

School Secretary's Guide

Revised March 2015

Prepared by the Office of the Iowa Secretary of State

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<http://sos.iowa.gov/elections/schools.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.

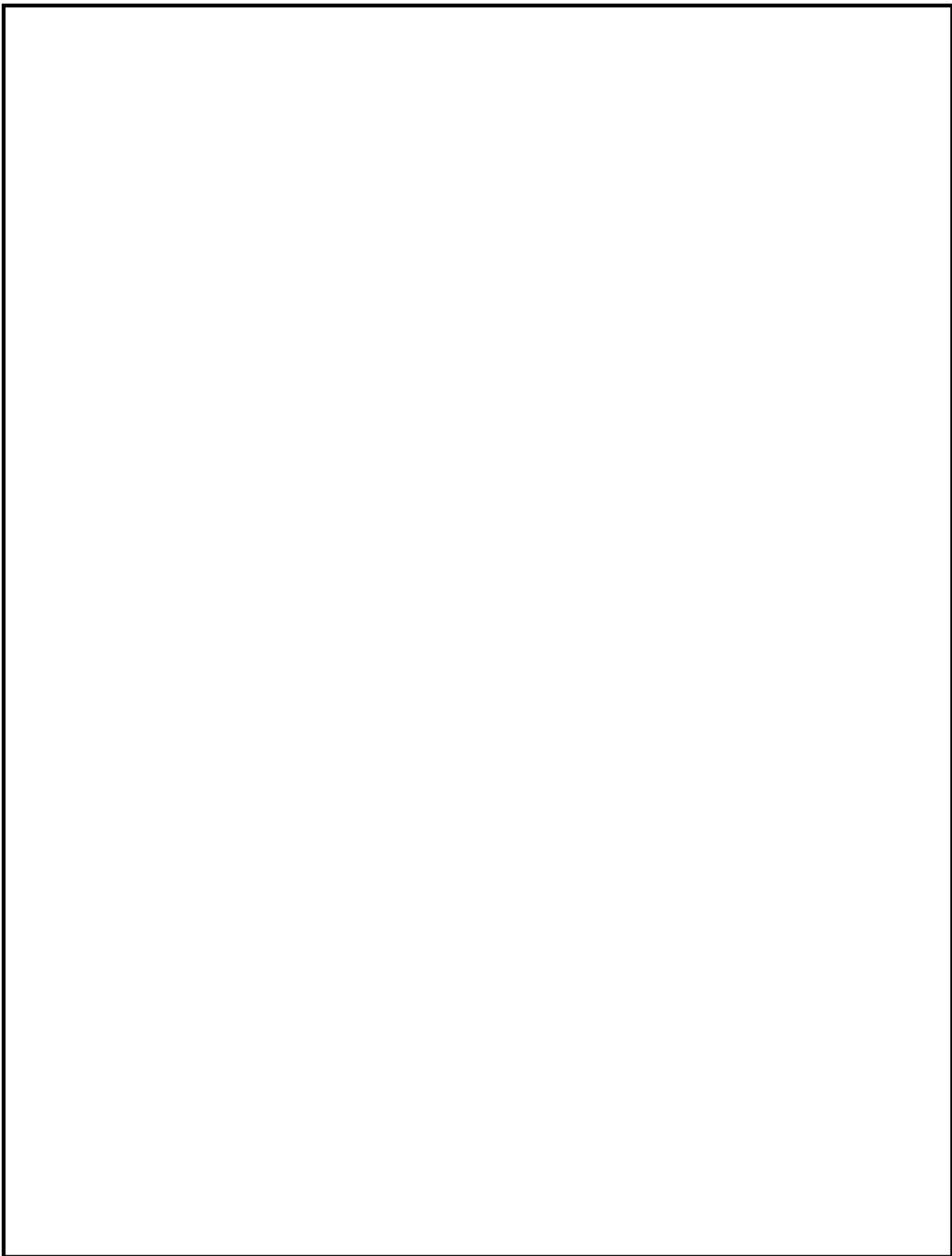


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Responsibilities and Planning Tips

Control County Auditor

In school districts that cross county lines, the county auditor whose county has the largest taxable base is given the responsibility of conducting the election in that school district. 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 conducting the school 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/schools.html>.

Work with the county auditor to prepare a list of offices to be filled at the school 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 director district 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: Any offices not expiring in this year that were filled by appointment between the last regular school election and 45 days (Saturday, July 25) before the date of this year’s school election must be included on the school election ballot as “To Fill Vacancy.”

[§69.12(1)(a)(3), 260C.11(1), 279.6]

See the Auditor’s Calendar for the School Election for specific dates:
<http://sos.iowa.gov/elections/schools.html>.

Public Measures

Before the filing period begins (64 days before the regular school election), check with the school board/community college board to see whether they wish to include any public measures on the September ballot.

Nomination Period

The school secretary or community college board secretary is the filing officer for school election candidates. The school secretary must be available to accept nomination petitions and affidavits. The school secretary may designate someone to accept nomination papers as long as the designated person is a full-time employee of the district.

On the last day for candidates to file nomination papers, the school secretary's office must be open until 5 p.m.

[§260C.15, 277.4(1)]

Distributing Nomination Papers

Nomination papers consist of an affidavit of candidacy and nomination petitions. Nomination papers and candidate guides are available on the Secretary of State's website at <http://sos.iowa.gov/elections/electioninfo/schoolelections.html>.

Provide nomination papers and candidate's guides to anyone who requests them. It is not necessary for the school secretary 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 but petition signers must still be eligible electors of the school district at the time the petitions are filed with the school secretary.

Nomination Petition Signature Requirements

Overview

Signatures must be valid at the time the petitions are filed. Petitions signers must be eligible to register to vote in the school district/community college, 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)]

Signature Requirements for Regular School Elections

For regular school elections, the number of signatures needed is based on the number of registered voters in the school district as of May 1. The county auditor will provide you with that number as well as the minimum number of required signatures candidates must collect.

- For school districts (or director districts when applicable) with fewer than 1,000 registered voters, the minimum number of signatures is 10.
- For school districts (or director districts when applicable) with more than 1,000 registered voters, the minimum number of signatures is 1% of the number of registered voters or 50, whichever is less.

[§277.4(2)(a), IAC 721—21.500]

See also the minimum signature requirements chart.

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

Advise candidates that the specific numbers in the signature chart represent 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 of signatures.

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

Signature Requirements for Special School Elections

For special elections, the number of signatures needed is based on the number of registered voters in the school district or director district (if applicable) on the day the notice of the special election is given to the county auditor.

[IAC 721—21.500]

Filing Period

Overview

The school secretary is the filing officer for regular school and special school elections. The school secretary must be available to accept petitions and affidavits. The school secretary may designate someone to accept nomination papers as long as the designated person is a full-time employee of the school district.

[§260C.15(3), 277.4(1)]

Review the Filing Officer's Guide before the filing period begins. It provides information on how to receive and review nomination papers. The Filing Officer's Guide is available on the Secretary of State's website at: <http://sos.iowa.gov/elections/schools.html>.

Dates of Filing Period

The filing period begins 64 days before the regular school election and ends at 5 p.m. on the 40th day before the election.

Important Note: School secretaries' 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 for candidates to withdraw.

[§277.4(1)]

For specific dates in a given year, see the School Election calendar:

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

Delivering Nomination Papers and Public Measure Text to the Auditor

By 5 p.m. on the day after the last day of the filing period, deliver the following information to the county auditor:

- All accepted nomination papers and
- A copy of the official board action directing the county auditor to include public measures on the school election ballot (if any). The information given to the auditor must include the complete text of all public measures.

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

[§260C.15(3), 277.4(3)]

Withdrawals

Candidate withdrawals must be submitted in writing to the school secretary by 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. There community college secretary should consult with the community college attorney for information on how to proceed if a withdrawal is filed.

Objections

Written objections to nomination papers must be submitted in writing to the school secretary or community college secretary by the 35th day before the election.

[§260C.15(4), 277.5]

Important Note: Notify the county auditor immediately after receiving any withdrawals or objections.

Post Election Day

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]

Write-In Votes

Write-in votes are allowed and the candidate with the most votes is declared elected. 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]

County Canvass of Votes

School District Canvass

The control county board of supervisors canvasses the election 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

The board of supervisors of the control county for a community college 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 area.

[§260C.15(5)]

Canvass Materials

The control auditor will provide the school/college secretary 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, 296.6]

Term Start Dates

School Districts

The term for school officers begins at the first regular board meeting after the canvass. School officers must take the oath of office during or before the date of this meeting.

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

[§63.8, 277.28, 279.1]

Community Colleges

The term for new members begins at the first regular meeting of the community college board held after the canvass of votes. Community college directors must take the oath of office during or before the date of this meeting.

[§260C.15(5), 277.28]

Filing of Oaths and Bonds

The official oath and bond must be filed with the school secretary.

[§63.1, 63.8, 63.10, 277.28]

Election Costs

The control county board of supervisors will bill the school district/community college for the costs of the election.

[§47.3]

Vacancies on School Boards

Laws Related to School Board Vacancies

Iowa Code sections 69.12, 277.29, 279.6 and 279.7 apply to vacancies on school boards.

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 vacancy must be filled by appointment of the remaining directors until the next pending election. There is no provision allowing residents of the district to petition for a special election to fill the vacancy. The only exceptions to this “no special election” rule are:

- When the school board fails to appoint a replacement within 30 days or
- When the vacancy reduces the number of school directors below a quorum.

If there is no quorum, the school secretary is required to call a special election to fill the vacancy. If there is no school secretary, the area education agency administrator is required to call a special election to fill the vacancy.

[§279.6, 279.7]

Extra or Special Publication Requirements

There are no specific publication requirements related to filling vacancies on school boards.

Appointing Replacements

Deadline

A replacement must be appointed within 30 days of the date the vacancy becomes known by the secretary of the board.

[§279.7]

Exception: The school board can decide that vacancies occurring between 70 and 45 days before the next regular school election will be filled at the upcoming school election. They do not need to be filled by appointment.

[§69.12(1)(a)(3), 279.7]

Appointment not Made Before Deadline

If the school board fails to appoint a replacement within 30 days after the vacancy becomes known by the secretary of the board, the school board secretary is required to call a special election within three days of the board's failure to fill the vacancy.

[§279.7]

School Secretary does not Call Special Election

If the school secretary does not call a special election within three days after the board's failure to appoint, the area education agency administrator is required to call the special election.

[§279.7]

Length of Appointment

The term of a person who was appointed to fill a vacancy is until the next pending election held for the school district, whether that is the regular election held in September of odd-numbered years or a special election for that school district.

Special Elections to Fill Vacancies

Dates of Special Elections

If a special election must be held to fill a vacancy on a school board, the election may be held on any Tuesday that is not during a blackout period before or after a primary or general election. In addition, the election cannot be held on a day where there is another election being held for a different political subdivision that involves the same voters.

See the Special Elections chapter for additional information.

Deadline for Holding Special Election

If a special election must be held, it must occur between 60 and 70 days after the vacancy becomes known by the school secretary.

[§279.7(1)]

Signature Requirements

The number of signatures required to get on the ballot is equal to one percent of the registered voters in the school district (or director district if directors are elected by district); however, the number of signatures can never be fewer than 10 or more than 50. The number of registered voters is based on the number of voters registered as of the date the auditor receives notice of the special election.

[§277.4(2), IAC 721—21.500]]

Filing Officer

The school secretary is the filing officer for special elections to fill vacancies on school boards.

[§277.4, 279.7]

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:

First Day: As soon as the auditor receives notice of the special election

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

Nomination papers are filed with the school board secretary. The school secretary's office is required to remain open until 5 p.m. on the final date for filing.

[§279.7(4)]

Withdrawal and Objection Deadlines

Withdrawal: No later than the 25th day before the election

The written notice is filed with the school secretary.

[§44.9(5)]

Objection: No later than 35 days before the election.

Written objections must be filed with the school secretary.

The school secretary should consult with the school district attorney for information on how to proceed in these cases before acting on an objection for this type of election after the 35 day deadline. If the school secretary has proceeded on an objection filed after the 35 day deadline, the auditor should consult with the county attorney before proceeding.

[§277.5]

Public Measures

Public measures may also be placed on the ballot, if the auditor's office is provided with at least 32 days notice of the intent to place a public measure on the ballot with the vacant office and assuming any other legal requirements to place the public measure on the special election ballot are met.

[§47.6(1)(a)(1)(b)]

Term of Office

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

Filling Vacancy at Special Community College Public Measure Election

The vacancy must be filled at an upcoming special community college election for a public measure if the election was scheduled before the vacancy occurred unless:

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

OR

- The vacancy occurs fewer than 60 days before the next pending election.

[§69.12(1)(a)(4)]

Filling Vacancy at Next Regular School Election

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

- The term of the office in which the vacancy occurred is set to expire after the regular school election,

OR

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

OR

- The vacancy occurs fewer than 45 days before the regular school election.

If the seat would have been up for election at the next regular school election, the office must appear on the ballot at the regular school election for the full term, not as “To Fill Vacancy.”

If the vacancy occurs fewer than 45 days before the regular school election, the vacancy must be filled by appointment until the next pending election.

Advance Resignations

If a school board member announces a resignation to take effect at the beginning of the next term for school officials in that district and the announcement is made at least 45 days before the upcoming school election, that school board member’s seat may appear on the ballot at the regular school election as “To Fill Vacancy.”

[§279.6, unnumbered paragraph 2]

Vacancies on Community College Trustee Boards

Laws Related to Community College Trustee Board Vacancies

Iowa Code sections 69.12, 277.29 and 260C.11 apply to vacancies on community college boards.

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 vacancy must be filled by appointment of the remaining trustees until the next pending election. There is no provision allowing residents of the district to petition for a special election to fill the vacancy.

[§260C.11]

Extra or Special Publication Requirements

There are no specific publication requirements related to filling vacancies on community college boards of trustees.

Appointing Replacements

Deadline

A replacement must be appointed at the next regular meeting of the board of trustees.

[§260.11]

Trustees Do Not Make Appointment by Deadline

No penalty is set forth in the *Iowa Code* for failure to appoint a replacement trustee at the next regular meeting of the board.

Special Elections to Fill Vacancies

Dates of Special Elections

No special elections can be held specifically to fill vacancies on a board of community college trustees. If the community college is holding a special election on a public measure as authorized by §39.2(4) and there is a vacancy on the community college board of trustees which occurred more than 60 days before the date of the upcoming special election that is currently filled by an appointee, that seat must go on the ballot as “To Fill Vacancy” at the time the special election is held for the public measure.

[§69.12(1)(a)(3), 260C.11]

Deadline for Holding Special Election

There is no deadline because a special election to fill the vacancy cannot be held unless there is going to be a public measure on the ballot. To be filled at a special election on a public measure, the vacancy must have occurred at least 60 days before the date of the upcoming special election.

[§69.12(1)(a)(3), 260C.11]

Signature Requirements

The number of signatures required to get on the ballot is not less than 50 signatures of eligible electors in the director district.

[§260.15(2)]

Filing Officer

The community college board secretary is the filing officer.

[§260.15(3)]

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:

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

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

Papers are filed with the community college board secretary. The secretary’s office is required to be open until 5 p.m. on the final date for filing.

[§69.12(1)(b)(4)]

Public Measures

A public measure must be placed on the ballot before a vacancy can be filled at a special election.

[§260C.11]

Filling Vacancy at Special Community College Public Measure Election

The vacancy must be filled at an upcoming special community college election for a public measure if the election was scheduled before the vacancy occurred unless:

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

OR

- The vacancy occurs fewer than 60 days before the next pending election.

[§69.12(1)(a)(4)]

Filling Vacancy at Next Regular School Election

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

- The term of the office in which the vacancy occurred is set to expire after the regular school election,

OR

- There has already been a special election for a public measure at which the vacancy was filled,

OR

- The vacancy occurs fewer than 45 days before the regular school election.

If the seat would have been up for election at the next regular school election, the office must appear on the ballot at the regular school election for the full term, not as “To Fill Vacancy.”

If the vacancy occurs fewer than 45 days before the regular school election, the vacancy must be filled by appointment until the next pending election.

Special Elections

Public Measures

School districts and community colleges can only hold special elections for public measures on the following dates:

Odd-Numbered Years

- First Tuesday in February,
- First Tuesday in April,
- Last Tuesday in June, and
- Second Tuesday in September (date of regular school election).

Even-Numbered Years

- First Tuesday in February,
- First Tuesday in April,
- Second Tuesday in September, and
- First Tuesday in December.

[§39.2(4)(c)]

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 46 days before the desired date of a special election for a public measure.

Deliver to the auditor the following:

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

Check for Vacancies

If the school district 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.

Special Public Measure School Elections Planning Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
51	50	49	48	47	46 Last day to request special election	45
44	43	42	41	40	39	38
37	36	35	34	33	32	31
30	29	28	27	26	25 Candidates' Filing Deadline (if any vacancies exist, they must be filled at the special election)	24
23	22 Deliver nomination papers to auditor	21	20 First day to publish notice of election	19	18	17
16	15 Worry free postmark date	14	13	12	11 Voter pre-registration deadline	10
9	8	7	6	5	4 Last day to publish notice of election	3
2	1	Election Day	1	2	3	4
5	6 County canvass of votes or	7 County canvass of votes	8	9	10	11
12	13	14	15	16 Deadline for swearing in new directors elected to fill vacancies (if canvass held on Monday)	17 Deadline for swearing in new directors elected to fill vacancies (if canvass held on Tuesday)	18

Your School as a Polling Place

It is very likely that one or more buildings in your school district are used as polling places for the school election and/or for other elections. Iowa law requires that necessary space in buildings supported by taxation be made available without charge for use as a polling place. The following list of regularly scheduled elections may be helpful to you. Other special elections may be held at other times during the year. Your county auditor will notify you if any special elections need to be held.

Election	Month	Day	Year	Polls Open
Primary	June	First Tuesday after the first Monday	Even *	7 am – 9 pm
General	November	First Tuesday after the first Monday	Even	7 am – 9 pm
School	September	Second Tuesday	Odd**	7 am – 8 pm OR Noon – 8 pm
City Primary	October	Tuesday four weeks before regular city election, if needed.	Odd	7 am – 8 pm OR Noon – 8 pm
Regular City	November	First Tuesday after the first Monday	Odd	7 am – 8 pm OR Noon – 8 pm
City Runoff	December	Tuesday four weeks after regular city election, if needed	Odd	7 am – 8 pm OR Noon – 8 pm
Special	Any	Any Tuesday, if held to fill a vacancy. Only on an authorized Tuesday, if held to vote on a public measure. See page 9.	Both	7 am – 8 pm OR Noon – 8 pm 7 am – 9 pm (partisan elections)

* “Even” refers to even-numbered years.

** “Odd” refers to odd-numbered years.

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. School District Attorney

Your county auditor may refer you to your school district attorney. If you or the county auditor is unsure of the answer to a question, the best place to go for advice is the school district 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/schools.html>.

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

- **School Election Calendar**

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

Candidate guides are compiled by the Elections Division to assist candidates and the public in meeting the requirements of Iowa's election laws. School secretaries 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/schools.html>

2. Vacancies Guide

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