

**Pella City Council
Election Packet
2021**

City of Pella 2021 Election

Packet Documents:

Overview of 2021 Election

Affidavit of Candidacy

Nomination Petition

Candidate's Guide to the Regular City Election – Secretary of State

2021 City Candidate's Guide – Iowa League of Cities

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Key Dates:

August 23, 2021	Candidate filing begins
September 16, 2021	Candidate filing deadline at 5:00 p.m.
November 2, 2021	Election day

Election Information and Resources:

City Clerk's office: City Hall, 825 Broadway Street, Pella

City of Pella's website: <http://www.cityofpella.com/cityelection>

Marion County Auditor's office: https://marioncountyiowa.gov/auditor/elections_and_voting/

Secretary of State website: <https://sos.iowa.gov/elections/electioninfo/cityelections.html>

Iowa Ethics & Campaign Disclosure Board: <https://ethics.iowa.gov/campaigns/candidates>

Overview of 2021 Election

Regular city elections are held in November during odd numbered years.

The City of Pella's nomination method is nomination by petition only (Chapter 45 of the Code of Iowa).

The next City Council election will be held on **Tuesday, November 2, 2021**.

At that time, the following seats will be up for election for four-year terms:

Council Member Ward 1	Current incumbent: Lynn Branderhorst
Council Member Ward 3	Current incumbent: Bruce Schiebout
Council Member At-Large	Current incumbent: Mark De Jong

Nomination papers will be accepted in the Marion County Auditor's office, located at 214 E. Main Street in Knoxville, starting **August 23 through September 16 at 5:00 p.m.**

Nomination papers must include the following:

1. Affidavit of candidacy
 - All appropriate blanks must be completed
 - Sign in the presence of a notary
 - File at the same time as the nomination petitions
2. Nomination petitions
 - Complete the candidate information in full, for all pages necessary, **prior to** anyone signing the petitions.
 - Ward 1 or Ward 3 Candidates: nomination petitions must have a minimum of 25 signatures from petitioners who are residents of the ward and qualified to register to vote in Iowa.
 - At-Large Candidates: nomination petitions must have a minimum of 25 signatures from petitioners who are residents of Pella and are qualified to register to vote in Iowa.
 - Prior to filing the papers, double check to ensure you have the required number of signatures. A house number and street (not PO Box) must be listed for each signature. You are strongly encouraged to obtain more signatures than the minimum required.

It is not necessary for the candidate to file the nomination papers in person; a representative may deliver the completed packet to the Marion County Auditor.

Refer to the Candidate's Guide to the Regular City Election, included within this packet, for additional guidelines and requirements.

**State of Iowa
Affidavit of Candidacy**

Candidate's Name (exactly as it should appear on the ballot – no titles, parentheses, or quotation marks): _____

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

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? No Yes

Type and Date of Election:

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

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

- Democratic Republican
 Not affiliated with any organization
 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 \$1,000 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 as otherwise provided by law.

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

State of: _____ County of: _____

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

(Stamp)

By: _____
Print Candidate's Name

Notary Signature: _____, Notary Public or authorized notary under §9B.10

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 ___/___/___ City/School 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.			

Candidate's Guide to the Regular City Election

November 2, 2021

Prepared by the Office of the Iowa Secretary of State

(515) 281-0145

sos@sos.iowa.gov

<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.

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Overview

What is the City Election?

The city election is held in odd-numbered years on the first Tuesday after the first Monday in November to elect city officers and vote on public measures. All cities will hold a regular city election. It is held in conjunction with the regular school election, so the election is known as the city–school election.

As part of the election process, a city may hold a city runoff after the regular city election if set by city ordinance.

[§39.3(3)]

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 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
- A resident of Iowa
- 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, including via Executive Order)
- Be currently judged incompetent to vote by a court
- Claim the right to vote in any other place

[§39.3(6)]

Controlling County Auditor

When a city, school district, or merged area (community college) crosses county lines, the auditor whose county has the largest taxable base is the “controlling auditor”. The controlling auditor is responsible for receiving candidate nomination papers and public measures, developing summaries, and certifying names and the text of public measures and summaries to all auditors for that political subdivision.

Each auditor is responsible for administering elections for cities, school districts, or portions thereof, for all voters within the auditor’s county. In a situation where a city or school district lies

in multiple counties, each auditor will print ballots and service voters for the portion within the auditor's county.

For city primary and runoff elections or special elections for cities, schools or merged areas, the non-control county auditor may designate the control county auditor to conduct the election if fewer than 125 registered voters of the shared jurisdiction reside in the non-control county.

[§47.2(2), 260C.15]

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)

A NPPO is a political organization that is not a political party as defined by Iowa law.
[§44.1, 376.3]

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

Each candidate must file nomination papers with the county auditor or the city clerk, if designated by the controlling auditor. Check with the controlling 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 county auditor during the filing period. They cannot be filed before or after the filing period. The filing period is:

First day: Monday, August 23, 2021

Last day: Thursday, September 16, 2021 – 5:00 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 2021 Regular City–School Election will be held on Tuesday, November 2.

- 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 any of the information listed below must be rejected:

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

[§376.4]

The candidate's party affiliation should be left blank.

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>.

Candidate Information

Before anyone signs the petition, the required information in the candidate header of every petition page must be completed.

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

The information listed below must appear on each petition candidate 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 there are any. Signatures on petition pages that do not provide the applicable city ward when required cannot be counted.

- Type and Date of Election

The 2021 Regular City–School Election will be held on Tuesday, November 2.

- 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 also should 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 for Cities without Primary or 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

[§45.1(8)]

Elected by Ward

In cities where council members are voted on only 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.

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 voted for the office at the last regular city election, whichever is greater.

[§376.4(1)(a)]

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

Elected by Ward

In cities where council members are voted on only 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 still must 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.

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 20 eligible electors must attend the convention and at least half of the precincts in the city must be represented by those electors. See page 1 for definition of eligible elector.

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 information:

- Name of NPPO

The name of the organization may not exceed five words and no part or version of the words Democratic or Republican may be used as part of the NPPO's name.

- Candidate's Name

- Office Sought and Ward (if any)

- Candidate's Home Address

Candidates must provide their house number and street name.

- Names and Addresses of NPPO's Executive or Central Committee Members

- Method for Filling Ballot Vacancies

NPPOs may specify the organization's provisions (if any) for filling vacancies in nominations. If it wishes to make a substitution for a ballot vacancy, the NPPO must file these provisions with the nomination paperwork filing officer.

- Affidavit and Addresses Chairperson and Secretary

The chairperson and secretary of the convention must certify the certification of nomination from the convention. They also must include their places of residence.

- Names and Addresses of Each Delegate in Attendance at Convention

The convention certificate also should include the following information:

- Date of Convention

- Type and Date of Election

The 2021 Regular City–School Election will be held on Tuesday, November 2.

- 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.

When more than one candidate has been nominated at the same convention, those nominations may be added to the certificate by including the required information and using a separate sheet of paper.

[§44.3]

Filing Checklist

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

Nothing can be added to a notarized affidavit, a petition header, or a convention certificate if there are signatures on the page. Nomination papers can be returned only 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 name. Those signatures will not be counted.

- Make a copy of nomination 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 nomination 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 controlling auditor or the city clerk, if designated by the controlling auditor, must receive the papers by 5:00 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 controlling auditor or the city clerk, if designated by the controlling auditor, before the deadline. Check with the controlling auditor to determine the proper office for filing nomination papers.

After Regular City Election Day

Cities without Runoff Provisions

Who Wins?

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

[§50.44, 376.11(1)]

Write-In Votes

Write-In Candidate Wins and Accepts

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.

[§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 5:00 p.m. on the 10th day after the final county canvass. If the write-in winner does not resign within 10 days after the canvass, the office is vacant if the write-in winner fails to take the oath of office by 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)]

Cities with Runoff Provisions

Who Wins?

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

Majorities in “Vote for No More Than One” Races

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

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

[§376.8(2), 376.9(1)]

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

[§50.44]

Majorities in At-Large Multi-Member Body Races

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

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

[§376.8, 376.9(1)]

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

To determine the majority:

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

The majority votes a candidate needs to win one of these three seats is 2,647.

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

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

[§376.8]

Write-In Votes in Cities with Runoff Provisions

Write-In Candidate Receives Majority at Regular City Election and Declines

1. The winner must file a notice of resignation with the controlling auditor by 5:00 p.m. on the day following the final canvass.
2. All remaining persons who received write-in votes and who want to be on the run-off ballot must file an affidavit of candidacy with the controlling auditor by 5:00 p.m. on the fourth day following the final canvass. The auditor should notify the write-in candidates of this requirement.
3. The runoff election still must be held even if one of the remaining candidates has a majority of the votes after the write-in votes of candidates who fail to file an affidavit are disregarded.

[§376.11(4)]

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

1. Everyone who received write-in votes and who wants to appear on the runoff election ballot must file an affidavit of candidacy with the controlling auditor by 5:00 p.m. on the day after the final canvass. 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 still must be held even if one of the remaining candidates has a majority of the votes after the write-in votes of candidates who fail to file an affidavit are disregarded.

[§376.11(5)]

After the Runoff City Election

Who Wins?

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

[§50.44, 376.9]

Write-In Votes

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

[§376.11(1)]

Frequently Asked Questions

Can I run for more than one office?

Yes. If a candidate files nomination papers for both city and school office, then the candidate's name can appear under both offices on the same ballot. Separate sets of nomination paperwork must be filed with the appropriate filing officer for each office.

[§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
- 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 with 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.

2021 Regular City Election and City Runoff Election Candidate's Calendar

Date	Event	Code Cite
Monday, August 23	Regular City Election Candidate Filing Begins First day to file nomination papers with the county auditor or designated city clerk.	§376.4(1)(a)
Thursday, September 16 5:00 p.m.	Regular City Election Candidate Filing Deadline Last day to file nomination papers with the county auditor or designated city clerk. Deadline is 5 p.m.	§376.4(1)(a)
Tuesday, September 21 5:00 p.m.	Regular City Election Candidate Withdrawal Deadline Last day for candidates to withdraw by filing a written request with the county auditor or designated city clerk. Deadline is 5 p.m.	§44.9(6), 376.4(7)
	Regular City Election Candidate Objection Deadline Last day to file written objections to nomination papers or eligibility of a candidate with the county auditor or designated city clerk. Deadline is 5 p.m.	§44.4(2), 376.4(7)
Monday, October 4 5:00 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 18	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 the pre-registration deadline.	§48A.9(3)
	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 the worry-free postmark date are considered on time even if they are received after 5 p.m. today.	
	Regular City Election Absentee Ballot by Mail Request Deadline Last day to request an absentee ballot be mailed. Deadline is 5 p.m.	§53.2(1)(b)
Monday, November 1	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)
Tuesday, November 2	Regular City Election Day Polls are open from 7 a.m. until 8 p.m.	§49.73(1), 49.73(3), 376.1
Thursday, November 4	Special Precinct Board Convened for Regular City Election The auditor may convene the special precinct board no earlier than noon to consider provisional ballots and UOCAVA and Safe at Home ballots that were postmarked the day before the election or earlier.	§50.21, 50.22

Date	Event	Code Cite
Monday, November 8/ Tuesday, November 9	1st-Tier County Canvass of Votes for Regular City Election (Final Canvass if Jurisdiction is in Only One County) May occur on Monday or Tuesday.	§50.24(1)
Tuesday, November 9 5:00 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)
Tuesday, November 9/ Wednesday, November 10	Recount Request Deadline for Cities with Runoff Provisions Written requests must be filed in the county auditor's office by 5 p.m. the day after the first canvass of votes. Last Day for Write-in Candidates to File Affidavit of Candidacy for City Runoff Election if 1st-Tier Canvass was the Final Canvass In cities with runoff provisions, candidates who received write-in votes at the regular city election must file an affidavit of candidacy not later than the day after the canvass to become eligible for the city runoff election. Deadline is 5 p.m.	§50.48(7) §376.11(5)
Thursday, November 11	Veteran's Day Observed – State Offices Closed	§1C.1
Thursday, November 11 / Friday, November 12 5:00 p.m.	Recount Request Deadline for Cities without Runoff Provisions Written requests must be with the county auditor by 5 p.m. the third day following the canvass. If county office is closed on Veterans Day, recount requests normally due on Thursday November 11 move to Friday November 12 at 5 p.m.	§50.48(1)
Friday, November 12	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 15	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 pre-registration deadline. City Runoff Election Pre-Registration Deadline The deadline to pre-register to vote for the runoff city election is 5 p.m. Exception: Mailed voter registration forms postmarked on or before the worry-free postmark date are considered on time even if they are received after 5 p.m. today.	§48A.9(3) §48A.9(1)
	City Runoff Election Absentee Ballot by Mail Request Deadline Last day to request an absentee ballot be mailed. Deadline is 5 p.m.	§53.2(1)(b)

Date	Event	Code Cite
Monday, November 15/ Tuesday, November 16	2nd-Tier County Canvass of Votes for Regular City Election (Final Canvass if Jurisdiction is in More Than One County)	§50.24(3A)
Tuesday, November 16/ Wednesday, November 17 5:00 p.m.	Last Day for Write-in Candidates to File Affidavit of Candidacy for City Runoff Election if 2nd-Tier Canvass was the Final Canvass In cities with runoff provisions, candidates who received write-in votes at the regular city election must file an affidavit of candidacy not later than the day after the canvass to become eligible for the city runoff election. Deadline is 5 p.m.	§376.11(4)
Thursday, November 25/ Friday, November 26	Thanksgiving Holiday – State Offices Closed	§1C.1
Monday, November 29	City Runoff 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)
Tuesday, November 30	City Runoff Election Day (if necessary) Runoff is only held in cities with runoff provisions 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. Polls are open from 7 a.m. until 8 p.m.	§49.73(1), 376.9, 376.11
Wednesday, December 1	Special Precinct Board Convened at Noon for City Runoff Election The auditor may convene the special precinct board no earlier than noon to consider provisional ballots and UOCAVA and Safe at Home ballots that were postmarked the day before the election or earlier.	§50.21, 50.22
Thursday, December 2	1st-Tier County Canvass of Votes for City Runoff Election (Final Canvass if Jurisdiction in Only One County)	§50.24
Friday, December 3	City Runoff Election Recount Request Deadline Written requests for a recount must be filed with the county auditor by 5 p.m. on the third day after the canvass of votes.	§50.48(1)(a)
Monday, December 6/ Tuesday, December 7	2nd-Tier County Canvass of Votes for City Runoff Election (Final Canvass if Jurisdiction in More Than One County) May occur either Monday or Tuesday.	§50.24

Date	Event	Code Cite
Friday, December 10	City Runoff 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

Iowa League of Cities

2021 CITY CANDIDATE'S GUIDE



Phone (515) 244-7282 | www.iowaleague.org

500 SW 7th Street, Suite 101 | Des Moines, IA 50309



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, talents and expertise 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 of resources available to answer questions and provide assistance in complying with Iowa law regarding campaigns, elections and holding public office. Iowans value good, open government, and a sound election process is the foundation of democracy.

If you decide to run for city office, we offer our best wishes for your campaign.

Sincerely,

Quentin Hart

Executive Director
Iowa League of Cities

Michael E. Marshall

President
Ethics & Campaign Disclosure Board

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Actions taken during the 2021 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 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

Regular 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 next regular city election will be held on November 2, 2021.

For the 2021 election cycle, the candidate filing period is August 9 to August 26 for cities with primary elections and August 23 to September 16 for all other cities. Unless your city clerk has been authorized by the county auditor/county commissioner of elections to accept nomination papers, your nomination papers will need to be obtained and submitted to the county auditor/county commissioner of elections.

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

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.

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

If provided for, 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 (Monday, January 3, 2022).

Campaign Issues

Iowa Ethics and Campaign Disclosure Board

Candidates must comply with *Code of Iowa* Chapter 68A, which 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 \$1,000, a committee must be organized and a statement of organization (form DR-1) must be filed with the Board within 10 days after the \$1,000 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 been 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 websites. 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 cannot expend public money for political purposes (*Code* Section 68A.505)
4. 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.
5. 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 website at <https://ethics.iowa.gov>. Call the Board at (515) 281-4028 with questions or concerns about a campaign finance issue.

City Government in Iowa

Federal laws govern the U.S. 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*.

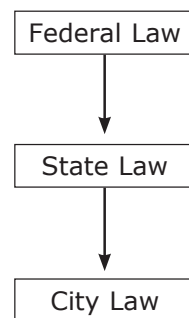


Figure 1: City laws do not supersede state or federal laws.

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 significant 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%) 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 *Iowa Municipal Policy Leaders' Handbook: A Guide for Iowa Mayors and Council Members*, available for purchase through the League.

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.

City Revenue Sources

To provide these services cities must collect revenue. Property taxes are the largest 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 2: Cities are responsible for a variety of functions.

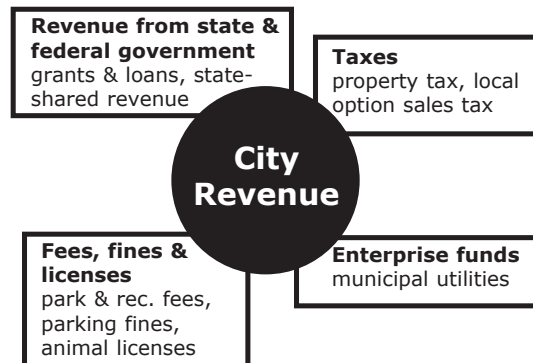


Figure 3: Cities have limited ways to collect revenue.

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.

While there is no legal limit on the amount of debt a city may have that is payable from city utility or enterprise revenues, the Iowa Constitution places a limit on the amount of debt a city can incur that is payable from property taxes. This limit is called the Constitutional Debt Limit, and it is 5 % of the total assessed value of all taxable property within the city.

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 meetings. 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. In order to conduct any business at a meeting a majority of council members, or a quorum, must be present.

Many 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, zoning changes and much more.

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 manager/administrator the mayor also typically supervises city staff. In most cities the mayor cannot vote on items before the council and does not break tie votes. The mayor also has a role in signing or vetoing ordinances and resolutions passed by the council. The mayor does not have the ability to veto motions.

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 and needs 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 has an online publication entitled *Open Meetings* which further discusses this topic.

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 has an online publication entitled *Open Records* which further discusses this topic.

Resolving disputes and enforcing the Iowa Open Meetings and Open Records Laws is the responsibility of multiple entities. However, alleged violations are primarily received by the Iowa Public Information Board (IPIB), www.ipib.iowa.gov. This independent state agency can also order training and assess a fine to each member of the governing body who participated in the violation.

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. Under certain circumstances, 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 and contracts that do not exceed \$6,000 in a year.

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

- Those that could be directly financially affected by a city official's performance or nonperformance of a task

There are numerous 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 the statewide 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 Municipal Leadership Academy (MLA). This educational, multi-part series gives leaders the tools they need to succeed in public office. MLA prepares attendees for participation in city government and covers everything from council meeting procedures to city budgets to important legal issues. MLA is presented biennially through a partnership of the Iowa League of Cities and Office of State and Local Government Programs at Iowa State University.

Website

An excellent resource for cities, www.iowaleague.org contains, legislative information, frequently asked questions, a calendar of events, and information on workshops and League publications. Contact information for League staff, links to the *Code of Iowa* and other useful sites are also available.

Technical Assistance

Once a city official takes office, the League assists 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 and relevant information to city officials.

Advocacy

League staff advocates city policy positions to members of the Iowa Legislature and monitors federal issues. League communications help local officials stay on top of important issues, making them informed voices when speaking to legislators. The League hosts city officials at the statehouse to meet with legislators and receive updates on key issues.

Publications

The League provides a variety of publications to cities. *Cityscape* is a monthly magazine with articles designed to inform and educate. Sent during the legislative session, *Legislative Link* includes the latest legislative information. A weekly electronic newsletter, *League Weekly*, covers timely information on trainings, publications, grants and current events impacting cities. A biennial *Directory of Cities in Iowa* and annual budget report are also distributed.

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 locations prepares its graduates for success.

Watch the mailbox at city hall for brochures containing all of the details, check out www.iowaleague.org or stay updated with *League Weekly*.

MLA Sessions

MLA Part One

Effective City Councils; City Budgets; Top 10 Things to Know

- Thursday, December 2, 2021 - Atlantic
- Saturday, December 4, 2021 - Clear Lake
- Thursday, December 9, 2021 - Cherokee
- Saturday, December 11, 2021 - Cedar Rapids
- Thursday, December 16, 2021 - Virtual
- Saturday, December 18, 2021 - Ankeny

MLA Part Two

You Got Elected, Now What?; Municipal Finance; Planning and Zoning

- Will occur online January 2022

MLA Part Three

Economic Development; Community Betterment (Including Nuisance Abatement); Strategic Planning and Goal Setting

- Will occur in April 2022 with in-person workshops around the state along with virtual options