

funds for the payment of the same and such bonds shall be deemed issued in anticipation of the revenue herein provided for their payment.

SEC. 4. That any officer of such city or member of the City Council who shall participate in or assist in any diversion of said tax or the moneys collected thereunder to any other purpose than those provided in this Act shall be guilty of the crime of embezzlement and be punished accordingly. Penalty for diversion of tax.

SEC. 5. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the *Des Moines Leader* and the *Iowa State Register*, newspapers published at Des Moines, Iowa. Publication.

Approved April 12, 1886.

I hereby certify that the foregoing act was published in the *Des Moines Leader* April 17, and the *Iowa State Register* April 16, 1886.

FRANK D. JACKSON, *Secretary of State.*

## CHAPTER 161.

### REGISTRATION OF VOTERS IN CITIES.

AN ACT to provide for ascertaining the Citizens who shall be Entitled to Vote in all Incorporated Cities, to repeal section 618 of the Code and to repeal Chapter two (2), Title five (5) of the Code. S. F. 129.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. Chapter 2, title 5 of the Code, is hereby repealed and the following sections of this act enacted in lieu thereof. Chap. 2, title 5, Code, repealed.

SEC. 2. For all purposes of elections known to the laws of the State of Iowa after July 4, 1886, no city of the State shall have attached to its jurisdiction for the purpose of voting at such elections any part of a township or territory outside of the corporate boundaries of such city and the voting precincts in such city for all elections now provided by law whether township, city, county, state, national or special elections, shall be the wards of such city or if a ward or wards are divided into voting precincts in any city, then for such city or cities such divisions shall be the voting precincts and all territory of a township or townships in which such city may be situated and outside of the corporate limits of such city shall be divided into one or more voting precincts for all election purposes, as may be determined by the board of supervisors as now provided by law. Cities shall have exclusive jurisdiction in all elections after July 4, 1886.

All acts or parts of acts that might seem to be in conflict with this section of this act are hereby changed to the extent of being made to conform herewith. Present voting precincts shall be the same under this act.

Territory outside cities shall be divided into precincts.

All conflicting laws made to conform herewith.

Council shall appoint two registers for each election precinct; how selected.

Qualifications of registers.

Term of office.

Vacancies, how filled.

Failure of mayor to appoint.

Penalty.

Place of registration.

Registers shall be in attendance, when.

Shall supervise registration.

Requisites to entitle electors to vote.

Shall appear and register with the board.

SEC. 3. In all incorporated cities of this state, the city council shall on or before the sixth Monday next preceding the general election in November of each year, appoint one suitable person from each of the two opposing political parties which cast the greatest number of votes at the then next general preceding election, from three names handed in by the chairman of the city central political committee of each of such parties, to be registers for such election precinct, in such cities, for the registration of votes therein; said registers shall be electors of the election precincts in which they shall act; shall be temperate, of good habits, and of good reputation and character, and of generally recognized clerical ability, and able to speak the English language understandingly; shall hold their offices for one year and shall take an oath or affirmation, to discharge their duties according to law. If for any cause, such registers, or any of them, shall not be appointed at or before the time above mentioned, or, if appointed, shall be unable for any cause to discharge the duties of such office, the mayor of such city shall forthwith, on similar recommendation as above provided, make such appointments, and shall also fill all vacancies, and persons so appointed by the mayor shall have the same qualifications, shall hold their offices for the same time, and shall be subject to the same duties as if appointed by the city council, except that all appointments, in cases of vacancies, shall be for the unexpired terms of office.

Should the mayor, upon the request of five freehold electors, fail for a period of three days to perform the duties aforesaid, he shall forfeit and pay, at the suit of any such electors, to be prosecuted in any court of competent jurisdiction, the sum of one hundred dollars per day, for the equal benefit of the city and suitor.

SEC. 4. The place for the registration of votes, in and for every election precinct, in the cities mentioned in the last preceding section, shall be the usual place of holding elections therein. The registers shall be in attendance at their respective places of registration on the third Tuesday next preceding every general election for city, township, county, state or national officers, or special elections, from 8 o'clock A. M. till 9 o'clock P. M., for the purpose of registering voters, and if necessary to give all making application an opportunity to register, they shall continue in attendance, thereat, between the hours aforesaid, for five days, and shall personally supervise all registration. Said registers shall be in constant attendance during the hours allotted for the discharge of their duties.

SEC. 5. Any person to be entitled to vote, at any of the elections mentioned in the preceding sections, shall appear before the registers of the election precinct where he is entitled to vote, at the time and place designated for registration of voters, and make and subscribe a statement, under oath, in a suitable registration book to be provided for the purpose by the city clerk and furnished to the registers at the equal expense of the



Statements dated and numbered. Electors shall register at but one place. Each day's registration kept complete. When completed return to city clerk.

SEC. 6. Such statements shall be dated and numbered consecutively, beginning with number one each time for registration aforesaid. No person shall register at any other place than as above designated, or at any other time, except as hereinafter provided. At the close of each day's registration, the registry shall be ruled off to prevent fraudulent entries, and after the completion of the final registration and the certified copy provided for in section 8 hereof, the registers shall forthwith return the registration to the city clerk, who shall keep the same at all times open to public inspection.

Registers shall prepare alphabetical list for their precincts of all voters registered. What list shall contain.

SEC. 7. The registers shall within three days after the registration aforesaid has been made, prepare an alphabetical list for their respective voting precincts of the names of all persons so registered; their residences; their last preceding places of residence, and the dates of removal when removals occur within one year; their nativity; their color; their term of residence in precinct, county and state; whether naturalized, date of papers, the naturalizing court, or place of naturalization if court is not known; whether naturalized by act of congress; and date of application for registration; which list they shall forthwith post or cause to be posted up conspicuously at the usual place of holding elections at such precinct for inspection of the public.

List posted up for inspection.

Registers shall attend the week preceding election for revising the list.

Time of meeting.

SEC. 8. The registers shall be in attendance again at their respective places for the registration of voters on the Wednesday of the week preceding the day of each election, in the State, provided by law for township, city, county, State, National or special elections, for the purpose of revising or correcting the lists aforesaid, and for this purpose they shall meet at 9 o'clock A. M. and remain in session until 8 o'clock P. M., of that day; and they shall there revise, correct, add to, and strike from, and complete the said lists, and shall on that day receive and add to the said lists the names of any persons who would on said election days, be entitled, under the provisions of the Constitution and the laws of this State to exercise the right of suffrage in their election precincts. Upon the revision and completion of each of said lists, the Registers shall make a copy thereof, which duly certified by the Registers, with the proper number and date of registry in each case added, the Registers shall deliver or cause to be delivered to the Judges of Election of the proper precinct on every such election day, before the opening of the polls. The Judges of Election shall carefully preserve the said lists for their use on election day; no vote shall be received at any election aforesaid unless the name of the person offering the vote be on such registry made and completed as before provided, preceding the election; a person whose name is on the registry may be challenged, and the same oath shall be put, and the same proceedings had as are prescribed by law for all such cases. This section shall be taken and held by every judicial and other tribunal as mandatory and not as directory. The Judges of Election shall designate one of their number, or one of the clerks, at the opening of the polls, to check the name of

Shall make copy of complete list. Deliver it to election judges.

No vote shall be received unless on the registry list.

Mandatory. Judges shall check off names.

every voter voting in such precinct whose name is on the registry. Any vote which shall be received by the Judges of Election in contravention of any provisions of this act shall be void, and shall be rejected from the count in any legislative or judicial proceeding wherein any result of the election is involved. The Judges of Election shall deliver the lists aforesaid to the official as by law provided to whom they shall deliver the returns of the elections. The Registers under their duties aforesaid shall register every male applicant who would be twenty-one years of age on the day of the next election, if otherwise qualified, and every applicant who has commenced to reside in such precinct, at least the legal time before such election, now required by law, down to the date of the election, in order to be a legal voter in such precinct, according to the character of the election about to take place, shall be entered in such registry, but unless, on the day of election, he shall have resided for the legal time in such election precinct, he cannot vote therein, although otherwise qualified.

Votes polled in violation of this act void.

Lists returned with election returns. Applicants under age how registered.

SEC. 9. The proceedings of said registers shall be open, and all persons entitled to vote in said precinct shall have the right to be heard by said registers in reference to corrections or additions to said lists. No name shall be placed upon any such lists of the name of persons, nor shall any name be added thereto, except of one who shall have appeared in person before said registers, and shall have furnished, upon demand, and to the satisfaction of the registers, the same proofs of his right to register as may by law be required by judges of election of any person desiring to vote. *Provided:* that if an elector is, on account of sickness, which confines him to his residence in his precinct, unable to go to the registers on any day they shall be in session, it shall be the duty of the registers, on the affidavit made before them, of a registered elector to visit such sick elector at his place of residence in the precinct and place the name of such sick person on the registration list if he be found entitled to be registered, such visits by the registers for the registration of such invalids shall be at no time during any registration day except between the hours of 7 A. M. and 8 A. M. or between 9 P. M. and 10 P. M. Any one of the registers, on the points hereinbefore provided, may at any time administer an oath or affirmation to any applicant, that he shall true answers make to all questions put to him touching his qualifications as an elector.

Proceedings open. Right to be heard.

Application to register must be personal.

Proviso. In sickness.

Registers may visit elector for registration.

SEC. 10. That if any register shall fail to perform any duty in any of the preceding sections of this act prescribed, he shall be liable to a penalty of one hundred dollars, to be recovered on the complaint of any person, before any court of competent jurisdiction; and if any register or judge of election shall willfully neglect or disregard any duty imposed in any of said sections, or make or permit to be made any registration, statement or list, except at the time and place and in the manner in said sections prescribed, or shall knowingly make or permit to be made any false statement, as aforesaid, or if any person shall

Failure of register in his duty.

Penalty.

For willful neglect.

False statements.	wilfully make, or authorize to to be made any statement in said section required, false in any particular, or shall violate any provisions thereof, every such register or judge of election, and every such person or persons, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty nor more than two hundred dollars, or be imprisoned in the county jail not less than twenty days nor more than six months or both at the discretion of the court.
Misdemeanor. Penalty.	
Compensation of registers.	SEC. 11. Registers shall be allowed for the services rendered under the preceding sections such compensation per diem as is allowed by law to judges of election, one-half at the expense of the county and the other half at the expense of the city.
Place and time of registration published.	SEC. 12. The times and places of making registrations of voters shall be published by the mayor in the two leading political party daily newspapers published in every such city for a period of three days prior to the opening of the registry book, or if there are no daily papers of the two leading political parties published in such city, then the notice shall be published one week before the date for the opening of the registry book, in the weekly paper of each of such political parties, inviting the voters to present themselves for registration at their respective precincts within the proper time, under the risk of being debarred the privilege of voting at such election.
How published.	
During receiving and counting votes. Provisions for.	SEC. 13. That during the receiving and counting of the ballots in any voting precincts of such cities, it shall be unlawful for persons to congregate or loiter within one hundred feet of the voting place, or to hinder or delay in any manner any elector in reaching or leaving the place fixed for casting his ballot. It shall be unlawful for any person within said distance of one hundred feet, to give or offer to give any ticket or ballot to any one not a judge of election, or to fold or unfold, or display any ballot which he intends to cast so as to reveal its contents or to solicit the vote of any elector, or attempt in any way to influence him in the matter of casting his vote. The judges of election shall so far as practicable, prevent any violation of this section, by having printed copies of this section conspicuously posted within one hundred feet of the voting place and in other ways, and they and each of them shall order the arrest of any person guilty of violating any of its provisions, or guilty of any breach of the peace, or disorderly conduct, and all special policemen and all other persons are authorized and required to obey the lawful orders and commands of said judges of elections, given to prevent violations of this section. But orders for the arrest of such persons shall not prevent them from properly casting their votes. The city council is authorized and required to detail and employ on the nomination of the principal political committee of each political party recognized as the two leading parties from citizens or the police force of the city, from two to four special policemen for each precinct, and duly empower them for the special occasion of each election, who shall be men of good character and reputation, in equal
Judges of election shall enforce this section.	
Arrest of violators.	
Policeman.	
Special police. Chosen from each party.	

numbers from each of the leading political parties, to prevent the violation of any of the terms, provisions or requirements of this section, or of any order or command made in pursuance of any provision hereof, and any person violating or attempting to violate any of such terms, provisions, requirements, orders or commands shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished as provided in the last penal clause of section 10 of this act, and no other peace officer for preserving order, shall exercise his authority at or near such voting places than those above named unless called in by an unexpected, dire emergency. *Provided:* that nothing in this section shall be construed to prohibit the presence at the polls, of any persons who are authorized by law to perform or charged likewise, with the performance of official duties at the election, or of any persons not exceeding three from each political party having candidates to be voted for, at such elections, to act as challenging committees who are duly appointed and accredited by the principal committee of such political parties, or organizations, respectively or of persons not exceeding three from each such political parties, appointed and accredited in the same manner, as before prescribed, for challenging committees to witness the counting of ballots.

Misdemeanor.

Who shall exercise authority.

Proviso.

Challenging committees.

Three from each party.

SEC. 14. Voting precincts made up of the townships outside of the city limits of the city which is situated in such township or townships may, if preferred for the convenience of the voters therein, have their polling places for all election purposes, at some room or rooms in the court house, or other buildings within the corporate limits of such city as the board of supervisors may provide. Section 618, chapter 3, title 5 of the Code is hereby repealed.

Precincts in townships outside of city limits.

May have polling place in court-house or other room in city.

Code, section 618 repealed.

Approved April 12, 1886.

CHAPTER 162.

APPROPRIATION FOR INSTITUTION FOR FEEBLE MINDED.

AN ACT making an Appropriation for the Institution for Feeble-Minded Children at Glenwood. S. F. 260.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there is hereby appropriated for the Institution for Feeble-Minded Children, the following sums for the purposes herein mentioned:

\$31,200 appropriated.

1. For purchasing bed and bedding, \$1,000.
2. For improving new building and finishing and furnishing the two stories of same, \$25,000.

Beds, etc., \$1,000.  
Finishing and furnishing new building, \$25,000.