

SEC. 13. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published in Des Moines, Iowa. Publication.

Approved Feb. 8th, 1888.

I hereby certify that the foregoing act was published in the Iowa State Register and Des Moines Leader February 9, 1888.

FRANK D. JACKSON, *Secretary of State.*

CHAPTER 49.

CONTESTING ELECTION OF PRESIDENTIAL ELECTORS.

AN ACT Providing for Contesting the Election of Presidential Electors, Additional to Chapter 6, Title 5 of the Code of 1873. S. F. 176.

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

SECTION 1. The election of any presidential Elector may be contested by any eligible person who received votes for the same office for any of the causes enumerated in chapter six (6) title five (5) of the Code of 1873.

SEC. 2. The court for the trial of contested elections for presidential Electors shall consist of the Chief Justice of the Supreme Court who shall be presiding Judge of the Court and the four Judges of the district court, not interested, being nearest the capital of the State—two of whom with the Chief Justice shall constitute a quorum for the transaction of the business of the court. If the Chief Justice should for any cause be unable to attend at the trial—the next senior Judge or the one longest on the Supreme court bench if of equal rank—shall preside in place of the chief Justice—And any question arising as to the membership of the court shall be determined by the members of the court not interested in the question. The Secretary of State shall be the clerk of the court—or in his absence or inability to act, the clerk of the Supreme Court shall be the clerk. Each member of the court before entering upon the discharge of his duties, shall take an oath before the Secretary of State or some officer qualified to administer oaths—that he will support the Constitution of the United States and that of the State of Iowa and that without fear, favor, affection or hope of reward he will, to the best of his knowledge and ability administer Justice according to law and the facts in the case.

Court, how constituted.

Secretary of State to be clerk.

SEC. 3. The contestant shall file the statement provided for in this chapter in the office of the Secretary of State within ten (10) days from the day on which the returns are canvassed by the State board of canvassers, and within the same time

serve a copy of the same, with a notice of the contest, on the incumbent.

Clerk's duty.

SEC. 4. The clerk of the court shall immediately after the filing of the statement notify the Judges specified in Sec. 2—of this act and fix a day for the organization of the court within three days thereafter and also notify the parties to the contest. The Judges shall meet on the day fixed and organize the court and make and announce such rules for the trial of the case as they shall deem necessary for the protection of the rights of each party and a just and speedy trial of the case and commence the trial of the case as early as practicable thereafter and so arrange for and conduct the trial that a final determination of the same and judgment shall be rendered at least six (6) days before the 2nd Monday in January then next following.

Judgment of the court.

SEC. 5. The Judgment of the Court shall determine which of the parties to the action is entitled to hold the office of Presidential Elector and shall be authenticated by the presiding Judge and clerk of the court and filed with the Secretary of State and the Judgment so rendered shall constitute a final determination of the title to the office and a certificate of appointment shall be issued to the successful party as an elector.

SEC. 6. Sections 723, 724 and 725 of the Code shall apply to this act.

Approved April 13, 1888.

CHAPTER 50.

ELECTORS OF PRESIDENT AND VICE PRESIDENT U. S.

S. F. 175.

AN ACT to Amend Chapter 4 Title 5 of the Code of 1873—Relating to Electors of President and Vice President of the United States.

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

Sec. 665, 666,
668 Code re-
pealed.

SECTION 1. That section 665, 666, and 668 of Chapter 4 Title 5 of the Code of 1873 be and the same are hereby repealed and that the following be enacted in lieu thereof—

Substitute.

Section 665. After the expiration of ten days from the day the canvass is completed the Governor shall issue a certificate of election under his hand and the Seal of the State and cause it to be served on each person elected, notifying him to attend at the seat of Government at noon on the second Monday in January next following their appointment and report himself to the Governor as in attendance; but in case of a contest of election of an elector the Governor shall withhold the certificate until the contest is determined.