

Candidate's Guide to the Regular City Election

For Cities with Primary Election Provisions

**City Primary Election Date:
October 10, 2017 (if held)**

**Regular City Election Date:
November 7, 2017**

Prepared by the Office of the Iowa Secretary of State

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

For more information, please contact your city clerk or 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.



Table of Contents

Overview	1
What is the City Election?	1
City Primary Election	1
Candidate Qualifications	1
Control County Auditor	2
Nomination Papers.....	2
Filing Period	2
Preparing Nomination Papers	3
Affidavit of Candidacy	3
Nomination Petitions	5
Signature Requirements.....	6
Collecting Signatures	7
Filing Checklist.....	8
After City Primary Election Day (if held)	9
Who Wins?	9
Write-In Votes	9
Regular City Election.....	9
After Regular City Election Day	10
Who Wins?	10
Write-In Votes	10
Frequently Asked Questions	11
Can I run for more than one office?	11

Can I hold more than one office?	11
What is the Hatch Act?.....	11
Nomination Papers, Filing Procedures, and Lists of Registered Voters Questions	12
Campaign Disclosure and Ethics Requirements Questions.....	12
2017 City Primary and Regular City Election Candidates' Calendar.....	13

Overview

What is the City Election?

The city election is held in odd-numbered years to elect city officers and vote on public measures. All cities will hold a regular city election.

As part of the election process, a city may hold a city primary election before the regular city election.

[§39.3(3)]

City Primary Election

City primary elections are held only in cities where the council has not chosen another nominating process. Check with the city clerk or county auditor to determine if the city has a primary election provision.

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

[§376.3, 376.6(1)]

Candidate Qualifications

A candidate must be an eligible elector in the city and city ward (if any) at the time of filing nomination papers and at the time of the election.

[§376.4(1)]

An eligible elector meets all the requirements to register to vote but does not have to be registered to vote. An eligible elector must:

- Be a citizen of the United States,
- Be a resident of Iowa, and
- Be at least 18 years old.

An eligible elector may not:

- Be a convicted felon (unless voting rights have been restored by the president or governor),
- Be currently judged incompetent to vote by a court, and
- Claim the right to vote in any other place.

[§39.3(6)]

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)]

Nomination Papers

Each candidate must file nomination papers with the control county auditor or the city clerk, if designated by the control county auditor. Check with the control county auditor to determine the proper office for filing nomination paperwork. The affidavit of candidacy and nomination petitions or convention certificate must be filed together or they will be rejected.

[§376.4(1)(a)]

Copies of nomination papers are available at the city clerk’s office, county auditor’s office, or on the Secretary of State’s website: <http://sos.iowa.gov/elections/electioninfo/CityElections.html>.

Filing Period

Nomination papers must be filed with the control county auditor during the filing period. They cannot be filed before or after the filing period. The filing period is:

First day: Monday, August 14, 2017

Last day: Thursday, August 31, 2017 – 5 p.m.

There are no filing fees in Iowa.

[§376.4(1)(a)]

Preparing Nomination Papers

Affidavit of Candidacy

Each candidate must complete and file an affidavit of candidacy. The affidavit of candidacy form is available on the Secretary of State's website:

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

The affidavit should include the following information:

- Candidate's Name

The candidate's name should be printed exactly as the candidate wishes the name to appear on the ballot. No parentheses, quotation marks, or titles (e.g. Dr., Mrs., etc.) may be included. Please provide the phonetic spelling of the candidate's name. This is helpful when producing audio ballots for voters who are visually impaired. Be as clear as possible. For example, Eisenhower = "EYES-in-how-er."

- Office Sought and Ward (if any)

The name of the office and the city and city ward (if any) that the candidate is running for must be included.

- Vacancy Information

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

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

Contact the city clerk or county auditor with questions about whether you are running to fill a vacancy.

- Type and Date of Election

The 2017 Primary City Election will be held on Tuesday, October 10.

- Candidate's Home Address

Candidates must provide their house number and street name. Mailing address, phone, and email are optional but do assist the county auditor, city clerk, and the public in contacting the candidate.

- Candidate's Affirmation, Signature and Notarization

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

Affidavits missing the information listed below must be rejected:

- Candidate's name,
- Office sought and ward (if any),
- Candidate's signature, and
- Signature of notary public.

The candidate's party affiliation should be left blank.

[§376.4]

Nomination Petitions

Candidates must collect signatures on nomination petitions and file the petitions at the same time the affidavit of candidacy is filed. The nomination petition form is available on the Secretary of State's website: <http://sos.iowa.gov/elections/pdf/candidates/nompctnonpartisan.pdf>.

Preparing Nomination Petitions

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

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

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

- Candidate's Name

The candidate's name should be printed exactly as the candidate wishes the name to appear on the ballot. No parentheses, quotation marks, or titles (e.g. Dr., Mrs., etc.) may be included.

- Office Sought

- City Ward (if any)

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

- Type and Date of Election

The 2017 Primary City Election will be held on Tuesday, October 10.

- Signers' and Candidate's Affirmation of Residence

The following statement must appear on each petition page:

"We, the undersigned eligible electors of the appropriate county, city, school district, school or community college director district, or other district as established by law, hereby make the nomination outlined above. If the candidate named above accepts the nomination, we believe the candidate is or will be a resident of the appropriate county, city, school district, school or community college director district, or other district established by law as required by law."

The following information should also appear on each petition header:

- Candidate's County and City of Residence
- Vacancy Information

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

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

Contact the city clerk and county auditor with questions about whether you are running to fill a vacancy.

[§376.4]

Signature Requirements

The minimum number of signatures needed is at least 10 or two percent of the people who voted for the office at the last regular city election, whichever is greater. Ask the city clerk or county auditor for the minimum number of signatures needed.

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 residents of a ward but are voted on by the entire city, petition signers may live anywhere in the city.

[§376.4(1)(b)]

Collecting Signatures

Eligible electors of the city and ward (if applicable) may sign nomination petitions. (See page 1 for the definition of an eligible elector.)

Candidates may sign their own petitions assuming they are eligible electors of the city and ward (if applicable).

Candidates may begin collecting signatures at any time. However, the signers must still be eligible electors when the papers are filed for the signatures to count.

All signers must include the following information:

- A signature (the signature may be printed)
- The address of their residence

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

[§376.4(2)]

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

Important Note: Petition signers often use “ditto” marks when appropriate (e.g. when the name of a city or the date of signing the petition is the same as the previous signer). The use of ditto marks alone does not invalidate a signature.

Filing Checklist

- Review affidavit and nomination petition headers.**

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

- Count the signatures.**

Best Practice: File more than the required number of signatures since it is possible for signatures to be challenged. If there are signatures on a petition that should not be included, simply draw a line through the names. Those signatures will not be counted.

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

- Bind your nomination papers together.**

Nomination papers may be rejected without examination if not bound together.

Best Practice: Use staples or a three-ring binder.

- File both the affidavit and nomination petitions at the same time.**

- File as early as possible.**

Nomination papers will be inspected for completeness before they are accepted for filing. If the papers are filed early, candidates may have time to correct any errors in rejected papers and resubmit them.

Nomination papers may be filed in person or by mail. When filing by mail, postmark dates are irrelevant. The county auditor must receive the papers by 5 p.m. on the filing deadline. If candidates would like to be contacted when their nomination papers have been received, they should indicate that when they mail their papers and include a daytime phone number at which they can be reached.

Important Note: It is the responsibility of the candidate to ensure the nomination papers are received by the county auditor or the city clerk, if designated by the county auditor before the deadline. Check with the county auditor to determine the proper office for filing nomination papers.

After City Primary Election Day (if held)

Who Wins?

No one is elected at the city primary election. 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:

- With the county auditor and
- By 5 p.m. on the day following the canvass of votes by the county board of supervisors.

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

[§376.11(3)]

Regular City Election

Candidates who win nomination at the city primary election will automatically have their names appear on the regular city election ballot on November 7, 2017. No additional paperwork must be filed.

[§376.7(2)]

After Regular City 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, 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

When a write-in candidate wins a city election and does not want the job, the winning candidate may submit a letter of resignation to the city clerk by 5 p.m. on the 10th day after the county 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 a letter of resignation is submitted within 10 days of the county canvass, the city clerk then notifies the person who received the next-highest number of votes. 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, the person is considered the duly elected officer.

Exception: A petition may be filed requesting a special election if the next highest vote-getter takes office. 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)]

Frequently Asked Questions

Can I run for more than one office?

No. If a candidate files nomination papers for more than one office appearing on the same ballot, the candidate must file an affidavit on or before the last day to file candidate nomination papers declaring the one office for which the candidate wishes to run. If the affidavit is not filed, the candidate's name cannot appear on the ballot for any of the offices for which the person filed nomination papers.

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

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

[§39.11, 49.41]

Can I hold more than one office?

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

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

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

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

.[§39.11]

What is the Hatch Act?

The Hatch Act restricts the political activities of people principally employed by state or local government executive agencies in connection with a program financed in whole or in part by federal loans or grants. For more information, contact:

U.S. Office of Special Counsel – Hatch Act Unit
1730 M. Street, N.W. Suite 218
Washington, D.C. 20036-4505
1-800-854-2824 or 202-254-3650
hatchact@osc.gov
www.osc.gov/hatchact.htm

Who do I contact for questions about nomination papers, filing procedures, and lists of registered voters?

The Elections Division of the Secretary of State's Office is available to assist with questions about the filing process and to provide lists of registered voters.

- Phone: 1-888-SOS-VOTE or 515-281-0145
- Email: sos@sos.iowa.gov
- Mail: Lucas Building, 1st Floor
321 E. 12th Street
Des Moines, IA 50319

The Secretary of State's website also provides useful information for candidates on these topics: sos.iowa.gov/elections/candidates/index.html.

Where can I find information about campaign disclosure and ethics requirements?

For information about candidates' ethics and campaign filing responsibilities and deadlines, please contact the Iowa Ethics and Campaign Disclosure Board at 515-281-4028 or www.iowa.gov/ethics.

2017 City Primary and Regular City Election Candidates' Calendar

Date	Event	Code Cite
Monday, August 14	City Primary Election Candidate Filing Begins. First day to file nomination papers with the control county auditor or designated city clerk.	§376.4(1)(a)
Thursday, August 31 – 5 p.m.	City Primary Election Candidate Filing Deadline. Last day to file nomination papers with the control county auditor or designated city clerk. Deadline is 5 p.m.	§376.4(1)(a)
Monday, September 4	Labor Day – State Offices Closed.	§1C.1
Tuesday, September 5	City Primary Election Candidate Withdrawal Deadline. Last day for candidates to withdraw by filing a written request with the control county auditor or designated city clerk. Deadline is 5 p.m..	§44.9(6), 376.4(6)
	City Primary Election Candidate Objection Deadline. Last day to file written objections to nomination papers or eligibility of a candidate with the control county auditor or designated city clerk. Deadline is 5 p.m.	§44.4(2), 376.4(6)
Monday, September 11 – 5 p.m.	City Primary Election Satellite Absentee Voting Station Petition Deadline. A petition requesting a satellite absentee voting station must be filed with the county auditor no later than 5 p.m.	§53.11(2)(b)
Monday, September 25	City Primary Election Worry-Free Postmark Date. Mailed voter registration forms which are postmarked on or before today are considered on time to be pre-registered for the city primary election even if they are received after Friday, September 29.	§48A.9(3)
Friday, September 29 - 5 p.m.	City Primary Election Voter Pre-Registration Deadline. The deadline to pre-register to vote for the city primary election is 5 p.m.	§48A.9(1)
	Exception: Mailed voter registration forms postmarked on or before Monday, September 25, are considered on time even if they are received after 5 p.m. today.	
Friday, October 6 – 5 p.m.	City Primary Election Absentee Ballot by Mail Request Deadline. Last day to request an absentee ballot by mail. Deadline is 5 p.m.	§53.2(1)(b)
Monday, October 9 – 5 p.m.	City Primary Election Absentee Ballot In-Person Deadline. Last day to request and vote an absentee ballot in person at the county auditor's office.	§53.2(1)(a)
	Exception: If the polls open at noon on election day, voters may vote by absentee ballot in person at the auditor's office from 8 a.m. until 11 a.m.	
	Regular City Election Satellite Absentee Voting Station Petition Deadline. A petition requesting a satellite absentee voting station must be filed with the county auditor no later than 5 p.m.	§53.11(2)(b)

Date	Event	Code Cite
Tuesday, October 10	City Primary Election Day. Polls are open from 7 a.m. until 8 p.m.	§49.73(1), 376.7
	Exception: The polls may be opened at noon for any city election unless the county auditor receives a petition objecting to the shortened hours.	§49.73(2)
	If the polls open at noon, voters may vote by absentee ballot in person at the county auditor's office from 8 a.m. until 11 a.m.	§53.2(1)(a)
Wednesday, October 11	Special Precinct Board Convened for City Primary Election. The county auditor must convene the special precinct board at noon to consider provisional ballots and absentee ballots that were postmarked Monday, October 9 or earlier.	§50.21, 50.22
Thursday, October 12	County Canvass of Votes for City Primary Election.	§376.7(1)
Friday, October 13 – 5 p.m.	City Primary Election Write-In Nominees' Filing Deadline. Persons nominated by write-in votes in the city primary election must file an affidavit of candidacy with the county auditor by 5 p.m. or their write-in votes will be disregarded.	§376.11(3)
	Recount Request Deadline for City Primary Election. Written requests must be filed with the county auditor by 5 p.m.	§50.48(7)
Friday, October 20	City Primary Election Contest Notice Deadline. Statement of intent to contest election must be filed in the city clerk's office no later than 10 days after the election.	§376.10
Monday, October 23	Regular City Election Worry-Free Postmark Date. Mailed voter registration forms which are postmarked on or before today are considered on time to be pre-registered for the regular city election even if they are received after Friday, October 27.	§48A.9(3)
Friday, October 27 - 5 p.m.	Regular City Election Voter Pre-Registration Deadline. The deadline to pre-register to vote for the regular city election is 5 p.m.	§48A.9(1)
	Exception: Mailed voter registration forms postmarked on or before Monday, October 23, are considered on time even if they are received after 5 p.m. today.	
Friday, November 3 – 5 p.m.	Regular City Election Absentee Ballot by Mail Request Deadline. Last day to request an absentee ballot by mail. Deadline is 5 p.m.	§53.2(1)(b)
Monday, November 6	Regular City Election Absentee Ballot In-Person Deadline. Last day to request and vote an absentee ballot in person at the county auditor's office.	§53.2(1)(a)
	Exception: If the polls open at noon on election day, voters may vote by absentee ballot in person at the auditor's office from 8 a.m. until 11 a.m.	

Date	Event	Code Cite
	Regular City Election Day. Polls are open from 7 a.m. until 8 p.m.	§49.73(1), 376.1
Tuesday, November 7	Exception: The polls may be opened at noon for any city election unless the county auditor receives a petition objecting to the shortened hours. If the polls open at noon, voters may vote by absentee ballot in person at the county auditor's office from 8 a.m. until 11 a.m.	§49.73(2) §53.2(1)(a)
Thursday, November 9	Special Precinct Board Convened for Regular City Election. The county auditor must convene the special precinct board no earlier than noon to consider provisional ballots and absentee ballots that were postmarked Monday, November 6 or earlier.	§50.21, 50.22
Friday, November 10	Veteran's Day Observed – State Offices Closed.	§1C.1
Monday, November 13/ Tuesday, November 14	County Canvass of Votes for Regular City Election. May occur on Monday or Tuesday	§50.24
Thursday, November 16/ Friday, November 17 – 5 p.m.	Recount Request Deadline for Cities. Written requests must be with the county auditor by 5 p.m. the third day following the canvass.	§50.48(1)
Friday, November 17	Regular City Election Contest Notice Deadline. Statement of intent to contest election must be filed in the city clerk's office no later than 10 days after the election.	§376.10