



**Roll Call Number**

**Agenda Item Number**

48

**Date** February 28, 2011

Reports from the Acting City Attorney and City Manager regarding City Elections.

Moved by \_\_\_\_\_ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

48

February 25, 2011



The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines

Re: Primary vs. Run-off Elections

Dear Mayor and City Council Members:

State Code dictates that Municipal elections must be held on the first Tuesday after the first Monday in November of odd-numbered years (Election Day). If a Primary election process is used, a Primary is held 4 weeks **before** Election Day if 3 or more candidates file for an office. In a Run-off process, a Run-off election is held 4 weeks **after** Election Day, **if one candidate does not receive 50%+ 1 vote** on Election Day.

Ward elections cost approximately \$18,000 each (\$36,000 if a Primary or Run-off is necessary). At-Large/Mayor elections cost approximately \$70,000 (\$140,000 if a Primary or Run-off is necessary). The additional elections are only necessary when more than 2 candidates run for an office.

Election Day Scenarios		
Candidate 1	60% of the Votes	34% of the Votes
Candidate 2	20% of the Votes	33% of the Votes
Candidate 3	20% of the Votes	33% of the Votes
	Run-off Required – NO	Run-Off Required – YES
	Primary Required – YES	Primary Required – YES

The financial benefit to Run-off style is reflected in the table above. During the 2007 election, a Primary was necessary because 3 candidates filed for office; however, in both the Primary and the Regular election (Election Day), the candidate received over 50% of the votes. Had we been operating under the Run-off style of elections, the City would have saved the \$74,796 Primary election fee.

Sincerely,

A handwritten signature in black ink that appears to read "Rick".

Richard A. Clark  
City Manager

cc: Diane Rauh, City Clerk

**CITY ATTORNEY**

Bruce E. Bergman

**DEPUTY CITY ATTORNEYS**Mark Godwin  
Lawrence R. McDowell  
Kathleen Vanderpool**ASSISTANT CITY ATTORNEYS**Angela T. Althoff  
Roger K. Brown  
Ann M. DiDonato  
David A. Ferree  
Glenna K. Frank  
Gary D. Goudelock, Jr.Michael F. Kelley  
Vicky L. Long Hill  
Steven C. Lussier  
Katharine J. Massier  
Carol J. Moser  
Douglas P. Philip

February 22, 2011

**REPORT ON CITY ELECTIONS**

HONORABLE MAYOR AND MEMBERS  
OF THE DES MOINES CITY COUNCIL

At your February 14<sup>th</sup> meeting you asked that I report back to you regarding city elections, (regular, primary and run-off), and the dates for the same. If the Council chooses to proceed under Chapter 376 of the Iowa Code, as it currently does, then there must be provision for either a primary election or a run-off election. The dates of those elections are fixed and cannot be changed. The primary election will be four weeks before the regular city election. The run-off election will be four weeks after the regular city election. Likewise, the date for the regular city election also is carved in stone. It is the first Tuesday after the first Monday in each odd-numbered year.

If the city would proceed under Iowa Code Chapter 44 (nomination by convention or caucus) or Iowa Code Chapter 45 (nomination by petition), then neither a primary election nor a run-off election would be required. The winner would be the candidate that receives the highest number of votes.

I have also included recent run-off and primary election history as well as Attachment A, which contains cost information on City elections going back to 2003, and Attachment B, which contains weather data.

**City Elections Generally**

Iowa law provides cities with a variety of choices for the election of city officials. There are four nomination processes, of which three are used in Polk County: Primary Election, Nomination by Petition (Chapter 45), and Run-off Election. The fourth method – nomination by convention or caucus, is found in Chapter 44 but is not used by any cities in Polk County.

## Regular City Elections

Regular city elections must be held on the first Tuesday after the first Monday in November of each odd-numbered year. (Iowa Code § 376.1)

In 2011, all the cities in Polk County will have an election on November 8<sup>th</sup>.

## Primary Elections

**Cities include: Ankeny, Bondurant, Johnston, and Urbandale**

A primary election is held only if there are more than 2 candidates for an individual office. Candidates file nomination petitions to get on the ballot in the primary election. If there are one or two (or no) candidates for an office no primary election is held for that office. (Iowa Code § 376.7)

In 2011, the primary election (if needed) shall occur on October 11<sup>th</sup>

## Nomination by Petition

**Cities include: Alleman, Elkhart, Grimes, Mitchellville, Pleasant Hill, Polk City, Runnells, and Sheldahl**

Candidates collect signatures on petitions in order to get the candidate's name to appear on the ballot at the regular city election. The regular city election is the only election held. The winner is the candidate that receives the highest number of votes. Neither a primary election nor a run-off election is required under this scenario. (Iowa Code Ch. 45).

## Run-Off Election

**Cities include: Altoona, Clive, Des Moines, West Des Moines, and Windsor Heights**

A run-off election is held after the regular city election when no candidate receives a majority of the votes cast for an office, or if a write-in winner declines to accept election. Candidates for the run-off election cannot withdraw. (Iowa Code § 376.9)

In 2011, the run-off election (if needed) shall occur on December 6<sup>th</sup>.

## Recent Run-off History in Polk County

December 1, 2009

- Des Moines At large and Des Moines Ward 1
  - Five candidates for at large, 4 for Ward 1 on ballot in November
  - Des Moines Ward 3 did not require a run-off election
- West Des Moines Ward 1
- Windsor Heights – At large, Vote for 2

October 17, 2006

- Altoona (this was a special election to fill vacancy, 5 candidates in Sept.)

December 5, 2005

- West Des Moines, Ward 1

March 2003/September 2003

- Clive has two run-off elections to fill vacancies

### **Recent Primary History in Polk County**

October 9, 2007

- Des Moines At Large (3 candidates)

January 9, 2007

- Des Moines Ward 4, Special

May 11, 2004

- Des Moines At Large, Special

October 7, 2003

- Des Moines, Mayor

In 2005, Des Moines did not have a primary election.

Historical Election Results can be accessed at: [http://www.gis.co.polk.ia.us/election/Election\\_query.asp](http://www.gis.co.polk.ia.us/election/Election_query.asp).

Respectfully submitted



Mark Godwin  
Acting City Attorney

**ATTACHMENT A**

**DES MOINES CITY ELECTIONS AND COSTS**

<b>Year</b>	<b>Type</b>	<b>Turnout %</b>	<b>Cost</b>	<b>Notes</b>
2003	Primary	17.9	\$69,694	6 candidates for Mayor only primary contest
2003	General	27.37	\$77,769	Mayor, At Large, Ward 2 contests
2004	Special Warranty	9.7	\$66,271	3 candidates for At Large
2004	Special	13.07	\$80,225	
2005	General	10	\$80,332	No primary
2006	Special – Ward 4 Primary	7.65	\$17,295	8 candidates to fill vacancy
2007	Special – Ward 4 General	11.11	\$19,832	
2007	Primary	2.84	\$74,796	At Large with 3 candidates – Coleman 67.4%
2007	General	6.56	\$75,642	At Large (Coleman), Mayor
2009	General	10.04	\$83,158	
2009	Run-Off Election	9.79	\$68,475	At Large, Ward 1

## ATTACHMENT B

### AVERAGE DES MOINES TEMPERATURES ON PRIMARY, REGULAR AND RUN-OFF ELECTION DAYS

	Sunrise	Sunset	Average High	Average Low	Mean	Record High	Record Low
<b>October 4</b>	7:15 a.m.	6:52 p.m.	69°	47°	58°	92°	29°
<b>November 4</b>	7:50 a.m.	6:06 p.m.	53°	34°	44°	75°	4°
<b>December 4</b>	7:25 a.m.	4:45 p.m.	37°	21°	29°	67°	-6°