

376.4 Candidacy — nomination petition signature requirements — withdrawals.

1. *a.* An eligible elector of a city may become a candidate for an elective city office by filing with the county commissioner of elections responsible under [section 47.2](#) for conducting elections held for the city a valid petition requesting that the elector's name be placed on the ballot for that office, or by filing a valid petition with the designated city clerk. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing.

b. The petitioners for an individual seeking election from a ward must be residents of the ward at the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time of election.

c. The county commissioner may designate the city clerk of a city to receive nomination papers for elective city offices. If so designated, the city clerk shall have all the duties of the county commissioner provided in [this section](#).

2. *a.* The petition must include space for the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition. 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.

b. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual 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.

3. On the final date for filing nomination papers the office of the county commissioner and the office of the city clerk designated pursuant to [subsection 1](#) shall remain open until 5:00 p.m.

4. The county commissioner or the city clerk designated pursuant to [subsection 1](#) shall review each petition and affidavit of candidacy for completeness following the standards in [section 45.5](#) and 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 county commissioner or the designated city clerk shall note upon each petition and affidavit accepted for filing the date and time that they were filed. The county commissioner or the designated city clerk shall return any rejected nomination papers to the person on whose behalf the nomination papers were filed.

5. Nomination papers filed with the county commissioner or the city clerk designated pursuant to [subsection 1](#) shall be available for public inspection.

6. The city clerk shall deliver the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections. If the county commissioner has designated the city clerk to receive nomination papers for elective city offices pursuant to [subsection 1](#), the city clerk shall deliver the nomination papers accepted for filing to the county commissioner. The text of any public measure and nomination papers required to be delivered under [this subsection](#) shall be delivered no later than the day after the last day on which nomination petitions can be filed, and not later than 12:00 noon on that day.

7. Any person on whose behalf nomination petitions have been filed under [this section](#) may withdraw as a candidate by filing a signed statement to that effect as prescribed in

[section 44.9](#). Objections to the legal sufficiency of petitions shall be filed in accordance with the provisions of [sections 44.4](#), [44.5](#), and [44.8](#).

[S13, §1056-a21, -a40; SS15, §1056-b4; C24, 27, 31, 35, 39, §6478, 6495 – 6498, 6634 – 6638; C46, 50, §416.2, 416.19 – 416.22, 419.20 – 419.24; C54, 58, 62, 66, 71, 73, §363.11 – 363.16; C75, 77, 79, 81, §376.4]

[86 Acts, ch 1224, §35](#); [87 Acts, ch 221, §33](#); [88 Acts, ch 1119, §39](#); [89 Acts, ch 136, §72](#); [90 Acts, ch 1238, §40](#); [94 Acts, ch 1180, §55](#); [97 Acts, ch 170, §91](#); [98 Acts, ch 1052, §7](#); [2009 Acts, ch 57, §93](#); [2010 Acts, ch 1033, §51](#); [2014 Acts, ch 1101, §9, 10](#); [2016 Acts, ch 1062, §1](#)

Referred to in [§69.12](#), [§372.13](#), [§376.3](#)
Section not amended; headnote revised