

City Election Packet 2011



City Election 2011

This packet has been assembled as a resource for your campaign requirements.

Included are the following:

1. City Elections 2011 Overview
2. Secretary of State Candidate's Guide to the Regular City Election
3. Nomination Petition Forms
4. Affidavit of Candidacy
5. 2011 City Candidate's Guide by the Iowa League of Cities

If you have any questions, please contact City Hall at 825 Broadway (641-628-4173).

City Elections 2011 Overview

➤ If you are running for election for Ward 2 or Ward 4, you must have 25 signatures from petitioners who are residents of the ward and who are qualified to register to vote in Iowa. If you are running for the At-Large seat, then you must simply have 25 signatures from petitioners that are residents of Pella and who are qualified to register to vote in Iowa.

➤ You may begin collecting signatures at any time. However, nomination papers can only be received between August 29-September 22, 2011. Nomination papers must be filed with the City Clerk or the clerk's designee. The Clerk's office will be open until 5:00 PM on September 22 to receive nomination papers.

➤ It is not necessary for the candidate to appear in person to file the nomination papers. Someone else may deliver the completed forms to the City Clerk.

➤ Nomination papers must include:

1. Affidavit by Candidate

- a. Make sure appropriate blanks are filled in.
- b. The affidavit must be signed in the presence of the clerk or notary.
- c. Affidavits must be filed at the same time as the nomination petition.

2. Nomination Petition must be properly completed.

- a. Before anyone signs the petition, fill-in **all** the required information on **every** signature page.
- b. Double check for the required number of signatures. A house number and street must be listed.

3. Staple all nomination paperwork together.

Election date is November 8, 2011.

Candidate's Guide to the Regular City Election

November 8, 2011

Prepared by the Office of the Iowa Secretary of State

(515) 281-0145

sos@sos.state.ia.us

www.sos.state.ia.us/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.

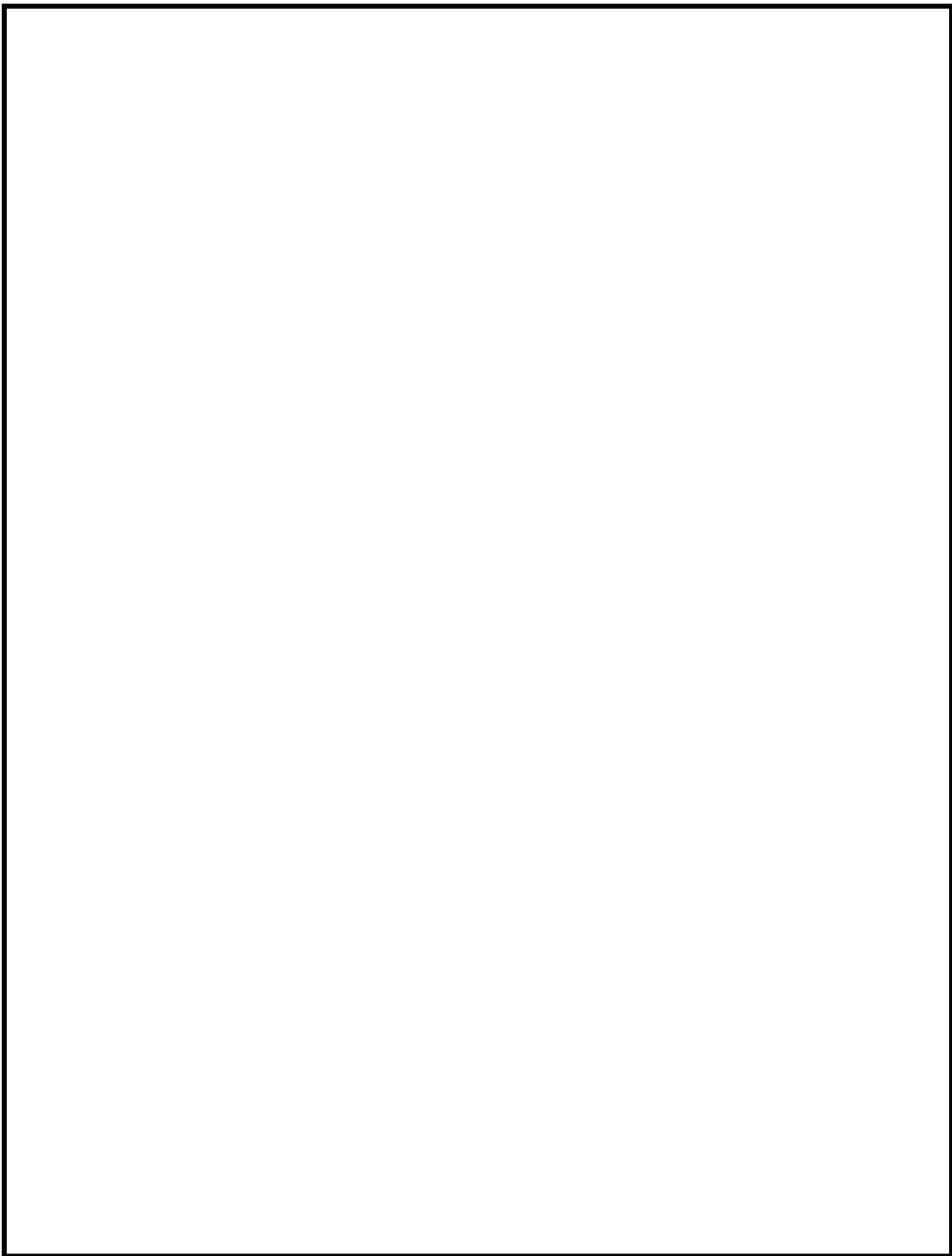


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Overview

Candidate Qualifications

A candidate must be an eligible elector in the city and city ward (if any) at the time of the election. An eligible elector meets all of 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
- 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
- Claim the right to vote in any other place.

[§376.4(1)]

Nomination Papers

Candidates for the regular city election in cities without primary election provisions may be nominated by two methods:

1. Circulating nomination petitions (Chapter 45 nominations or runoff provisions)
2. Holding a non-party political organization (NPPO) nomination convention (Chapter 44 nominations)

[§376.3]

Check with the city clerk or county auditor to determine which nomination method is allowed and whether the city has a runoff provision.

Each candidate must file nomination papers with the city clerk. 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: www.sos.state.ia.us/elections/electioninfo/CityElections.html.

Filing Period

Nomination papers must be filed during the filing period. They cannot be filed before or after the following dates:

First day: Monday, August 29, 2011

Last day: Thursday, September 22, 2011 – 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. Affidavits lacking the required information listed below will be rejected:

- 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

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

- 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 would be the case if the office term does not normally end this year but must appear on the ballot this year. This happens when an incumbent office holder resigned, died, or was removed from office before the end of the term and another officer was not 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.

- Type and Date of Election

The 2011 Regular City Election will be held on Tuesday, November 8.

- Candidate Affiliation

Leave this blank unless a candidate was nominated by a NPPO nominating convention.

- Candidate's Home Address

Candidates must provide their house number and street name. The mailing address, phone, and email are optional but do assist the filing officer 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 will complete the verification on the bottom of the affidavit.

Nomination Petitions

Candidates may collect signatures on nomination petitions and file the petitions at the same time the affidavit of candidacy is filed

Preparing Nomination Petitions

Before anyone signs the petition, complete the required information in the header of every petition page. Signatures cannot be counted on petitions missing the required information.

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

The following information is required on each petition header:

- **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**

- **Candidate's County and City of Residence**

- **Type and Date of Election**

The 2011 Regular City Election will be held on Tuesday, November 8.

- **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 would be the case if the term does not normally end this year but must appear on the ballot this year. 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.

- **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.

Signature Requirements for Cities Without Runoff Provisions (Chapter 45 nominations)

The minimum number of signatures needed is dependent on the size of the city.

- For cities with a population of 3,500 or greater: at least 25 signatures
- For cities with a population between 100 and 3,499: at least 10 signatures
- For cities with a population of 99 or less: at least 5 signatures

Signatures requirements for candidates who are elected only by the voters of a ward are based on the number of registered voters in the ward and signatures must be collected from ward residents.

[§45.1(8)]

Signature Requirements for Cities with Runoff Provisions

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

Signature requirements for candidates who are elected only by the voters of a ward are based on the number of registered voters in the ward and must be collected from residents of the ward.

Ask the city clerk or county auditor for the minimum number of signatures needed.

[§376.4(1)(a)]

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).

You may begin collecting signatures at any time. However, the signers must still be eligible electors when the papers are filed in order 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 and street name. Providing a post office box only is not sufficient. A signer who is homeless should describe where the signer lives or write “homeless.”

- The name of the city in which they live

- The date of signing

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.

Convention Certificate (Chapter 44 – Nominated by NPPO Convention)

Non-party political organizations (NPPOs) may make nominations by convention in some cities. Candidates who are not members of any political organization may not be nominated by convention.

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.

Minimum Number of Convention Attendees

At least ten eligible electors must be in attendance at the convention and at least half of the precincts in the city must be represented by those electors.

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 cannot be included on the ballot.

[§44.1]

Completing the Convention Certificate

The convention certificate must include the following required information:

- Name of NPPO

The name of the organization may not exceed five words.

- Date of Convention

- Candidate's Name

- Office Sought and Ward (if any)

- Candidate's Home Address

Candidates must provide their house number and street name.

- Type and Date of Election

The 2011 Regular City Election will be held on Tuesday, November 8.

- 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 would be the case if the term does not normally end this year but must appear on the ballot this year. 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.

- Filling Vacancy Method

Specify the method that will be used to fill any vacancies if candidates withdraw, die, or are found ineligible to run before the deadline. (This is optional but recommended.)

- Convention Attendance List

Include the name and address of each delegate.

- Affidavit of Chairperson and Secretary

The chair and secretary of the convention must sign and certify that the certificate is true.

Important Note: When more than one candidate has been nominated at the same convention, those nominations may be added to the certificate by using a separate sheet of paper. In this case, multiple certificates from the same convention are not necessary; however, each candidate must complete an affidavit of candidacy.

Filing Checklist

- Review your affidavit and nomination petition headers or convention certificate.**

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 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 your petition you know should not be included, simply draw a line through the name. Those signatures will not be counted.

- Make a copy of your nominations papers for your 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 or convention certificate at the same time.**

- File as early as possible.**

Nomination papers will be inspected for completeness before they are accepted for filing. If you file early, you may have time to correct any errors and resubmit your papers.

Nomination papers may be filed in person or by mail. When filing by mail, postmark dates do not count. The filing officer must receive the papers by 5 p.m. on the filing deadline. If you would like to be contacted when your nomination papers have been received, please indicate that when you mail your papers and include a daytime phone number at which you can be reached.

Important Note: It is the responsibility of the candidate to ensure the nomination papers are filed by the deadline.

After Regular City Election Day

Cities Without Runoff Provisions

Who Wins?

Candidates who get the most votes (up to the number of seats to be filled) are declared elected.

Write-In Votes

If a write-in candidate wins and accepts, the candidate is declared elected as if their name had been printed on the ballot. The person does not need to file an affidavit of candidacy.

When a write-in candidate wins an 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 canvass.

[§376.11(1)]

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.

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
- If the council chooses to appoint, the appointment may be made before the end of the current term.

[§376.11(2)]

Cities With Runoff Provisions

Who Wins?

It depends. All candidates must receive a majority of the votes cast to be declared elected at the regular city election; however, there are two different definitions of “majority” in cities with runoff provisions.

Majorities in “vote for no more than one” races: 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.

Majorities in at-large multi-member body races: A majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled.

For example, Happytown has a five member at-large city council. At the regular city election, three at-large seats are on the ballot. The ballot for this race reads “Vote for no more than three”. There were eight candidates on the ballot and there were 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. 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 highest vote-getter, Tom, received 8,215 votes. Tom has won this council seat. 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 at Regular City Election and Declines

1. The winner must file a notice of resignation with the city clerk or with the county auditor by 5 p.m. on the day following the canvass.
2. All remaining persons who received write-in votes and wish to be on the run-off ballot must file affidavits of candidacy with the city clerk or county 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 runoff election must still be held even if one of the remaining candidates has a majority of the votes after the write-in votes of candidates that fail to file an affidavit are disregarded.

[§376.11(4)]

Runoff Election Necessary Because No Candidate(s) Received the Majority 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; 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 runoff election must still be held even if one of the remaining candidates has a majority of the votes after the write-in votes of candidates that file to file an affidavit are disregarded.

[§376.11(5)]

After Runoff City Election Day

Who Wins?

Candidates with the highest number of votes for an office win, even if no majority is obtained in the city runoff election.

[§376.9]

Write-In Votes

If a write-in candidate wins the election and wants the job, the candidate is declared elected as if their name had been printed on the ballot. The person does not need to file an affidavit of candidacy.

2011 Regular City Election and City Runoff Election Candidates' Calendar

Date	Event	Code Cite
Monday, August 29	Regular City Election Candidate Filing Begins. First day to file nomination papers with the city clerk.	§376.4(1)(a)
Thursday, September 22 – 5 p.m.	Regular City Election Candidate Filing Deadline. Last day to file nomination papers with the city clerk. Deadline is 5 p.m.	§376.4(1)(a)
Tuesday, September 27 – 5 p.m.	Regular City Election Candidate Withdrawal Deadline. Last day for candidates to withdraw by filing a written request with the city clerk.	§44.9(6), 376.4(6)
	Regular City Election Candidate Objection Deadline. Last day to file written objections to nomination papers or eligibility of a candidate with the city clerk. Deadline is 5 p.m.	§44.4(2), 376.4(6)
Monday, October 10 – 5 p.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)
Monday, October 24	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 October 28.	§48A.9(3)
Friday, October 28 - 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)
Friday, November 4 – 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 7	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. Exception: If the polls open at noon on election day, voters may vote by absentee ballot in person at the auditor's office until 11 a.m.	§53.2(1)(a)
Tuesday, November 8	Regular City Election Day. Polls are open from 7 a.m. until 8 p.m. 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, voter may vote by absentee ballot in person at the county auditor's office until 11 a.m.	§49.73(1)(b), 49.73(3), 376.1 §53.2(1)(a)
Wednesday, November 9	Special Precinct Board Convened for Cities with Runoff Provisions. The auditor must convene the special precinct board at noon to consider provisional ballots and absentee ballots that were postmarked before Tuesday, November 8.	§50.21, 50.22

Date	Event	Code Cite
	County Canvass of Votes for Regular City Election for Cities with Runoff Provisions.	§376.9
Thursday, November 10	Special Precinct Board Convened for Cities without Runoff Provisions. The auditor may convene the special precinct board no earlier than noon to consider provisional ballots and absentee ballots that were postmarked before Tuesday, November 8.	§50.21, 50.22
	Veteran's Day – State Offices Closed.	§1C.1
	Recount Request Deadline for Cities with Runoff Provisions. Written requests must be filed in the county auditor's office by 5 p.m. <i>If the county auditor's office is closed, the holiday moves to the next business day Monday, November 14.</i>	§50.48(7)
Friday, November 11 – 5 p.m.	Last Day for Write-in Candidates to File Affidavits of Candidacy for City Runoff Election. In cities with runoff provisions, candidates who received write-in votes at the regular city election must file affidavits of candidacy not later than the day after the canvass to become eligible for the city runoff election. Deadline is 5 p.m. <i>If the county auditor's office is closed, the holiday moves to the next business day Monday, November 14.</i>	§376.11(5)
Monday, November 14/ Tuesday, November 15	County Canvass of Votes for Regular City Election for Cities without Runoff Provisions.	§50.24
Tuesday, November 15 – 5 p.m.	City Runoff 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)(c)
Thursday, November 17/ Friday, November 18 – 5 p.m.	Recount Request Deadline for Cities without Runoff Provisions. Written requests must be filed in the county auditor's office by 5 p.m. on the third day after the canvass of votes.	§50.48(1)
Friday, November 18	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
Monday, November 21	City Runoff 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 runoff city election even if they are received after November 28.	§48A.9(3)
Thursday, November 24 – Friday, November 25	Thanksgiving Holiday – State Offices Closed.	§1C.1

State of Iowa Nomination Petition for Non-Partisan Office

Candidate Information

Name of Candidate: _____ Office Sought: _____

Candidate's County of Residence: _____ Candidate's City of Residence: _____

Type and Date of Election:

General on ___/___/___ Special on ___/___/___ School on ___/___/___ City on ___/___/___

Is the candidate running to fill a vacancy due to the death, resignation, removal, or temporary appointment of an office holder? No Yes

For School Elections Only

School District: _____ School Director District (if any): _____

For City Elections Only

Office Ward (if any): _____

For Other Elections Only

Office District (if any): _____

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, and the state of Iowa 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.

Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

**State of Iowa
Nomination Petition for Non-Partisan Office**

Candidate Information

Name of Candidate: _____ Office Sought: _____

Candidate's County of Residence: _____ Candidate's City of Residence: _____

Type and Date of Election:

General on ___/___/___ Special on ___/___/___ School on ___/___/___ City on ___/___/___

Is the candidate running to fill a vacancy due to the death, resignation, removal, or temporary appointment of an office holder? No Yes

For School Elections Only

School District: _____ School Director District (if any): _____

For City Elections Only *For Other Elections Only*

Office Ward (if any): _____ Office District (if any): _____

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, and the state of Iowa 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.

Sign your name	Address where you live in Iowa		Today's Date
	House number and street	City	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

**State of Iowa
Affidavit of Candidacy**

Candidate's Name (exactly as it should appear on the ballot): _____

Candidate's Name Sounds Like (phonetic spelling): _____

Type and Date of Election:

- Primary on ___/___/___ General on ___/___/___ City on ___/___/___
 School on ___/___/___ Special on ___/___/___

Office Sought: _____ **District or Ward** (if any): _____

Vacancy – Is the candidate running to fill a vacancy due to the death, resignation, removal, or temporary appointment of an office holder? Yes No

Candidate's Affiliation (only complete for partisan offices or Ch. 44 city nominations):

- Democratic Republican
 Not affiliated with any organization ("Nominated by Petition" will be listed with the candidate's name on the ballot.)
 Name of Non-Party Political Organization: _____
No more than 5 words and exactly as it should appear on the ballot.

Candidate's Home Address:

Street (no P.O. boxes) _____ City _____ State _____ Zip _____ County _____

Candidate's Mailing Address (if different than above):

Street _____ City _____ State _____ Zip _____ County _____

Candidate's Phone: _____ **Email:** _____

Candidate's Affirmation

I swear (or affirm) that the information provided on this form is correct. I will be qualified to hold this office and if I am elected, I will qualify by taking the oath of office. I know that I cannot hold public office if I have been convicted of a felony or other infamous crime and my rights have not been restored by the governor or by the president of the United States.

I know that I am required to organize a candidate's committee, which shall file an organization statement and disclosure reports if I (or my committee) receive contributions, make expenditures, or incur indebtedness in excess of \$750 in a calendar year for the purpose of supporting my candidacy for public office. (This does not apply to candidates for federal office.)

I know that I cannot be a candidate for more than one office to be filled at this election (except in the case of county agricultural extension council or soil and water conservation district commission).

Candidate's Signature: _____
Must be signed in the presence of a notary.

State of: _____ County of: _____

(Seal)

Signed and sworn (or affirmed) before me on date of: _____

By: _____
Print Candidate's Name

Notary Signature: _____

Iowa League of Cities

2011 CITY CANDIDATE'S GUIDE

317 Sixth Avenue, Suite 800

Des Moines, IA 50309

Phone (515) 244-7282

Fax (515) 244-0740

www.iowaleague.org



Dear Prospective Candidate:

The opportunity to run for political office is a privilege we enjoy in our society. Citizens are fortunate that so many good people offer their time and talents for public service.

However, the requirements for conducting a political campaign, whether in a big city or in a small one, can sometimes seem confusing. This guide is intended to explain those requirements in plain language to alleviate confusion and make compliance much easier. This should allow you, the prospective candidate, to concentrate on issues important to your community.

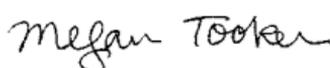
A second purpose of this guide is to let you know that there are resources available to answer questions and provide assistance in complying with Iowa law regarding campaigns, elections and holding public office. Iowans value good, clean government and a sound election process is the foundation of democracy.

If you decide to throw your hat into the ring, we offer our best wishes for your campaign.

Sincerely,



Ruth Randleman
President
Iowa League of Cities



Megan Tooker
Executive Director
Ethics & Campaign
Disclosure Board



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Actions taken during the 2011 legislative session of the Iowa General Assembly may impact the content of this guide. For any questions regarding possible changes, contact the League at (515) 244-7282 or Iowa Ethics and Campaign Disclosure Board (Board) at (515) 281-4028. Your city clerk or county auditor may also be able to answer your questions.

Election Issues

Eligibility

To hold office in a city, a candidate must be an eligible elector. To be an eligible elector, the candidate must meet the same qualifications required to vote and be a resident of the city he or she plans to serve. If running for a council seat representing a specific ward of the city, the candidate must be a resident of that ward.

Election Process

City elections in Iowa are held in odd-numbered years. Elected city officials serve either two- or four-year terms. If no term is specified, it is two years. The regular city election will be held on November 8, 2011.

There are four methods for placing a name on the ballot for a city election:

- (1) nomination by convention
- (2) nomination by petition
- (3) nomination by petition with a runoff
- (4) nomination by petition with a primary election.

Candidates can find out which method is used by their city when obtaining nomination papers from the city clerk's office. Additionally, Iowa law allows individuals to be elected to city office via a write-in vote. An election guide specific to each city's election process can be obtained from the Iowa Secretary of State's (SOS) office by calling (515) 281-0145 or online at www.sos.state.ia.us.



All candidates must complete and submit an Affidavit of Candidacy with their nomination papers. This affidavit is a written form that includes the office being sought and the candidate's signature witnessed by a notary public. The candidate also needs to state that he or she is an eligible elector. Circumstances making a candidate ineligible are felony convictions and mental instability.

A candidate may withdraw a nomination by filing a request with the city clerk. In addition, individuals may protest a candidate's nomination papers or eligibility by filing a written objection with the city clerk. Deadlines vary depending on the method of election and can be found in the SOS election guide or by contacting the city clerk.

After the election, citizens have 10 days to contest the election or request a recount. Runoff elections are held four weeks after the regular city election for seats in which no one received the majority of the votes cast for that office. The term of office for newly elected officials begins at noon on the first day of January that is not a Sunday or legal holiday (January 3, 2012).

Campaign Issues

Iowa Ethics and Campaign Disclosure Board

Candidates must comply with *Code of Iowa* Chapter 68A that contains the campaign regulations enforced by the Iowa Ethics and Campaign Disclosure Board. The Board is an independent state agency that enforces the laws related to activities of political candidates. Other statutes concerning the board are found in *Code* Chapter 68B.

Campaign Finance Disclosure

If a candidate receives contributions, including loans, makes expenditures, or incurs debt in excess of \$750, a committee must be organized and a statement of organization (form DR-1) must be filed with the Board within

10 days after the \$750 threshold is reached, regardless of whether the candidate's campaign is partially or wholly self-financed. The candidate is then responsible for filing campaign disclosure reports (DR-2 and appropriate schedules) on or before the due dates in *Code* Section 68A.402(3). It is important to file the report on or before the due date as civil and criminal penalties may be imposed for late-filed reports. The reports disclose campaign money and other items donated or spent by the candidate.

Common Campaign Violations to Avoid

1. A candidate cannot accept contributions or use the resources of any corporation, bank, savings and loan, credit union, or insurance company (*Code* Section 68A.503). However, a candidate may purchase a good or service from a corporation at fair market value.
2. A candidate must attribute the source on any printed political advertising. If a candidate has registered a committee by filing the Statement of Organization, he or she only needs to include the words "paid for by" and the name of the committee. However, if a committee has not yet registered or if a Form DR-SFA has not been filed, the attribution must include the candidate's full name and address (*Code* Section 68A.405). The attribution must appear on all political advertising including newspaper advertisements, billboards, brochures, letters, posters and Web sites. Yard signs placed in a residential yard that are 32 square feet or less are exempt. Items too small to include the attribution, such as buttons or pens, are also exempt.
3. A candidate must make sure that campaign signs are not placed on corporate property or any governmental property including the public right-of-way between the sidewalk and the curb.



4. A candidate may only use campaign funds for campaign purposes, expenses of holding office, or for constituency services. Campaign funds may not be used for personal benefit or for the benefit of any other candidate's campaign (*Code Sections 68A.301-68A.304*). Campaign funds must be kept in a separate account in a financial institution located in Iowa (*Code Section 68A.203*)

Assistance

Campaign finance laws, rules, advisory opinions, blank forms, brochures and other useful information may be obtained on the Board's Web site at www.iowa.gov/ethics. Call the Board at (515) 281-4028 with questions or concerns about a campaign finance issue.

City Government in Iowa

Federal laws govern the United States as a whole. State laws only apply within the state. City laws, in the form of ordinances, govern the city and only apply within its boundaries. City laws cannot conflict with federal or state laws. *See Figure 1.*

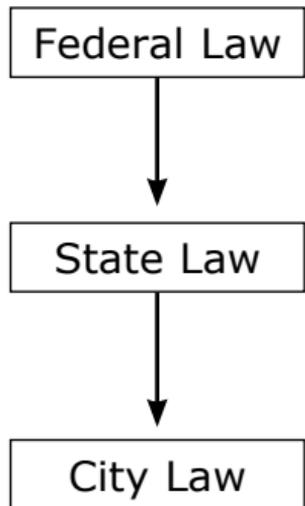


Figure 1: City laws do not supersede state or federal laws.

Home Rule

In 1968, Iowa voters passed an amendment to the Iowa Constitution commonly called the Home Rule Amendment. This gave cities the authority to decide what is best for their community. This authority comes with two exceptions. Cities are unable to levy any tax unless specifically authorized by the Iowa General Assembly and they are unable to enact any laws inconsistent with laws of the General Assembly.

Forms of Government

There are six forms of government under which cities can incorporate in Iowa. The vast majority (over 97 percent) of cities use the Mayor-Council form of government. This form has a mayor elected at-large and, typically, five council members elected at-large or by ward. The city may also create a professional city manager/administrator position to perform administrative duties for the city. Other forms of local government include: council-manager-at-large, council-manager-ward, commission, home rule charter and special charter. Candidates should contact their city clerk to determine the form of government their city has and refer to *Code of Iowa*, Chapter 372. For more detailed information on city government, consult the *Municipal Policy Leaders' Handbook: A Guide for Iowa Mayors and Council Members*, offered by the University of Iowa's Institute of Public Affairs at (319) 335-4520.

City Budget Overview

City Expenditures

Cities in Iowa have numerous responsibilities and provide many types of services to citizens. *Figure 2* shows examples of city services and expenditures.

Public Safety

police, fire, emergency management, animal control

Public Works

snow removal, garbage collection, street & sidewalk maintenance

Culture & Recreation

libraries, pools, parks, recreational programs

Community/Economic Development

planning & zoning, community beautification

Utilities & Services

water, sewer, gas, electric, cable T.V., stormwater

Figure 2: Cities are responsible for a variety of functions.



City Revenue Sources

To provide these services, cities must collect revenue. Taxes, especially property taxes, are a large part of a city's revenue. Additionally, many cities have adopted a local option sales tax. Other sources of revenue include fees, fines and licenses and enterprise funds such as municipal utility operations. See *Figure 3*.

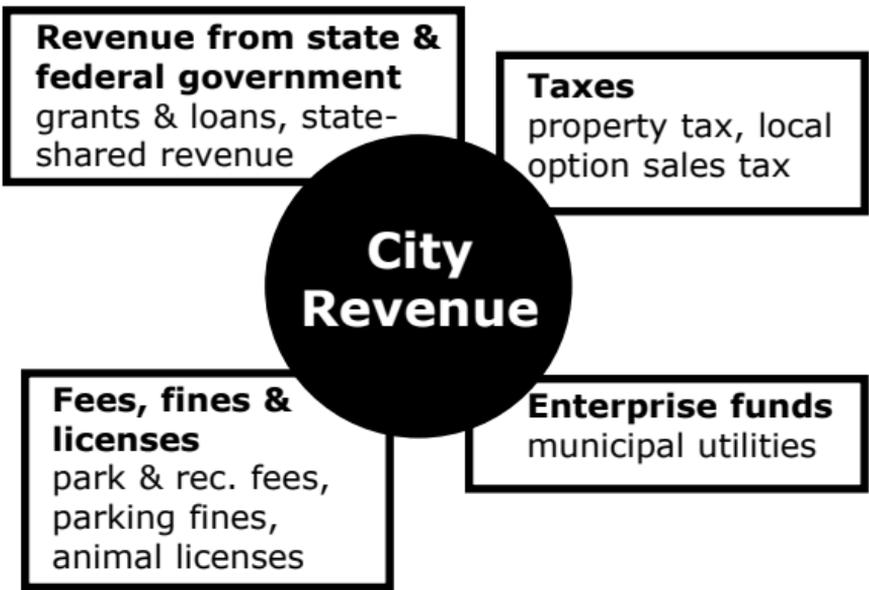


Figure 3: Cities have limited ways to collect revenue.

Debt

Cities can incur debt to fund major projects. They may issue general obligation bonds, which are bonds to be repaid with property taxes.

Depending on the project and the amount of debt, a city may need to hold an election to have voters decide on the issuance of debt. Cities may also incur debt through loan agreements or revenue bonds. Revenue bonds are repaid by an income-generating enterprise activity, such as a utility.

Constitutional Debt Limitation for General Obligation Debt — The city's debt limitation is 5% of the actual value of the taxable property, excluding Ag land valuations, before rollback. The debt limitation applies to all obligations payable from some component of the tax structure, including TIF, Hotel-Motel taxes, LOST, etc.

Policy Makers

Candidates should review their city's ordinances or laws addressing the duties of the mayor and council. Although roles and responsibilities vary from city to city, some commonalities exist.

Citizens elect a mayor and council to represent them and act on their behalf in local policy matters. This action takes place mostly through council meetings. Each city selects a time, date and place for its regular council meeting. Some councils meet monthly, others more often. Cities must give notice of each meeting by posting an agenda at least 24 hours before the meeting occurs.

Many councils have certain parliamentary procedures for their meetings that deal with the process for making motions and voting. In order to conduct any business at a meeting, a majority of council members, or a quorum, must be present.

Some councils set aside time in their meeting agendas to receive citizens' comments. By state law, certain issues require an opportunity for citizens to speak to that issue. This required meeting is called a public hearing. A common example is the requirement to hold a public hearing each year before the council approves the city budget.

The mayor and council are expected to receive input from citizens and carry out a policy in the city's best interests. Both mayor and council also serve an important role in state and federal legislative matters. They have a powerful voice on behalf of their constituents and local governments before the state legislature and Congress. It is important for local officials to visit with state and federal lawmakers, not only when specific concerns surface, but on a regular basis.



Council

The authority of the city resides in the city council. The council votes on and passes motions, resolutions and ordinances. Resolutions are statements of policy and ordinances are the laws of the city. The votes of each council member are recorded in the minutes of the meeting.

The council also approves expenditures and the budget, contracts, city policies and zoning changes.

Mayor

The mayor is the chief executive officer of the city and presides over council meetings. This means the mayor manages the meetings and maintains order. In cities without a city administrator/manager, the mayor also typically supervises city staff. In most cities, the mayor cannot vote on items before the council, but can veto an ordinance or resolution of the council.

Boards and Commissions

Cities often have a variety of boards and commissions. The powers and duties of each board and commission should be spelled out by ordinance. These groups deal with specific issue areas and make reports to the council. Some examples include:

- Library Board of Trustees
- Parks and Recreation Board
- Board of Adjustment
- Planning and Zoning Commission

City Staff

All cities have a city clerk. Many clerk responsibilities are set by the *Code of Iowa* and include publishing/posting council minutes and keeping the city's official records. Some cities also have city managers/administrators who supervise city departments and deal with the day-to-day administration of the city. Cities may also have a treasurer or finance officer who handles the city budget and cash flow. Each city also appoints a city attorney to provide legal advice.

The number of departments and staff vary depending on the size of the city. Cities may have a police force, firefighters, a public works department, a street crew, utility workers, a parks and recreation department and others.

Legal Issues

Open Meetings

The Iowa Open Meetings Law is found in *Code of Iowa* Chapter 21. This law states that all meetings held by a governmental body must be open to the public. The law favors openness and a council can close a meeting, or deny public access, only for specific reasons prescribed by the law.

If unsure whether it is legal to close a meeting, a city should consult its attorney. The *Code* describes a certain process for holding a closed meeting. Individual members of the council can be held personally liable for violations of the open meetings law. The League published a booklet entitled *Open Meetings, Open Government*, which discusses this topic and can be accessed at the League Web site at www.iowaleague.org.

Open Records

Code of Iowa Chapter 22 contains Iowa's Open Records Law. Documents held by a governmental body must be open to the public. The only exceptions are for those documents defined as confidential records within *Code* Chapter 22. Again, the law favors openness and city officials should work with their attorney if unsure whether a requested document is open or confidential. The League also



published a booklet entitled *Open Records, Open Government*, which discusses this topic and can be accessed at the League Web site at www.iowaleague.org.

Conflicts of Interest

Code section 68B.2A prohibits a public official from taking outside employment or participating in activities that conflict with the person's official duties and responsibilities. An official doing so has the option to either stop the activity or publicly disclose the conflict and avoid any official action or duty (including participating in a vote before the council) that would benefit the outside employment or activity.

Code Section 362.5 prohibits city officers from having a direct or indirect interest in a city contract, which means a city official cannot do business with the city. There are exceptions to this prohibition, including contracts entered into through an open competitive bid process, contracts for less than \$2,500 per year in cities with a population of 2,500 or less and contracts for less than \$1,500 a year for cities with a population greater than 2,500.

Gift Law

Once in office, *Code* Section 68B.22 describes strict requirements regarding the receipt of gifts by public officials, public employees and their immediate families. Local government employees and elected officials cannot receive gifts from "restricted donors." This includes:

- Those seeking to do business with the city;
- Those engaged in activities regulated by the city; or
- Those that could be directly financially affected by a city official's performance or nonperformance of a task.

There are 19 exceptions to the gift law, including items \$3 or less in value and informational material relevant to a public servant's official functions. It is not appropriate for an elected official to accept lunch from a restricted donor, even if they are personal friends. Questions concerning *Code* Chapter 68B may be directed to the Iowa Ethics and Campaign Disclosure Board at (515) 281-4028. Local government employees and elected officials may request an advisory opinion from the Board, which constitutes a defense to a complaint filed with the county attorney's office alleging a violation of the ethics laws.

League Information

The Iowa League of Cities is a nonprofit association of city governments in Iowa. The League provides a variety of information and services to its members.

Municipal Leadership Academy

New city officials shouldn't miss the League's Municipal Leadership Academy (MLA). This intensive, four-part series gives leaders the tools they need to succeed in public office. Tailored to elected officials, the League's Municipal Leadership Academy prepares attendees for participation in city government and covers everything from council meeting procedures to city budgets and legal issues particular to city officials.

Web Site

The League's Web site, www.iowaleague.org, is an excellent resource for cities. It contains legislative information, frequently asked questions, a calendar of events and information on workshops and League publications. Contact information for League staff and links to state agencies, the *Code of Iowa* and other useful sites are also available.



Technical Assistance

Once a city official takes office, the Iowa League of Cities will provide assistance by answering questions and providing information. Membership Services staff is available to answer questions from cities of all sizes facing a variety of challenges.

Ongoing Training

The League holds a variety of training events throughout the year. Annual workshops cover city budgets, issues facing small cities and a variety of other topics. Each fall, the League holds an annual conference offering the most current, relevant information to city officials.

Advocacy

League staff advocates city policy positions to members of the Iowa Legislature, and monitors federal issues. League publications help local officials stay on top of important issues, making them informed voices when speaking to legislators. The *City Voices* email list is another valuable tool for sharpening advocacy skills. The League's annual Legislative Day in Des Moines invites city officials to receive an update on key issues and gives attendees an opportunity to discuss city issues with their legislators.

Publications

The League provides a variety of publications to cities. *Cityscape* is a monthly magazine with articles designed to inform and educate city officials. During the legislative session, the League sends electronically a weekly *Legislative Link* email with the latest legislative information. The League sends a weekly electronic newsletter, called *League Weekly*, that covers timely information on trainings, publications and current events impacting cities. A biennial *Directory of Cities in Iowa*, a municipal salary and benefits survey and a budget report are also distributed to member cities.

Success Begins With You

Registering for the League's Municipal Leadership Academy (MLA) is one of the most important steps you, as a new city official, can take. Open to all city officials, this multi-part series with the convenience of many workshop destinations prepares its graduates for success.

Watch the mailbox at city hall for brochures containing all of the details, or check out www.iowaleague.org.

MLA Sessions

Part I

- Thurs. Nov. 17, 2011 (Spencer)
Clay County Regional Events Center
- Sat. Nov. 19, 2011 (Cedar Rapids)
Clarion Hotel & Convention Center
- Thurs. Dec. 1, 2011 (Red Oak)
Red Coach Inn
- Sat. Dec. 3, 2011 (Ottumwa)
The Hotel Ottumwa
- Thurs. Dec. 8, 2011 (Charles City)
Sleep Inn & Suites
- Sat. Dec. 10, 2011 (Johnston)
Hilton Garden Inn

Part II

- Will occur during January 2012.

Part III

- Thurs. April 12, 2012 (Washington)
Knights of Columbus
- Sat. April 14, 2012 (Manchester)
Delaware County Fair Grounds Pavilion
- Thurs. April 19, 2012 (Cherokee)
Western Iowa Tech Community College
- Sat. April 21, 2012 (Mason City)
Clarion Inn Hotel
- Thurs. April 26, 2012 (Atlantic)
Cass County Community Center
- Sat. April 28, 2012 (Altoona)
Adventureland Inn

