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Candidate's Guide to the

Regular City Election

(To be used in cities with nominations under
Ch. 44, Ch. 45, and runoff provisions)

Election Date: November 3, 2009

Qualifications:

Candidates for election to city offices must be eligible electors of the city. An eligible elector is a person who meets all of the qualifications to register to vote. An eligible elector is not required to be a registered voter. Candidates who are seeking election from wards within a city must be residents of the ward at the time the nomination papers are filed and at the time of the election.

Nominations:

There are two methods by which a candidate is nominated for the regular city election in cities without primary election provisions. Many cities allow both nomination methods but some cities allow only one method. Check with the city clerk or the county auditor to determine which nomination method is allowed in a city and whether or not the city has a runoff provision.

* **First Method:** Circulating Nomination Petitions (most common method)

Following the provisions in Chapter 45 or Chapter 376 (Cities with runoff provisions only) of the Election Laws of Iowa City of Muscatine Chapter 45 (Without runoff provisions)

*See page 2 for detailed instructions on this method.

Second Method: Nominations by Convention Not Applicable for City of Muscatine

Following the provisions in Chapter 44 of the Election Laws of Iowa

*See page 3 for detailed instructions on this method.

Both methods require candidates to file nomination papers with the city clerk during the regular city election candidate filing period. "Nomination Papers" include an affidavit of candidacy and a set of nomination petitions or, in the case of a nomination made by a convention, an affidavit of candidacy and a certificate of nomination from the convention.

Where to get Nomination Papers:

Nomination papers are available from city clerks, county auditors, and the Elections Division of the Secretary of State's Office. <http://www.sos.state.ia.us/elections/electioninfo/CityElections.html>

Where to File:

Nomination petitions must be filed with the city clerk.

When to File:

First day: Monday, August 24, 2009

Last day: Thursday, September 17, 2009 – no later than 5 pm.

Note: The information furnished in this guide has been compiled by the Elections Division of the Secretary of State's Office to assist candidates and the public in meeting the requirements of Iowa's election laws. Although every attempt has been made to make this an accurate and reliable guide, 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 and the Session Laws shall prevail.

Nomination Method One: Circulating Nomination Petitions

*** Minimum Number of Signatures in Cities Without Runoff Provisions:**

The minimum number of signatures a candidate needs to file is based upon the population of the city.

City Population	Minimum #
Less than 100	At least 5
100 – 3,499	At least 10
3,500 or more	At least 25

* Minimum of 25 signatures required for City of Muscatine election

******Minimum Number of Signatures in Cities With Runoff Provisions** N/A for City of Muscatine

At least ten (10) or 2% of the number of people who voted for the office you are a candidate for at the last regular city election. (Ask the city clerk or county auditor how many signatures you need.)

Who may sign Nomination Petition:

Any eligible elector of the city (or specific ward, if you are running for a ward seat) may sign a nomination petition. Electors may sign more than one candidate's petition.

Signers Must Be Qualified. Each signer must:

- Be an eligible elector of the city. (An eligible elector is a person who meets all of the qualifications to register to vote. An eligible elector is not required to be a registered voter.) Signers of nomination petitions for candidates for ward seats must be residents of the ward when they sign the nomination petition.
- All signers of nomination petitions shall include their residences (house number, street or rural route, and city) and the date of signing. Providing a post office box only is not sufficient. If an elector is homeless, the elector should describe where they live (i.e. where the elector spends most of his or her time) or write "homeless" in the space provided.

*Signature lines lacking signatures and/or residential addresses will not be counted.

✓ Checklist for circulating the Nomination Petitions

Preparing to Circulate the Nomination Petitions

Before Anyone Signs the Petition: Fill-in all the information requested on **every** signature page, including the name of the candidate, the office sought, and the ward or district number if any. Signatures will not be counted on pages of nomination petitions that are missing required information. You may wish to fill in one petition page and make copies to assure that all page headings identical.

Indicate if to Fill a Vacancy. If an incumbent office holder resigned or died before the end of the term, the office must appear on the ballot at the next regular city election. If the term of office does not expire at the end of this year and you are running for the remainder of the unexpired term, you must indicate on the nomination papers that the election is to fill a vacancy.

There is a "To Fill Vacancy" box on the petition form. Some former versions of the petition form do not have this box. In that case, indicate the office is vacant in the same place where the office sought is to be written. For example, FOR THE OFFICE OF: Mayor, To Fill Vacancy.

Check Ward or District Number. Be sure that the correct district or ward number is on each page of the nomination petition if it is needed. Signatures on petition pages that do not provide the applicable ward or district number (if any) cannot be counted. Contact the city clerk or the county auditor if you are unsure of the district in which a seat lies.

Candidate's Name. Be sure that the candidate's name is plainly printed or typed exactly as it appears on the candidate affidavit. Only the candidate's name may be used; no parentheses, quotation marks, or titles (e.g. Mrs., Dr., etc.) may be included.

Nomination Method Two: Nomination by Convention

(Not Applicable for City of Muscatine election)

Minimum Number of Convention Attendees

Minimum requirements are established by law for attendance at nominating conventions. If the minimum attendance requirements are not met for the specific office for which a nomination is being made, the nominations made at the convention do not qualify for inclusion on the ballot. The minimum attendance requirements are as follows:

To nominate a candidate for the regular city election at least ten (10) electors must be in attendance at the convention. At least half of the precincts in the city must be represented by those electors.

Therefore, a city with more than 20 precincts must have more than ten (10) attendees at the convention. An eligible elector is a person who meets all of the qualifications to register to vote. An eligible elector is not required to be a registered voter.

✓ Checklist for Nominations by Convention

The Convention

Check Attendance. Be sure to meet the minimum attendance requirements of the law. A and B must be met to meet the requirements.

- A. At least one eligible elector from half the voting precincts in the city. Check with the county auditor or the city clerk for this number.

Number of precincts in the city = ____ x 0.5 = _____.

Number of precincts represented = _____.

- B. At least ten people must attend. Number of attendees = _____.

Certificate of Nomination

The chairperson and the secretary of the convention will certify the Certificate of Nomination. It must include all of the following information:

Organization Name: The name of the organization may not exceed five words.

Office name: Include the name of the office to which each candidate is to be nominated.

Indicate if To Fill Vacancy: If an incumbent office holder resigned or died before the end of the term, the office must appear on the ballot at the next regular city election. If the term of office does not expire at the end of this year and you are running for the remainder of the unexpired term, you must indicate on the nomination papers that the election is to fill a vacancy.

There is a "To Fill Vacancy" box on the Certificate of Nomination. Some former versions of the form do not have this box. In that case, indicate the office is vacant in the same place where the office sought is to be written. For example, FOR THE OFFICE OF: Mayor, To Fill Vacancy.

District/Ward #: Be sure that the correct district or ward number is indicated on the Certificate of Nomination, if needed.

Nominee's Name: The nominee's name should be plainly printed or typed.

Nominee's Place of Residence: The nominee's residential address must be provided on the certificate. A post office box may be provided but only in addition to a residential address. The county, the date of the election, and the date of the convention must be provided on the Certificate.

Vacancy Provisions: Specify the method that will be used to fill any vacancies, if candidates withdraw, die or are found ineligible to run before the deadline.

Committee Members: The names and addresses of each member of the organization's executive or central committee must be provided.

Delegate List: The name and address of each delegate or voter in attendance at the convention must be included on the Certificate of Nomination.

✓ Checklist for the Affidavit of Candidacy – Both Methods

Completing the Affidavit of Candidacy

Office Sought: The name of the office for which the candidate is seeking election must be provided.

District/Ward #: Is this office one that is elected "at large" (by the voters of an entire city) or by a specific district within the city? The district or ward number must be provided if the office is not at large.

Indicate if to Fill a Vacancy: If an incumbent office holder resigned or died before the end of the term, the office must appear on the ballot at the next regular city election. If the term of office does not expire at the end of this year and you are running for the remainder of the unexpired term, you must indicate on the nomination papers that the election is to fill a vacancy.

There is a "To Fill Vacancy" box on the affidavit form. Some former versions of the petition form do not have this box. In that case, indicate the office is vacant in the same place where the office sought is to be written. For example, FOR THE OFFICE OF: Mayor, To Fill Vacancy.

Candidate's Name: The candidate's name should be plainly printed or typed exactly as the candidate wishes the name to appear on the ballot. Only the candidate's name may be used; no parentheses, quotation marks, or titles (e.g. Mrs., Dr., etc.) may be included.

Name Pronunciation: The phonetic (sounds like) spelling of the candidate's name is necessary to produce audio ballots for voters who are visually impaired. ***Please note:** The persons producing the audio ballots may have never heard the candidate's name before so please be as clear as possible with the description. Example: Eisenhower = "Eyes-in-how-er".

Candidate's Address: The candidate must provide their residential address on the affidavit. A post office box may be provided but only in addition to a residential address. The county and date of the election must be provided on the affidavit.

Notary Required. The affidavit of candidacy must be notarized. To do so, a Notary Public must be present when the candidate signs the affidavit. The notary must complete the verification on the bottom of the affidavit which includes providing the name of the state the notary is commissioned by, the name of the county in which the notarization is taking place (not necessarily the county the candidate is from), the date of the notarization, the name of the candidate, and the seal, signature, and commission expiration date of the notary.

Preparing to File – Both Methods

- Count the signatures.** If filing nomination petitions, it is recommended that you file more than the required number of signatures.
- Be sure you are ready.** After nomination papers have been accepted for filing nothing can be added to them and they cannot be returned.
- Staple the nomination papers together.** Nomination papers will not be accepted if they are not bound together.

Filing with the City Clerk – Both Methods

- Affidavits of candidacy and nomination papers must be filed together or they will be rejected.**

A candidate may send the signed and notarized affidavit of candidacy to the city clerk by fax if necessary. The faxed copy of the affidavit must arrive before the filing deadline. The candidate must also mail the original signed and notarized affidavit of candidacy to the county auditor who will be conducting the election. The envelope containing the original affidavit must be postmarked before the filing deadline. The auditor must receive the affidavit no later than 7 days after the filing deadline. Nomination petitions and Certificates of Nomination cannot be faxed and must be filed before the filing deadline even if the affidavit of candidacy was faxed to the city clerk. It is recommended that if a candidate needs to fax an affidavit that the candidate contact the city clerk's office prior to the faxing the document to discuss filing the rest of the nomination papers.

- File as early as possible.** Nomination papers will be inspected for completeness before they are accepted for filing. If the papers do not meet minimum filing requirements, they will not be accepted for filing and will be returned to the filer. If you file early, you may have time to correct your error and to resubmit your papers.

Please note: When filing nomination papers by mail, postmark dates do not count. The city clerk must receive your papers before 5 p.m. on September 17. It is the **responsibility of the candidate** to ensure nomination papers are filed by the deadline.

2009 Regular City Election Calendar

<u>DAY AND DATE</u>	<u>EVENT</u>
Monday August 24	Regular City Election Candidate Filing Begins First day to file affidavit and nomination petitions with the city clerk.
Thursday September 17	Regular City Election Candidate Filing Deadline Last day to file affidavit and nomination petitions with the city clerk. Deadline is 5 p.m. City clerk's offices are required by law to be open until 5 p.m.
Tuesday September 22	Regular City Election Withdrawal Deadline Last day for candidates to withdraw by filing a written request with the city clerk.
Tuesday September 22	Regular City Election Objection Deadline Last day to file written objections to nomination petitions or eligibility of candidate with the city clerk. The deadline is 5 p.m.
Monday October 19	Regular City Election "Worry-Free" Postmark Date Correctly completed voter registration forms postmarked by today are considered timely even if received after Friday, October 23..
Friday October 23	Regular City Election Voter Pre-Registration Deadline Registration closes at 5 p.m. for Regular City Election. Forms postmarked by Monday, October 19, are considered on time even if received after today.
Tuesday November 3	Regular City Election Day Polls open at 7 a.m. and close at 8 p.m. Exception: Under some conditions, the polls may be opened at noon.
Wednesday November 4	Provisional Ballots Considered <u>for Cities With runoff Provisions</u>. Special Precinct Board reconvenes at noon. N/A for City of Muscatine
Thursday November 5	Canvass of Votes, for the Regular City Election <u>for Cities With runoff Provisions</u> Canvass by board of supervisors. N/A for City of Muscatine
Mon. or Tues. November 9 or 10	County Canvass of Votes - Regular City Election Canvass by board of supervisors.
Wednesday November 11	Veteran's Day – Holiday Observed - State Offices Closed
Thurs. or Fri. Nov. 12 or 13	Regular City Election Recount Request Deadline Written request for a recount must be filed in the office of the county auditor by 5 p.m. three days after the canvass.
Friday November 13	Regular City Election Contest Notice Deadline Statement of intent to contest election must be filed with the city clerk no later than ten days after the election.

The dates below apply only in cities with runoff ordinances.

Not applicable for City of Muscatine

Monday November 16	City Runoff Election “Worry-Free” Postmark Date. Correctly completed voter registration forms postmarked by today are on time even if received after Friday, November 20.
Friday November 20	City Runoff Election Voter Pre-Registration Deadline. All registration forms must be received by the auditor no later than 5 p.m. unless postmarked on or before Monday, November 16 th .
Thurs. or Fri. Nov. 26 & 27	Thanksgiving – Holiday Observed – State Offices Closed.
Tuesday December 1	City Runoff Election, if necessary. Runoff is only held in cities with runoff ordinances for offices in which no one received a majority of votes at the Regular City Election or if a write-in winner refused the office. See November 3 for polling hours.
Thursday December 3	City Runoff Election Provisional Ballots Considered. Special precinct board must convene not earlier than noon.
Mon. or Tues. Dec. 7 or 8	City Runoff Election County Canvass of Votes Canvass by board of supervisors
Thurs. or Friday December 10 or 11	City Runoff Election Recount Request Deadline. Not more than 3 days after the canvass, recount requests must be filed with the county auditor.
Friday December 11	City Runoff Election Contest Notice Deadline. Statement of intent to contest runoff must be filed with the city clerk no later than 10 days after the election.

For more information please contact:

The City Clerk’s Office
(In the city where you live)

Or,

The County Auditor
(In the county where you live.)

The Elections Division - Office of the Secretary
of State
Lucas Building, 1st Floor
321 East 12th Street
Des Moines, Iowa 50319
515/281-0145 (voice) or (TDD)
Toll Free 1-888-SOS-VOTE (888-767-8683)