# **School Secretary's Guide**

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#### Prepared by the Office of the Iowa Secretary of State

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For more information, please contact the Secretary of State's Office or the 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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# **Responsibilities and Planning Tips**

#### What is the School Election?

The school election is held in odd-numbered years on the first Tuesday after the first Monday in November to elect school district directors and merged area (community college) trustees and vote on public measures for these jurisdictions. It is held in conjunction with the regular city election, so the election is known as the city–school election.

[§277.1]

#### **Controlling Auditor**

When a school district or 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 school districts, or portions thereof, for all voters within the auditor's county. When a school district lies in multiple counties, each auditor will print ballots and service voters for the portion within their county.

[§47.2(2), 260C.15]

#### **Communicate with the County Auditor**

During April or May of odd-numbered years, the county auditor may provide you with a worksheet to review plans for conducting the school election. **Complete and return the planning worksheet to the county auditor as soon as possible.** 

Work with the county auditor to prepare a list of offices to be filled at the school election. Make the list available to the public. The list should include the following:

- The correct title for each office
- Whether the office is voted for by the director district or at-large
- The minimum number of signatures needed to gain ballot access
- Indicate whether an office is on the ballot to fill a vacancy

**Important Note:** Any offices not expiring this year that were filled by appointment between the last regular city–school election and 45 days before the date of this year's city–school election must be included on the city–school election ballot as "To Fill Vacancy". Specific dates are available from your county auditor.

[§69.12(1)(a)(3), 260C.11(1), 279.6]

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#### Public Measures

Before the filing period (71 days before the regular city–school election), check with the school or community college board to see whether they wish to include any public measures on the November ballot. Schools must submit to the auditor the text of any public measure(s) and the action(s) taken by the board to place the question(s) on the ballot by 12:00 p.m. noon the day after the candidate filing period ends.

#### **Nomination Period**

The school or community college board secretary is the filing officer for school election candidates. The school secretary must be available to accept nomination petitions and affidavits. The school secretary may designate someone to accept nomination papers as long as the designated person is a full-time employee of the district.

On the last day for candidates to file nomination papers, the school secretary's office must be open until 5:00 p.m.

[§260C.15, 277.4(1)]

#### **Distributing Nomination Papers**

Nomination papers consist of an affidavit of candidacy and nomination petitions. Nomination papers and candidate guides are available on the Secretary of State's website at <a href="http://sos.iowa.gov/school-elections">http://sos.iowa.gov/school-elections</a>

The nomination petition form for **school district candidates** is available on the Secretary of State's website: <u>http://sos.iowa.gov/elections/pdf/candidates/nompetnonpartisan.pdf</u>.

The nomination petition form for **community college candidates** is available on the Secretary of State's website: <u>http://sos.iowa.gov/elections/pdf/candidates/ccnompet.pdf</u>.

Provide nomination papers and candidate guides to anyone who requests them. The school secretary does not need to fill out the headers of the petitions for candidates or record the names of people who request papers.

Candidates may start circulating nomination papers at any time, but petition signers must still be eligible school district electors when the petitions are filed with the school secretary.

Each candidate must file an affidavit of candidacy and nomination petitions with the school secretary or community college board secretary. The affidavit of candidacy and nomination petitions must be filed together, or they must be rejected.

[§277.4]

# **Nomination Petition Signature Requirements**

#### <u>Overview</u>

Signatures must be valid at the time the petitions are filed. Petition signers must be eligible to register to vote in the school district/community college, but they are not required to be registered voters.

An eligible elector must be:

- A citizen of the United States
- A resident of lowa
- 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)]

#### Signature Requirements for Regular School Elections

The number of signatures needed for regular school elections is based on the number of registered voters in the school district as of May 1. The controlling auditor will provide you with that number and the minimum number of required signatures candidates must collect.

- For school districts (or director districts when applicable) with fewer than 1,000 registered voters, the minimum number of signatures is 10.
- For school districts (or director districts when applicable) with more than 1,000 registered voters, the minimum number of signatures is 1% of the number of registered voters or 50, whichever is less.

[§277.4(2)(a), IAC 721-21.500]

See also the minimum signature requirements chart.

#### At-Large

In school districts where directors may live anywhere in the school district, the number of signatures needed is calculated from the number of registered voters in the entire school district. Petition signers may also live anywhere in the school district.

[§277.4(2)(a)]

#### **Director Districts**

#### Elected At-Large

In school districts where directors must reside in a specific director district but are voted for by the entire school district, the number of signatures needed is calculated from the number of registered voters in the entire school district. Petition signers may live anywhere in the school district.

#### Elected by Director District

In school districts where directors are voted for by the residents of only the director district, the number of signatures needed is calculated from the number of registered voters in the director district. Petition signers must live in the director district.

[§277.4(2)(a)]

# **Minimum Signature Requirements Chart**

Advise candidates that the specific numbers in the signature chart represent the minimum number of signatures needed to get the candidate's name on the ballot. Candidates should collect and file more than the minimum number of signatures.

Registered Voters	Signatures Needed	Registered Voters	Signatures Needed
1-1,000	10	3,001 – 3,100	31
1,001 - 1,100	11	3,101 – 3,200	32
1,101 - 1,200	12	3,201 – 3,300	33
1,201 - 1,300	13	3,301 – 3,400	34
1,301 - 1,400	14	3,401 – 3,500	35
1,401 - 1,500	15	3,501 – 3,600	36
1,501 - 1,600	16	3,601 – 3,700	37
1,601 - 1,700	17	3,701 – 3,800	38
1,701 - 1,800	18	3,801 – 3,900	39
1,801 - 1,900	19	3,901 – 4,000	40
1,901 - 2,000	20	4,001 – 4,100	41
2,001 - 2,100	21	4,101 – 4,200	42
2,101 - 2,200	22	4,201 – 4,300	43
2,201 - 2,300	23	4,301 – 4,400	44
2,301 - 2,400	24	4,401 – 4,500	45
2,401 - 2,500	25	4,501 – 4,600	46
2,501 - 2,600	26	4,601 – 4,700	47
2,601 - 2,700	27	4,701 – 4,800	48
2,701 - 2,800	28	4,801 – 4,900	49
2,801 - 2,900	29	4,901 – 5,000	50
2,901 - 3,000	30	5,001 and over	50

#### Signature Requirements for Special School Elections

For special elections, the number of signatures needed is based on the number of registered voters in the school district or director district (if applicable) on the day the notice of the special election is given to the controlling auditor.

[IAC 721-21.500]

# **Filing Period**

#### <u>Overview</u>

The school secretary is the filing officer for regular and special school elections. The school secretary must be available to accept petitions and affidavits. The school secretary may designate someone to accept nomination papers as long as the designated person is a full-time school district employee.

[§260C.15(3), 277.4(1)]

**Review the Filing Officer's Guide before the filing period begins.** It provides information on how to receive and review nomination papers. The Filing Officer's Guide is available through your county auditor.

#### Dates of Filing Period

The filing period begins on the 71<sup>st</sup> day before the regular city–school election and ends at 5:00 p.m. on the 47<sup>th</sup> day before the election.

**Important Note:** School secretaries' offices are required by law to be open until 5:00 p.m. on the last day for candidates to file and on the last day for candidates to withdraw.

[§277.4(1)]

Specific dates are available from your county auditor.

#### **Delivering Nomination Papers and Public Measure Text to the Auditor**

By 12:00 p.m. noon on the day after the last day of the filing period, deliver the following information to the controlling auditor:

- All accepted nomination papers
- A copy of the official board action directing the controlling auditor to include public measures (if any) on the regular city–school election ballot. The information given to the auditor must include the complete text of all public measures.

**Important Note:** Do <u>not</u> deliver nomination papers to the auditor's office before the filing period has ended. Nomination papers must be available for public inspection in your office until the end of the filing period.

[§260C.15(3), 277.4(3)]

#### **Withdrawals**

Candidate withdrawals must be submitted in writing to the school secretary by 5:00 p.m. on the 42<sup>nd</sup> day before the election.

[§277.4(4)]

**Important Note about Community College Candidates:** No procedure is specifically outlined in §260C for community college candidates to withdraw. The community college secretary should consult with the community college attorney for information on how to proceed if a withdrawal is filed.

#### **Objections**

Objections to nomination papers must be submitted in writing to the school secretary or community college secretary by the 42<sup>nd</sup> day before the election.

[§260C.15(4), 277.5]

**Important Note:** Notify the controlling auditor immediately after receiving any withdrawals or objections.

# **Post-Election Day**

#### Who Wins?

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

[§50.44]

#### Write-In Votes

Write-in votes are allowed, and the candidate with the most votes is elected. If a person elected by write-in votes declines the office, a vacancy is created and must be filled by appointment. [§50.24, 50.45, 277.20, 277.29]

#### County Canvass of Votes

#### School District and Community College Canvass

#### Non-Control Counties

Each county for the school district or community college canvasses the results for the races and measures for its county. Those abstracts are then forwarded to the control county for the school district or community college. This canvass is held on the first Monday or Tuesday after the election (unless there is a holiday).

#### Controlling County

The board of supervisors of the control county for the school district or community college must meet on the second Monday or Tuesday after the election to canvass the abstracts received from the other counties in the school district or community college area.

[§260C.15(5), 277.20]

#### **Canvass Materials**

The controlling auditor will provide the school and community college secretaries with the abstracts of votes for the offices and measures that appeared on the ballot. The county board of supervisors will sign the abstracts and certify the election results. Store these abstracts.

#### Required Percentage for Passage of Public Measures

Most public measures require a simple majority to pass. Bond issues, however, require at least 60% to pass.

[§50.45, 75.1, 296.6]

#### Term Start Dates

#### **School Districts**

The term for school officers begins at the first regular board meeting after the final canvass. School officers must take the oath of office during or before the date of this meeting.

The terms of officers elected to fill vacancies begin within 10 days of the final canvass of votes. Contact your county auditor for more information regarding vacancies.

[§63.8, 277.28, 279.7]

#### **Community Colleges**

The term for new members begins at the first regular meeting of the community college board after the final canvass of votes. Community college directors must take the oath of office during or before the date of this meeting.

[§260C.15(5), 277.28]

#### Filing of Oaths and Bonds

The official oath and bond must be filed with the school secretary.

[§63.1, 63.8, 63.10, 277.28]

#### Election Costs

The county board of supervisors will bill the school district and community college for the costs of the election.

[§47.3]

#### **Vacancies on School Boards**

#### Laws Related to School Board Vacancies

*Iowa Code* sections 69.12, 277.29, 279.6, and 279.7 apply to vacancies on school boards.

#### Notify Auditor

Notify the controlling auditor when a vacancy occurs. Inform the auditor of the name of the person appointed to the vacancy if an appointment is made.

#### Filling Vacancies

The vacancy must be filled by appointment by the remaining directors until the next regular city– school election or intervening special for the school district unless one of the following happens:

• When the school board fails to appoint a replacement within 30 days.

[§279.7(1)]

 When the vacancy reduces the number of school directors below a quorum, the school secretary is required to call a special election to fill the vacancy. If there is no school secretary, the area education agency administrator must call a special election to fill the vacancy.

§279.7(1)]

 If a petition requiring a special election is filed within fourteen days of publication of a notice of intent to appoint, an appointment by the board to fill a vacancy on or after the day that notice has been given for a special election to fill such vacancy shall be null and void.

[§279.7(2)]

#### When Vacancies Can be Filled

The board may make an appointment to fill the vacancy after the notice of intent to appoint is published or after the vacancy occurs, whichever is later.

[§279.6(1)(a)]

#### Extra or Special Publication Requirements

There are special publication requirements before the school board can appoint a replacement. The board shall publish notice of its intention to appoint before the appointment is scheduled to be made. The publication also must notify school district residents of the right to request a special election by filing a petition. The publication must occur once in the manner prescribed by §279.36.

**Important Note:** §279.36 is specific to school publications and does not set a timeframe for publication.

[§279.6, 279.7, 279.36]

#### **Appointing Replacements**

#### Deadline

A replacement must be appointed within 30 days of the date the vacancy becomes known by the school secretary.

#### Appointment not Made Before Deadline

If the school board fails to appoint a replacement within 30 days after the vacancy becomes known by the school secretary, the school secretary must call a special election within three days of the board's failure to fill the vacancy.

[§279.7]

[§279.7]

#### School Secretary does not Call Special Election

If the school secretary does not call a special election within three days after the board's failure to appoint, the area education agency administrator is required to call the special election.

[§279.7]

#### Length of Appointment

The term of a person appointed to fill a vacancy is until the next regular city–school election or an intervening special election for that school district.

#### **Special Elections to Fill Vacancies**

#### **Dates of Special Elections**

If a special election must be held to fill a vacancy on a school board, the election may be held on any Tuesday that is not during a blackout period before or after a primary or general election, and that is not the primary or general election.

#### **Deadline for Holding Special Election**

If a special election must be held, it must occur between 60 and 70 days after the vacancy occurs.

[§279.7(1)]

#### Signature Requirements

The number of signatures required to get on the ballot is equal to 1% of the registered voters in the school district (or director district if directors are elected by district); however, the number of signatures can never be fewer than 10 or more than 50. The number of registered voters is based on the number of voters registered as of the date the auditor receives notice of the special election.

[§277.4(2), IAC 721-21.500]]

#### Filing Officer

The school secretary is the filing officer for special elections to fill vacancies on school boards. [§277.4, 279.7]

#### Candidate Filing Deadlines

If the special election is held at the same time as a regularly scheduled election, the filing deadlines are the same as those for the regularly scheduled election.

If the special election is not held at the same time as a regularly scheduled election, the filing deadlines are:

**First Day:** As soon as the auditor receives notice of the special election

Last Day: No later than 5:00 p.m. on the 25<sup>th</sup> day before the special election

Nomination papers are filed with the school secretary. The school secretary's office must remain open until 5:00 p.m. on the final date for filing.

[§279.7(4)]

#### Withdrawal and Objection Deadlines

Withdrawal: No later than the 25<sup>th</sup> day before the election

The written notice is filed with the school secretary.

[§44.9(5)]

Objection: No later than the 42<sup>nd</sup> day before the election

Written objections must be filed with the school secretary.

The school secretary should consult with the school district attorney for information on how to proceed in these cases before acting on an objection for this type of election after the 42<sup>nd</sup> day before the election. If the school secretary has proceeded on an objection filed after the 42<sup>nd</sup> day before the election, the controlling auditor should consult with the county attorney before proceeding. [§277.5]

#### **Public Measures with Special Elections to Fill Vacancies**

Public measures may not be placed on the ballot during a special election to fill a vacancy unless it is on an authorized public measure special election date.

[§39.2]

#### Term of Office

If the school district must hold a special election, the person elected to fill the vacancy serves the remainder of the unexpired term.

#### Filling Vacancy at Next Regular School Election

The vacancy must be filled at the next regular city-school election unless:

 The term of the office in which the vacancy occurred is set to expire after the regular city–school election,

#### OR

There already has been a special election to fill the vacancy,

#### OR

• The vacancy occurs fewer than 45 days before the regular city–school election.

If the seat would have been up for election at the next regular city–school election, the office must appear on the ballot for the full term, not as "To Fill Vacancy."

If the vacancy occurs fewer than 45 days before the regular city–school election, the vacancy must be filled by appointment until the next pending election.

#### Advance Resignations

If a school board member announces a resignation to take effect at the beginning of the next term for school officials in that district and the announcement is made at least 45 days before the upcoming city–school election, that school board member's seat may appear on the ballot at the regular city–school election as "To Fill Vacancy."

[§279.6, unnumbered paragraph 2]

### Vacancies on Community College Trustee Boards

#### Laws Related to Community College Trustee Board Vacancies

*Iowa Code* sections 69.12, 277.29, and 260C.11 apply to vacancies on community college trustee boards.

#### Notify Auditor

Notify the controlling auditor when a vacancy occurs. Inform the auditor of the name of the person appointed to the vacancy if an appointment is made.

#### Filling Vacancies

The vacancy must be filled by appointment by the remaining trustees until the next election or intervening special election for the merged area. No provision allows district residents to petition for a special election to fill the vacancy.

[§260C.11]

#### Extra or Special Publication Requirements

There are no specific publication requirements for filling vacancies on community college boards of trustees.

#### **Appointing Replacements**

#### Deadline

A replacement must be appointed at the next regular meeting of the board of trustees.

[§260.11]

#### **Trustees Do Not Make Appointment by Deadline**

The *lowa Code* does not set forth a penalty for failing to appoint a replacement trustee at the next regular board meeting.

#### **Special Elections to Fill Vacancies**

#### Dates of Special Elections

No special elections can be held specifically to fill community college trustee board vacancies. If the community college is holding a special election on a public measure as authorized by §39.2(4), and there is a vacancy on the community college trustee board which occurred more than 60 days before the date of the upcoming special election that currently is filled by an appointee, that seat must go on the ballot as "To Fill Vacancy" at the time the special election is held for the public measure.

[§69.12(1)(a)(3), 260C.11]

#### **Deadline for Holding Special Election**

# There is no deadline because a special election to fill the vacancy cannot be held unless a public measure is on the ballot. To be filled at a special election on a public measure, the vacancy must have occurred at least 60 days before the date of the upcoming special election. [ $\S69.12(1)(a)(3), 260C.11$ ]

#### Signature Requirements

The number of signatures required to get on the ballot is at least 50 signatures of eligible electors in the director district.

[§260.15(2)]

[§260.15(3)]

#### Filing Officer

The community college board secretary is the filing officer.

#### **Candidate Filing Deadlines**

If the special election is held at the same time as a regularly scheduled election, the filing deadlines are the same as those for the regularly scheduled election. See the election-specific chapters for more information.

If the special election is not held at the same time as a regularly scheduled election, the filing deadlines are:

**First Day:** As soon as notice is given to the controlling auditor

**Last Day:** No later than 5:00 p.m. on the 25<sup>th</sup> day before the special election

Papers are filed with the community college board secretary. The secretary's office must be open until 5:00 p.m. on the final filing date.

[§69.12(1)(b)(4)]

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#### **Public Measures**

A public measure must be placed on the ballot before a vacancy can be filled at a special election.

[§260C.11]

#### Filling Vacancy at Special Election for Community College Public Measure

The vacancy must be filled at an upcoming special election for a community college public measure if the election was scheduled before the vacancy occurred unless:

There already has been a special election to fill the vacancy

#### OR

The vacancy occurs fewer than 60 days before the next pending election.

[§69.12(1)(a)(4)]

#### Filling Vacancy at Next Regular School Election

The vacancy must be filled at the next regular city–school election unless:

• The term of the office in which the vacancy occurred is set to expire after the regular city–school election,

#### OR

 There already has been a special election for a public measure at which the vacancy was filled,

#### OR

• The vacancy occurs fewer than 45 days before the regular city–school election.

If the seat would have been up for election at the next regular city–school election, the office must appear on the ballot for the full term, not as "To Fill Vacancy."

If the vacancy occurs fewer than 45 days before the regular city–school election, the vacancy must be filled by appointment until the next pending election.

# **Special Elections**

#### Public Measures

School districts and community colleges can hold special elections for public measures on only the following dates:

#### **Odd-Numbered Years**

- First Tuesday in March
- Second Tuesday in September
- First Tuesday after the first Monday in November (date of regular city–school election)

#### **Even-Numbered Years**

- First Tuesday in March
- Second Tuesday in September

[§39.2(4)(c)]

#### Notice of Election to Auditor

Unless the law authorizing the special election requires more advance notice, the controlling auditor must be notified at least 46 days before the desired date of a special election for a public measure.

Deliver to the auditor the following:

- Action by the board setting the election date
- Full text of the public measure to be submitted to the voters.

#### **Check for Vacancies**

If the community college district holds a special election for a public measure, the voters must fill any seats previously filled by appointment (unless the officeholders were already elected at a previous special election after their appointments). See the Vacancy section in this guide for more information.

# Special Elections for School Public Measures Planning Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
51	50	49	48	47	46 Last day to request a special election	45
44	43	42	41	40	39	38
37	36	35	34	33	32	31
30	29	28	27	26	25 <b>Candidates'</b> <b>Filing Deadline</b> (if any vacancies exist, they must be filled at the special election)	24
23	22 Deliver nomination papers to the auditor	21	20 First day to publish notice of election	19	18	17
16	15 Worry-free postmark date & voter pre- registration deadline	14	13	12	11	10
9	8	7	6	5	4 Last day to publish notice of election	3
2	1	Election Day	1	2	3	4
5	6 County canvass of votes OR →	7 County canvass of votes	8	9	10	11
12	13	14	15	16 Deadline for swearing in new directors elected to fill vacancies (if canvass held on Monday)	17 Deadline for swearing in new directors elected to fill vacancies (if canvass held on Tuesday)	18

#### Your School as a Polling Place

One or more buildings in your school district may be used as polling places for the city–school election and/or other elections. Iowa law requires that necessary space in buildings supported by taxation be made available as a polling place without charge. The following list of regularly scheduled elections may be helpful to you. Other special elections may be held at other times during the year. Your county auditor will notify you if any special elections need to be held.

Election	Month	Day	Year	Polls Open
Primary	June	The first Tuesday after the first Monday	Even *	7 am – 8 pm
General	November	The first Tuesday after the first Monday	Even	7 am – 8 pm
City Primary	October	Tuesday, four weeks before regular city election, if needed.	Odd **	7 am – 8 pm
Regular City–School	November	The first Tuesday after the first Monday	Odd	7 am – 8 pm
City Runoff	December	Tuesday, four weeks after regular city election, if needed	Odd	7 am – 8 pm
Special	Any	Any Tuesday, if held to fill a vacancy. Only on an authorized Tuesday, if held to vote on a public measure. See page 9.	Both	7 am – 8 pm

\* "Even" refers to even-numbered years

\*\* "Odd" refers to odd-numbered years

# **Additional Resources**

#### 1. County Auditor's Office

Contact your local county auditor's office with questions. You can find their contact information at the following website: <u>http://sos.iowa.gov/elections/auditors/auditorslist.html</u>.

#### 2. School District Attorney

Your county auditor may refer you to your school district attorney. If you or the county auditor are unsure of the answer to a question, the school district attorney is the best place to go for advice.

#### 3. Secretary of State's Office

The SOS Office is open Monday through Friday from 8:00 a.m. to 4:30 p.m. For questions, call (515) 281-0145 or the toll-free hotline 1-888-SOS-VOTE or email <u>sos@sos.iowa.gov</u>.

The SOS Office website, <u>https://sos.iowa.gov</u>, is a resource for the general public, candidates, county auditors, city clerks, and school secretaries.

The following items are available from your county auditor and may be of assistance to you:

#### City–School Election Calendar

This is a chronological list of things that must be done to prepare for each election and that must be done following election day.

#### Election Forms

Candidate Guides

http://sos.iowa.gov/school-elections

The Elections Division compiles candidate guides to assist candidates and the public in meeting the requirements of Iowa's election laws. School secretaries are encouraged to furnish a candidate guide and nomination papers to all potential candidates.

#### Additional Guides

The Elections Division also creates guides for use by other people and groups. Some of these publications were mentioned in this guide:

- 1. Filing Officer's Guide
- 2. Vacancies Guide