

## CHAPTER 2

### SCHOOL ELECTIONS

School elections are held for the purpose of permitting registered voters of the district or subdistrict to vote on the election of the board members and on other matters legally submitted to them.

#### Definitions

"Eligible elector" means a person who possesses all of the qualifications necessary to entitle the person to be registered to vote, whether or not the person is in fact so registered **(39.3(6))**.

"Registered voter" means a person who is registered to vote pursuant to chapter 48A **(39.3(11))**. In previous Code, registered voters were referred to as qualified electors.

#### Time and Types of Elections

##### Conduction

The county auditor of each county is designated as the county commissioner of elections in each county. The county commissioner of elections shall conduct voter registration pursuant to chapter 48A and conduct all elections within the county **(47.2(1))**. When an election is to be held as required by law or is called by a political subdivision of the state (school district) that is located in more than one county, the county commissioner of elections of the county having the greatest taxable base within the political subdivision shall conduct that election. The county commissioners of elections of the other counties in which the political subdivision is located shall cooperate with the county commissioner of elections who is conducting the election **(47.2(2))**.

The commissioner may designate the school board secretary as a deputy county commissioner of elections to assist in administering elections conducted for the school district. The designation of a person as a deputy commissioner of elections, once made, shall continue in effect until the designation is withdrawn by the commissioner **(47.2(3))**.

The provisions of chapters 39 to 53 shall apply to the conduct of all school elections and the school elections shall be conducted by the county commissioner of elections, except as otherwise specifically provided in chapter 277 **(277.3)**.

The board secretary shall keep a complete record of all the proceedings of all regular or special elections in the corporation in separate books **(291.6(2))**.

Chapter 68A includes the requirements related to campaign finances, and chapter 86B includes the requirements related to ethics and lobbying. A candidate means an individual who has taken affirmative action to see nomination or election to a public office. A candidate's committee means the committee designated by the candidate for a school office to receive contributions in excess of \$750 in the aggregate, expend funds in excess of \$750 in the aggregate in any calendar year or incur indebtedness on behalf of the candidate in excess of \$750 in the aggregate in any calendar year **(68A.102(4) and (5); 68B.2(4) and (5))**. A holder of public office shall not maintain an account, other than a campaign account, to receive contributions for the purpose of publishing and distributing newsletters or performing other constituent services related to the official duties of public office. This applies whether or not the officeholder is a candidate **(68A.104)**. Every committee as defined in chapter 68A shall file a statement of organization within 10 days from the date of its organization **(68A.201(1))**. Each candidate for school office shall organize one, and only one, candidate's committee for a specific office sought when the candidate receives contributions in excess of \$750 in the aggregate, makes expenditures in excess of \$750, or incurs indebtedness in excess of \$750 in the aggregate in a calendar year **(68A.202(1))**. A candidate and the candidate's committee shall use campaign funds only for campaign purposes, educational and other expenses associated with the duties of office, or constituency services, and shall not use campaign funds for personal expenses or personal benefit **(68A.302(1))**. Equipment, supplies, or other materials purchased with campaign funds or received in kind are campaign property. Campaign property belongs to the candidate's committee and not to the candidate **(68A.304)**. Candidate's committees of a candidate for a school board or any other political subdivision office except for county and city offices, shall file a report according to the timeline in chapter 68A **(68A.502(4))**.

A political committee expressly advocating the passage or defeat of a ballot issue shall file reports on the same dates as a candidate's committee is required to file reports and another report five days before an election covering the period from the previous report or date of initial activity through 10 days before the election **(68A.402(8))**.

Campaign signs shall not be placed on property owned by the governing board of a political subdivision (school district or AEA), including all property considered the public right-of-way **(68A.406(2)"a"(1))**.

The governing body of a political subdivision (school corporation) shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue. This should not be construed to limit the freedom of speech of officials or employees. This also shall not be construed to prohibit the governing body from expressing an opinion on a ballot issue through the passage of a resolution or proclamation **(68A.505)**.

Political subdivisions may only authorize the presentation of questions to voters of matters that are specifically required or authorized by law to be placed before the electorate. The commissioner of elections is authorized to refuse to conduct an election that is not required or authorized by law. The results of an unauthorized election are not binding on government officials. Public funds may not be expended to pay the costs of an unauthorized election **(OAG #92-2-92; OAG #92-10-1)**.

School sponsorship of a vote yes poster contest or a vote yes message in a school newsletter is impermissible but school officials or employees are free to work as individuals to promote or oppose a ballot issue **(AG #82-5-14(L))**.

A local nonprofit corporation is prohibited from raising money and utilizing its staff personnel to present one side of an election issue **(OAG #77-11-12)**.

A person commits the crime of election misconduct in the first degree if the person willfully:

- pays, offers to pay, or causes to be paid money or any other thing of value to a person to influence the person's vote **(39A.2"d"(1))**.
- pays, offers to pay, or causes to be paid money or any other thing of value to an election official conditioned on some act done or omitted to be done contrary to the person's official duty in relation to an election **(39A.2"d"(2))**.
- intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, a person to sign, or not sign, a petition nominating a candidate for public office or a petition requesting an election for which a petition may legally be submitted **(39A.2(1)"c"(3))**.

Election misconduct in the first degree is a class "D" felony **(39A.2(2))**.

A person commits the crime of election misconduct in the fourth degree if the person, as an employer, willfully denies an employee the privilege conferred by section 49.109, or subjects an employee to a penalty or reduction of wages because of the exercise of that privilege **(39A.5(1)"a"(1))**. Election misconduct in the fourth degree is a simple misdemeanor **(39A.5(2))**. Any person entitled to vote at an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will in addition to the person's nonworking time total three consecutive hours during the time the polls are open. Request for such absence shall be made in writing prior to the date of the election. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence **(49.109)**.

## **Regular Election**

The regular election shall be held biennially on the second Tuesday in September of each odd-numbered year in each school district for the election of officers of the district and for the purpose of submitting to the voters any matter authorized by law **(277.1)**.

Voters at the regular election shall have power to:

- a. Direct a change of textbooks regularly adopted.
- b. Except when restricted by section 297.25, direct the sale, lease or other disposition of any schoolhouse or school site or other property belonging to the corporation, and the application to be made of the proceeds thereof. However, nothing in this section shall be construed to prevent the sale, lease, exchange, gift, or grant and acceptance of any interest in real or other property of the corporation to the extent authorized in section 297.22. For this purpose, dispose includes the exchange, transfer, demolition, or destruction of any real or other property of the corporation.
- c. Decide upon additional branches that shall be taught.
- d. Instruct the board that school buildings may or may not be used for meetings of public interest.

- e. Direct the transfer of any surplus in the debt service fund, PPEL fund, capital project funds, or PERL fund to the general fund.
- f. Authorize the board to obtain, at the expense of the corporation, road for proper access to its schoolhouses.
- g. Authorize a change to either five or seven directors. The proposition for the change shall specify the number of directors to be elected, and which of the methods of election authorized by 275.12(2) is to be used if the change is approved by the voters.
- h. Authorize a change in the method of conducting elections or in the number of directors as provided in section 275.35 and 275.36. If a proposition submitted to the voters under this paragraph or paragraph "g" is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this paragraph or paragraph "g" within the next six years. The establishment or abandonment of director districts or a change in the boundaries of director districts shall be implemented as prescribed in section 275.37.
- i. Change the name of the school district, without affecting its corporate existence, rights, or obligations, and subject to the naming requirements of section 274.6 **(278.1(1))**.

The board may, and upon the written request of one hundred (100) eligible electors or a number of electors which equals thirty percent (30%) of the number of electors who voted in the last regular school board election, whichever number is greater, shall direct the county commissioner of elections to provide in the notice of the regular election for the submission of any proposition authorized by law to the voters **(278.2)**.

The board may, with the approval of sixty percent (60%) of the voters voting in an election in the school district, make extended time contracts not to exceed twenty (20) years in duration for rental of buildings to supplement existing schoolhouse facilities; and where it is deemed advisable for buildings to be constructed to be placed on real estate owned by the school district, these contracts may include lease-purchase option agreements, the amounts to be paid out of the PPEL fund **(278.1(2))**.

The power vested in the electors by section 278.1 shall not affect or limit the power granted to the board of directors of a school district in subsection 297.7(2), and the authority granted in that subsection shall be construed as independent of the power vested in the electors by section 278.1 **(278.3)**.

A regular school election may not be postponed. There is no such thing as a voluntary election **(OAG #51-3-15)**.

Members of boards of directors of community and independent school districts shall be elected at the school election. Their terms of office shall be four (4) years, except as otherwise provided by section 260C.11, 260C.13, 275.23A, 275.37, or 275.37A **(39.24)**. No person shall be disqualified on account of gender from holding any office created by the states of this state **(39.25)**. 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 **(39.26)**. 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 district 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 district 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 **(39.27)**.

## Special Elections

All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. A special election shall not be held on the first, second, and third Tuesdays preceding and following the primary and the general elections. A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a school election unless the special election is for a school district or community college. A special election shall not be held in conjunction with a regularly scheduled or special city primary or city runoff election **(39.2(1))**. The general election is held on the first Tuesday after the first Monday in November of each even-numbered year **(39.1)**.

Unless otherwise provided by law, special elections on public measures are limited to the following dates: for a school district, in the odd-numbered year, the first Tuesday in February, the first Tuesday in April, the last Tuesday in June, or the second Tuesday in September. For a school district, in the even-numbered year, the first Tuesday in February, the first Tuesday in April, the second Tuesday in September, or the first Tuesday in December **(39.2(4)"c")**. Unless otherwise stated, the date of an election on a public measure authorized to be held by a school district is limited to the dates specified in section 39.2(4)"c" **(277.2)**.

## Possible Elections

### Dissolution Election

After the final hearing on the dissolution proposal, the board of the school district shall submit the proposition to the voters at an election held on a date specified in section 39.2(4)"c". The proposition submitted to the voters residing in the school district shall describe each separate area to be attached to a contiguous school district and shall name the school district to which it will be attached. In addition to the description, a map may be included in the summary of the question on the ballot **(275.55(1))**. The proposition shall be adopted if a majority of the electors voting on the proposition approve its adoption **(275.55(3))**.

### Reorganization Election

When the boundaries of the territory to be included in a proposed school corporation and the number and method of the election of the school directors of the proposed school corporation have been determined, the AEA administrator with whom the petition is filed shall give written notice of the election to the county commissioner of elections of the county in the proposed school corporation which has the greatest taxable base. The question shall be submitted to the voters at an election held on a date specified in subsection 39.2(4)"c" in the calendar year prior to the calendar year in which the reorganization will take effect **(275.18(1))**. The county commissioner of elections shall give notice of the election. Notice for an election shall not be published until the expiration of time for appeal, which shall be the same as that provided in section 275.15 or 275.16, whichever is applicable; and if there is an appeal, not until the appeal has been disposed of **(275.18(2))**. The voters shall vote separately in each existing school district affected and voters residing in the entire existing district are eligible to vote upon the proposition to create a new school corporation. If a proposition receives a majority of the votes cast in each of at least seventy-five percent (75%) of the districts, and also a majority of the total number of votes cast in all of the districts, the proposition is carried **(275.20)**.

### Use for Other Than School Purposes Forbidden

If the voters of a district at a regular election forbid the use of any schoolhouse or grounds [for meetings of public interest], the board shall not permit that use until the action of the voters is rescinded by the voters at an election held on a date specified in subsection 39.2(4)"c". **(297.11, 278.1(1)"d")**.

### Textbooks

Whenever a petition signed by one hundred (100) eligible electors residing in the school district or a number of eligible electors residing in the school district equal to at least ten percent (10%) of the number of voters in the last preceding regular school election, whichever is greater, is filed with the secretary sixty (60) days or more before the regular election, asking that the question of providing free textbooks for the use of pupils in the school district's attendance centers be submitted to the voters at the next regular election, the secretary shall cause notice of such proposition to be given in the notice of such election. Using the same procedure, the electors may direct the board to discontinue the loaning of textbooks to pupils **(301.24, 301.27)**. The voters at the regular election shall also have the power to direct a change of textbooks regularly adopted **(278.1(1)"a")**.

### Public Education and Recreation Tax Levy (PERL)

The board of directors of a school district may, and upon receipt of a petition signed by eligible electors equal in number to at least twenty-five percent (25%) of the number of voters at the last preceding school election, shall, direct the county commissioner of elections to submit to the registered voters of the school district the question of whether to levy a tax of not to exceed thirteen and one-half cents per thousand dollars of assessed valuation for public educational and recreational activities authorized under chapter 300. The question shall be submitted at an election held on a date specified in subsection 39.2(4)"c". If a majority of the votes cast upon the proposition is in favor of the proposition, the board shall certify the amount required **(300.2)**. Once approved at an election, the authority of the board to levy and collect the tax shall continue until the board votes to rescind the levy and collection of the tax or the voters of the school district by majority vote order the discontinuance of the levy and collection of the tax **(300.3)**.

### School Buildings

The board of any school corporation shall establish attendance centers and provide suitable buildings for each school in the district and may at the regular or a special meeting resolve to submit to the registered voters of the district at an election held on a date specified in subsection 39.2(4)"c", the question of voting a tax or authorizing the board to issue bonds, or both **(279.39)**.

### **Bond Election**

Before indebtedness can be contracted in excess of one and one-quarter percent (1.25%) of the assessed value of the taxable property, a petition signed by eligible electors equal in number to twenty-five percent (25%) of those voting at the last election of school officials shall be filed with the president of the board of directors, asking that an election be called, stating the amount of bonds proposed to be issued and the purpose or purposes for which the indebtedness is to be created, and that the purpose or purposes cannot be accomplished within the limit of one and one-quarter percent (1.25%) of the valuation. The petition may request the calling of an election on one or more propositions and a proposition may include one or more purposes (296.2). The election shall be held on a date specified in subsection 39.2(4)"c" (298.21). If the vote in favor of the issuance of such bonds is equal to at least sixty percent of the total vote cast for and against the proposition at the election the board shall issue the same and make provisions for payment thereof (296.6).

When a proposition to authorize an issuance of bonds by a school corporation is submitted to the electors, such proposition shall not be deemed carried or adopted, anything in the statutes to the contrary notwithstanding, unless the vote in favor of such authorization is equal to at least sixty percent (60%) of the total vote cast for and against said proposition at said election. Ballots cast but not counted as a vote for or against the proposition shall not be used in computing the total vote cast for and against said proposition. When a proposition to authorize an issuance of bonds has been submitted to the electors and the proposal fails to gain approval by the required percentage of votes, such proposal, or any proposal which incorporates any portion of the defeated proposal, shall not be submitted to the electors for a period of six (6) months from the date of such regular or special election and may only be submitted on a date specified in subsection 39.2(4), paragraph "a", "b", or "c" as applicable (75.1).

The amount estimated and certified to apply on principal and interest for any one year may exceed two dollars and seventy cents (\$2.70) per thousand dollars of assessed value by the amount approved by the voters of the school corporation, but not exceeding four dollars and five cents (\$4.05) per thousand of the assessed value of the taxable property within any school corporation, provided that the registered voters of such school corporation have first approved such increased amount at an election held on a date specified in subsection 39.2(4)"c" (298.18).

### **Physical Plant and Equipment Tax Levy and Income Surtax**

The board may on its own motion, and upon the written request of not less than one hundred (100) eligible electors or thirty percent (30%) of the number of eligible electors voting at the last regular school election, whichever is greater, shall, direct the county commissioner of elections to provide for submitting the proposition of levying the voter-approved physical plant and equipment levy (VPPEL) for a period of time authorized by the voters in the notice of election, not to exceed ten (10) years. The election shall be held on a date specified in section 39.2(4)"c." The proposition is adopted if a majority of those voting on the proposition at the election approves it. The VPPEL shall be funded either by a property tax or by a combination of a property tax and a physical plant and equipment income surtax, as determined by the board (298.2(4)). Funding entirely by an income surtax is not authorized by Code.

If the VPPEL, consisting solely of a physical plant and equipment property tax levy, is approved by the voters at an election held on a date specified in section 39.2(4)"c", and certified to the board of supervisors after the regular levy is made, the board shall at its next regular meeting levy the tax and cause it to be entered upon the tax list to be collected as other school taxes. If the certification is filed prior to May 1, the annual levy shall begin with the tax levy of the year of filing. If the certification is filed after May 1 in a year, the levy shall begin with the levy of the fiscal year succeeding the year of the filing of the certification (298.9).

The proposition to levy for a voter-approved physical plant and equipment levy may be included as a provision in a reorganization petition election (275.20).

### **Instructional Support Program Tax Levy and Income Surtax**

An instructional support program that provides additional funding for school districts is established. A board of directors that wishes to consider participating in the instructional support program shall hold a public hearing on the question of participation. The board shall set forth its proposal, including the method that will be used to fund the program, in a resolution and shall publish the notice of the time and place of a public hearing on the resolution. Notice of the time and place of the public hearing shall be published not less than ten (10) nor more than twenty (20) days before the public hearing in a newspaper which is a newspaper of general circulation in the school district. At the hearing, or no later than thirty days (30) after the date of the hearing, the board shall take action to adopt a resolution to participate in the instructional support program for a period not exceeding five (5) years or to direct the county commissioner of elections to submit the question of participation in the program for a period not exceeding ten (10)

years to the registered voters of the school district at an election held on a date specified in subsection 39.2(4)"c". If the board submits the question at an election and a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and certify the results of the election to the Department of Management **(257.18(1))**.

If the board does not provide for an election and adopts a resolution to participate in the instructional support program, the district shall participate in the instructional support program unless within twenty-eight (28) days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that the question to approve or disapprove the action of the board in adopting the instructional support program be submitted to the voters of the school district. The petition must be signed by eligible electors equal in number to not less than one hundred (100) or thirty percent (30%) of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commissioner of elections to submit the question to the registered voters of the school district at an election held on a date specified in subsection 39.2(4)"c". If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not participate in the instructional support program. If a majority of those voting on the question favors approval of the action, the board shall certify the results of the election to the Department of Management and the district shall participate in the program **(257.18(2)"a")**.

At the expiration of the twenty-eight (28) day period, if no petition is filed, the board shall certify its action to the Department of Management and the district shall participate in the program **(257.18(2)"b")**.

If the voters do not approve adoption of the instructional support program, the board shall wait at least one hundred twenty (120) days following the election before taking action to adopt the program or resubmit the proposition **(257.27)**.

Funding for the instructional support program shall be obtained from instructional support state aid and from local funding using either an instructional support property tax or a combination of an instructional support property tax and an instructional support income surtax **(257.19)**. Funding entirely by an income surtax is not authorized by Code.

Moneys received by a district for the instructional support program may be used for any general fund purpose. However, moneys received by a district for the instructional support program shall not be used as, or in a manner which has the effect of, supplanting funds authorized to be received under sections 257.41 [dropout prevention], 257.46 [talented and gifted], 298.2 [PPEL], and 298.4 [Management levy], or to cover any deficiencies in funding for special education instructional services resulting from the application of the special education weighting plan under section 256B.9 **(257.19)**.

### **Educational Improvement Program Tax Levy and Income Surtax**

An educational improvement program is established to provide additional funding for school districts in which the regular program district cost per pupil for a budget year is one hundred ten percent (110%) of the regular program state cost per pupil for the budget year and which have approved the use of the instructional support program. A board of directors that wishes to consider participating in the educational improvement program shall hold a hearing on the question of participation and the maximum percent of the regular program district cost of the district that will be used. Following the hearing, the board may direct the county commissioner of elections to submit the question to the registered voters of the school district an election held on a date specified in subsection 39.2(4)"c". If a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate in the program and shall certify the results of the election to the Department of Management and the district shall participate in the program. If a majority of those voting on the question does not favor participation, the district shall not participate in the program **(257.29(1))**.

The function of the school finance formula has reduced the regular program district cost per pupil to no more than 105% of the regular program state cost per pupil, so no new district would reach the qualification in 257.29(1). However, another option is provided in Code.

Notwithstanding the requirement in subsection 257.29(1) that the regular program district cost per pupil for a budget year is 110% of the regular state cost per pupil, the board of directors may participate in the educational improvement program if the school district had adopted an enrichment levy of 15% of the state cost per pupil multiplied by the budget enrollment in the district prior to July 1, 1992, and upon expiration of the period for which the enrichment levy was adopted, adopts a resolution for the use of the instructional support program. The maximum percent of the regular district cost of the district that may be used under this subsection shall not exceed five percent (5%) **(257.29(7))**.

The educational improvement program shall be funded by either an educational improvement property tax or a combination of an educational improvement property tax and an educational improvement income surtax **(257.29(3))**. Funding entirely by an income surtax is not authorized by Code.

Once approved at an election, the authority of the board to use the educational improvement program shall continue until the board votes to rescind the educational improvement program or the voters of the school district by majority vote order the discontinuance of the program. The board shall submit at an election held on a date specified in subsection 39.2(4)"c", the proposition whether to discontinue the program upon the receipt of a petition signed by not less than one hundred (100) eligible electors or thirty percent (30%) of the number of electors voting at the last preceding school election, whichever is greater **(257.29(5))**.

#### **Sales and Services Tax for School Infrastructure Revenue Purpose Statement**

It is the intent of the general assembly that the increase in the state sales, services, and use taxes from five percent to six percent on July 1, 2008, shall be used solely for purposes of providing revenues to local school districts to be used solely for school infrastructure purposes or school district property tax relief **(423F.1)**.

A revenue purpose statement in existence for the expenditure of local sales and services tax for school infrastructure purposes imposed by a county pursuant to section 423E.5, Code Supplement 2007, prior to July 1, 2008, shall remain in effect until amended or extended. The board of directors of a school district may take action to adopt or amend a revenue purpose statement specifying the specific purposes for which the revenues received from the secure an advanced vision for education fund will be expended. If a school district is located in a county which has imposed a local sales and services tax for school infrastructure purposes prior to July 1, 2008, this action shall be taken before expending or anticipating revenues to be received after the unextended term of the tax unless the school district elections to adopt a revenue purpose statement **(423F.3(2))**.

If the board of directors adopts a resolution to use funds received under the operation of chapter 423F solely for providing property tax relief by reducing indebtedness from the levies specified under section 298.2 [PPEL] or 298.18 [debt service for general obligation bonds], the board of directors may approve a revenue purpose statement for that purpose without submitting the revenue purpose statement to a vote of the electors **(423F.3(3)"a")**.

If the board of directors intends to use funds for purposes other than solely for providing property tax relief by reducing indebtedness from the levies specified under section 298.2 [PPEL] or 298.18 [debt service for general obligation bonds], or change the use of funds to purpose other than those, the board shall adopt a revenue purpose statement, subject to approval of the electors, listing the proposed use of the funds. School districts shall submit the statement to the voters no later than sixty (60) days prior to the expiration of any existing revenue purpose statement or change in use not included in the existing revenue purpose statement **(423F.3(3)"b")**. The board of directors may use funds received under the operation of this chapter for a joint infrastructure project with one or more school districts or one or more school districts and a community college established under chapter 260C, for which buildings or facilities are constructed or leased for the purpose of offering classes under a district-to-community college sharing agreement or concurrent enrollment program that meets the requirements for funding under section 257.11, subsection 3. If the board intends to use funds received under the operation of this chapter for such a joint infrastructure project, the board shall adopt a revenue purpose statement or amend an existing revenue purpose statement, subject to approval of the electors, stating the proposed use of the funds **(423F.3(3)"c")**. The board secretary shall notify the county commissioner of elections of the intent to take the issue to the voters pursuant to paragraph "b" or "c". The county commissioner of elections shall publish the notices required by law for special or general elections, and the election shall be held on a date specified in subsection 39.2(4)"c". A majority of those voting on the question must favor approval of the revenue purpose statement. If the proposal is not approved, the school district shall not submit the same or new revenue purpose statement to the electors for a period of six (6) months from the date of the previous election **(423F.3(3)"d")**.

If the district uses SAVE funds for a joint infrastructure project with one or more school districts or one or more school districts and a community college established under chapter 260C, for which buildings or facilities are constructed or leased for the purpose of offering classes under a district-to-community college sharing agreement or concurrent enrollment program that meets the requirements for funding under section 257.11, subsection 3, those districts shall not use the SAVE funds to pay tuition or to pay facility costs in lieu of tuition. Tuition shall be paid by each district for district-to-community college sharing classes in addition to any joint infrastructure project.

The revenues received pursuant to chapter 423F shall be expended for the purpose specified in the revenue purpose statement. If a board of directors has not approved a revenue purpose statement, the revenues shall be expended in the order listed in subsection 423F.3(1), except that the payment of bonds for which the revenues have been pledged shall be paid first. Once approved, a revenue purpose statement is effective until amended or repealed **(423F.3(4))**.

A school district receiving revenues from the secure an advanced vision for education fund under chapter 423F without a valid revenue purpose statement shall expend the revenues for the following purposes:

- a. Reduction of bond levies under sections 298.18 and 298.a8A and all other debt levies.
- b. Reduction of the regular and voter-approved PPEL under section 298.2.
- c. Reduction of the PERL under section 300.2.
- d. For any authorized infrastructure purpose of the school district as defined in 423F.3(6).
- e. For the payment of principal and interest on bonds issued under sections 423E.5 and 423F.4 [revenue bonds] **(423F.3(1))**.

### **Pension System**

A school district located in whole or in part within a city having a population of twenty-five thousand one hundred (25,100) or more may establish a pension and annuity retirement system for the public school teachers of the district. However, in cities having a population less than seventy-five thousand (75,000), establishment of the system shall be ratified by a vote of the people at a regular school election **(294.8)**.

The fund for the retirement system shall be created from the following sources:

1. From the proceeds of an assessment of teachers in the school district not exceeding one percent (1%) of their salaries in a given school year, or such greater percentage as the board of directors of such school district may authorize and a majority of such teachers shall, at the time of such authorization by the board, agree to pay.
2. From the proceeds of an annual tax levy.
3. From the interest on any permanent fund which may be created by gift, bequest, or otherwise **(294.9)**.

**QUICK REFERENCE LEVY, ELECTION, AND PROPOSITION CHART**

For a school district, the dates specified for special elections in section 39.2(4)"c" are in the odd-numbered year, the first Tuesday in February, the first Tuesday in April, the last Tuesday in June, or the second Tuesday in September. In the even-numbered year, the first Tuesday in February, the first Tuesday in April, the second Tuesday in September, or the first Tuesday in December. The general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year (39.1).

ISSUE	INITIATED		PROCEDURE OR ELECTION TYPE	PASSAGE PERCENT	LIMITATIONS			IOWA CODE	
	WHO	HOW			AMOUNT	LENGTH	FUNDING		
<b>LEVIES:</b>									
Establish a Public Education and Recreation Levy (PERL).	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Special.	Majority of the voters.	Not to exceed 13.5 cents per \$1000 of assessed valuation.	Until rescinded by board or voters.	Property tax.	300.1 300.2
	2	Voters	25% of the number of eligible electors at the last preceding school election shall present a petition to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Special.	Majority of the voters.	Not to exceed 13.5 cents per \$1000 of assessed valuation.	Until rescinded by board or voters.	Property tax.	300.1 300.2
Discontinue a Public Education and Recreation Levy (PERL).	1	Board	Votes to rescind levy and collection of tax.	Board resolution.					300.3
	2	Voters	25% of the number of eligible electors at the last preceding school election shall present a petition to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Special.	Majority of the voters.				300.3
Establish a Regular Physical Plant and Equipment Levy (PPEL).	1	Board	Certifies on Adopted Budget after a public hearing on the budget.	Board certifies on the Certified Budget forms by April 15.		Up to 33 cents per \$1000 of assessed valuation.	Certified annually.	Property Tax.	298.2
Establish a Voter-Approved Physical Plant and Equipment Levy (VPPEL).	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.	Up to \$1.34 per \$1000 of assessed valuation.	Up to 10 years.	Property Tax or Combination of Property Tax and Income Surtax.	298.2 277.2
	2	Voters	100 eligible electors or 30% of the number voting at the last regular school election, whichever is greater, shall petition the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.	Up to \$1.34 per \$1000 of assessed valuation.	Up to 10 years.	Property Tax or Combination of Property Tax and Income Surtax.	298.2
Establish the Library Levy.		Board	Certifies on Adopted Budget after a public hearing on the budget.	Board certifies on the Certified Budget forms by April 15.		Up to 20 cents per \$1000 of assessed valuation.	Certified Annually.	Property Tax.	298.7
Discontinue the Library Levy in a district which had the levy prior to reorganization.		Voters	100 eligible voters or 30% of the number voting in the last preceding school election in the former district, whichever is greater, shall petition the board to direct the county commissioner of elections to provide for the submission of the proposition. Petition must be filed at least 75 days before the next regular school election.	Regular.	Majority of voters. If only levied on a former district of a reorganization, then majority and petition must come from the former district.				298.7

Establish the Management Levy.	Board	Certifies on Adopted Budget after a public hearing on the budget.	Board certifies on the Certified Budget forms by April 15.			Certified Annually.	Property Tax.	298.4 296.7
Establish Debt Service Levy to retire lawful bonded indebtedness (only).	Board	Certifies on Adopted Budget after a public hearing on the budget.	Board certifies on the Certified Budget forms by April 15.		Amount required to retire interest due and amount of principal Board deems necessary. Shall not exceed \$2.70 per \$1000 of assessed valuation unless the voters approved an amount not to exceed \$4.05 per \$1000 of assessed valuation.	Certified annually.	Property Tax.	298.18
Foundation Property Tax Levy.	Board	Certifies on Adopted Budget after a public hearing on the budget. Amount established through the Foundation Formula calculation on the Aid and Levy Worksheet.	Board certifies on the Certified Budget forms by April 15.		\$5.40 per \$1000 of assessed valuation. (Can be reduced for the taxpayer reorganization incentive.)	Certified Annually.	Property Tax.	257.3

Additional Property Tax Levy.		Board	Certifies on Adopted Budget after a public hearing on the budget. Amount established through the Foundation Formula calculation on the Aid and Levy Worksheet.	Board certifies on the Certified Budget forms by April 15.		Amount necessary to raise the difference between the combined district cost and the sum of the products of (1) regular program foundation base per pupil times the weighted enrollment, (2) the special education support services foundation cost per pupil times the special education support services weighted enrollment, (3) TSS district cost, (4) EQ PD district cost, (5) IE district cost, (6) AEA TSS district cost, (7) AEA EQ PD district cost, (8) PT replacement under 257.16B, and (9) TLS district cost.	Certified Annually.	Property Tax.	257.4
Establish Instructional Support Levy.	1	Board	Sets Public Hearing. Adopts board resolution to participate. If no petition, certified to Department of Management at the expiration of the 28 day period, and certifies on Adopted Budget after a public hearing on the budget. Amount calculated on the Aid and Levy Worksheet.	Within 28 days following the adoption of the resolution, 100 eligible electors or 30% of the number which voted in the last preceding regular school election, whichever is greater, may petition to submit the question to the voters. The board may rescind its action or direct the county commissioner of elections to provide for the submission of the proposition as below.		Up to 10% of regular program district cost.	Up to 5 years by board resolution.	Property Tax or Combination of Property Tax and Income Surtax.	257.18
	2	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Special.	Majority of the voters.	Up to 10% of regular program district cost.	Up to 10 years.	Property Tax or Combination of Property Tax and Income Surtax.	257.18

Establish an Educational Improvement Levy when (1) the Regular Program district Cost Per Pupil is 110% of the regular program state cost per pupil and the district has adopted the Instructional Support Levy, or (2) if the district had an enrichment levy of 15% prior to July 1, 1992, and upon expiration the board passed a resolution to establish the Instructional Support Levy.		Board	Sets public hearing. Directs the county commissioner of elections to provide for the submission of the proposition. If successful vote, certifies on Adopted Budget after a public hearing on the budget. Amount calculated on the Aid and Levy Worksheet.	Special.	Majority of the voters.	Percentage of regular program district cost set at the Public Hearing and listed in the proposition. If established under criteria (2) regarding expired enrichment levy, maximum is 5%.	Until rescinded by board or voters.	Property Tax or Combination of Property Tax and Income Surtax.	257.29
Discontinue an Educational Improvement Levy.	1	Board	Adopts resolution.	Board resolution.					257.29
	2	Voters	100 eligible electors or 30% of the number voting in the last preceding school election, whichever is greater, shall petition the board to direct the county commissioner of elections to provide for the submission of the proposition.	Special.	Majority of the voters.				257.29
Establish a Cash Reserve Levy. Cash Reserve Levy does not increase spending authority.		Board	Certifies on Adopted Budget after a public hearing on the budget.	Board certifies on the Certified Budget forms by April 15.		Up to 20% of the 2nd prior year's general fund expenditures minus the ending unexpended fund balance in the general fund.	Certified Annually.	Property Tax.	257.31 257.34 298.10
Establish a Returning Dropouts and Dropout Prevention Program levy.		Board	Board submits an application to the Department of Education requesting to use a modified supplemental amount to fund its program.	If application approved by the Department, Board certifies on the Certified Budget forms by April 15.		5% of budget enrollment times district cost per pupil. No more than 75% of budget from a modified supplemental amount.	Certified Annually.	Property Tax.	257.41 298.1
Emergency Fund Levy.		Board	Petitions the state appeal board to levy emergency fund. If approved, board certifies on Adopted Budget after a public hearing on the budget. Upon approval by the SBRC, district may transfer money to another fund to meet deficiencies caused by and arising within 2 years of a disaster as defined in 29C.2(1).	Board certifies on the Certified Budget forms by April 15.		Up to 27 cents per \$1000 of assessed value of taxable property.	As approved by the state appeal board.	Property Tax.	24.6
<b>BONDED INDEBTEDNESS:</b>									
Issuance of General Obligation Bonds (Negotiable, interest-bearing school bonds) to provide funds to defray the cost of purchasing, building, furnishing, reconstructing, repairing, improving or remodeling a schoolhouse(s) and additions	1	Board	If indebtedness is not in excess of 1.25% of the assessed value of taxable property, the board directs the county commissioner of elections to provide for the submission of the proposition. Bonds must mature within 20 years.	Special.	60% of the total votes cast by voters.	Less than or equal to 1.25% of the assessed Value of taxable Property.			296.1 296.6 274.2 298.21

thereto, gymnasium, stadium, field house, school bus garage, teachers' or superintendent's home(s), and procuring a site therefore, or purchasing land to add to a site already owned, or procuring and improving a site for an athletic field, or improving a site already owned for an athletic field, and for any one or more such purposes. And to acquire sites for school purposes, to erect, complete, or improve buildings authorized for school purposes, or to acquire [real] equipment for schools, sites, and buildings. Aggregate indebtedness shall not exceed 5% of the actual value of the taxable property in district.	2	Voters	Petition required if indebtedness is in excess of 1.25% of the assessed value of taxable property. Petition signed by number equal to at least 25% of those voting at the last election of school officials. Petition to board president. Call board meeting within 10 days of receipt of petition. Election shall be called unless the board determines by unanimous vote that the proposition(s) is/are grossly unrealistic or contrary to the needs of the school district. Bonds must mature within 20 years.	Special.	60% of the total votes cast by voters.	Greater than 1.25% of the assessed value of Taxable Property.			296.1 296.2 296.3 296.6 274.2 298.21
Approval to exceed the \$2.70 per \$1000 of assessed valuation limitation on retirement of lawful bonded indebtedness, but not more than \$4.05.		Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Special.	60% of the total votes cast by voters.	Not to exceed \$4.05 per \$1000 of assessed valuation.			298.18
<b>ELECTIONS:</b>									
Election of school board directors.		Petitioners on behalf of eligible candidate.	For an at-large seat, the petition must be signed by at least 10 eligible electors or not less than 1% of the registered voters, whichever is more. For a director district seat, the petition must be signed by at least 10 eligible electors of the director district or not less than 1% of the registered voters in the director district, whichever is more. However, a petition is not required to have more than 50 signatures.	Regular.	Largest number of votes by voters. If director districts, largest number of votes by voters in that director district.		Normally 4 year terms.		277.4
Election of school board directors in a newly reorganized district.		Petitioners on behalf of eligible candidates.	For an at-large seat, the petition must be signed by at least 10 eligible electors or not less than 1% of the registered voters, whichever is more. For a director district seat, the petition must be signed by at least 10 eligible electors of the director district or not less than 1% of the registered voters in the director district, whichever is more. However, a petition is not required to have more than 50 signatures.	Special, which can be held in conjunction with the regular school election.	Largest number of votes by voters. If director districts, largest number of votes by voters in that director district.		Normally 2 or 4 year terms.		275.25 277.4 277.25
Election to change the number of school board directors or change the method of election.	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition to the voters.	Special.	Majority of the voters.				275.35 275.36
	2	Voters	Submit petition to board. Board directs the county commissioner of elections to provide for the submission of the proposition to the voters.	Special.	Majority of the voters.				

Secure an Advanced Vision for Education (SAVE) Revenue Purpose Statement (RPS).	Board	Resolution adopted by the school board. Submitted to voters no later than 60 days prior to the expiration of any existing RPS or change in use not included in the existing RPS. Notify the county commissioner of elections to provide in the notice of the state general election or special election for the submission of the proposed revenue purpose statement. The election shall be held on a date specified in section 39.2(4)"c".	State general election or special election.	Majority of the voters.	1%	Repealed December 31, 2029.	Secure an advanced vision for education [SAVE].	423F.3
<b>PROPOSITIONS:</b>								
Direct a change of textbooks regularly adopted. Board otherwise has this authority without a vote of the electors.	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.				278.1(1)a 278.2
Direct the board to provide free textbooks for the use of pupils in public schools. Board otherwise has this authority without a vote of the electors.	Voters	100 eligible electors or a number of eligible electors residing in the district equal to at least 10% of the number of voters in the last preceding regular school election, whichever is greater, shall file a petition with the secretary 60 days or more before the regular election to direct the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.				301.24 301.25
Direct the board to discontinue the loaning of textbooks to pupils. Board otherwise has this authority without a vote of the electors.	Voters	100 eligible electors or a number of eligible electors residing in the district equal to at least 10% of the number of voters in the last preceding regular school election, whichever is greater, shall file a petition with the secretary 30 days or more before the regular election to direct the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.				301.27
Direct the disposition of school property and the application to be made of the proceeds except as restricted by Code. Disposition includes sale, lease, exchange, transfer, demolition, or destruction. Board otherwise has the authority to dispose of school property without a vote of the electors.	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.				278.1(1)b 278.2
Determine what additional branches shall be taught. Board otherwise has this authority without a vote of the electors.	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.				278.1(1)c 278.2

Instruct the board that school buildings may or may not be used for meetings of public interest. Board otherwise has this authority without a vote of the electors.		Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.				278.1(1)d 278.2
Rescind a previous vote which forbid use of any schoolhouse or grounds for other than school purposes.	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Special.	Majority of the voters.				297.11
	2	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Special.	Majority of the voters.				297.11
Direct the transfer of any surplus in the debt service, capital projects, PPEL, or PERL fund to the general fund. The board does <u>not</u> have this authority without a vote of the electors.	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Regular	Majority of the voters.				278.1(1)e 278.2
	2	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular	Majority of the voters.				278.1(1)e 278.2
Authorize the board to obtain roads for proper access to schoolhouses.	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Regular	Majority of the voters.				278.1(1)f 278.2
	2	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular	Majority of the voters.				278.1(1) f 278.2
Authorize a change to either 5 or 7 directors.	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Regular or Special.	Majority of the voters.				278.1(1)g 275.35 278.2
	2	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular or Special.	Majority of the voters.				278.1(1)g 275.36 278.2
Authorize a change in the method of conducting elections or in the number of directors.	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Regular or Special.	Majority of the voters.				278.1(1)h 278.2 275.35

	2	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular or Special.	Majority of the voters.				278.1(1)h 278.2 275.36
Change the name of the school district.	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Regular	Majority of the voters.				278.1(1)i 274.6 278.2
	2	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Regular	Majority of the voters.				278.1(1)j 278.2
Authorize board to make extended time contracts not to exceed 20 years for rental of buildings to supplement existing schoolhouse facilities; and where buildings are to constructed or placed on real estate owned by the district, such contracts may include lease-purchase option agreements, the amount of which is to be paid from PPEL.	1	Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Special.	60% of the total votes cast.				278.1(2)
	2	Voters	100 eligible electors or a number of electors which equals 30% of the number of electors who voted in the last regular school board election, whichever number is greater, shall present a written request (petition) to the board to direct the county commissioner of elections to provide for the submission of the proposition.	Special.	60% of the total votes cast.				278.1(2)
Dissolution.		Board	Board establishes a school district dissolution commission that makes proposal to the board. Board holds hearing and adopts resolution. If adopted, board directs the county commissioner of elections to provide for the submission of the proposition with a proposed date for the special election.	Special.	Majority of the voters.				275.55
Reorganization.		Voters	Petition signed by eligible voters residing in each existing school district or portion affected equal in number to at least 20% of the registered voters or 400 eligible voters, whichever is smaller. After hearings and objection period, AEA administrator directs the county commissioner of elections in the county in the proposed school corporation which has the greatest taxable base to provide for the submission of the proposition.	Special.	Majority of the total voters and majority in each of at least 75% of the districts.				275.20 275.18 275.12 275.14
Establish a pension and annuity retirement system in any district located within a city having a population of 25,100 or more but less than 75,000.		Board	Directs the county commissioner of elections to provide for the submission of the proposition.	Regular.	Majority of the voters.				294.8
Discontinue a pension and annuity retirement system previously established as above.		Board	By resolution.						294.11

## **Election Process**

Not less than twenty (20) days before each primary election, the commissioner shall draw up for each precinct an election board panel from which members of the precinct election board shall be appointed for each election held in the precinct during the ensuing two [2] years. The commissioner may also place on the election board panel names of persons whom a school board has advised the commissioner at least thirty (30) days before each primary election are willing to serve without pay at elections conducted for that school district during the tenure of the election board panel on which these names are included **(49.15)**. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen (15) days before each election held in the precinct, from the election board panel. The commissioner shall designate one member of each precinct election board as chairperson of that board. At the discretion of the commissioner, two [2] people who are members of different political parties may be appointed as co-chairpersons with joint authority over the work of the precinct election board **(49.13)**. Ordinarily, the election board will consist of three [3] or five [5] precinct election officials. At the commissioner's discretion, additional precinct election officials may be appointed to work at any election. Not more than a simple majority of the members of the election board in any precinct shall be members of the same political party or organization if one or more registered voters of another party or organization are qualified and willing to serve on the board **(49.12)**.

The members of the election boards shall be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall not be less than the minimum wage established in subsection 91D.1(1)"b", while engaged in the discharge of their duties and shall be reimbursed for actual and necessary travel expense at a rate determined by the board of supervisors, except that persons who have advised the commissioner prior to their appointment to the election board that they are willing to serve without pay at elections conducted for a school district shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of the canvass that the election record certificate has been properly executed by the election board **(49.20)**.

## **Notice of Election**

The board of directors of the school district shall by written notice inform the commissioner who will be responsible for conducting the election of the proposed date of the special election. If a public measure will appear on the ballot at the special election the board shall submit the complete text of the public measure to the commissioner with the notice of the proposed date of the special election. If the proposed date of the special election coincides with the date of a regularly scheduled election or previously scheduled special election, the notice shall be given no later than 5:00 p.m. on the last day on which nomination papers may be filed with the commissioner for the regularly scheduled election or previously scheduled special election, but in no case shall notice be less than thirty-two (32) days before the election. Otherwise, the notice shall be given at least forty-six (46) days in advance of the date of the proposed special election. Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date **(47.6)**.

A public measure shall not be withdrawn from the ballot at any election if the public measure was placed on the ballot by a petition, or if the election is a special election called specifically for the purpose of deciding one or more public measures for a single school district. However, a public measure which was submitted to the county commissioner of elections by the board of directors of the school district may be withdrawn by the board which submitted the public measure if the public measure was to be placed on the ballot of a regularly scheduled election. The notice of withdrawal must be made by resolution of the school board and must be filed with the commissioner no later than the last day upon which a candidate may withdraw from the ballot **(47.6(2)"b")**.

The commissioner shall not less than four [4] nor more than twenty [20] days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of election. The notice shall be published in at least one newspaper, which is published in the county or other political subdivision in which the election is to occur or, if no newspaper is published there, in at least one [1] newspaper of substantial circulation in the county or political subdivision **(49.53)**.

## **Voting Precincts**

If there is within a school corporation any territory not within the limits of the county whose county commissioner of elections is responsibility for conducting that school corporation's elections, the commissioner may divide the territory which lies outside the county but within the school district into additional precincts, or may attach the various parts

thereof to contiguous precincts within the responsible commissioner's county, and as will best serve the convenience of the electors of the territory in voting on school matters **(277.6)**.

A person shall not vote in any precinct but that of the person's residence **(49.9)**.

### **Polling Place**

It is the responsibility of the commissioner to designate a polling place for each precinct in the county. Each polling place designated shall be accessible to persons with disabilities. However, if the commissioner is unable to provide an accessible polling place for a precinct, the commission shall apply for a temporary waiver of the accessibility requirement. Upon the application of the commissioner, the authority which has control of any buildings or grounds supported by taxation under the laws of Iowa shall make available the necessary space therein for the purpose of holding elections, without charge for the use thereof. Except as otherwise provided by law, the polling place in each precinct in the state shall be located in a central location if a building is available. However, first consideration shall be given to the use of public buildings supported by taxation **(49.21)**.

In precincts outside of cities the election shall, if practicable, be held in a public school building. Any damage to the building or furniture resulting from the election shall be paid by the county **(49.24)**.

If there is no polling place in a director district, one may be established outside the director district but within the school district **(AG #59-2-20(L))**.

At all elections, except as otherwise permitted by section 49.73, the polls shall open at 7:00 a.m. if at least one official from each of the political parties referred to in section 49.13 is present. On the basis of voter turnout for recent similar elections and factors considered likely to so affect voter turnout for the forthcoming election as to justify shortening voting hours for that election, the commissioner may direct that the polls be opened at 12:00 noon for any school district election. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five (25) days before the election, a petition signed by at least fifty (50) eligible electors of the school district requesting that the polls be opened not later than 7:00 a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice. The polling places shall be closed at 8:00 p.m. **(49.73)**.

Every voter who is on the premises of the voter's precinct polling place at the time the polling place is to be closed for any election shall be permitted to vote in that election. Wherever possible, when there are persons on the premises of a polling place awaiting an opportunity to claim their vote at the time the polling place is to be closed, the election board shall cause those persons to move inside the structure in which the polling place is located and shall then shut the doors of the structure and shall not admit any additional persons to the polling place for the purpose of voting. If that is not feasible, the election board shall cause those persons to be designated in some reasonable manner and shall not receive votes after that time from any persons except those voters so designated **(49.74)**.

### **Voter Qualifications**

An eligible elector wishing to vote in elections in Iowa shall register to vote **(48A.5(1))**.

To be qualified to register to vote an eligible elector shall:

- a. Be a citizen of the United States.
- b. Be an Iowa resident.
- c. Be at least eighteen years of age.
- d. Not claim the right to vote in more than one place **(48A.5(2))**.

If a person who meets the above requirements moves to a new residence, either in Iowa or outside Iowa, and does not meet the voter requirements at the person's new residence, the person may vote at the person's former precinct in Iowa until the person meets the voter requirements of the person's new residence. However, a person who has moved to a new residence and fails to register to vote at the person's new residence after becoming eligible to do so shall not be entitled to vote at the person's former precinct in Iowa **(48A.5(3))**.

An eligible elector may register to vote by appearing personally and completing a voter registration form at the office of the commissioner in the county in which the person resides, at a motor vehicle driver's license station, including any county treasurer's office that is participating in county issuance of driver's licenses, or at any voter registration agency **(48A.7)**. A person who is eligible to register to vote may register on election day by appearing in person at the polling

place for the precinct in which the individual resides and completing a voter registration application, making written oath, and providing proof of identity and residence **(48A.7A(1)"a")**. An eligible elector may request that a voter registration form be mailed to the elector. The completed form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides **(48A.8)**.

Registration closes at 5:00 p.m. eleven days before each election except primary and general elections. A registration form submitted by mail shall be considered on time if it is postmarked no later than the fifteenth (15<sup>th</sup>) day before the election, even if it is received by the commissioner after the deadline, or if the registration form is received by the commission no later than 5:00 p.m. on the last day to register to vote for an election, even if it is postmarked after the fifteenth (15<sup>th</sup>) day before the election **(48A.9)**.

### **Absentee Ballots**

Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy (70) days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner. However, for those elections in which the commissioner directs the polls be opened at 12:00 noon, a voter may apply in person for an absentee ballot at the commissioner's office from 8:00 a.m. until 11:00 a.m. on election day **(53.2(1)"a")**.

A register voter may make written application to the commissioner for an absentee ballot. A written application for an absentee ballot must be received by the commissioner no later than 5:00 p.m. on the Friday before the election **(53.2(1)"b")**.

A commissioner of elections may not refuse to honor an application for an absentee ballot that is regular on its face and contains the information required by Code; a qualified voter who is unable to sign an application for an absentee ballot may ask another person to sign the application on his or her behalf and the commissioner of elections has no statutory authority to verify signatures on applications for absentee ballots, voter registration forms, or change of address forms **(OAG #91-9-6)**.

A commissioner of elections shall accept absentee ballot request forms whether received directly from the voter, through the mail or through a third party courier **(AG #92-6-7(L))**.

### **Printed Ballots**

The county commissioner of elections shall have charge of the printing of ballots to be used for any election held in the county, unless the commissioner delegates that authority as permitted by law **(49.51)**. If possible, all public measures to be voted upon by an elector shall be included on a single ballot which shall also include all offices to be voted upon. However, if it is necessary, a separate ballot may be used as provided in section 49.30. Public measures may be summarized by the commissioner as provided in sections 49.44 and 52.25 **(49.43)**. Ballots shall be substantially in the following form:

"Shall the following public measure be adopted?"

Yes

No

(Here insert in full the proposed public measure. The letter assigned by the county commissioner shall be included on the ballot centered above the question.) **(49.45)**.

### **Marking Ballot**

The elector shall designate a vote by making the appropriate mark in the voting target. On paper ballots an "X," or a check mark may be placed in the proper target **(49.46)**.

Note: For complete details on conducting elections, refer to chapter 49 of the Iowa Code.

## Election Expenses

The cost of conducting school elections shall be paid by the local district for which the election is held. The costs shall include, but not be limited to, the printing of the ballots and the election register, publication of notices, printing of declaration of eligibility affidavits, compensation for precinct election boards, canvass materials, and the preparation and installation of voting equipment. The county commissioner of elections shall certify to the county board of supervisors a statement of cost for an election. The cost shall be assessed by the county board of supervisors against the school district for which the election was held. Costs of registration and administrative and clerical costs shall not be charged as a part of the election costs. If automatic tabulating equipment is used in any election, the county commissioner of elections shall not charge a rental fee for the use of any automatic tabulating equipment **(47.3)**.

## Prohibited Acts on Election Day

A person commits the crime of election misconduct in the third degree if the person willfully commits any of the following acts on election day:

1. Loitering, congregating, electioneering, posting signs, treating voters, or soliciting votes, during the receiving of the ballots, either on the premises of any polling place or within three hundred (300) feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway or other means of reaching the room where the polls are held. This does not apply to the posting of signs on private property not a polling place, except that the placement of a sign that is more than 90 square inches in size on a motor vehicle, trailer, or semitrailer, or its attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred (300) feet of a polling place is prohibited.
2. Interrupting, hindering, or opposing a voter while in or approaching the polling place for the purpose of voting.
3. A false statement by a voter as to the voter's ability to mark a ballot.
4. Interfering or attempting to interfere with a voter when inside the enclosed voting space, or when marking a ballot.
5. Endeavoring to induce a voter to show how the voter marks or has marked a ballot.
6. Marking, or causing in any manner to be marked, on a ballot, any character for the purpose of identifying such ballot **(39A.4(1)"a")**.

Election misconduct in the third degree is a serious misdemeanor **(39A.4(2))**.

## Employees Entitled to Time to Vote

A person commits the crime of election misconduct in the fourth degree if the person, as an employer, willfully denies an employee the privilege conferred by section 49.109, or subjects an employee to a penalty or reduction of wages because of the exercise of that privilege **(39A.5(1)"a"(1))**. Election misconduct in the fourth degree is a simple misdemeanor **(39A.5(2))**. Any person entitled to vote at an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will in addition to the person's nonworking time total three consecutive hours during the time the polls are open. Request for such absence shall be made in writing prior to the date of the election. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence **(49.109)**.

## Certificate of Election

The county board of supervisors shall meet to canvass the vote on the first Monday or Tuesday after the day of each election unless the law authorizing the election specifies another date for the canvass. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating the number of votes cast for each office and on each question on the ballot of the election **(50.24)**. Each abstract of the votes for school district directors whose elections are conducted by the commissioner, shall contain a declaration of whom the canvassers determine to be elected. Each abstract of votes for and against each public question submitted to and decided by the voters of the school district whose elections the county board canvasses, shall contain a declaration of the result as determined by the canvassers. When a public question has been submitted to the voters of a school district whose election the county board canvasses, the commissioner shall certify a duplicate of the abstract and declaration to the board of directors of that school district **(50.27)**. In the case of tie votes, election shall be determined by lot, in the presence of the board of canvassers **(50.44)**.

On the next Friday after the regular school election, the county board of supervisors shall canvass the returns made to the county commissioner of elections from the several precinct polling places and the absentee ballot counting board, ascertain the result of the voting with regard to every matter voted upon and cause a record to be made thereof as

required by section 50.24. Special elections held in school districts shall be canvassed at the time and in the manner required by that section. The board shall declare the results of the voting for members of boards of directors of school corporations, and the commissioner shall at once issue a certificate of election to each person declared elected. The board shall also declare the results of the voting on any public question submitted to the voters of a single school district, and the commissioner shall certify the result **(277.20)**.

All qualifications being met, a person elected to a school board is entitled to a certificate of election, even though the person or the person's company has been or is doing business with the school. However, after the person is qualified, the statute should be fully observed by the board in relationship to doing business with that person or that person's company **(AG #27-3-19(L))**.

## **School Board Elections**

Members of boards of directors of community and independent school districts shall be elected at the school election. Their terms of office shall be four years, except as otherwise provided by section 275.23A, 275.37, or 275.37A **(39.24)**.

The affairs of each school corporation shall be conducted by a board of directors, the members of which in all community or independent districts shall be chosen for a term of four years **(274.7)**.

A member of a local school board or a member of an AEA board shall not serve on the board of directors of a merged area **(260C.11)**.

## **Nominations Required**

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four (64) days, nor less than forty (40) days before the election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers. On the final date for filing nomination papers the office of the district secretary shall remain open until 5:00 p.m. **(277.4)**.

To determine the legal sixty-four (64) and forty (40) days, count the first day preceding the election day as day number one and count backwards on the calendar. Day number forty (40) then becomes the last legal day for filing, and day number sixty-four (64) becomes the first legal day for filing.

Each candidate shall be nominated by a petition. If the candidate is running for a seat in the district which is voted for at-large, the petition must be signed by the greater of at least ten (10) eligible electors, or a number of eligible electors equal in number to not less than one percent (1%) of the registered voters of the school district, which number need not be more than fifty (50). If the candidate is running for a seat which is voted for only by the voters of a director district, the petition must be signed by the greater of at least ten (10) eligible electors of the director district or a number of eligible electors equal in number to not less than one percent (1%) of the registered voters in the director district, which number need not be more than fifty (50). Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States **(277.4)**.

The secretary of the school board shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The secretary of the school board shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary of the school board shall deliver all nomination petitions, together with the complete text of any public measure being submitted by the board to the electorate, to the county commission of elections on the day following the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day **(277.4)**.

Any person on whose behalf nomination petitions have been filed may withdraw as a candidate by filing a signed statement to that effect with the secretary at any time prior to 5:00 p.m. on the thirty-fifth (35<sup>th</sup>) day before the election **(277.4)**.

Any candidate may withdraw the candidate's nomination by a written request filed in the office of the proper school board secretary at least thirty-five (35) days before the day of a regularly scheduled school election **(44.9(3))**. If a candidate withdraws before the established deadline, declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to any certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled in such manner as the convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than thirty-five (35) days before the election in the case of nominations required to be filed in the office of the school board secretary **(44.11)**.

It shall be unlawful for any candidate for any office to be voted for at any election, prior to nomination or election, to promise, either directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or to promise directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate or using the person's influence in securing the candidate's nomination, election, or appointment **(49.120)**.

It shall be unlawful for any person to solicit from any candidate for any office to be voted for at any election, or any candidate for appointment to any public office, prior to nomination, election, or appointment, a promise, directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or a promise either directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate, or using the person's influence in securing the candidate's nomination, election, or appointment **(49.121)**.

It shall be a serious misdemeanor for any person or political organization either directly or indirectly to solicit or demand from any employee any contribution of money or any other thing of value for election purposes or for the purpose of paying expenses of any political organization or any person seeking election to public office **(721.3, 721.7)**.

It shall be a serious misdemeanor for any person to use or permit to be used any motor vehicle owned by the school district for the purpose of transporting any political literature or any person or persons engaging in a political campaign for any political party or any person seeking an elective office **(721.4, 721.7)**.

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee or a referee who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state **(722.2)**.

### **Vacancies Filled by Special Election**

If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty (30) days after the vacancy becomes known by the secretary or the board, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the AEA administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for the special elections, and the election shall be held not sooner than thirty (30) days nor later than forty (40) days after the thirtieth (30<sup>th</sup>) day following the vacancy becomes known by the secretary or the board. If the secretary fails for more than three (3) days to call an election, the administrator shall call it **(279.7)**.

Any appointment by the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided herein shall be null and void **(279.7)**.

In the case of a special election as provided by this section to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten (10) days thereafter in the manner required by section 277.28 and shall hold office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified **(279.7)**.

Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than twenty-five (25) days before the date set for the election **(279.7)**.

In any district including all or part of a city of fifteen thousand (15,000) or more population and in any district in which the voters have authorized seven directors, the board shall consist of seven members; in all other districts the board shall consist of five members. A change from five to seven directors shall be effected in a district at the first regular election after authorization by the voters or the board, or after a district first includes all of a city of fifteen thousand (15,000) population or more in the manner described in section 275.37 **(277.23)**.

At the next succeeding regular school election in a district where the number of directors has been increased from five [5] to seven [7], and directors are elected at large, there shall be elected a director to succeed each incumbent director whose term is expiring in that year, and two [2] additional directors. Upon organizing, either one [1] or two [2] of the newly elected directors who received the fewest votes in the election shall be assigned a term of two [2] years as necessary in order that as nearly as possible one-half [1/2] of the members of the board shall be elected biennially. If some or all directors are elected from director districts, the board shall assign terms appropriate for the method of election used by the district **(275.37)**.

A change from seven to five directors shall be effected in a district at the first regular school election after authorization by the voters in the following manner:

- a. If at the first election in the district there are four terms expiring, two directors shall be elected. At the second election in that district, if three terms are expiring, three directors shall be elected.
- b. If at the first election there are three terms expiring, one director shall be elected. At the second election in that district, if four terms are expiring, three directors shall be elected for a four-year term and one director shall be elected for a two-year term.

If some or all of the directors are elected from director districts, the board shall devise a plan to reduce the number of members so that as nearly as possible one-half of the members of the board shall be elected biennially and so that each district will be continuously represented **(275.37A)**.

## Campaign Finance Disclosure Report

Any appointive or elective officer holding any public office may be removed from office by the district court for any of the following reasons:

1. For willful or habitual neglect or refusal to perform the duties of the office.
2. For willful misconduct or maladministration in office.
3. For corruption.
4. For extortion.
5. Upon conviction of a felony.
6. For intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the campaign finance disclosure provisions of chapter 68A **(66.1A)**.

Any person who willfully violates any provisions of chapter 68A on campaign finance shall upon conviction be guilty of a serious misdemeanor **(68A.701)**.

Except as allowed in 68B.22, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor nor solicit any gift or series of gifts from a restrict donor at any time **(68B.22(1))**.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates a provision of section 68B.2A through 68B.8, section 68B.22 through 68B.24, or sections 68B.35 through 68B.38 regarding government ethics and lobbying is guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned **(68B.34)**. Complaints alleging conduct of local officials or local employees which violates this chapter, except for sections 68B.36 and 68B.38, shall be filed with the county attorney in the county where the accused resides. However, if the county attorney is the person against whom the complaint is filed, or if the county attorney otherwise has a personal or legal conflict of interest, the complaint shall be referred to another county attorney. Complaints alleging conduct of local officials or local employees which violates section 68B.36 or 68B.38 shall be filed with the ethics committee of the appropriate house of the general assembly if the conduct involves lobbying activities before the general assembly or with the board if the conduct involves lobbying activities before the executive branch. **(68B.34A)**.

Except as otherwise provided section 68B.22, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor **(68B.22(1))**.

A gift means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received **(68B.2(9))**.

A gift is merely something transferred by one person to another without compensation regardless of the form and would include food and drink (**OAG #87-1-13**).

A discount on a computer purchase is not a gift prohibited by the gift law, if the purchase price constitutes legal consideration of equal or greater value than the computer products and the discount reflects a list price available to a particular segment of the public. Ultimately, determination of the market value of the computer products is an issue of fact. If the computer retailer is not a restricted donor within the scope of one of the four alternative categories set forth in the statute, the gift law does not apply and a discount could not violate the gift law (**AG #93-7-7(L)**).

## **Election of Board Members in Newly Reorganized School Districts**

### **Method of Election**

The method of election of the directors shall be one of the following optional plans:

- a. Election at large from the entire district by the electors of the entire district.
- b. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which shall be represented on the school board by one or more directors who shall be residents of the director district but who shall be elected by the vote of the electors of the entire school district.
- c. Election of not more than one-half (1/2) of the total number of school directors at large from the entire district and the remaining directors from and as residents of designated single-member or multi-member director districts into which the entire school district shall be divided on the basis of population for each director. In such case, all directors shall be elected by the electors of the entire school district.
- d. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which director districts shall be represented on the school board by one or more directors who shall be residents of the director district and who shall be elected by the voters of the director district.
- e. In districts having seven (7) directors, election of three (3) directors at large by the electors of the entire districts, no more than two (2) at each regular school election, and election of the remaining directors as residents of and by the electors of individual geographic subdistricts established on the basis of population and identified as director districts, no more than two (2) at each regular school election (**275.12(2)**).

School districts which have directors who represent director districts shall be divided into director districts on the basis of population as determined from the most recent federal decennial census and, wherever possible, shall follow precinct boundaries (**275.23A(1)**).

If the proposition to establish a new school district carries, the AEA administrator with whom the petition was filed shall give written notice of a proposed date for a special election for directors of the newly formed school district to the commissioner of elections of the county in the district involved in the reorganization which has the greatest taxable base. Nomination petitions shall be filed with the secretary of the board of the existing school district in which the candidate resides not less than twenty-eight (28) days before the date set for the special school election. The number of directors of a school district is either five or seven. In school districts that include a city of fifteen thousand (15,000) or more population as shown by the most recent decennial federal census, the board shall consist of seven members (**275.25**).

### **Alternative Method for Election of Directors**

If two [2] districts are named in the reorganization petition, either five [5] or seven [7] directors shall serve on the initial board. If three [3] or more districts are named in the petition, either seven [7] or nine [9] directors shall serve on the initial board. The petition shall specify the number of directors to be retained from each district, and those numbers shall be proportionate to the populations of the districts. If the exclusion of territory from a reorganization affects the proportionate balance of directors among the affected districts specified in the petition, or if the proposal specified in the petition does not comply with the requirement for proportionate representation, the AEA board shall modify the proposal. However, all districts affected shall retain at least one member. Prior to the organization meeting of the newly formed district, the boards of the former districts shall designate directors to be retained as members to serve on the initial board, and if the total number of directors determined is an even number, that number of directors shall function and may within five [5] days of the organizational meeting appoint one additional director by unanimous vote with all directors voting. Otherwise, the board shall function until a special election can be held to elect an additional director. Prior to the effective date of the reorganization, the initial board shall approve a plan that commences at the first regular school election held after the effective date of the merger and is completed at the third regular school election held after the effective date of the merger, to replace the initial board with the regular board. (**275.41**).

### **Directors in New Districts**

At the first election in a newly organized district the directors shall be elected as follows:

1. In districts having three directors, two directors shall be elected for two years, and one for four years.
2. In districts having five directors, three shall be elected for two years, and two for four years.
3. In districts having seven directors, four shall be elected for two years, and three for four years **(277.25)**.

A school district may change the number of directors to either five or seven and may also change its method of election of school directors to any method authorized by Code by submission of a proposal, stating the proposed new method of election, by the school board of such district to the electors at an election held on a date specified in subsection 39.2(4)"c". **(275.35(1))**.

The voters at the regular election shall have the power to authorize a change to either five or seven directors or to authorize a change in the method of conduction elections or in the number of directors **(278.1" g" and "h")**.

When an election on the proposition of organizing, reorganizing, enlarging, or changing of the boundaries of any school corporation, or the proposition of dissolving a school district, carries by the required statutory margin, or the boundary lines of contiguous school corporations are changed by the concurrent action of the respective boards of directors, the secretary of the school corporation shall file a written description of the new boundaries in the office of the county auditor of each county in which any portion of the school district lies **(274.4, 275.22)**.

## **DIRECTOR DISTRICT CONVENTIONS**

### **Number of Directors**

The board of directors of an AEA shall consist of not less than five nor more than nine members, each a resident of and elected in the manner provided in section 273.8 from a director district that is approximately equal in population to the other director districts in the AEA. Each director shall serve a four-year term which commences at the organization meeting **(273.8(1))**.

The board of an AEA may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than July 1 of a fiscal year for the director district conventions to be held the following September **(273.8(6))**.

### **Area Education Agency Boundaries**

The boundaries of an AEA shall not divide a school district. The director of the Department of Education shall change boundaries of AEAs to take into account mergers of local school districts and changes in boundaries of local school districts, when necessary to maintain the policy of chapter 273 that a local school district shall not be a part of more than one AEA **(273.2(1))**.

The board of an AEA may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than July 1 of a fiscal year for the direct district conventions to be held the following September **(273.8(6))**.

To the extent possible the board shall provide that changes in the boundary lines of director districts of AEAs shall not lengthen or diminish the term of office of a director of an AEA board. Initial terms of office shall be set by the board so that as nearly as possible the terms of one-half (1/2) of the members expire biennially **(273.8(7))**.

The board of the AEA shall redraw boundary lines of director districts in the AEA after each census to compensate for changes in population if changes in population have taken place. Where feasible, boundary lines of director districts shall coincide with the boundary lines of school districts and the boundary lines of election precincts established pursuant to sections 49.3 to 49.6 **(273.8(8))**.

### **Term of Office**

Each director shall serve a four-year term which commences at the organization meeting **(273.8(1))**.

The board shall appoint a temporary president or secretary, in the absence of the regular officers **(279.5)**.

Except when otherwise provided, every officer elected or appointed for a fixed term shall hold office until a successor is elected and qualified, unless the officer resigns, or is removed or suspended, as provided by law **(69.1A)**.

Board members may take the oath of office orally from some person authorized to give the oath. It is not necessary to sign or subscribe to a written oath **(OAG #32-4-28)**.

The oath may not be taken before a foreign notary **(OAG #66-3-31)**.

### **Organization**

The board of directors of each AEA shall meet and organize at the first regular meeting in October following the regular school election at a suitable place designated by the president. Directors whose terms commence at the organization meeting shall qualify by taking the oath of office required by section 277.28 at or before the organization meeting **(273.8(4))**.

The provisions of section 260C.12 relating to organization, officers, appointment of secretary and treasurer, and meeting of the merged area board apply to the AEA board **(273.8(4))**.

As soon as practicable after the qualification of board officers, the board secretary of the AEA shall report the names and contact information to the department of education **(291.11)**. The form for this report is located on the secure data collection website.

Organization of the board shall be effected by the election of a president and other officers from the board membership as board members determine. The board of directors shall appoint a secretary and a treasurer who shall each give bond as prescribed in section 291.2 and who shall each receive the salary determined by the board. The secretary and treasurer shall perform duties under chapter 291 and additional duties the board of directors deems necessary. However, the board may appoint one person to serve as the secretary and treasurer. If one person serves as the secretary and treasurer, only one bond is necessary for that person. The frequency of meetings other than organizational meetings shall be as determined by the board of directors but the president or a majority of the members may call a special meeting at any times **(260C.12(1))**. Members of the board, other than the secretary and the treasurer, shall be allowed their actual expenses incurred in the performance of their duties and may be eligible to receive per diem compensation **(260C.12(2))**.

### **Vacancies**

Any of the following shall constitute a vacancy:

- (a) Failure to elect at the proper election or to appoint within the time fixed by law.
- (b) Failure of the officer elected or appointed to qualify within the time prescribed by law.
- (c) The incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict.
- (d) Resignation or death of the incumbent or of the officer-elect.
- (e) Removal of incumbent from, or forfeiture of, the office.
- (f) Decision of a competent tribunal declaring the office vacant.
- (g) Conviction of incumbent of a felony as defined in section 701.7, or of any public offense involving the violation of the incumbent's oath of office **(277.29)**.

Vacancies, as defined in section 277.29, in the member of the AEA board shall be filled for the unexpired portion of the term at a director district convention called and conducted in the manner provided in subsection 273.8(3) for regular director district conventions **(273.8(2)"d")**.

Each school officer or member of the board upon the termination of the officer or member's term of office shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor **(277.31)**.

A vacancy is created when a board member moves from one director district to another director district in the same corporation **(OAG #69-4-6(L))**.

A director who moves from the district and later returns is not entitled to finish the term **(1912 Op. Att'y Gen. 739 (#12-7-13))**.

## Election Process

### Conduction

A person who pays, offers to pay, or causes to be paid money or any other thing of value to an election official conditioned on some act done or omitted to be done contrary to that person's official duty in relation to an election, commits the crime of election misconduct in the first degree which is a class "D" felony. **(39A.2(1)"d")**.

A person who receives money or another other thing of value knowing that it was given in violation of section 39A.2, subparagraph (1) or (2), commits the crime of election misconduct in the first degree which is a class "D" felony. **(39A.2(1)"d")**.

### Director District Elections and Conventions

The board of directors of an AEA shall consist of not less than five nor more than nine members, each a resident of and elected in the manner provided in section 273.8 from a director district that is approximately equal in population to the other director districts in the AEA. Each director shall serve a four-year term which commences at the organization meeting **(273.8(1))**.

The board of directors of the AEA shall be elected by a vote of the members of the boards of directors of the local school districts located within the director district. Notice of the election shall be published by the AEA administrator not later than July 15 of the odd-numbered year in at least one newspaper of general circulation in the director district. The cost of publication shall be paid by the AEA **(273.8(2)"a")**.

The member of the AEA board to be elected may be a member of a local school district board of directors and shall be an elector and a resident of the director district, but shall not be a school district employee **(273.8(2))**.

All qualifications being met, a person elected to a board is entitled to a certificate of election, even though the person or the person's company has been or is doing business with the district/AEA. However, after the person is qualified, the statute should be fully observed by the board in relationship to doing business with that person or that person's company **(OAG #27-3-19(L))**.

### Calling Conventions

If no candidate files with the AEA secretary by the deadline specified in Code, or a vacancy occurs, or if otherwise required as provided in section 273.23(3) [election an initial board of a reorganized AEA], a director district convention, attended by members of the boards of directors of the local school districts located within the director district, shall be called to elect a board member for that director district. The convention location shall be determined by the AEA administrator. Notice of the time, date and place of a director district convention shall be published by the AEA administrator in at least one newspaper of general circulation in the director district at least thirty days prior to the day of the convention. The cost of publication shall be paid by the AEA **(273.8(3))**.

### Candidates

An individual serving on an AEA board:

- shall be an elector of the director district;
- shall be a resident of the director district;
- may be a member of a local school district board of directors; but
- shall not be a school district employee **(273.8(2)"c")**.

In addition, a member of an AEA board shall not serve on the board of directors of a merged area **(260C.11(1))**.

A candidate for election to the AEA board shall file a statement of candidacy with the AEA secretary not later than August 15 of the odd-numbered year, on forms prescribed by the Department of Education. The statement of candidacy shall include the candidate's name, address, and school district. The list of candidates shall be sent by the secretary of the AEA in ballot form by certified mail to the presidents of the boards of directors of all school districts within the director district not later than September 1. In order for the ballot to be counted, the ballot must be received in the secretary's office by the end of the normal business day on September 30 or be clearly postmarked by an officially authorized postal service not later than September 29 and received by the secretary not later than noon on the first Monday following September 30. The board of each separate school district that is located entirely or partially inside an AEA director district shall cast a vote for director of the AEA board based upon the ratio that the population of the school district, or portion of the school district, in the director district bears to the total population in the direct

district. The population of each school district or portion shall be determined by the Department of Education **(273.8(2))**.

For a director district convention, a candidate for election to the AEA board shall file a statement of candidacy with the AEA secretary at least ten days prior to the date of the director district convention on forms prescribed by the department of education, or nominations may be made at the convention by a delegate from a board of directors of a school district located within the director district. A statement of candidacy shall include the candidate's name, address, and school district. Delegates to director district conventions shall not be bound by a school board or any school board member to pledge their votes to any candidate prior to the date of the convention **(273.8(3))**.

It shall be unlawful for any candidate for any office to be voted for at any election, prior to nomination or election, to promise, either directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or to promise directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate or using the person's influence in securing the candidate's nomination, election, or appointment **(49.120)**.

It shall be unlawful for any person to solicit from any candidate for any office to be voted for at any election, or any candidate for appointment to any public office, prior to nomination, election, or appointment, a promise, directly to indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or a promise either directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate, or using the person's influence in securing the candidate's nomination, election, or appointment **(49.121)**.

It shall be unlawful [serious misdemeanor] for any person or political organization either directly or indirectly to solicit or demand from any employee any contribution of money or any other thing of value for election purposes or for the purpose of paying expenses of any political organization or any person seeking election to public office **(721.3, 721.7)**.

It shall be unlawful [serious misdemeanor] for any person to use or permit to be used any motor vehicle owned by the school district for the purpose of transporting any political literature or any person or persons engaging in a political campaign for any political party or any person seeking an elective office **(721.4, 721.7)**.

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state **(722.2)**.

### **Convention Rules Guidance**

The Code does not provide complete direction for all situations that might occur at a convention, nor does it specify who is to set convention rules. However, section 279.8 states that the board shall make rules for its own government; therefore it is appropriate for the AEA to promulgate rules within each AEA for conducting its conventions and to disseminate those rules to local board members. Items to consider in those rules may include, but would not be limited to:

- Establishing a standard agenda.
- Establishing a standard set of forms.
- Determining who will serve as the presiding officer over a convention. Historically, the president or the president's designee of the board of directors of the school district in which the director district convention is being held has presided.
- Specifying that only board members shall cast ballots.
- Specifying that all board members of the local districts shall be accepted as delegates unless a board, through proper action as a board meeting, assigns its vote to one or more delegates.
- Specifying that each local school district has one weighted vote, and that vote is cast as a unit and may not be split among more than one candidate.
- Specifying that in the event that delegates from one or more school districts do not attend the convention, the winning candidate shall be the candidate who receives a plurality of the remaining votes.
- Specifying that in the event that a school board's delegate/s is present and chooses not to cast a vote, the winning candidate shall be the candidate who receives a plurality of the remaining votes.
- Specifying that in the event that a board is deadlocked in its vote, the vote of that board shall be eliminated and the winning candidate shall be the candidate who receives a plurality of the remaining votes.

- Declaring a school board deadlocked if a proper ballot cannot be presented after three calls by the presiding officer for ballots.
- Assigning responsibility for forwarding a certificate of election and the canvass of votes to the board secretary of the AEA.

### **Suggested Agenda**

Iowa law does not prescribe a fixed order of business which must be followed in a director district convention. The following is suggested as the order of business.

1. Call to order by the presiding officer appointed by the AEA administrator.
2. Appoint a secretary for the convention.
3. Roll call of each board which is a part of the director district (board members only).
4. Appoint a canvassing committee of three board members present.
5. Explanation of voting procedures.
6. Review of eligibility requirements for a candidate.
7. Presentation of the list of the name and address of eligible candidates that have filed certificates of candidacy.
8. If no eligible candidates have filed statements of candidacy, take nominations from the floor.
9. Discussion.
10. Casting of votes by written ballot.
11. Computation and canvass of ballots by the canvassing committee. A record of the number of votes cast for each candidate shall be maintained. The record must contain sufficient information to indicate the vote of each board.
12. Declaration of the successful candidate.
13. Adjournment.

### **Voluntary Reorganization**

Two or more AEAs may voluntarily reorganize under subchapter II of chapter 273 if the AEAs are contiguous, a majority of the members of each of the affected boards approve the reorganization, and the reorganization plan submitted to the state board is approved by the state board (**273.21(1)**). The petition shall state the number of directors on the initial board which shall be either seven or nine directors. The petition shall specify the number of directors to be retained from each area, and those numbers shall be proportionate to the populations of the agencies (**273.23(1)**).

As an alternative to AEA reorganization as prescribed under subchapter II of chapter 273, the board of directors of an AEA may establish an AEA dissolution commission to prepare a proposal of dissolution of the AEA and attachment of all of the AEA to one or more contiguous AEAs and to include in the proposal a division of the assets and liabilities of the dissolving AEA (**273.24(1)**).

### **Employee Election**

Upon the filing of a petition for certification of an employee organization, the board shall submit a question to the public employees at an election in a bargaining unit found appropriate by the board. The question on the ballot shall permit the public employees to vote for no bargaining representation or for any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of ten (10) percent or more of the public employees in the appropriate unit (**20.15(1)**).