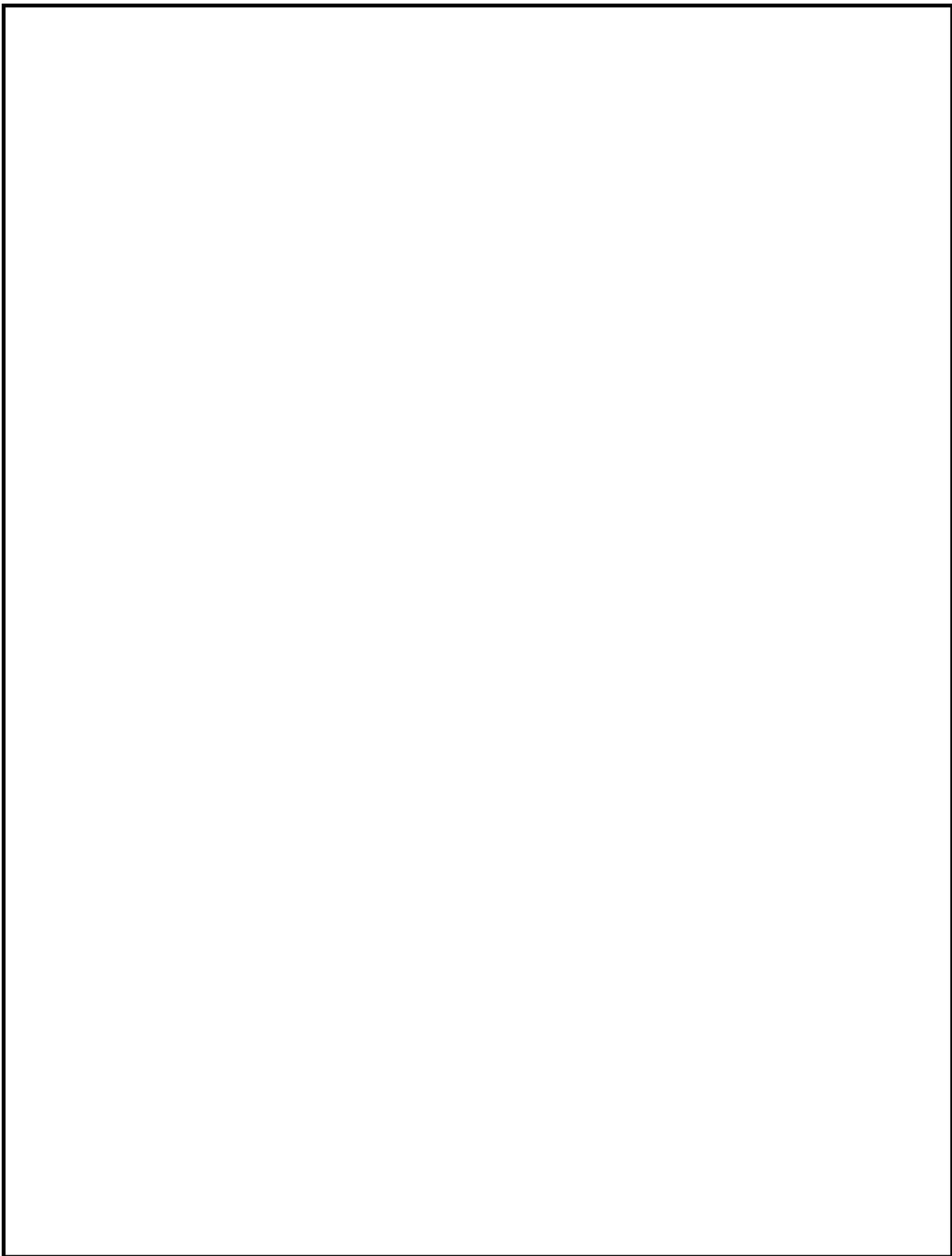
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Responsibilities and Planning Tips

Control County Auditor

In cities that cross county lines, the county auditor whose county has the largest taxable base is given the responsibility of conducting the election in that city. Candidate nomination papers are filed with this auditor. This auditor is known as the “control county auditor.”

[§47.2(2)]

Communicate with County Auditor

During April or May of odd-numbered years, the county auditor may provide you with a worksheet to review plans for the city election. Please complete and return the planning worksheet to the county auditor. If you do not receive a worksheet, you can find one on the Secretary of State’s website at <http://sos.iowa.gov/elections/cities.html>.

Work with the county auditor to prepare a list of offices to be filled at the city election. Make the list available to the public. The list should include the following:

- The correct title for each office
- Whether the office is voted for by ward or at-large
- The minimum number of signatures needed to gain ballot access
- Indicate whether an office is on the ballot to fill a vacancy

Important Note:

For cities with primary election provisions, any offices not expiring in the year of the regular city election that were filled by appointment between the last regular city election and 73 days before the regular city election, must be included on the ballot for the regular city election as “To Fill Vacancy.”

For cities without primary election provisions, any offices not expiring in the year of the regular city election that were filled by appointment between the last regular city election and 52 days before the regular city election must be included on the ballot for the regular city election as “To Fill Vacancy.”

[§69.12(1)(a)(2), 372.13(2)(a)]

See the Auditor’s Calendar for the City Election for specific dates:

<http://sos.iowa.gov/elections/cites.html>.

Public Measures

Before the filing period begins, check with the city council to see whether they wish to include any public measures on the regular city election ballot. Cities must submit to the auditor the text of any public measure(s) and the action(s) taken by the council to place the question(s) on the ballot by 5 p.m. the day the candidate filing period ends.

[§376.4(6)]

Certify City's Nomination Process

The city clerk must certify to the county auditor the type of nomination process adopted by the city no later than 90 days before the regular city election. Any nomination method other than primary election must be adopted by ordinance. After certification, the nomination process cannot be changed by the city council unless the change will take effect after the upcoming city election.

[§376.6(2)]

There are five possible election/nomination method combinations.

1. A city primary election (if necessary) followed by a regular city election. Candidates file petitions to have names placed on the primary election ballot.
2. A regular city election with candidates nominated by petition or by convention (Chapter 44 and 45 cities)
3. A regular city election with candidates nominated by petition (Chapter 45 cities)
4. A regular city election with candidates nominated by convention (Chapter 44 cities)
5. A regular city election followed by a city runoff (if necessary). Candidates file petitions to have names placed on the regular city election ballot.

Distributing Nomination Papers

Nomination papers and candidate guides are available on the Secretary of State's website at <http://sos.iowa.gov/elections/electioninfo/cityelections.html>.

Provide nomination papers and candidate's guides to anyone who requests them. It is not necessary for the city clerk to fill out the headers of the petitions for candidates or record names of people who request papers.

Candidates may start circulating nomination papers at any time.

City Elections

City Primary Election

All cities have a primary provision unless the council has passed an ordinance specifying another type of nomination.

[§376.6]

Candidate Nomination Papers

Candidates must file nomination papers (an affidavit of candidacy and nomination petitions) during the city primary election filing period. The filing period for a city that may need to hold city primary elections is shorter and earlier than it is for cities without city primary election provisions.

When Held

A city primary election must be held when the number of candidates who file nomination papers is more than twice the number of seats to be filled for a particular office. For example, if three candidates filed nomination papers for mayor, the city primary election must be held.

[§376.6]

If held, the city primary election is held on the Tuesday four weeks before the date of the regular city election.

[§376.7(1)]

Vote for No More Than...

At city primary elections, the ballots should instruct the voters to choose up to the number of candidates who will ultimately be elected for that office at the regular city election. For example, if two at-large city council members will be elected and five candidates are seeking election, ballots should instruct voters to "Vote for no more than two" even though a total of four candidates will be nominated at the city primary election.

[§376.7(1)]

Candidates who receive the most votes at the city primary election are nominated to appear on the regular city election ballot, up to twice the number of seats to be filled. For example, if three candidates are running for one office of mayor at the city primary election, the two candidates who receive the most votes will appear on the regular city election ballot.

[§376.7(2)]

Regular City Election

When Held

All cities hold a regular city election regardless of the nomination method in place in the city. [§376.1]

Cities that have authorized nomination by petition (Chapter 45), nomination by convention (Chapter 44), or both will only hold a regular city election, regardless of how many candidates file nomination papers for any office.

The regular city election is the final election for cities with primary provisions and cities that have authorized nominations under Chapter 44, 45, or both. For cities with runoff provisions, the regular city election may or may not be the final election.

Candidate Nomination Papers

Nomination by Petition (Chapter 45)

Candidates collect signatures on nomination petitions to get their names on the ballot at the regular city election. [§45.1(8)]

Nomination by Convention (Chapter 44)

Candidates are nominated by conventions of non-party political organizations (NPPOs). Iowa law calls a political organization not meeting the requirements to become a political party a NPPO. NPPOs do not need to file any special paperwork to be officially recognized by the state. Candidates who are not members of any political organization may not be nominated by convention. [§44.1]

Important Note: Candidates nominated by NPPO convention will not have the name of the NPPO follow their name on the ballot because the city election is a non-partisan election.

City Runoff Election

Candidate Nomination Papers

Candidates must file nomination papers (an affidavit of candidacy and nomination petitions) to have their names placed on the regular city election ballot.

[§376.4(1)]

When Held

City runoff elections are only held in cities that have authorized a runoff provision by ordinance.

A city runoff election is held if one of the following occurs:

- No candidate received a majority of the votes cast for a particular office at the regular city election

OR

- A write-in candidate received a majority of the votes cast at the regular city election and then declined the office.

If necessary, the city runoff election is always held four weeks after the regular city election. Once nominated at the regular city election, candidates cannot withdraw before the city runoff election. If a city runoff election occurs, it is the final election.

The county board of supervisors canvasses the votes from the regular city election to determine which names appear on the ballot at the runoff election (if any). The names of candidates that received the most votes at the regular city election will be placed on the city runoff election ballot, up to twice the number of seats to be filled. For example, if three at-large city council members will be elected, six candidates will be listed on the city runoff election ballot if no candidate received a majority of the votes cast.

[§376.9(2), 376.8(2)]

Nomination Petition Signature and NPPO Convention Requirements

Nomination Petition Overview

Signatures must be valid at the time the petitions are filed. Petitions signers must be eligible to register to vote in the city or ward (if applicable), but they are not required to be registered voters.

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)]

Advise candidates that the number of signatures required is the minimum number of signatures needed to get the candidate's name on the ballot. Candidates should collect and file more than the minimum number. The number of signatures required varies with the type of nomination process.

Signature Requirements for Nomination Petitions

Non-Partisan Offices	Signatures Needed
City Offices	<p style="text-align: center;"><u>Primary or Runoff Provision Cities:</u> At least 10 or 2% of number of people who voted for the office at last regular city election [§376.4]</p> <p style="text-align: center;"><u>Chapter 45 Cities:</u></p> <ul style="list-style-type: none"> ▪ For cities with a population of 3,500 or greater, at least 25 eligible electors of city or ward. ▪ For cities with a population between 100 and 3,499, at least 10 eligible electors of city or ward. ▪ For cities with a population less than 100, at least 5 eligible electors of city or ward. <p style="text-align: right;">[§45.1(8)]</p>

Multimember Offices in Cities with Primary or Runoff Provisions

If more than one person was elected to an office at the previous regular city election, divide the total votes cast for the office by the number of seats to be filled, then multiply that number by 0.02. If the result is a fraction, round up.

Total votes cast equals the votes cast of all candidates plus write-ins (do not include over and undervotes).

[IAC 721—21.401]

For example, Happytown has primary election provisions and had three at-large seats on the ballot at the last election. There were a total of 15,876 total votes cast.

1. Divide the total votes cast by the number of seats that were filled: $15,876 \div 3 = 5,292$.
2. Multiply 5,292 by 0.02 = 105.84.
3. Round up, so each candidate needs to collect at least 106 signatures.

Cities with Wards

Elected by Ward

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

Elected At-Large

In cities where council members must be resident of a ward but are voted on by the entire city, petition signers may live anywhere in the city.

NPPO Convention Attendance Requirements for Chapter 44 Cities

Candidates nominated by convention need at least 10 attendees at the convention. At least half of the precincts in the city must be represented by at least one eligible elector.

If the minimum attendance requirements are not met, the nominations made at the convention cannot be included on the ballot.

[§44.1]

Filing Period

Overview

The control county auditor is the filing officer for candidate nomination papers for the regular city and special city elections.

Best Practice: Review the Filing Officer's Guide before the filing period begins. It provides information on the process the county auditor follows for receiving and reviewing nomination papers, which may be helpful when assisting candidates. The Filing Officer's Guide is available on the Secretary of State's website at: <http://sos.iowa.gov/elections/cites.html>.

Dates of Filing Period

The filing period varies by the type of nomination method a city has authorized.

For cities with primary election provisions, the filing period begins 85 days before the regular city election and ends at 5 p.m. on the 68th day before the regular city election.

For cities without primary election provisions, the filing period begins 71 days before the regular city election and ends at 5 p.m. on the 47th day before the regular city election.

Important Note: Auditors' offices are required by law to be open until 5 p.m. on the last day for candidates to file and on the last day to file objections.

[§44.4(1), 376.4(3)]

For specific dates in a given year, see the calendar in the City Candidate's Guides or the City Election Calendar: <http://sos.iowa.gov/elections/cites.html>.

Public Measures

By 5 p.m. on the last day of the filing period, deliver to the county auditor a copy of the official city council action directing the county auditor to include public measures on the city election ballot (if any). The information given to the auditor must include the complete text of all public measures.

[§376.4(5A)]

Withdrawals and Objections

Candidate withdrawals and objections to nomination papers must be submitted in writing to the county auditor by 5 p.m. on the day of the deadline.

The withdrawal and objection deadlines vary by the type of election a city has authorized:

- **Cities with primary election provisions:**

63 days before the regular city election

- **All other cities, including cities with runoff provisions:**

42 days before the regular city election

[§44.9(6), 376.4(7)]

Post Election Day

City Primary Election

Who Wins?

No one is elected at the city primary. Candidates who receive the most votes are instead nominated to appear on the regular city election ballot, up to twice the number of seats to be filled. For example, if three candidates are running for mayor at a city primary election, the two highest vote-getting candidates will be nominated to appear on the regular city election ballot.

[§376.7(2)]

Write-In Votes

Any person who receives write-in votes at the city primary election and who wants to be eligible for the regular city election must file an affidavit of candidacy. The affidavit must be filed:

- By 5 p.m. on the day following the canvass and
- With the auditor.

The auditor must disregard the write-in votes for any write-in candidate who does not file an affidavit of candidacy.

Notations must be made on the abstract showing which persons received write-in votes and filed affidavits of candidacy.

The total number of votes cast for the office must be amended by subtracting the write-in votes of the candidate(s) who did not file the affidavit.

[§376.11(3)]

Regular City Election Without Runoff Provisions

Who Wins?

Candidates who receive the most votes, up to the number of seats to be filled, are declared elected. If there is a tie, the board of supervisors must draw lots.

[§50.44, 376.11(1)]

Write-In Votes

Write-In Candidate Wins and Accepts

No affidavit of candidacy is required. The person is declared elected as if their name had been printed on the ballot.

[§376.11(1)]

Write-In Candidate Wins and Declines

If a write-in candidate wins a city election and does not want the job, the winning write-in candidate may submit a letter of resignation to the city clerk by 5 p.m. on the 10th day after the canvass. If the write-in winner does not resign within 10 days after the county canvass, the office is vacant if the write-in winner fails to take the oath of office at the beginning of the next term.

[§376.11(1)]

If the write-in winner submits a letter of resignation within 10 days of the canvass, the city clerk must notify the person who received the next highest number of votes that they may assume the office at the beginning of the next term. If there is a tie vote for the next highest number of votes, the board of supervisors draws lots to determine the person who received the next highest number of votes.

[§50.44, 376.11(2)]

If the next highest vote-getter accepts by taking the oath of office at the beginning of the next term, that person is considered the duly elected officer.

Exception: A petition may be filed requesting a special election in the event the next highest vote-getter is notified. The petition must be signed by eligible electors of the city equal in number to 25% of the people who voted for the office in the election. The petition must be filed within 10 days of the city clerk notifying the next highest vote getter.

[§376.11(2)]

If the next highest vote getter declines, the person must do so in writing within 10 days of the notice from the city clerk. If this occurs:

- The office is vacant at the end of the term.
- The vacancy must be filled pursuant to §372.13(2).
- If the council chooses to appoint, the appointment may be made before the end of the current term.

[§376.11(2)]

Regular City Election With Runoff Provisions

Who Wins?

It depends. If a city has run off provisions, all candidates must receive a majority of the votes cast to be declared elected at the regular city election.

Majorities in “Vote for No More than One” Races

In cities with runoff provisions, a simple majority is needed to be declared elected at the regular city election. A simple majority is at least one vote more than 50% of the total votes cast.

If no candidate receives a majority in this type of race, a runoff must be held between the two highest vote getters. For example, a runoff for the office of mayor will have two candidates on the runoff ballot.

[§376.8(2), 376.9(1)]

If there is a tie, the board of supervisors must draw lots.

[§50.44]

Majorities in At-Large Multi-Member Body Races

A majority is found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled then dividing that by 2 and adding 1. Total votes cast equals the votes cast for all candidates plus write-ins (do not include over and under votes).

If no candidate receives a majority in this type of race or if not enough candidates received a majority to fill all the seats, a runoff will be held to fill the remaining seat(s). The number of candidates on the runoff ballot will equal twice the number of seats to be filled.

[§376.8, 376.9(1)]

Example:

Happytown has a five member at-large city council and a runoff provision. At the regular city election, three at-large seats are on the ballot. There were eight candidates on the ballot and 15,876 total votes cast (TVC).

To determine the majority:

1. Divide the TVC by the number of seats to be filled: $15,876 \div 3 = 5,292$
2. Divide 5,292 by 2 = 2,646
3. Add one to 2,646 = 2,647 (always round up if necessary)

The majority is 2,647.

The highest vote-getter, Tom, received 8,215 votes so Tom won this council seat with a majority of the votes. A runoff is not necessary for this seat.

The second highest vote-getter, Nancy, received 2,488 votes. The third highest vote-getter, Mark, received 1,774 votes. Neither of these candidates received a majority (2,647) so two of the three council seats require a runoff between the highest vote-getters. The number of candidates on the runoff ballot will equal twice the number of seats to be filled. There are two seats left to be filled in Happytown so the four highest vote-getters who did not receive a majority will appear on the runoff ballot.

[§376.8]

Write-In Votes

Write-In Candidate Wins and Declines

1. The winner must file a notice of resignation with the auditor by 5 p.m. on the day following the canvass.
2. All remaining persons who received write-in votes and want to be on the city runoff ballot must file affidavits of candidacy with the auditor by 5 p.m. on the fourth day following the canvass. The auditor should notify the write-in candidates of this requirement.
3. The abstract of votes must be amended to show that the person who has been declared elected declined the office and a notation shall be made next to the names of those persons who did not file an affidavit.
4. A runoff election must be held even if one of the remaining candidates has a majority of the votes after the appropriate write-in votes are disregarded.

[§376.11(4)]

Runoff Election Necessary and Write-In Votes Were Cast for that Office

1. Everyone who received write-in votes and wants to appear on the runoff election ballot must file an affidavit of candidacy by 5 p.m. on the day after the canvass with the county auditor. The write-in votes received by a person who does not file an affidavit will be disregarded. The auditor should notify the write-in candidates of this requirement.
2. The abstract of votes must be amended to note which write-in candidates failed to file the affidavit.
3. A runoff election must be held even if one of the remaining candidates has a majority of the votes after the write-in votes are disregarded.

[§376.11(5)]

If no candidate names were listed on the ballot and no write-in candidate files an affidavit, the office will still appear on the city runoff ballot with no candidate name listed.

Runoff City Election

Who Wins?

Candidates who receive the most votes, up to the number of seats to be filled, are declared elected. If there is a tie, the board of supervisors must draw lots.

[§50.44, 376.9(3)]

Write-In Votes

If a write-in candidate wins receives the most votes at the runoff city election and wants the job, no affidavit of candidacy is needed. The person is declared elected as if their name had been printed on the ballot.

[§376.11(1)]

County Canvass of Votes

The control county board of supervisors canvasses the election results for the city.

For city primary elections and the regular city election in cities with runoff provisions, the canvass must be held no earlier than 1 p.m. on the Thursday following the election.

[§376.7, 376.9]

For the regular city election in cities without runoff provisions and the city runoff election, the canvass must be held on the Monday or Tuesday following the election.

[§50.24]

Canvass Materials

The control auditor will provide the city clerk the abstracts of votes for the offices and/or measures which appeared on the ballot. The abstracts are signed by the county board of supervisors and certify the election results. Store these abstracts.

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]

Term Start Dates

The term for city elected officials begins no later than noon on the first day of the term in January which is not a Sunday or legal holiday. City officers must take the oath of office during or before this date.

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

[§63.1, 63.8, 63.10, 376.2]

Filing of Oaths and Bonds

The official oath and bond must be filed with the city clerk. Bonds are not required for city council members.

[§63.10, 63.11, 64.1A, 64.23]

Election Costs

The control county board of supervisors will bill the city for the costs of the election.

[§47.3]

Vacancies

Laws Related to City Council Vacancies

Iowa Code section 372.13 applies to vacancies in city offices.

Notify Auditor

Notify the county auditor when a vacancy occurs. Inform the auditor of the name of a person appointed to the vacancy if an appointment is made.

Filling Vacancies

The city council must decide whether to fill a vacancy in an elective city office by appointment or by calling for a special election.

[§372.13(2)]

Making an Appointment

Extra or Special Publication Requirements

There are extra or special publication requirements if the council decides to appoint a replacement. The council must publish notice of its intention to appoint at least four but no more than 20 days before the appointment is scheduled to occur. The publication must also notify city residents of the right to request a special election by filing a petition. The publication must occur once and must be published in a newspaper of general circulation in the city, unless the city has a population of fewer than 200 and has an ordinance designating three public places for posting of such notices.

[§372.13(2)(a), 362.3]

There are no extra or special publication requirements if the council decides to call for a special election.

[§372.13(2)(b)]

Appointment Deadline

The appointment must be made within 60 days after the vacancy occurs.

[§372.13(2)(a) as amended by 2014 Iowa Acts, House File 2366]

Appointment Not Made Before Deadline

If the city council fails to appoint a replacement within 60 days, the city clerk must give notice of the vacancy to the county auditor. The county auditor must call for a special election at the earliest practicable date but no sooner than 32 days after the notice from the city clerk was received. If the city has a primary election provision, the county auditor must call for a special election at the earliest practicable date but no sooner than 60 days after notice from the city clerk was received.

[§372.13(2)(a)(1) as amended by 2014 Iowa Acts, House File 2366]

Length of Appointment

A vacant seat filled by appointment must be filled at an intervening special city election for a public measure.

Important Note: The general election is only an intervening special election for that city if the city places a public measure on the general election ballot.

Exception: Cities with primary provisions cannot fill vacancies at the general election even if a public measure for the city will be on the general election ballot.

[§372.13(2)(a)(1) as amended by 2014 Iowa Acts, House File 2366]

Petitioning for a Special Election

Signature Requirements

The number of eligible elector signatures required on a petition requesting a special election varies depending on the population of the city.

<u>Population of City</u>	<u>Signatures*</u>
10,000 or less	15%* or 200, whichever is less
10,001 – 50,000	15%* or 1000, whichever is less
50,001 or more	10%* or 2000, whichever is less

*Signatures of eligible electors of the city equal to the required percentage (10 or 15) of the votes cast for all candidates for that office at the last regular election in which the office was on the ballot.

[§372.13(2)]

If there was more than one position filled for the office in which the vacancy exists on the ballot at the last election, the number of voters who voted for candidates for the office is calculated by dividing the total number of votes cast for the office by the number of seats that were filled.

Example: At the 2009 regular city election, in a city with a population of 12,002 there were 3 at-large city council seats on the ballot. There were 394 votes cast for Candidate A, 483 votes cast for Candidate B, 942 votes cast for Candidate C and 34 write-in votes.

Total Votes Cast (TVC) = $394+483+942+34 = 1853$

$1853 / 3$ (# seats to be filled) = 617.33

$0.15 * 617.33 = 92.6$ → Round 92.6 up to 93.

93 is fewer than 1,000 and it is greater than 10 so 93 signatures would be required to force the city council to hold a special election in this example.

Filing Deadline

The petition must be filed with the city clerk within 14 days after publication of the notice of intent to appoint or within 14 days after the appointment is made, whichever is later.

[§372.13(2)(a)]

Reviewing Validity of Petition

Section 372.13 does not contain any standards the city clerk is supposed to follow to assess the validity of the petition; however, §362.4 indicates the petition must be accepted on its face. For more information about accepting a petition on its face, see the Filing Officer's Guide.

If a petition is accepted by the city clerk, it is valid unless an objection is filed with the city clerk within five working days after it is received. If an objection is received, the process in §44.4 must be followed.

[§362.4, 372.13(2)(a)]

Special Elections to Fill Vacancies

Dates of Special Elections

If a special election must be held to fill a vacancy in a city office, the election may not be held on the following dates:

- A Tuesday during a blackout period before or after a primary or general election.
- A day where there is another election being held for a different political subdivision that involves the same voters (e.g. a school election).
- A city with a primary election provision cannot have a special election to fill a vacancy at the time of the general election.

Deadline for Holding Special Election

The special election must be held at the earliest practicable date but no later than 90 days after the vacancy occurs.

Notice to Auditor

If the city has a primary election provision, notice to the auditor must be given at least 60 days before the special election date.

For all other cities, notice to the auditor must be given at least 32 days before the special election date.

[§372.13(2)(b)]

Signature Requirements

Primary and Runoff Cities:

In primary and runoff cities, candidates must file petitions containing signatures of eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election but no less than 10.

[§376.4]

Chapter 45 Cities:

Population greater than 3,500: No fewer than 25 eligible electors who are residents of the city or ward

Population 100 to 3,500: No fewer than 10 eligible electors who are residents of the city or ward

Population less than 100: No fewer than five eligible electors who are residents of the city or ward

[§45.1(8)]

Filing Officer

The control county auditor is the filing officer for candidate nomination papers for special elections to fill vacancies on city councils.

[§376.4]

Candidate Filing Deadlines

If the special election is held at the same time as a regularly scheduled election, the filing deadlines are the same as the deadlines for the regularly scheduled election. See the election-specific chapters for more information.

If the special election is not held at the same time as a regularly scheduled election, the filing deadlines are:

Cities with Primary Election Provisions

First Day: As soon as notice is given to the auditor

Last Day: No later than 5 p.m. on the 53rd day before the special election

All Other Cities

First Day: As soon as notice is given to the auditor

Last Day: No later than 5 p.m. on the 25th day before the special election

Nomination papers are filed with the control county auditor.

[§372.13(2)(b), IAC 721—21.403, 21.404]

Withdrawal and Objection Deadlines

Withdrawal Deadline

Primary Cities: No later than 5 p.m. on the 50th day before the election

All Other Cities: No later than 5 p.m. on the 22nd day before the election
[IAC 721—21.403(2), 721—21.404(3)]

Objection Deadline

Primary Cities: No later than noon on the 50th day before the election

All Other Cities: No later than noon on the 22nd day before the election
[IAC 721—21.403(2), 721—21.404(3)]

Public Measures

Public measures may also be placed on the special election ballot.

If the city has a primary election provision, the deadline for the city to provide the full text of the public measure to the auditor's office is 5 p.m. on the 53rd day before the special election.

[§47.6(1)(a)(1)(b)]

For all other cities, the deadline for the city to provide the full text of the public measure to the auditor's office is 5 p.m. on the 32nd day before the special election.

[§47.6(1)(a)(1)(b)]

City Primary and Runoff Elections

The city also needs to hold a city primary election or a city runoff election if the city has primary elections or runoff elections adopted as the city's method of nomination. If necessary, a special city primary election must be held four weeks before the date of the special city election. If necessary, a special city runoff must be held four weeks after the date of the special city election.

If the city has nominations under chapter 44 or chapter 45, a special city primary is never required. If the city has nominations under chapter 44 or chapter 45, a special city runoff election is never required.

Term of Office

If the city must hold a special election, the person elected to fill the vacancy serves the remainder of the unexpired term.

Filling Vacancy at Special City Public Measure Election

A vacant seat filled by appointment must be filled at an intervening special city election for a public measure.

Important Note: The general election is only an intervening special election for that city if the city places a public measure on the general election ballot.

Exception: Cities with primary provisions cannot fill vacancies at the general election even if a public measure for the city will be on the general election ballot.

[§372.13(2)(a)(1) as amended by 2014 Iowa Acts, House File 2366]

Filling Vacancy at Next Regular City Election

The vacancy must be filled at the next regular city election unless:

- The term of the office in which the vacancy occurred is set to expire in January immediately following the regular city election

OR

- There has already been a special election to fill the vacancy.

If the term of the office in which the vacancy occurred is set to expire in January after the regular city election, then the office will appear on the ballot at the regular city election for the full term, not as “To Fill Vacancy.”

Calendar of Events

Cities with Primary Provisions

Days Before Election	Event
60 days – Friday	Written notice to auditor due
53 days, 5 p.m. – Friday	Candidate filing deadline
50 days, noon – Monday	Objection deadline
50 days, 5 p.m. – Monday	Withdrawal deadline
28 days – Tuesday	Primary election if needed

[IAC 721—21.403(2)]

All Other Nomination Methods (Not Held in Conjunction with General Election)

Days Before Election	Event
32 days – Friday	Written notice to auditor due
25 days, 5 p.m. – Friday	Candidate filing deadline
22 days, noon – Monday	Objection deadline
22 days, 5 p.m. – Monday	Withdrawal deadline
28 days after – Tuesday	Runoff election if needed

[IAC 721—21.404(3)]

All Other Nomination Methods (Held in Conjunction with General Election)

Days Before Election	Event
76 days – Wednesday	Written notice to auditor due
69 days, 5 p.m. – Wednesday	Candidate filing deadline
64 days, 5 p.m. – Monday	Objection deadline
64 days, 5 p.m. – Monday	Withdrawal deadline
28 days after – Tuesday	Runoff election if needed

[IAC 721—21.404(2)]

Special Elections

Public Measures

Cities can only hold special elections for public measures on the following dates:

Odd-Numbered Years

- First Tuesday in March,
- First Tuesday in May,
- First Tuesday in August, and
- First Tuesday after the first Monday in November (date of regular city election).

Even-Numbered Years

- First Tuesday in March,
- First Tuesday in May,
- First Tuesday in August, and
- First Tuesday after the first Monday in November.

[§39.2(4)(b)]

Notice of Election to Auditor

Unless the law authorizing the special election requires that more advance notice must be provided, the county auditor must be notified at least than 46 days before the desired date of a special election for a public measure.

Deliver to the auditor the following:

- Action by the council setting the election date and
- Full text of the public measure to be submitted to the voters.

Check for Vacancies

If the city has a special election for a public measure, any seats previously filled by appointment must be filled by the voters at the special election (unless the officeholders have already been elected at a previous special election after their appointments). See the Vacancy section in this guide for more information.

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. City Attorney

Your county auditor may refer you to your city attorney. If you or the county auditor are unsure of the answer to a question, the best place to go for advice is the city 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 Elections 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. You can use the website to retrieve everything from general information about voting in Iowa to specific planning worksheets to help you prepare for elections. Please make use of the website: <http://sos.iowa.gov/elections/cities.html>.

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

- **City Election Calendar**

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

The Elections Division produces auditor's 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.

- **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.

- **Candidate Guides**

<http://sos.iowa.gov/elections/electioninfo/cityelections.html>

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

- **Additional Guides**

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

1. Filing Officer's Guide

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

2. Vacancies Guide

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