

39.2 Special elections.

1. a. 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, third, and fourth Tuesdays preceding and following the primary and the general elections.

b. A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a regularly scheduled or special city primary or city runoff election.

2. Except as otherwise provided in [subsection 1](#), a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of [section 47.6, subsection 2](#). A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties, except that a special election for a city, school district, or merged area shall not be scheduled to coincide with the general election.

3. a. When voting is to occur on the same day in any one precinct for two or more elections, they shall be considered one election for purposes of administration including but not limited to publishing notice of the election, preparation of the precinct election register and completion of tally sheets after the polling place has closed.

b. If a special election to fill a vacancy is held in conjunction with a regularly scheduled election, the filing deadlines for the special election shall coincide with the filing deadlines for the regularly scheduled election. An election to fill a vacancy in a city office cannot be held in conjunction with a general election if the city election procedures provide for a primary election.

4. Unless otherwise provided by law, special elections on public measures are limited to the following dates:

a. Except as provided in paragraph “d”, for a county, in an odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a county, in an even-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November.

b. Except as provided in paragraph “d”, for a city, in an odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a city, in an even-numbered year, the first Tuesday in March or the second Tuesday in September.

c. Except as provided in paragraph “d”, for a school district or merged area, in the odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a school district or merged area, in the even-numbered year, the first Tuesday in March, or the second Tuesday in September.

d. For any political subdivision of this state, if the special election is in whole or in part for the question of issuing bonds or other indebtedness, the first Tuesday after the first Monday in November.

[C51, §237; R60, §460; C73, §574; C97, §1058; C24, 27, 31, 35, 39, §505; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.2]

90 Acts, ch 1238, §1; 93 Acts, ch 143, §2; 98 Acts, ch 1123, §1; 2002 Acts, ch 1134, §1, 115; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1115, §24, 71; 2017 Acts, ch 110, §39; 2017 Acts, ch 155, §1, 9 – 12, 44; 2018 Acts, ch 1149, §2, 12; 2019 Acts, ch 148, §5, 33; 2021 Acts, ch 147, §1, 53, 54; 2023 Acts, ch 71, §116, 136

Referred to in §28E.16, 39.5, 47.6, 57.3, 75.1, 99F7, 145A.7, 257.18, 257.29, 260C.28, 260C.39, 275.18, 275.23A, 275.25, 275.35, 275.36, 275.55, 277.2, 278.1, 279.39, 296.3, 297.11, 298.2, 298.9, 298.18, 298.21, 300.2, 330.17, 331.309, 331.442, 346.27, 347.14, 347.23, 347.23A, 357C.10, 357D.11, 357E.11, 357E.11A, 357F.11, 357G.11, 357I.12, 362.11, 364.2, 368.19, 372.2, 372.9, 384.26, 392.6, 394.2, 423B.1, 423F.3, 423F.4

2023 amendment to subsection 4 applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

Subsection 4 amended