



Council Communication

Office of the City Manager

Date

February 26, 2009

Agenda Item No. 50
Roll Call No. 09-
Communication No. 09-106
Submitted by: Bruce Bergman, City Attorney, and Diane Rauh, City Clerk

AGENDA HEADING:

Amending Chapter 2 of the Municipal Code by enacting a new Section 2-5, designating the use of runoff elections in lieu of primary elections for the City of Des Moines.

SYNOPSIS:

Iowa Code Section 376.6(1) allows cities in Iowa to choose the use of runoff elections in lieu of primary elections (the default). An ordinance invoking the change is required. Iowa Code Section 376.9 explains the runoff election in detail.

376.9 RUNOFF ELECTION.

A runoff election may be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election. When a council has chosen a runoff election in lieu of a primary, the county board of supervisors shall publicly canvass the tally lists of the vote cast in the regular city election, following the procedures prescribed in section 50.24, at a meeting to be held beginning at one o'clock in the afternoon on the second day following the regular city election. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

Runoff elections shall be held four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

Candidates in the runoff election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

In Des Moines' current use of the primary election nomination process, the City pays elections costs for both a primary election (if more than two candidates file for a seat--which is frequently the case), and for the regular election. Under a runoff process, all candidates are on the ballot during the regular election, (normally in November). If one of those candidates receives a majority of the votes (50% plus 1), that candidate is elected. If no candidate receives a majority of votes, the top two vote-getters will continue on to a runoff election, which is held four weeks after the regular election. This change maintains the opportunity for all interested individuals to file a petition to become a candidate for City office.

City Attorney Bruce Bergman and City Clerk Diane Rauh have had discussions with Polk County Auditor/Commissioner of Elections Jamie Fitzgerald regarding this change, and he will be able to implement this change prior to the next City election.

FISCAL IMPACT:

Amount: \$60,000+ savings per election when a runoff election is not required.

(There is the potential to save at least \$60,000 with each election; however, there is also the potential that a runoff election, with its associated expenses, may be necessary from time to time. On those occasions, the City will experience the same fiscal impact we do now – paying for two elections.)

Funding Source: 2009-2010 Operating Budget, pg 38, CCL010000, Personal Services, 521170

ADDITIONAL INFORMATION:

Election	Seat	Cost of Primary	Number of candidates
2003 Primary	Mayor's Seat	\$69,694	6
2004 Primary	At-Large Seat (special election)	\$66,271	3
2005 No Primary Necessary			
2006 Primary	Ward 4 (special election)	\$17,295	8
2007 Primary	At-Large Seat	\$74,796	3

Other cities in Iowa operating under the runoff style of elections:

In Polk County -- Altoona, Clive, West Des Moines and Windsor Heights

Large Cities in Iowa -- Ames, Cedar Falls, Cedar Rapids, Mason City and Waterloo

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and Final consideration of the ordinance.

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