

Auditor's Guide to the

**Primary
Election**

2008

Prepared in the Office of
Iowa Secretary of State Michael A. Mauro

Auditor's Guide to the Primary Election

2008 Edition

Notice: *Although every attempt has been made to make this an accurate and reliable guide, if there are conflicts between the Code of Iowa or the Iowa Administrative Code and the information contained in this guide, the Code of Iowa and session laws and the Administrative Code are the authoritative sources. If there have been any changes in the Code of Iowa or in the Iowa Administrative Code since the preparation of this guide, follow the current Code and administrative rules.*

References to the Code of Iowa are cited only by section number.

For example: 43.2.

References to the Iowa Administrative Code are cited as follows:

IAC 721--21.4.

"721" is the Secretary of State's department number in the Iowa Administrative Code. Elections Division rules are found in chapters 20 through 24.

See also:

2008 Election Calendar, Auditors' Edition: This is a day-by-day guide to statutory deadlines for the Primary and General elections.

<http://www.sos.state.ia.us/pdfs/elections/auditorcalendar.pdf>

For Additional Help--

If you have questions or need further help, please call

*The Elections Division of the Office of the Secretary of State
(515) 281-0145. TDD: (515) 281-0145*

To reach us by Email: sos@sos.state.ia.us

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Auditor's Guide to the Primary Election

Introduction

Primary Election. The primary election is held for the members of political parties to nominate candidates for the general election. The term “primary election” when it is used in the *Code of Iowa*, or any of these guides, refers to the Primary Election held in June of even-numbered years. It does not include the city primary election. [43.1 & 43.3]

Political Party. Although this term is often used to mean any political organization, it has a specific meaning in Iowa election law. A political party is an organization whose candidate for President of the United States, or for Governor of Iowa, received at least two percent of the votes cast for President or Governor at the last general election.

There are two political parties in Iowa: Democratic and Republican. For every precinct you will need a separate ballot for each party. [43.2]

Start with Chapter 43. Because the primary election is a nomination process, and not the final election, some of the laws and procedures used for the primary election are unique. For specific requirements for conducting the primary election and other details about political parties, start with Chapter 43 in the *Code of Iowa*. If the information you need is not there, the more general chapters of the election laws should be followed: 39, 39A, 47, 48A, 49, 50, 52, 53, 56, 57, 58, 59, 61, 62 and 722. [43.5]

Planning Ahead

Before the candidate-filing period begins in March, plan how you will manage all of the details of the primary election.

- 1) **Make a Schedule.** Plan when you and your staff will begin and complete each responsibility for the primary election. **Note election blackout dates.** No elections may be held on any of the three Tuesdays before or after the Primary election (May 13, 20, 27 and June 10, 17, 24). [39.2(1)]
- 2) **Notify Service Providers.** Contact the people and businesses that provide services for the primary election to be sure they will be available when you need them. Such as:
 - Temporary workers for your office.
 - Election supplies vendors.
 - Polling place owners, managers.
 - Political party chairpersons for their lists of precinct election officials.
 - Ballot printer. Who will prepare your audio ballots?
 - Voting equipment technicians, movers.
 - Newspapers for publication of election notices.
 - Data processing services.

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3) Inventory and order election forms and supplies.

- Nomination papers
- Absentee ballot envelopes (for civilian voters in the U.S.)
- Absentee ballot application forms. (You must use only the official form.)
- Armed Forces and Overseas voters' absentee ballot envelopes (available only from the Elections Division) [53.47]
- Voter registration forms
- Receipts for ballots (SoS Form 1-K)
- Precinct supplies (See page 9 for list.)
- Canvass materials
- County abstract forms
- Everything else you need.

4) Polling places. For **Polling Place Accessibility Instructions** see pages 10 – 12.

- **Buildings.** Notify people responsible for buildings used as polling places of the date and hours of the election. Be sure to arrange for the workers to have access to the polling places at least one hour before the polls open and one hour (or more) after the polls close. [Voting machine counties, see 52.16.]
- **Furnishings.** Check on the availability of telephones, tables and chairs, air conditioning, lights, restrooms and other necessities at the polling places.

5) Precinct Election Officials.

- Determine how many officials will be needed at each polling place (the minimum is 3). [49.12 – 49.20]
- Notify precinct election officials of election date, date of school of instruction (required for primary election) and any other details. [49.124 & 49.125]

Note: Some candidates' relatives may not work at the polls. A prospective election official that is related to an opposed candidate may not work at an election under the following circumstances:

- ❑ The candidate's name appears on the ballot in the precinct where the election official will be working, and
- ❑ There is an opposing candidate on the same political party ballot, and
- ❑ The candidate is the election official's
Spouse, parent, grandparent, great-grandparent,
child, grandchild, great-grandchild,
sibling, aunt, uncle, niece, nephew. [49.16(1)]

Contact Democratic and Republican Party chairpersons to remind them that they may designate the names of people to serve as precinct election officials. The deadline for party lists to be submitted to the county commissioner is May 5, 2008. [49.15]

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- 13) **Use all Precincts.** Note that you may **NOT** temporarily combine precincts for the primary election unless:
- One of the precincts involved consists entirely of dormitories that are closed at the time the election is held.
 - The consolidated precincts, if established as a permanent precinct, would meet all requirements of section 49.3, and a combined total of no more than three hundred fifty voters voted in the consolidated precincts at the last preceding similar election.
 - The city council of a special charter city with a population of three thousand five hundred or less which is divided into council wards requests the commissioner to consolidate two or more precincts for any election. [49.11(3)]
- 14) **Voting equipment.** Arrange for delivery of voting equipment, if needed. To be delivered by: _____ Date: ___/___/2008
- 15) **News.** Notify news media of election date, candidate filing period dates, voter registration deadlines, availability of absentee ballots and other relevant information.
- 16) **Candidate filing.** See pages 13-20 for details about **The Nomination Process**.

Administrative Rules about public tests:

Iowa Administrative Code 721—22.39 – 22.42 and 22.201

- 17) **Public test.** All voting equipment must be tested publicly. Follow the requirements in the Administrative Rule for preparing test decks. Use Form 5-B or 5-C in *Election Forms Book* to record the test. **Do not send** copies of these forms to the Secretary of State. Keep records of the test in your files.
- 18) **Preparing ballots.** See **Ballot Preparation Instructions**, pages 23-30.
- 19) **Publish notice of public test of voting systems.** [52.9; 52.35; 52.38]
- 20) **Test optical scan ballots.** Test a sampling of the ballots to be used in each precinct for this election to be sure your voting equipment can read them.
- 21) **Absentee ballots** must be ready to mail to overseas and military voters (and for voting in the auditor's office) 40 days before the Primary Election. See **Auditor's Guide to Absentee Voting** (latest version, 2008). [53.10, 53.39]

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22) **County party chairpersons deadline** to submit lists of precinct officials. (Monday, May 5th = 29 days before the Primary Election) You must have the election board panels for the next two years finished by Wednesday, May 14th, and the precinct election officials chosen for the Primary Election appointed by May 19th. [49.15, 49.13(1)]

23) **Publication.** Prepare the official notice of the election. It is wise to publish this notice early in the required period between 20 and 4 days before the election. Sometimes errors are made that require re-publication. The notice must include the following information: [49.53]

- Date of the election. Hours the polls will be open. Location of each polling place.
- Names of the precinct(s) voting at each polling place, including changes in the usual polling places for any precinct. [49.23]
- **Accessibility Requirement:** Note which polling places are **not** accessible and include the following notice:

Any voter who is physically unable to enter a polling place has the right to vote in the voter's vehicle. For further information, please contact the county auditor's office at the telephone or TTY number or E-mail address listed below.

Telephone: _____ TTY: _____ Email address: _____
[IAC 721--21.50(10)]

- Facsimile of the portion of the ballot showing the first rotation. The published ballot may be reduced if the uppercase letters will be at least 90% of the size of the actual ballot.
- Ask for proof of publication for your records.
- Date delivered: ___/___/___ Date to be published: ___/___/___

24) **Follow up.** Check with the newspaper to be sure that your notice was received and that it will be published when you want it.

25) **Prepare the voting equipment.**

26) **Follow up.** Always make sure that the publication appeared on the correct date, and that all the required information was included. Save a copy of the publication for your files.

Date published: ___/___/___ Page: _____

27) **Precinct election officials.** Fifteen days before the election (May 19) is the last day to appoint precinct officials to serve in the Primary Election. [49.13(1)]

28) **Follow up.** Be sure that all precinct officials who were notified to work at this election have responded. Replace any officials who are unable to work. Arrange for several last-minute substitutes to be available to replace workers who are ill or otherwise absent on Election Day.

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29) **Plan delivery of supplies and precinct worker training.** Plan the school of instruction and arrangements for delivering election supplies to precinct officials. Refer to the Training Manual provided by the Secretary of State.

30) **Supplies.** Prepare election supplies for each precinct. Refer to the list on page 9.

31) **Work assignments.** Coordinate staff assignments for election day. Consider who will be responsible for the following tasks:

While the polls are open:

- Voting equipment trouble calls and repair trips.
- Problem calls from precinct officials and voters.
- Voter registration questions.

After the polls close:

- Phone calls from precincts with results. [50.11]
- Tabulation of precinct results.
- Phone calls from the news media and the public for results.
- Check in precinct supplies and ballots. [50.10]

32) **Saturday—Three days before Election Day.** Auditor's office shall be open for in-person absentee voting. This is the final day for Auditor's office staff to review the affidavits on incoming absentee ballot envelopes. [47.2(5), 53.18]

33) **Supplies.** Distribute election supplies, including ballots and election registers. The deadline for distribution is one hour before the polls open. Use: *Ballot Record and Receipt* (SoS Form 1-K). [49.55 & 49.65]

34) **Monday, June 2 – One day before election day.**

- **Absentee & special precinct board.** If a large number of absentee ballots have been requested, the commissioner may convene the board on the day before the election to consider the affidavits on the ballot envelopes. Remember, all absentee ballots received by the time the polls close must be counted by 10 p.m. on election night. See *Auditor's Guide to Absentee Voting - Precinct Workers Guide*, page 8.

[53.23(1) & 53.23(3)]

- **Last day to test voting equipment.**
- **Last day to train precinct election officials.** [49.124]

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35) **Election day, Tuesday, June 3.** See also page 32.

- The **courthouse** must be open on Election Day. [49.123]
- **Pollwatchers.** Each political party may have a maximum of three observers in each polling place at one time. Pollwatchers must be appointed and accredited by their political parties. See SoS Form 1-M: *Accreditation Form – Pollwatchers for Political Parties*. [49.104(2)]
- **Check the Post Office** for absentee ballots received late in the day. Deliver them to the absentee and special voters precinct board for counting before the polls close.

36) **Canvassing votes in the precinct.** See pages 34-35.

37) **Election night.**

- As election supplies are returned, be sure that the *Ballot Record and Receipt* (SoS Form 1-K) from each precinct is completed and turned in. (Supplies may be returned on Wednesday morning. See #36.) [50.10]
- The commissioner must remain on duty until all precincts have reported the election results by telephone. [50.11, last paragraph]
- All absentee ballots received by the time the polls close must be counted before 10:00 p.m. [53.23(1)]
- No results of the absentee precinct shall be released until all ballots required to be counted on Election Day have been tabulated. [53.23(6)]

38) **Wednesday, June 4** -- the morning after election day. Election supplies from each precinct, including the election register, and ballots must be returned by noon. [50.17]

39) **Ballots.** Carefully preserve all ballots, including those not voted. The packages containing the ballots are to be preserved unopened for 22 months (until April 2010), unless there is a recount or an election contest. At the end of 22 months destroy the ballots. [50.9, 50.12, 50.13, 50.15, & 50.19,

Election Document Retention Record (SoS Form 5-D)]

40) **Provisional ballots.** As soon as possible, but no later than 9 a.m., Thursday, June 5, post a list of the number of provisional ballots cast in each precinct. During normal office hours until the special precinct board reconvenes to consider the provisional ballots, any elector may look at the list of the number of provisional ballots cast and the affidavit envelopes of provisional voters. [50.20]

41) **Reconvene special precinct board** no earlier than noon on the second day after the election (Thursday, June 5) to consider provisional ballots and any absentee

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ballots received by mail after election day. If the canvass will be held during the week of the election, they reconvene on Wednesday. See also *Auditor's Guide to Absentee Voting – Precinct Workers Guide*, page 21. [50.21, 50.22]

- 42) **Absentee ballot deadline: noon Monday, June 9.** Check post office for absentee ballots. If necessary, reconvene the special precinct board to count absentee ballots. [53.17]
- 43) **Canvass day.** Monday or Tuesday (June 9 or 10) following the election. See pages 36-39.
- Canvass day: Board of Supervisors canvasses from tally lists. [43.49]
 - Tie vote for an office? [43.75]
 - 35% required for nomination. [43.52]
 - Write-in votes. [43.66]
- 44) **Abstracts.** See pages 40-41. Prepare two copies of abstracts. [50.26]
Send **one** copy of each abstract for a **state** or **federal** office to the Secretary of State.
KEEP THE OTHER COPY FOR YOUR FILES.
- 45) **Turnout Report.** Complete the report showing the number of votes from each political party. [43.59; IAC 721-21.6]
- 46) **Certificates of Election.** No certificates of election are issued to candidates nominated at the primary election. However, you must report to both parties the county offices for which the party has nominated candidates, as well as offices for which the party has no nominee.
- 47) **Reports to political parties.**
- List of nominees. [43.68]
 - Failure to nominate [43.69]
- 48) **\$\$** After the canvass, **pay the precinct officials.** [49.20]
- 49) **Document Retention.** Keep tally lists forever. Keep other Primary Election documents for 22 months (until April 2010). The longer retention period is because candidates for federal offices were on the ballot at this election. [50.19, Form 5-D]

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Supplies Needed

Written Instructions

Every precinct board should receive a complete set of written instructions.

Ballots & Voting Equipment

Ballots: All ballots must be wrapped and sealed. The outside of the package must be clearly marked with:

- Number of ballots
- Name of precinct
- Location of polling place[49.64, 49.65]

Ballot Record & Receipt (SoS Form 1-K)

Ballot boxes [49.25(3)]

Voting booths [49.25]

Applications for Additional Ballots (SoS Forms 1-P, 1-Q, and 1-R)

Voter Information signs:

Four copies of each are to be posted around the polling place.

Iowa Voter Information Poster

Election date, hours sign

4 Sample ballots

Voting Instructions

[49.70, 49.71 and HAVA §302(b)]

For counties with only DREs:

Voting machines (DRE): For regularly scheduled elections one machine for each 350 voters at the last similar election. [49.25(2)]

Emergency supply of paper ballots for provisional voters and voters with disabilities. [49.90; IAC 721--22.431]

Signs

Vote Here sign for polling place driveway [49.21]

Precinct Name & map for polling place door [49.21]

Voter Check-in Materials

Election register [49.28]

List of the names of persons who requested absentee ballots [49.72]

Voter's Declaration of Eligibility (SoS Form 1-A), if needed [49.77]

Voter registration forms for recording changes of address [48A.27(2)"a"3]

Statement to Person Casting a Provisional Ballot (SoS Form 1-G)[49.81(2)]

Provisional ballot envelopes (Form 1-H) [49.81(4)]

Affidavit of Voter Requesting Assistance (Form 1-I) [49.90]

Election Day Registration Kit

Canvass Materials

Tally list, including Oath for Officer of Election (SoS Form 1-F) [50.16]

Envelopes for returning:

Tally lists
DOT registration problem forms
Voted provisional ballots
Voted ballots [50.12]
Unused ballots [50.9]
Spoiled ballots [50.9]
Disputed ballots [50.3, 50.4, 50.5]

Clerical Supplies

Pens & Pencils
Scissors
Tape and/or thumb tacks
Other supplies, as needed
Supply box or bag to carry everything

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Polling Place Accessibility Instructions

2008

Accessibility Required

All polling places are required to be accessible to people with disabilities. However, there may be precincts in your county, which have no accessible place to use for voting. This can happen either because an emergency has made an accessible polling place unusable, or because there is no accessible building in or near the precinct. Before you may use an inaccessible polling place, you shall apply for a waiver of accessibility requirements from the State Commissioner of Elections.

Survey your polling places.

If you have not surveyed all of your polling places in the past year, review the accessibility of any polling places not recently surveyed using the **Polling Place Accessibility Survey Form**.

April 4, 2008 is the filing deadline for waiver applications. Send to:

Office of the Secretary of State

By fax: (515) 281-7142

The Elections Division

Email: sos@sos.state.ia.us

Attention: Kim Gezel

321 East Twelfth Street

Des Moines, IA 50319

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State of Iowa Application for

Temporary Waiver of Accessibility Requirements

Instructions

Send a separate application for each precinct. Do not list more than one precinct on a waiver form.


Include copies of surveys. With each application you must send copies (you keep the originals) of the ***Polling Place Accessibility Survey*** form for the polling place you would like to use, as well as for any buildings you surveyed and rejected.

➤ **Complete section A or section B, but not both.**

Section A. No Accessible Place. If you cannot provide an accessible polling place for a precinct because no accessible buildings are available and no available building can be modified to be accessible on election day, you must apply for a temporary waiver of accessibility requirements.

1. Describe why you are unable to provide an accessible polling place for the precinct. Include the reasons that the polling place you have selected cannot be made accessible for the next election.
2. List other potential polling places you examined and rejected. Enclose a copy of the *Polling Place Accessibility Survey Form* for each place you list. You keep the original copy of the survey form.
3. List the name and address of the polling place you propose to use. Enclose a copy of the *Polling Place Accessibility Survey Form* for this place. You keep the original survey form.
4. If a waiver is granted, it will apply to all elections held for two years after the date on which the secretary of state approves the waiver.

Section B. Emergency Use. Use this section to report changes in polling places during the two months before a federal election. For example, you may need to change from an accessible polling place to an inaccessible one because the building has become unusable due to an emergency, such as a fire or flood.

1. Describe the emergency that made it necessary to move the polling place to an inaccessible site.
2. List the name and address of the polling place you propose to use. Enclose a copy of the *Polling Place Accessibility Survey Form* for this place. You keep the original survey form.
3.  Indicate the date of the election at which you will be using the emergency polling place.

Review the application form carefully, sign and date it.

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State of Iowa Application for

Temporary Waiver of Accessibility Requirements

County: _____ Precinct: _____

Section A -- No Accessible Place.

I have surveyed all potential polling places in the precinct listed above and hereby certify that no accessible place is available in or for the precinct. I further certify that this county is unable to make a polling place temporarily accessible in the precinct for the following reasons:

Other potential polling places that have been surveyed and rejected as inaccessible are:

I request permission to use the following building as a polling place until an accessible place becomes available, or for two years, whichever is sooner:

Section B -- Emergency Use.

Due to emergency conditions, no accessible polling place will be available for the precinct listed above for the next election. The emergency conditions are as follows:

 I request permission to use the following building as a polling place for the election to be held on ___/___/20___:

Statement by Commissioner:

Copies of the surveys for all polling places examined and rejected and for the polling place that will be used are included. Any voters with disabilities who are assigned to this precinct and who are unable to enter the polling place will be provided with ballots delivered to their vehicles by the two election officials selected to assist voters. I hereby apply for a determination from the State Commissioner of Elections that an inaccessible polling place may be used in this precinct for the period requested above.

Signed: _____, County Auditor and Commissioner of Elections

Date: _____

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The Nomination Process

Introduction. The only way for a candidate to get on the ballot at the primary election is to file the appropriate nomination papers in the right place at the right time. [43.13]

Candidate Qualifications

Every primary election candidate must meet the following basic requirements by primary election day:

- ✓ Citizen of the United States
- ✓ Resident of Iowa
- ✓ At least 18 years old
- ✓ Not convicted of a felony (or has had voting rights restored)
- ✓ Not judged incompetent to vote.

39.26 CANDIDATE QUALIFICATIONS.

Any person seeking election to an elective office under the laws of this state shall be an eligible elector at the time of any election at which the person's name appears on the ballot.

There are additional requirements for candidates for some state and federal offices.

Qualifications to hold office

Each person who is running for office should also understand that there are additional requirements to hold public office after being elected.

39.27 QUALIFICATIONS FOR PUBLIC OFFICE.

Any person elected to an office under the laws of this state shall be an eligible elector. At the time an elected official takes office the official shall be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised. An elected official shall continue to be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised for the duration of the term of office. This section shall not apply to United States senators or representatives in Congress or to members of the general assembly.

There are additional requirement for holding some county offices. County supervisors must be registered voters in the county (and supervisor district, if elected from districts). County sheriffs must be at least 21 years old, have no felony convictions and must be certified peace officers or complete the basic training course provided at the Iowa law enforcement academy. [331.651(1)]

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Distributing Nomination Papers

Who needs nomination papers? Any person who wants to be nominated by the Democratic or Republican party for a county, state or federal office should file nomination papers for the primary election. If there is no nominee for one of these offices, or if the nominee withdraws or dies on or before August 7, it is possible for the party to make nominations by convention to fill ballot vacancies. However, the candidates who are nominated in the primary election automatically go on the general election ballot.

1) **Offices on the ballot in 2008.** Refer to the chart on page 25 and notes on vacancies immediately after the chart.

2) Nomination papers and information for candidates are available on the Secretary of State's website:

<http://www.sos.state.ia.us/elections/electioninfo/Primary/index.html>

3) Nomination papers are also available from

- Other counties.
- Vendors and printers.
- Candidates may design nomination petitions following guidelines on the Secretary of State's website. [43.10]

4) **Give nomination papers** for county offices to anyone who asks for them. You are required to furnish the proper forms at county expense. The Secretary of State's office supplies nomination papers to candidates for state and federal offices.

[43.8, 43.9]

5) **It is not necessary to**

- Fill out the tops of petitions for candidates.
- Record names of people who request or receive papers. However, if you do keep a list, the list is public information.

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Signature Requirements

Who may sign nomination papers. Each person who signs nomination papers must be an eligible elector – that is, a person who meets all of the requirements to be registered to vote. The signers do not need to be registered to vote, just eligible to do so. We have included on the nomination petition the requirements for signing the petition. [43.14]

For county offices the signers must live in the county. Signers for supervisor district candidates in counties where only the voters of the district may vote (Plan III) must live in the appropriate supervisor district. The minimum number of signatures for any candidate at the primary election is never more than 100. ***It is always a good idea for candidates to file more than the minimum number of signatures.***

The minimum number of signatures needed by candidates of any political party is **less than 100** if there were fewer than 5,000 votes ($5000 \times .02 = 100$) cast for the party's candidate for governor at the general election in 2006. [43.20(2)]

- **Democratic** candidates need 2% of the total number of votes (including absentee votes) cast in your county for Chet Culver for Governor.
- **Republican** candidates need 2% of the total number of votes (including absentee votes) cast in your county for Jim Nussle for Governor.

Supervisor candidates (Plan III). Plan III supervisors are elected by the voters of the supervisor district, not at large. If there were more than 5,000 votes cast in a supervisor district for a political party's candidate for governor, a Plan III supervisor candidate of the same political party must file at least 100 signatures (2% of 5000).

If there were less than 5,000 votes cast in a supervisor district--

To determine the number of signatures needed in each party, divide the number of absentee votes for Culver or Nussle by the number of supervisor districts. Add your answer to the number of votes received by Culver or Nussle **in the supervisor district**, and then multiply by .02. **Refer to the worksheet on the next page.** [IAC 721–21.600]

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Signature Calculation Worksheet Plan III Supervisor Districts

	Democratic Culver	Republican Nussle	
A. Absentee votes cast for candidate.			
B. Number of supervisor districts in the county	[Either 3 or 5.]	[Either 3 or 5.]	
C. $A \div B = C$			
Supervisor District _____ D=# votes cast for party candidate for governor in this supervisor district	C _____ +D _____ _____ x .02= Signatures needed. Round up to next whole #.	C _____ +D _____ _____ x .02= Signatures needed. Round up to next whole #.	
Supervisor District _____ D=# votes cast for party candidate for governor in this supervisor district	C _____ +D _____ _____ x .02= Signatures needed. Round up to next whole #.	C _____ +D _____ _____ x .02= Signatures needed. Round up to next whole #.	
Supervisor District _____ D=# votes cast for party candidate for governor in this supervisor district	C _____ +D _____ _____ x .02= Signatures needed. Round up to next whole #.	C _____ +D _____ _____ x .02= Signatures needed. Round up to next whole #.	

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Receiving Nomination Papers

Filing period. Monday, March 3, 2008, through Wednesday, March 26, 5:00 p.m.

Candidates for county offices file nomination papers with the county auditor.

Candidates for state and federal offices file nomination papers with the Secretary of State.

1) **No early or late filing.**

Do not accept nomination papers before March 3 or after 5:00 p.m., March 26.

Postmark dates don't count. [43.11(1)]

2) **Office hours on March 26.** Auditors' offices must be open until the candidate filing deadline at 5 p.m. [47.2(6)]

3) **Written objections required.**

If nomination papers appear to meet the basic requirements, you should accept them for filing. Questions about the qualifications of candidates or the legal sufficiency of nomination papers are resolved by a formal examination following written objections.

Objections must be filed with the county auditor no later than March 31, 2008. [43.24(1)"b"]

4) **Personal filing not required.**

It is not necessary for the candidate to appear in person to file the nomination papers. Completed forms may be delivered by someone else or sent in the mail.

Examination Guidelines

Before you accept nomination papers, examine them carefully to be sure that all requirements are met. Iowa law includes specific guidance for accepting nomination papers. Nomination papers that are apparently in conformity with the law are valid unless a written objection is filed with you. [43.14 -- 43.16, 43.24]

Do not file stamp papers before examining them.

Auditor's Guide to the Primary Election

1) An affidavit of candidacy must be filed with the petition. [43.19]

Reject the nomination papers if the affidavit of candidacy lacks any of the following: [43.14(4)]

- Candidate's name
- Office and district, if any.
- Political party (This must be either Democratic or Republican.)
- The candidate's signature
- The notary's signature. The candidate must sign the affidavit in the presence of a notary public or other person who can witness oaths under Iowa law. See *Iowa Code Chapter 63A for others who can witness signatures.*

Notarization by Auditors. County auditors are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective offices, such as witnessing signatures on affidavits of candidacy.

If the auditor is also a notary public the auditor may use the auditor's notarial seal. If the auditor is not a notary public, the auditor may only witness the signature if the auditor has the appropriate seal. This seal must include all of the following:

1. The words "Notarial Seal" and "Iowa."
2. The auditor's name
3. The title "County Auditor"

[9E.6A(2), 63A.2]

Other important considerations:

- Vacancy candidates: If the candidate is running for an office that is on the ballot to fill a vacancy, the words "TO FILL VACANCY" must appear on the affidavit and the petition.
- The candidate's name should be printed at the top, and signed at the bottom of the affidavit. If the name is unclear, print it neatly at the top of the affidavit. No titles, parentheses, or quotation marks may be used. [43.29]
- Candidates may use nicknames. There is no requirement to use full, legal names.
- **Make sure the affidavit includes information about how to pronounce the candidate's name.** You will need this information for the audio ballot. The candidate should record this information on the affidavit in the space provided.
- Affidavits of candidacy may be FAXED to the office if the original is also sent to you. However, if the original is not received by April 2nd, or if it is postmarked after March 26, the candidate's nomination papers are not valid. [IAC 721--21.2]

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- 2) **All petition pages must be fastened together.** [43.15(4)]
All pages of the petition must be securely fastened together. Staples are the best method. Rubber bands, paper clips or clamps are **not** acceptable. The purpose of this is to avoid losing any part of any nomination petition.
- 3) **Petition must be properly filled out.**
- Information that also appears on the affidavit should be the same on the petition.
 - All pages must be filled out at the top. Signatures on petitions without the form at the top cannot be counted. [43.14(1)]
 - Only one candidate can be nominated on each petition. [43.15(5)]
- 4) **Count the number of signatures.** [43.14(2)]
- Do not count lines on the petition that lack the signature, address and city of the eligible elector.
 - Do not count a signature if the address is obviously outside the county (or Plan III supervisor district) **[new requirement in 2008]**
 - Do not count signatures that have been crossed out.
 - Determine that the minimum number of signatures has been submitted.
 - A person may sign nomination petitions for more than one candidate. [43.15(1)]
- 5) **If you find deficiencies in the petition**, such as missing headings on petition pages, signature lines lacking addresses and cities, or other problems, make note of them on the petition in a way that makes it impossible for the deficiency to be corrected. Additional signatures may be collected, but missing information cannot be added to existing ones. [43.14(2)]
- 6) **If the papers are not acceptable**, return them to the person who filed them without file stamping them. If there is sufficient time, the candidate may collect additional signatures and file an acceptable set before the deadline. ***After you have accepted the nomination papers for filing nothing can be added to them and they cannot be returned to the candidate (or anyone else).*** [43.16]
- 7) **When you have determined that the papers are acceptable, file stamp** the affidavit and top page of the nomination petition or note the date and time of filing. [43.12]
- 8) **Make sure the affidavit includes information about how to pronounce the candidate's name.** You will need this information for the audio ballot. Record this information on the affidavit in the space provided.

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- 9) **Issue a receipt** for the nomination papers. A nomination petition is a unique document. Provide the filer with written proof that you have received it. You may use a photocopy of the file-stamped affidavit of candidacy and the nomination petition as a receipt.

- 10) **Make a photocopy of each affidavit of candidacy to use for preparing and proofreading ballots.** Always refer to the candidate's affidavit. This will help reduce the number errors in spelling names.

- 11) **File the original petition and the affidavit in a safe, but easily accessible place.**

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Public Inspection

Nomination papers are public records and they may be examined by anyone who wants to see them or purchase photocopies of them. [22.2, 22.3]

Do not allow anyone to remove nomination papers from your office.

For more information about the Open Records Law, see Iowa Code Chapter 22.

More Than One Office Prohibited

A candidate may file nomination papers for more than one office, but the candidate must file a written, notarized statement declaring which office (only one) the candidate chooses to seek. This statement must be filed before 5pm on March 26th. If the candidate does not file the affidavit, the candidate's name cannot appear on the ballot for any office. [43.20(3-4)]

Withdrawals

Withdrawal deadline = Friday, March 28. A candidate who decides not to run may remove his or her name from the ballot by filing a notice in writing with the county auditor before the withdrawal deadline. After the deadline you cannot remove any names from the ballot. [43.16]

Objections

Any person who has the right to vote for an office may file a written objection to the nomination papers of any candidate for that office. The objection may call into question the:

- Legal sufficiency of the nomination papers, or
- Eligibility of the candidate.

Objection deadline = Monday, March 31. The objection must be in writing and must be filed with the county auditor, if the nomination papers were filed with the auditor. Objections to the qualifications or nomination documents of candidates for state or federal offices must be filed with the Secretary of State no later than March 21, 2008.

Notice to candidate. When an objection is filed with the auditor's office, the auditor must notify the candidate by certified mail within 72 hours. The notice must:

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- Be sent to the address on the candidate's affidavit of candidacy
- State that objections have been made
- The nature of the objections
- The time and place the objections will be considered.

Hearing. The chairperson of the board of supervisors appoints three elected officials to consider the objection. No one whose eligibility is in question may serve on the objection panel. A majority vote shall decide the issue. [43.24]

Substitutions

Substitution deadline = Tuesday, April 1. If a candidate withdraws or dies on or before Wednesday, March 26, the party's county convention or central committee may designate a candidate for the office that person was seeking. [43.23(2)]

Auditor's Guide to the Primary Election

Ballot Preparation Instructions

Planning Ahead

- 1) **Start early.** Don't wait until you get the Secretary of State's certificate to start preparing ballots. Study Iowa Code Chapter 43 and the Administrative Rules for guidance with ballot preparation.
 - Optical scan voting systems, in general:** 721—22.100 through 22.102
 - ES&S Model 100:** 721—22.261(3)
 - Diebold AccuVote-OS:** 721—22.262(4)
 - DRE voting systems must also have printed ballots for absentee voters and provisional voters, emergencies and for those who are unable to use the voting equipment.**

- 2) **Secretary of State's Certificate.** The official list of the names of all candidates for state and federal offices is called the certification or certificate. Only candidates named on the Secretary of State's certificate can have their names on the primary election ballot for state and federal offices. This certificate tells you the names of all state and federal candidates for each political party, and the correct spelling of their names. Use the certificate to prepare and proofread your ballots. [43.22]
New: In 2008 the Secretary of State also may be able to send the certification electronically.

- 3) **Two political parties.** There are two political parties (Democratic and Republican). Put the candidates for each political party on a separate ballot. See also "Quantities of Ballots" below. [43.27, 52.10]

- 4) **Separate ballots for each party in each precinct.** For each precinct you will need Democratic and Republican ballots.

- 5) **No public measures, no special elections.** The primary election is held only for the political parties to nominate candidates for partisan offices on the general election ballot. No other offices may be added to the ballot and no public measures may be voted upon at the primary election. [39.2, 43.1]

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What is a partisan office?

Nominations and elections for some offices are required by law to include a notation on the ballot of the political affiliation of each candidate seeking election. All offices on the primary election ballot are partisan offices. [43.3]

6) **Quantities of ballots.** Calculate how many ballots you need using turnout numbers from 2004.

Ballot systems (printed ballots counted by electronic scanners).

Print at least fifty-five ballots for every fifty votes, or fraction of fifty votes, cast in the precinct at the 2004 primary election. Be careful not to run out. [49.64]

DREs (Direct recording electronic voting machines) Most votes will be cast on the machines. You will also need printed ballots for

- Absentee ballots.
- Sample ballots.
- Provisional voters.
- Voters with disabilities. Even though you will be providing at least one accessible DRE, some people may be unable to use the machine or to enter the polling place. You must provide ballots for all precincts. [49.90]
- Emergency supply. If the machine cannot be used while the polls are open you must have an emergency supply of ballots available for--
 - Power failures and equipment malfunctions.
 - Wrong or misprinted ballot information.
 - Anything else that would keep voters from casting their votes.

[49.28(3), as enacted by SF 369§1]

➤ **Sample Ballots.**

You must provide sample ballots to post in each precinct. These are taken from the supply sent to the polling place. When the ballots are available, you may also make sample ballots available to the public. You may charge a reasonable copying fee. Consider how many extra ballots you may need for samples.

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The sample ballots shall be stamped with the words "sample ballot" and a facsimile of the commissioner's signature [43.30]

7) Coding optical scan ballots. When you code ballots to identify the appropriate precinct for the machine that will count the votes, you may not use those codes solely to identify groups of voters within the same precinct. For example, if a precinct consists of two townships, do not code ballots to determine how the voters of each township voted.

[721–22.102]

8) Planning the ballot. Using the basic ballot format for your voting system, list the offices on the ballot for this primary election. Leave room for the names of candidates for each office. Make two copies. As candidates file, add their names to the list. This will help you to plan the ballot. Below is a list of the offices for 2008 Primary Election. You must print them on the ballot in the order they appear on the certificate (and the following list). [43.6; 43.26]

Offices on the Ballot, Primary 2008	Comments (See sample ballot at §43.26)
UNITED STATES SENATOR	Statewide office [39.10]
UNITED STATES REPRESENTATIVE	Each county is in one congressional district. All 5 districts are up.
STATE SENATOR (if any), DISTRICT	All 25 even-numbered districts are up. [39.15]
STATE REPRESENTATIVE, DISTRICT	All 100 districts are up. [39.16]
BOARD OF SUPERVISORS [39.18]	Check your own records for districts & terms.
COUNTY AUDITOR	County-wide office [39.17]
COUNTY SHERIFF	County-wide office [39.17]

6) Vacancies not yet filled by election. Any partisan elective county office that was filled by an **appointment** to fill a vacancy (without a subsequent special election) must be filled at the general election. Nominations are made at the primary if the vacancy happened more than 74 days before the primary election (March 21). (A person who was **elected** to fill a vacancy serves the balance of the unexpired term.)

[43.6, 69.11, Ia Const. Art, XI, sec. 6]

Board of Supervisors. If there has been a vacancy on the board and the term does not expire until after the general election two years from this fall, list it on the ballot: FOR BOARD OF SUPERVISORS, TO FILL VACANCY. Put this vacancy listing on the ballot after the candidates for supervisor whose terms expire after this year's general election. [69.14A(1)"b"]

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Treasurer, Recorder, Attorney. If there has been a vacancy in any of these offices, list that office title with the notation "TO FILL VACANCY." Put vacancy positions after the candidates for County Sheriff. [69.14A(2)"b"]



Township offices are no longer on the Primary Election ballot.

- 7) **Vote for no more than x.** Each political party may nominate one candidate for each position to be filled at the general election; each voter may choose one candidate for each office. Print on the ballot the maximum number of persons every voter may select. For most offices this will be one candidate. Possible exceptions will be members of the county board of supervisors, if more than one at-large term expires at the end of this year. For example: [43.37]

FOR COUNTY SHERIFF
(Vote for no more than one.)

- 8) **Ballots must be ready by April 24th.** Plan carefully so ballots for overseas and armed forces voters are ready to mail on April 24. [53.11 & 53.39]

Auditor's Guide to the Primary Election

Inspecting the Secretary of State's Certificate

1. **Check number of pages.** The first, unnumbered page of the certificate (the one with the gold seal) tells you, among other things, how many pages of candidate names you should have. Be sure you have the correct number of pages.
2. **Check names and districts.** Read the list of offices and candidates' names. Be sure all names and district numbers are correct.
 - U. S. Representative. Each county is entirely within one congressional district.
 - All even-numbered Iowa Senate districts (2, 4, 6) are on the ballot.
 - All state representative (Iowa House) districts in your county should be included.

If you have questions,
call the Elections Division right away:
(515) 281-0145, voice or TTY

By Email: sos@sos.state.ia.us

3. **Note sequence of offices.** Do not change the order of the offices. They are listed on the certificate in the order in which they are to appear on the ballot. [43.26]
4. **Offices without candidates.** The certificate for each party lists all offices, whether or not there are candidates. The phrase "NO CANDIDATE" is included to remind you to include the office title on the ballot, even if no one has filed nomination papers for that office. **Do not print the words "NO CANDIDATE" on any ballot.** If there are no candidates, print the office title and the line for write-in votes, like this:

FOR STATE REPRESENTATIVE

District xx

(Vote for no more than one.)



(Write-in vote, if any)

Auditor's Guide to the Primary Election

Preparing the Ballots

- 1) **Office titles.** Use the office titles as printed on the certificate. See page 25 for a sample.

- 2) **Vote for no more than x.** For each office on the ballot, voters may choose only the number of candidates that will be elected at the general election. In most cases this is one. There may be more than one at-large supervisor to be elected. [43.37]

- 3) **NEW! Candidates' names.** Print the names of all candidates in using not less than ten (10) point type. Use the same size type for every candidate's name on the ballot. Do not use all capital letters. Iowa law now requires you to use upper and lower-case letters. [49.57(3)]

This Is Ten Point Type.

Do not print parentheses, quotation marks, or titles in any name on the ballot. [43.29]

A person whose name includes Sr., Jr., III or some other indication that more than one person in the family has the same name, may include that suffix on the ballot. This is not a title, it is part of the name. For example, MARVIN H. JOHNSON, JR.

Candidates **may** use nicknames. For example: Bill, instead of William; Suzy, instead of Susan. A candidate may **not** add a nickname in parentheses or quotation marks, such as, William S. "Billy" Bonney. However, **without** punctuation this is acceptable: **William S. Billy Bonney.**

- 4) **Candidate hometown and county.** We list each candidate's hometown and county on the certificate. **Do not put this information on the ballot.** We put it on the certificate because Iowa law requires it. [43.22(1)]

- 5) **Write-in votes.** Voters may write-in votes for any office on the ballot in any Iowa election. You must provide as many lines for each office as the number of positions to be filled. If you can vote for no more than two candidates there must be two lines for write-in votes. [43.26, 49.31(5)]

- 6) **Rotation.** **If there are more candidates on the ballot for a party's nomination than the number of people to be elected at the general election, you must rotate the names.** If you can vote for two people and there are two candidates on the ballot, don't rotate the names. Start with the names in alphabetical order and rotate from precinct to precinct by moving the name at the top of the list to the bottom. [43.28]

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Example:

In Sample County, one of the political parties, the Egalitarians, has enough candidates to require rotation of the ballot. The other party has, at most, one candidate for each office on the ballot and no rotation is needed. For the fictional offices of Organizer (a state office) and Coordinator (a county office) one person will be elected in November. There are three Egalitarian candidates for Organizer and two candidates for Coordinator. There will be six rotations. The candidates are as follows:

Egalitarian Candidate List

Organizer	Coordinator
Tama Fayette	Page Calhoun
Monona Lucas	Marshall Washington
Marion Monroe	

In Sample County, there are nine precincts -- eight polling places, plus the absentee precinct. The rotation chart for this small county includes a list of the precincts in alphabetical and numerical order and the surname of the candidate whose name would be first on the ballot in each rotation, as follows:

Egalitarian Party Rotation Chart			
Precinct	Rotation	Organizer	Coordinator
Absentee	1	Fayette	Calhoun
Apricot	2	Lucas	Washington
Cerise	3	Monroe	Calhoun
Chartreuse 1	4	Fayette	Washington
Chartreuse 2	5	Lucas	Calhoun
Magenta	6	Monroe	Washington
Purple	1	Fayette	Calhoun
Scarlet	2	Lucas	Washington
Vermillion	3	Monroe	Calhoun

7) **Printed ballots.** The sample ballot on the following pages shows the basic format required for all ballots for the primary election.

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Technical details

Print the instructions for marking the ballot on the ballot, like this:

Voting mark: To vote, fill in the oval next to your choice.

 Candidate Name

 Candidate Name

49.92, IAC721–22.261(3)]

Type size is prescribed in the *Code of Iowa* and in the *Iowa Administrative Code* for some specific parts of the ballot:

- Party name in ballot heading: 24 point type [IAC 721–22.102(4)]
- Candidates' names: minimum 10 point type [49.57(3)]
- Instructions to “turn the ballot over” must be printed on both sides of the ballot, if there are offices on both sides of the ballot. Use 24-point type.

[IAC 721–22.102(1)]

24-point type



TURN THE BALLOT OVER.

Voting target. Use an oval printed on the left side of the candidate name.

[721–22.102(3)]

Keep all candidates for each office in a single column on the ballot.

[721–22.102(8)]

Paper used for ballots must be heavy enough so that the printing cannot be read through the paper when folded or through the reverse side. For each political party the ballot must be uniform in color (all ballots for the Democratic Party must be the same color, likewise for the Republican Party) quality, texture and size. [43.27]

Note: Not all optical scan systems can read ballots printed on colored paper.

Correction of errors. Obviously, if you find errors before the ballots are printed you must correct them. [43.25]

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PRIMARY ELECTION BALLOT [sample]

Precinct official's initials _____

[Party name in 24 point type. ↻]

Xxxxxx Party of

Roosevelt County, State of Iowa

1st Rotation

Primary Election -- June 3, 2008

Linn Adams

County Auditor and Commissioner of Elections

Voting mark: To vote, fill in the oval next to your choice.

Candidate Name
 Candidate Name

FOR UNITED STATES SENATOR

(Vote for no more than one)

Candidate Name
 Candidate Name

(Write-in vote, if any)

FOR UNITED STATES REPRESENTATIVE

DISTRICT _____

(Vote for no more than one)

Candidate Name
 Candidate Name

(Write-in vote, if any)

TURN THE BALLOT OVER

FOR STATE SENATOR,

DISTRICT _____

(Vote for no more than one)

Candidate Name
 Candidate Name

(Write-in vote, if any)

FOR STATE REPRESENTATIVE,

DISTRICT _____

(Vote for no more than one)

Candidate Name
 Candidate Name

(Write-in vote, if any)

FOR BOARD OF SUPERVISORS

(Vote for no more than one)

Candidate Name
 Candidate Name

(Write-in vote, if any)

FOR COUNTY AUDITOR

(Vote for no more than one)

Candidate Name
 Candidate Name

(Write-in vote, if any)

FOR COUNTY SHERIFF

(Vote for no more than one)

Candidate Name
 Candidate Name

(Write-in vote, if any)

Auditor's Guide to the Primary Election

Election Day – June 3, 2008

- ❑ **Every primary election voter must be registered to vote with a political party before voting in the primary.**
- ❑ **Any registered voter may declare or change party affiliation at the polls on election day.** [43.38-43.44]
- ❑ **With appropriate identification an eligible elector may register to vote on election day in the precinct where the person lives.** [48A.7a]

Changing party affiliation

Precinct election officials. Precinct officials may change party affiliation whenever they wish. **However**, they may not work at the primary election after changing political party registration from the party they will represent at the polls. For example, if a Republican precinct official changes her voter registration record to Democratic, she cannot work at the primary election as a Republican. She can work at the primary only if she is added to the list of Democratic designees by the Democratic county chairperson. [49.16(5)]

Voters at the polls. Before voting in the primary election, each voter must be registered with the political party whose ballot the voter will receive. Voters may change from one party to another or declare a political party affiliation at the polls on the day of the primary election. The voter's declaration of eligibility form combines the process of signing in to vote and declaring or changing party affiliation. Precinct election officials should compare the party affiliation on the eligibility slip with the party affiliation in the election register. Changes of party must also be recorded in the election register. [43.42, 43.43]

Changing back. Voters who express an interest in changing party affiliation after voting may take voter registration application forms with them and send it in after the election. Precinct election officials should not collect forms from voters who wish to change party affiliation after voting.

Auditor's Guide to the Primary Election

Canvassing the Votes



Refer to Iowa Administrative 721—Chapter 26
“Counting Votes” for specific instructions.

Definition: “Canvass” means the official process of counting ballots, tabulating votes and determining the outcome of an election.

❖ Nomination formulas in these instructions apply **ONLY** to the June primary.

All canvasses are public. Restrictions about the presence of observers at polling places end when the polls close. Anyone may watch as the precinct election officials count the ballots, tabulate write-in votes, and record the results from the precinct. However, observers may not handle ballots, participate in the count or interfere. County and state canvasses are also open to the public. [43.45, 50.1A (1), 50.45]

Exceptions. Observers may be present while ballots are counted during the time the polls are open. For example, the absentee and special voters’ precinct board begins counting absentee ballots before the polls closed. [50.20, 52.40(4)]

Three canvasses. There are three canvasses for the primary election. At the first one, on election night, the precinct election officials count all votes cast, including write-in votes. The second canvass is held the week after the primary election. The board of supervisors reviews the materials prepared by the precinct election officials, declares the winners of county nominations, and sends abstracts of votes cast for state and federal offices to the secretary of state. The state board of canvassers reviews the abstracts prepared by the county boards of supervisors and declares the winners of political party nominations for state and federal offices.

- ① **Precinct.** On Election Day precinct election officials count ballots and write-in votes and record results in Tally List. All ballots are sealed after the precinct canvass. The absentee and special voters precinct canvass may continue until the supervisors canvass. [43.45, 50.22]
- ② **County.** On the Monday or Tuesday after the election the Board of Supervisors reviews tally lists and prepares abstracts of votes for the county. The supervisors declare the winners of nominations for county offices. Abstracts for state and federal offices are sent to the Secretary of State. [43.49]

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- ③ **State.** Not later than June 30, the State Board of Canvassers reviews county abstracts and declares nominees for state and federal offices.[43.63]

① **Precinct Canvass of Votes**

Counting ballots. Ballots (as well as votes cast on DRE voting machines) are counted **only** at the precinct level. This includes absentee ballots. All votes cast at precinct polling places must be tallied on election night, including write-in votes. The absentee and special voters' precinct board will, of necessity, count some ballots after election night and may continue as late as the time of the Board of Supervisors' canvass.

The rules for what constitutes a vote are in Iowa Administrative Code 721—Chapter 26. These rules govern decision making about how to count votes, even if a ballot is not properly marked.

While the polls are open. Only the absentee and special voters precinct board may begin counting before the polls close. While the polls are open, the count must be kept secret. [53.23(3-4)]

After the polls close. At the polls, immediately after the polls close, without adjournment, the precinct election officials begin the process of publicly counting ballots. They must continue until they are finished. [43.45, 52.37]

Separate calculations for each party. Primary election voters may cast votes only for nominations to be made by their own political parties. All calculations of vote totals are made separately for each of the two political parties. [43.45(2)]

Write-in votes. All write-in votes must be counted at the precinct canvass. The precinct officials are responsible for compiling these votes and for deciding whether similar names shall be considered votes for the same person.

Write-in votes for another party's candidate. Primary election voters are making nominations only for their own political parties. If a **Democratic** voter writes in the name of a **Republican** candidate, that vote counts as a vote for the candidate to be the nominee for the **Democratic** Party. [43.39]

See detailed directions for each voting system in section 43.45.

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Optical scan—ballots are counted electronically at the polling places. After everyone has voted, the precinct officials:

1. Prevent any further voting.
2. Print the results from the ballot counter. Call in the results to the commissioner.
3. Open the ballot container and remove and secure all counted ballots.
4. Sort uncounted ballots by party and tally all write-in votes and any other ballots not yet counted. Record the results in the tally list.
5. Seal all ballots, and sign the seal. [43.45(4)]

Voting machine—DRE. After everyone has voted, the precinct officials:

1. Prevent any further voting.
2. Print the results from the machine. Call in the results to the commissioner.
3. Prepare separate tallies of write-in votes cast for each party.
4. Seal all records of write-in votes, and sign the seal.

Ballots sealed. At the end of the precinct canvass the precinct officials seal the ballots. This includes ballot image records of direct recording electronic systems (VVPATs) and any other similar methods of recording the votes cast by each voter. The packages shall not be opened unless there is a recount or an election contest requiring an examination or recount of the ballots. [43.45, 50.12, 52.23]

Precinct results must include:

- Number of voters from each political party: Democrats and Republicans.
- Separate reports of the votes cast in each political party. This must include write-in votes.
- The results from the precinct must be reported on the outside of the tally list envelope. (A copy of the printed results may be used.) This information is a public record and may be examined by voters before the county canvass of votes.

[43.45(6), 43.48]

Returning supplies. The results and all election supplies must be delivered to the commissioner no later than noon on Wednesday, the day after the election. [43.46]

Auditor's Guide to the Primary Election

② County Canvass of Votes



Before the canvass.

Preparing for the canvass by the Board of Supervisors.

- 1) Store sealed ballots in a safe, secure place. You won't need these again unless there is a recount or contest that requires an examination of the ballots.
- 2) Verify the receipt of all tally lists.
- 3) Send a messenger for any missing tally lists.
- 4) Prepare abstract forms with names of candidates. (You can do this before the election.) [43.47]

Open meetings law does not apply. Because no decisions are made at the county canvass of votes, it is not necessary to publish and post the agenda before the meeting. However, the meeting must be open to the public and minutes must be kept. [OAG #90-2-6(L)]

Date and time of meeting. The county canvass of votes can be held either Monday, June 9, or Tuesday, June 10. No time is set for the canvass, but the canvass cannot be concluded until the absentee and special precinct board submits its results. Because absentee ballots may be received until noon on June 9, the tally list from the absentee precinct will be the last to be completed. The supervisors do not examine absentee ballots received on the final day--the absentee board does this. [43.49]

During the canvass.

Duties. The county Board of Supervisors is responsible for combining the votes from each precinct and for determining who has been nominated for county offices voted upon at the primary election. The Board of Supervisors also canvasses the votes for state and federal offices. The Elections Division of the Secretary of State's office provides the abstracts for these offices. Separate instructions are provided for the *Completion and Return of Abstracts*. [43.49, 43.50]

Source of information. The Board uses the results reported by the precinct election officials in the tally lists to compile the vote totals for the county. **The Supervisors have no authority to examine any ballots or write-in documents.** Precinct officials seal the ballots after they have finished counting; sealed ballots may be opened only for a recount or election contest. [43.49; 50.12]

35% needed for nomination. To win the nomination of a political party at the primary election a candidate must receive more votes than anyone else who received votes from party voters for that office, and must also have at least 35% of all the votes cast.

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For most offices only one person will be nominated in the primary election. Determining the winner is relatively simple. Multiply the total number of votes cast for the office, including write-in votes, by .35. [43.52]

Example: For the office of county sheriff in Roosevelt County there are six candidates in one of the political parties. There were also a significant number of write-in votes. However, no single person received more than a few write-in votes.

Sample calculation:

Candidate A	104
Candidate B	262
Candidate C	55
Candidate D	303
Candidate E	129
Candidate F	526
SCATTERING	124
TOTAL	1503

Candidate F received more votes than anyone else, but we can't be sure whether she won until we figure out how much 35% of 1,503 is. We do this by multiplying:

$$1,503 \times .35 = 526.05$$

Round up fractions. Round up the final result of your calculations to the next whole number when figuring the number of votes needed to receive the nomination. Thirty-five percent of 1,503 is not 526, it is more than that. Therefore, the minimum number of votes needed to win is 527.

Candidate F did not win the nomination; she needed one more vote. If no one receives at least 35% of the votes, the nomination may be made at a convention under the provisions of *Iowa Code* section 43.78(1)"d". [43.52]

Offices with more than one nominee. If more than one person may be nominated, there is one more step in the formula. Each voter may cast as many votes for the office as there are seats to be filled. Divide the number of votes cast by the number of seats to be filled before multiplying the total number of votes cast for this office by .35. [43.52, ¶3]

Example: Roosevelt County elects county supervisors at large. This year, two county supervisor seats are on the ballot. In one of the political parties there are five candidates for the nomination. Only two people can be nominated.

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Sample calculation:

Candidate G	245
Candidate H	456
Candidate I	126
Candidate J	147
Candidate K	291
Candidate L	339
SCATTERING	31
Total	1635

To determine who, if anyone, has been nominated we first need to divide the total number of votes by the number of seats to be filled. $1635 \text{ divided by } 2 = 817.5$
 $817.5 \times .35 = 286.125$, round up to 287

❖ Round up **AFTER** you have finished all other calculations.

In this example the number of votes needed to be nominated for the general election ballot is 287. Candidates H and L each have enough votes to be nominated. Incidentally, so does Candidate K, but only H and L win the nomination. They are the two candidates with the most votes.

Tie vote. The supervisors determine the winner of a tie vote by drawing lots. [43.75]



Write-in votes. Voters are permitted to write-in candidates in primary elections, just as they are permitted in all candidate elections in Iowa.

Scattering. The votes for any write-in candidates who each received less than two percent of the votes cast for an office shall be reported collectively as "SCATTERING". List the names of candidates who receive more than 2% of the votes after the names of candidates whose names were printed on the ballot. [43.49(3)]

Candidates on the ballot. A write-in candidate may win the nomination by receiving more votes than a candidate whose name was printed on the ballot. The write-in candidate must also receive at least 35% of the votes cast for the office. [43.66]

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No names printed on the ballot. The 35% rule does not apply if there were no candidates on the ballot for an office. However, there is a minimum number of votes required to be nominated. A write-in candidate must have at least 35% of the number of votes that were cast by the voters of the party for the same office the last time the party had a candidate for that office on the primary election ballot.



[43.66]

Write-in votes for another party's candidate. Primary election voters are making nominations only for their own political parties. If a **Democratic** voter writes in the name of a **Republican** candidate, that vote counts as a vote for the candidate to be the nominee for the **Democratic** party. [43.39]

Notify write-in nominees. If a write-in candidate wins the primary, you must notify the nominee. The person must file an affidavit of candidacy (SoS Form 2B, NOT the same affidavit that is used for candidates filing before the primary) within 7 days of the completion of the canvass. If the affidavit is not filed on time the ballot vacancy may be filled by the political party by convention. See *Iowa Code* §43.78. [43.67]

After the canvass.

Notify political parties. It is not necessary to notify the nominees personally, however, the political parties must be informed of the names of the candidates nominated in the primary. Also provide a list of those offices for which the party has no nominee. [43.55]

Ballot vacancies. If there is no nominee for an office, or if a nominee dies or withdraws, political parties may fill vacancies on the General Election ballot by conventions. Refer to *Iowa Code* §43.77 and 43.78 for details.

Publication of minutes. You are not required to publish the vote totals from the primary election. The published minutes must include the names of candidates who were nominated by each party for each office. You must also publish a list of the offices for which each party did not nominate a candidate. [43.62]

Recount. A candidate who did not receive enough votes for the nomination may request a recount. The candidate must post a bond to request a recount unless the difference between the number of votes cast for the recount requestor and the number of votes needed to be nominated is less than 50 votes or 1 % of the total number of votes cast, whichever is more. See *Instructions for Recounts*. [43.56]

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State Abstracts

Preparing the Abstracts for the Secretary of State

- 1) **PLEASE NOTE!** The abstracts are the official permanent record of this election.
Therefore:
 - Use the forms provided. **Do not** send photocopies.
 - Be as neat as possible.
 - Be accurate.

- 2) **Start early.** Type the district numbers and names of the candidates on both copies of the appropriate abstracts. If there is more than one candidate for an office, list the candidates' names in **alphabetical** order. Do not list the names in any other sequence. You may do this before the canvass so that your forms are ready when you need them.

- 3) **County canvass.** The county canvass of votes may be held on either Monday, June 9, or Tuesday, June 10, 2008.

- 4) **Check the totals.** Before preparing the abstracts, carefully check all vote totals to be sure that they are correct.

- 5) **Votes in words and numerals.** Indicate the number of votes cast for each office and for each candidate in both words and numerals. Put the numerals in parentheses. For example:
Chris Candidate seven hundred seventy-seven (777) [43.49]

- 6) **Use zeroes.** If no votes were cast for an office or candidate on the ballot please put the number of votes cast as "zero (0)" on the abstract. If you leave the vote totals blank we will wonder whether you left them out, or whether there were no votes.

- 7) **Undervotes, overvotes and blank ballots.** Your abstract should include only votes that were counted for candidates. Do not add undervotes, overvotes or the number of blank ballots to the number of votes cast. We will collect these statistics in another report.

- 8) **Write-ins.** Report all write-in votes cast for each office in both words and numerals. Votes for write-in candidates who each receive less than 2% of the total number of votes cast for the office may be reported collectively as "SCATTERING." [43.49(3)]

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9) Check your math!

All figures must be correct. For each candidate and office, make sure that:

- The vote totals in words and numbers represent the same number as the totals reported in numerals. *Seven hundred seventy-seven (777)*
- The number of votes cast for all candidates for each office adds up to the number you have reported as the total number of votes for the office.

10) **Signatures.** A majority of the members of the Board of Supervisors and the auditor must sign both copies of each abstract.

11) **Official seal.** Put the county seal on each abstract.

12) **Keep a copy of each abstract for your files.** Send only one original copy of abstracts for state and federal offices. If you return both copies, we will throw away the second copy. **Do not send copies of abstracts for county offices.**

13) **Turnout Report.** Report the total number of **people who voted** in the primary election in each political party. This includes voters at the polls, as well as absentee and provisional voters. Make a copy for your files. [43.59; IAC 721-21.6]

People who voted does NOT include people whose

Absentee ballots were rejected before the envelope was opened.

Provisional ballots were rejected.

14) **No staples or paper clips.** Please do not staple or clip abstracts together. You may fold them once so they will fit in the envelope.

15) **Include return address.** Put your county name in the upper left-hand corner of the return envelope.

16) **Send ASAP.** Send abstracts as soon as possible after the canvass. Place one original copy of each abstract in the large return envelope provided by the Secretary of State and mail it. [43.60]

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③ State Canvass of Votes

Abstracts from counties. As soon as the abstracts begin arriving from the counties, the staff of the Secretary of State's Office begins tabulating the county results for state and federal offices. [43.63]

Political party observers invited. The political parties are invited to send observers to watch the tabulation of votes. [43.63]

State Board of Canvassers. The Iowa Executive Council consists of the Governor, Secretary of State, State Auditor, State Treasurer and the Secretary of Agriculture. These five people review the canvass materials prepared by the Secretary of State's staff and sign the abstracts. [50.37]

Completion deadline. The state canvass must be finished by Monday, June 30. [43.63]

Reports to political parties. Following the completion of the canvass notices are sent to the state political parties reporting the names of nominees for state and federal offices, as well as the offices for which the party has no nominee. [43.68, 43.69]

Canvass Summary. The Secretary of State publishes a report of the county-by-county vote totals for each election. The canvass summary is available free of charge from the Elections Division.

The canvass summary will also be available on the Internet at <http://www.sos.state.ia.us/>.

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Appendix A

Polling Place Accessibility Rules

Go to <http://www.legis.state.ia.us>

<http://www.legis.state.ia.us/Rules/Current/iac/721iac/72121/72121pp1.pdf>

721—21.50

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Appendix B

Sign showing election date, polling place hours and other election-specific instructions. The Help America Vote Act requires that you post this information at the polls.

This sign appears on the next page.

Primary Election

★ June 3, 2008 ★

Polling Place Hours

7:00 a.m. to 9:00 p.m.

Election Day Voter Registration

To register today you must show ID that includes:
Current & valid photo ID, with expiration date
Proof of residence in this precinct

Acceptable forms of ID

Iowa driver's license
Iowa non-driver ID
Driver's license from another state
US passport
US military ID
ID from your employer
Iowa high school or college
student ID

Proof of residence

(If your photo ID does not have
your current address)

Residential lease
Property tax statement
Utility bill
Bank statement
Paycheck, or government check
Other government document

If you do not have proper ID a registered voter in this precinct may attest for you.

Signing In

You must be registered as a Democrat or a Republican to vote today.

You may change or declare a party registration at the polls today.

Sample Ballot ↓

[Precinct officials: Attach sample ballot here]