

# ELECTIONS



## Chapter 10



---

## LEGISLATIVE ELECTIONS AND REAPPORTIONMENT

*Republished, in part, from LSA Legislative Guide to the General Assembly, November 2022*

The Iowa Constitution includes many provisions relating to redistricting of legislative districts. The Senate may not be composed of more than 50 members and the House of Representatives may not have more than 100 members. The General Assembly, in the year immediately following each United States decennial (every 10 years) census, is required to determine the number of Senators and Representatives to be elected to the General Assembly and establish the senatorial and representative districts. The redistricting process must be completed by the General Assembly by September 1 of the required year. If the apportionment plan fails to become law prior to September 15 of that year, the Iowa Supreme Court shall cause the state to be redistricted by December 31.

The members of the Senate and House of Representatives must be elected from single-member districts. The districts established must be of compact and contiguous territories and are redistricted on the basis of population. The Iowa Constitution provides that the General Assembly may provide by law factors in addition to population, not in conflict with the Constitution of the United States, which may be considered in drawing senatorial districts. Such laws may not, however, permit the establishment of districts whereby a majority of the members of the Senate represent less than 40 percent of the population of the state. Congressional districts must also be composed of contiguous territory and counties may not be divided in forming congressional districts.

The Iowa Legislature has by statute enacted additional provisions relating to redistricting. Current law requires the Legislative Services Agency (LSA) to deliver a bill draft embodying a plan of legislative and congressional redistricting by April 1 of each year ending in one (assuming census data is available by February 15 of each year ending in one). The General Assembly introduces the redistricting plan under a procedure or rule permitting no amendments except those of a purely corrective nature. If the initial or a second plan is not approved, LSA delivers a third plan that is subject to amendment.

Iowa statute requires that the legislative and congressional districts be established on the basis of population. Each Senate and House district in a redistricting plan shall have a population as nearly equal as practicable to the ideal population for a Senate or House district in that plan. The mean deviation percentage variance for a Senate or House redistricting plan shall not exceed 1 percent and the overall range percentage variance for a Senate or House plan shall not exceed 5 percent. If a plan is challenged in the Iowa Supreme Court alleging excessive population variance, the General Assembly has the burden of justifying any variance in a legislative district in excess of 1 percent of the applicable ideal population for the district. Congressional districts may not exceed the ideal population by more than 1 percent.

Representative districts are to be drawn wholly within a single senatorial district. A district shall not be drawn for the purpose of favoring a political party, incumbent legislator, or member of Congress or other person or group or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of the addresses of incumbent legislators or members of Congress, the political affiliations of registered voters, previous election results, or demographic information other than population head counts.

Iowa law also provides for the establishment of a Temporary Redistricting Advisory Commission. The LSA may submit a written request to the commission for direction in making decisions for which no clearly applicable guideline is provided by the statute. The commission, upon receipt of the initial plan by LSA, is required to conduct at least three public hearings on the plan. The commission must submit a report summarizing information and testimony received by the commission and making any comments and conclusions to the members of the General Assembly it deems appropriate.

## ELECTION DATES AND FILING DEADLINES

### City Elections

City elections are held on the first Tuesday after the first Monday in November of each odd-numbered year. Some cities hold primary elections four weeks before the regular election, and some cities hold runoff elections four weeks after the regular city election.

Nomination petitions for cities with primary elections are filed with the county auditor not more than 85 days nor less than 68 days before the date of the election. Nomination petitions for other cities are filed not more than 71 days nor less than 47 days before the date of the election. The county auditor may require that nomination petitions be filed with the city clerk.

### **School Elections**

School elections are held each odd-numbered year on the same day as the regular city elections. Nomination petitions are filed with the school secretary not more than 71 days nor less than 47 days before the date of the election.

### **Primary Elections**

Primary elections are held on the first Tuesday after the first Monday in June of each even-numbered year for the members of political parties to nominate candidates for the general election ballot. A political party is defined in state law as a party which, at the last preceding general election, cast for its candidate for U.S. President or Governor, as applicable, at least 2 percent of the total vote cast for that office at that election.

Candidates for federal, statewide, and legislative offices must file their nomination petitions with the Secretary of State not more than 99 days nor less than 81 days before the date of the primary election.

Nomination petitions for county offices must be filed with the county auditor in the appropriate county not more than 92 days nor less than 74 days before the date of the primary election.

### **General Elections**

General elections are held on the first Tuesday after the first Monday in November of each even-numbered year.

Candidates for offices to be filled at the general election may also be nominated by petition or by nonparty political organizations. Candidates for county and township offices file with the county auditor in the appropriate county.

After the primary election, political parties may make nominations by convention for offices for which there was no one nominated at the primary or to fill vacancies on the general election ballot caused by the withdrawal or death of primary election nominees. The last day to file is 76 days before the date of the general election for state and federal offices, and 69 days before the date of the general election for local offices.

Nomination forms are free and may be obtained from the office where the papers are to be filed. There are no filing fees for any office.

## **ABSENTEE VOTING**

Any registered voter who expects to be absent or unable to vote at the polls on election day may vote by absentee ballot. A person does not need to give a specific reason or explanation for voting by absentee ballot on the absentee ballot application.

Voting by absentee ballot includes voting by mail, in person at the county auditor's office, in person at a satellite voting station prior to election day, or by having a ballot personally delivered to a person if the person lives at a health care facility, is a tenant of an assisted living program, or is a patient in a hospital.

To vote in person prior to an election, a person may go to the county auditor's office or a satellite voting station. A person cannot remove the ballot from the auditor's office or satellite voting station. The county auditor's office is open on the Saturday before the general election. On election day, a person may not vote by absentee ballot at the county auditor's office or a satellite voting station. However, for an election for which the county auditor has directed that the polls open at noon, a person may vote absentee at the county auditor's office from 8 a.m. until 11 a.m. on election day.

To vote by mail, a person must request a ballot early enough before election day to allow time for the ballot to be mailed to the person and for the person to return the ballot to the county auditor on time. A person must request an absentee ballot in writing using either the "Official Absentee Ballot Request Form" or a sheet of paper no smaller than three inches by five inches in size that contains the

required information. A person may call the county auditor's office or the Office of the Secretary of State to request that the official form be mailed to the person. The request form can also be obtained online at the Secretary of State's Internet site and at some county auditors' Internet sites. The request for an absentee ballot may be sent by fax or email to the county auditor's office. However, the person must also mail the original request to the county auditor and it must be postmarked before election day.

A request for the county auditor to mail an absentee ballot must be received by the auditor not more than 70 days before the election and no later than 5 p.m. on the day 15 days before the election. The ballot will be mailed to the person as soon as it is ready, but not more than 20 days before the election. If the person's absentee ballot request is received after the ballots are printed, the ballot will be mailed within 24 hours. If the person's ballot is delayed, the person should check with the county auditor's office to be sure that the request was received.

Voted absentee ballots may be returned by mail or in person, by the voter or the voter's designee. Only certain persons may return an absentee ballot on behalf of a voter. Absentee ballots need not be witnessed or notarized. If returned by mail, ballots must be received by the county auditor no later than the time that polls close on election day for a primary election, general election, and most other elections. The deadline is earlier for school elections and elections for cities with runoff provisions. If returned in person, ballots must be returned no later than the time the polls close for that election. Absentee ballots should not be returned to polling places unless the person who requested the ballot wants to vote at the polls instead. No absentee ballots delivered to the polling places will be counted.

Special provisions are made for voters who are members of the U.S. armed forces, who are overseas, or who are patients in hospitals or other health care facilities.

For more information contact: Office of the Secretary of State, Lucas State Office Building, Des Moines 50319; [sos.iowa.gov](http://sos.iowa.gov); [sos@sos.iowa.gov](mailto:sos@sos.iowa.gov); 515.281.0145 voice, for TTY dial 711 followed by 515.281.0145, or call 1.888.SOS.VOTE; or a local county auditor.

## VOTER REGISTRATION

### Registration

A person may register to vote by postcard form or in person if all of the following apply:

1. The person is a citizen of the United States.
2. The person is a resident of Iowa.
3. The person will be at least 18 years old on or before election day.

A person may register to vote if the person is 17 years old. A person may vote at the primary election if the person is at least 17 years old and will be at least 18 years old at the general election or the regular city election.

### Address Changes Within a County

If a person moves within the county where the person is registered to vote, the person may change the person's address before the close of registration by doing any of the following:

1. By notifying the county auditor in writing. The notification must include the person's full name as it appears on the voter registration records, the person's old and new addresses, and the person's signature. If more than one person is submitting a change, each person must sign the notice.
2. By completing a voter registration form. Only one person's change may be submitted on each form.
3. By making the change in person at the county auditor's office or other registration sites.

### Close of Registration and Election Day Registration

For all elections, registration closes at 5 p.m., 15 days before the election. However, after the close of registration for an election, a person may register to vote and vote in that election on election day at the polling place or prior to election day at the county auditor's office or a satellite voting station, if the person provides identification and makes a written oath.

**For Information Contact**

For more information contact: Voter Registration, Lucas State Office Building, Des Moines 50319; [sos.iowa.gov](http://sos.iowa.gov); [sos@sos.iowa.gov](mailto:sos@sos.iowa.gov); 515.281.0145 voice, for TTY dial 711 followed by 515.281.0145, or call 1.888.SOS.VOTE; or a local county auditor.

**POLLING HOURS AND RESULTS**

With few exceptions, the polling places are opened at 7 a.m. For all elections, the polling places close at 8 p.m.

The Secretary of State's Internet site at [sos.iowa.gov/elections/results/index.html](http://sos.iowa.gov/elections/results/index.html) gives access to all election results.

**IOWA DEMOCRATIC PARTY**

*5661 Fleur Drive, Des Moines 50321; 515.244.7292;  
[iowademocrats.org](http://iowademocrats.org)*

**LIBERTARIAN PARTY OF IOWA**

*P.O. Box 480, Des Moines 50302; 515.423.0093;  
[lpia.org](http://lpia.org)*

**REPUBLICAN PARTY OF IOWA**

*621 East Ninth Street, Des Moines 50309; 515.282.8105;  
[www.iowagop.org](http://www.iowagop.org)*



