

# **Bond Case Briefs**

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## **SCHOOL FINANCE - IOWA**

### **Save Our Stadiums v. Des Moines Independent Community School District**

**Supreme Court of Iowa - November 18, 2022 - N.W.2d - 2022 WL 17072350**

Citizens filed action for declaratory judgment, seeking an adjudication that their referendum petition included enough signatures to trigger a public referendum on the financing of a school district's proposed athletic stadium.

The District Court granted summary judgment for school district, and citizens appealed.

The Supreme Court held that:

- Total number of voters at the election, rather than total number of votes cast in at-large school board election race, was number to be counted when determining the statutory threshold to trigger public referendum;
- Citizens were not prejudiced by school district's failure to return referendum petition;
- District's failure to return referendum petition did not constitute a de facto acceptance; and
- Denial of referendum petition did not amount to a denial of citizens' due process rights.

Total number of voters at the election, rather than total number of votes cast in at-large school board election race, was number to be counted when multiplying by 30% to determine the statutory threshold to trigger public referendum on school district's proposed athletic stadium and financing plan; statute required count of "voters at" the election, which included multiple races for city council seats and school board positions, and did not refer to the number of "votes in" the last election of school officials.

School district's statutory duty to return referendum petition, on athletic facility financing, which lacked requisite number of voter signatures was directory, rather than mandatory, although the statute stated that the petition "shall" be returned, as statute directed whom to do what and when: the school board was to return the petition after it determined that the petition lacked sufficient signatures.

Citizens were not prejudiced by school district's failure to return referendum petition on athletic facilities financing after school board determined that the petition lacked the requisite number of voter signatures; even if the district had returned the petition immediately, citizens only had 30 minutes to collect another 381 signatures, and citizens knew the district would require more signatures based on the superintendent's email setting forth the number of signatures required.

School district's failure to return referendum petition on athletic facilities financing, after school board determined that the petition lacked the requisite number of voter signatures, did not constitute a de facto acceptance of the petition for filing; district never accepted the petition for filing by its action or inaction, but instead examined the petition and found the number of signatures insufficient, and, because the filing deadline expired the same day citizens submitted the petition with inadequate time to cure the deficiency, any obligation to return the petition was moot.

Denial of citizens' referendum petition on financing for school district athletic facilities did not amount to a denial of citizens' due process rights; citizens failed to submit a valid petition to trigger a statutory right to a public referendum.

School district's denial of citizens' referendum petition on financing for school district athletic facilities did not shock the conscience, and thus did not amount to a violation of citizens' substantive due process rights; referendum petition was facially invalid due to failure to obtain required number of signatures.