

**721—21.403(372) Special elections to fill vacancies in elective city offices for cities that may be required to conduct primary elections.**

**21.403(1)** *Notice to the commissioner.* At least 60 days before the proposed date of the special election, the city council shall give written notice to the commissioner who will be responsible for conducting the special election.

*a.* If the commissioner finds no conflict with other previously scheduled elections, or with other limitations on the dates of special elections, the commissioner shall immediately notify the council that the date has been approved.

*b.* No special city elections to fill vacancies for cities that may be required to conduct primary elections shall be held with the general election, with the primary election, or with the annual school election. To do so would be contrary to the provisions of Iowa Code section 39.2.

**21.403(2)** *Election calendar.* The election calendar shall be adjusted as follows:

*a.* The deadline for candidates to file nomination papers with the county commissioner shall be not later than 5 p.m. on the fifty-third day before the election.

*b.* A candidate who has filed nomination papers for the special election may withdraw by filing a written notice of withdrawal in the office of the county commissioner not later than 5 p.m. on the fiftieth day before the election.

*c.* A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election with the county commissioner not later than 12 noon on the fiftieth day before the election.

*d.* The hearing on the objection must be held within 24 hours of receipt of the objection.

This rule is intended to implement Iowa Code section 372.13(2).

[ARC 1549C, IAB 7/23/14, effective 8/27/14; ARC 1831C, IAB 1/21/15, effective 2/25/15]