

3 the code, 1913, be and the same is hereby amended by striking from  
4 line two (2) thereof the words "twenty-two hundred", and by insert-  
5 ing in lieu thereof the words "twenty-seven hundred".

6 Further amend section twenty-two hundred fifteen-f16 (2215-f16),  
7 supplement to the code, 1913, by striking out the period at the end of  
8 said section and inserting a comma and adding the words "Which  
9 shall be in lieu of all other compensation now provided for him by law,  
10 and during said time he shall not receive any other or additional com-  
11 pensation from the state, nor shall he perform any duties as custodian  
12 of the capitol grounds of the state or any buildings thereon, but the  
13 governor may appoint a custodian thereof who shall serve at a com-  
14 pensation to be fixed by the executive council during the time the ad-  
15 jutant general is in the service of the United States under call of the  
16 president."

1 **SEC. 4. Publication clause.** This act being deemed of immediate  
2 importance shall be effective and in force from and after its publication  
3 in the Des Moines News, a newspaper published in Des Moines, Iowa,  
4 and the Red Oak Express, a newspaper published in Red Oak, Iowa.

Approved April 14, A. D. 1915.

I hereby certify that the foregoing act was published in the Des Moines News  
April 19, 1915, and in the Red Oak Express April 23, 1915.

W. S. ALLEN, *Secretary of State.*

## CHAPTER 157.

### ELECTORS VOTING WHEN ABSENT FROM COUNTY OF RESIDENCE.

H. F. 32.

AN ACT to enable electors to vote at any general, special, primary, county, city or town election, when absent or anticipating being absent on the day of such election from the county in which they are electors, and providing penalties for violation of its provisions.

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

1 **SECTION 1. Voters absent from county.** Any qualified elector of  
2 the state of Iowa, having duly registered where such registration is  
3 required, who through the nature of his business, is absent or expects  
4 in the course of said business, to be absent from the county in which  
5 he is a qualified elector on the day of holding any general, special,  
6 primary, county, city or town election, may vote at any such election  
7 as hereinafter provided.

1 **SEC. 2. Application for official ballot.** Any elector, as defined  
2 in the foregoing section, expecting to be absent from the county of  
3 his residence on the day of any such election may, not more than fif-  
4 teen nor less than three days prior to the date of such election, make  
5 application to the county auditor of such county, or the clerk of the  
6 city or town, as the case may be, for an official ballot to be voted at  
7 such election.

1     **SEC. 3. Form of application.** Application for such ballot shall be  
 2 made on a blank to be furnished by the county auditor or clerk of the  
 3 city or town, as the case may be, in which the applicant is an elector,  
 4 and shall be substantially in the following form:

5     **APPLICATION FOR BALLOT TO BE VOTED AT THE**.....  
 6 **ELECTION ON** .....  
 7 State of ..... }  
 8 County of ..... } ss.

9     I, ....., do solemnly swear that I have been a  
 10 resident of the state of Iowa for six months, of the county of.....  
 11 ..... for sixty days and of the ..... precinct of.....  
 12 ward of the city or town of..... ten days next  
 13 preceding this election, and that I am a duly qualified elector entitled  
 14 to vote at said election. That I am (stating business)..... and  
 15 because of the nature of my business expect to be absent from said  
 16 county on....., the date of said election, and I hereby  
 17 make application for an official ballot or ballots to be voted by me at  
 18 such election, and that I will return said ballot or ballots to the officer  
 19 issuing same, on or before the day of said election.

20 Date.....  
 21 Signed.....  
 22 Residence, (Street and Number)..... (City).....  
 23 P. O. Address.....  
 24 Subscribed and sworn to before me this..... day of  
 25 ..... A. D. 191.....

26 .....  
 27 (Penalty clause set out in full)  
 28 Provided that if the application be made for a primary election  
 29 ballot, such application shall designate the name of the political party  
 30 with which the applicant is affiliated.

1     **SEC. 4. Auditor or clerk—duties.** Upon receipt of such applica-  
 2 tion and not more than ten nor less than three days prior to such elec-  
 3 tion, it shall be the duty of such auditor or clerk, as the case may be,  
 4 to mail, postage prepaid, an official ballot or ballots, if more than one  
 5 are to be voted at said election, or such officer shall deliver said ballot  
 6 or ballots to any qualified elector applying in person at the office of  
 7 such auditor or clerk, as the case may be, and subscribing to the fore-  
 8 going application, not more than ten nor less than one secular day  
 9 before said election.

1     **SEC. 5. Duty of auditor—affidavit.** It shall be the duty of said  
 2 auditor or clerk, as the case may be, to fold the ballot or ballots in the  
 3 manner specified in section 1116 of the code and he shall en-  
 4 close such ballot or ballots in an envelope unsealed to be fur-  
 5 nished by him, which envelope shall bear upon the face thereof the  
 6 name, official title and post office address of such auditor or clerk,  
 7 and upon the other side a printed affidavit in substantially the follow-  
 8 ing form:

9 State of ..... }  
 10 County of ..... } ss.  
 11 I, ....., do solemnly swear that I am a  
 12 resident of the.....precinct of the (town) (township)

13 of.....or of the.....ward in the city of.....  
 14 residing at..... in said city, and the county of.....  
 15 and state of Iowa, and am entitled to vote in such precinct at the  
 16 election to be held on..... That I am  
 17 .....(Stating business).....and my duties as such prevent my being  
 18 in the county of my residence on the day of said election. I further  
 19 swear that I marked the enclosed ballot in secret.

20 Signed.....

21 Subscribed and sworn to before me this..... day of.....  
 22 A. D.,....., and I hereby certify that the affiant exhibited  
 23 the enclosed ballot to me unmarked; that he then in my presence and  
 24 in the presence of no other person, and in such manner that I could not  
 25 see his vote, marked such ballot and enclosed and sealed the same in  
 26 this envelope; that the affiant was not solicited or advised by me to  
 27 vote for or against any candidate or measure.

28 .....  
 29 .....

30 Provided that if the ballot enclosed is to be voted at a primary  
 31 election, the affidavit shall designate the name of the political party  
 32 with which the voter is affiliated.

1 **SEC. 6. Affidavit—marking ballot—mailing or delivering.** Such  
 2 absent voter shall make and subscribe to the said affidavit before an  
 3 officer authorized by law to administer oaths and such voter shall  
 4 thereupon in the presence of such officer and of no other person, mark  
 5 such ballot or ballots, but in such manner that such officer cannot know  
 6 how such ballot is marked, and such ballot or ballots shall then in the  
 7 presence of such officer be folded by such voter so that each ballot  
 8 will be separate and so as to conceal the marking and be in the presence  
 9 of such officer deposited in such envelope and the envelope securely  
 10 sealed. Said envelope shall be mailed by such voter, by registered  
 11 mail, postage prepaid, to the officer issuing the ballot, or if more con-  
 12 venient it may be delivered in person.

1 **SEC. 7. Custody of ballot.** Upon receipt of such absent voter's  
 2 ballot, the auditor or clerk, as the case may be, shall forthwith enclose  
 3 the same, unopened, together with the application made by said absent  
 4 voter, in a larger or carrier envelope which shall be securely sealed  
 5 and endorsed with the name and official title of such auditor or clerk,  
 6 and the words, "this envelope contains an absent voter's ballot and  
 7 must be opened only at the polls on election day while said polls are  
 8 open," and such auditor or clerk shall thereafter safely keep the same  
 9 in his office until delivered by him as provided in the next section.

1 **SEC. 8. Envelopes—delivery.** In case an absent voter's ballot is  
 2 received by the auditor or clerk, as the case may be, prior to the  
 3 delivery of the official ballots to the judges of election of the precinct  
 4 in which said elector resides, such ballot envelope and application,  
 5 sealed in the carrier envelope, shall be enclosed in such package and  
 6 therewith delivered to the judges of such precinct. In case the official  
 7 ballots for such precinct have been delivered to the judges of election  
 8 at the time of the receipt by the auditor or clerk of such absent voter's  
 9 ballot, such official shall immediately enclose said envelope containing  
 10 the absent voter's ballot, together with his application therefor, in a

11 larger or carrier envelope which shall be securely sealed and endorsed  
12 on the face to the judges of election, giving the name or number of  
13 precinct, street and number of the polling place, city or town in which  
14 such absent voter is a qualified elector and the words "this envelope  
15 contains an absent voter's ballot and must be opened only on election  
16 day at the polls while the polls are open", mailing the same, postage  
17 prepaid, to such judges of election or, if more convenient, such auditor  
18 or clerk may deliver such absent voter's ballot to the judges of election  
19 in person or by duly deputized agent, said auditor, clerk or agent to  
20 secure his receipt for delivery of such ballot or ballots. Provided,  
21 however, that such delivery of ballots by person is to be made without  
22 expense to the county, city or town, as the case may be.

1     **SEC. 9. Opening envelopes—depositing or rejecting ballot.** At  
2 any time between the opening and closing of the polls on such election  
3 day the judges of election of said precinct shall open the outer or  
4 carrier envelope only, announce the absent voter's name and compare  
5 the signature upon the application with the signature upon the affi-  
6 davit on the ballot envelope. In case the judges find the affidavits  
7 executed; that the signatures correspond; the applicant a duly quali-  
8 fied elector of the precinct and that the applicant has not voted in  
9 person at said election, they shall open the envelope containing the  
10 absent voter's ballot in such manner as not to deface or destroy the  
11 affidavit thereon and take out the ballot or ballots therein contained  
12 without unfolding or permitting the same to be unfolded or examined  
13 and having endorsed the ballot in like manner as other ballots are  
14 required to be endorsed, deposit the same in the proper ballot box or  
15 boxes and enter the absent voter's name in the poll book, the same as  
16 if he had been present and voted in person. In case such affidavit is  
17 found to be insufficient, or that the signatures do not correspond, or  
18 that the applicant is not a duly qualified elector in such precinct, or that  
19 the ballot envelope is open, or has been opened and resealed, or that  
20 the ballot envelope contains more than one ballot of any one kind,  
21 such vote shall not be accepted or counted. Every ballot not counted  
22 shall be endorsed on the back thereof "rejected (giving reason there-  
23 for)". All rejected ballots shall be enclosed and securely sealed in an  
24 envelope on which the judges shall endorse "defective ballots" with  
25 a statement of the precinct in which and the date of the election at  
26 which they were cast, signed by the judges and returned to the same  
27 officer and in the same manner as by law provided for the return and  
28 preservation of official ballots voted at such election.

1     **SEC. 10. Challenge.** The vote of any absent voter may be  
2 challenged for cause and the judges of election shall have all the power  
3 and authority given by law to hear and determine the legality of such  
4 ballot.

1     **SEC. 11. Ballot of deceased voter.** Whenever it shall be made to  
2 appear by due proof to the judges of election that any elector, who has  
3 marked and forwarded his ballot as provided in this act, has died, then  
4 the ballot of such deceased voter shall be returned by the judges of  
5 election with the unused ballots to the official issuing it, however the  
6 casting of the ballot of a deceased voter shall not invalidate the elec-  
7 tion.

1 SEC. 12. Statutes applicable. All the provisions of the election  
 2 laws now in force and not inconsistent with the provisions of this  
 3 act, shall apply with full force and effect to all counties, cities and  
 4 towns in which voting machines are used, relative to the furnishing  
 5 of ballot boxes; the printing and furnishing of official ballots in such  
 6 number as the auditor or clerk, as the case may be, may deem neces-  
 7 sary; the canvassing of the ballots and making the proper return of  
 8 the result of the election.

1 SEC. 13. Penalty clause. If any person shall wilfully swear  
 2 falsely to any such affidavit, he shall, upon conviction thereof, be guilty  
 3 of perjury and shall be punished as in such cases by law provided. If  
 4 any person who, having procured an official ballot or ballots as hereto-  
 5 fore provided, shall wilfully neglect or refuse to cast or return same  
 6 in the manner heretofore provided, or shall wilfully violate any pro-  
 7 vision of this act, he shall be guilty of a misdemeanor and shall be  
 8 fined not to exceed one hundred dollars, or imprisoned in the county  
 9 jail not to exceed thirty days. If any county auditor, city or town  
 10 clerk or any election officer, shall refuse or neglect to perform any of  
 11 the duties prescribed by this act, or shall violate any of the provisions  
 12 thereof, he shall upon conviction be fined not less than one hundred  
 13 dollars nor more than one thousand dollars, or imprisoned in the county  
 14 jail not to exceed ninety days."

1 SEC. 14. Construction of statute. This act shall be deemed to  
 2 provide a method of voting in addition to the method now provided by  
 3 statute, and, to such extent, as amendatory of existing statutes relat-  
 4 ing to the manner and method of voting.

Approved April 14, A. D. 1915.

## CHAPTER 158.

### SOLDIERS' HOME.

H. F. 339.

AN ACT to amend the law relating to the government of the soldiers' home, as the same appears in section twenty-six hundred four (2604), supplement to the code, 1913.

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

1 SECTION 1. **Commandant—inferior officers—vacancy.** That the  
 2 law as it appears in section twenty-six hundred four (2604), supple-  
 3 ment to the code, 1913, be and the same is hereby amended by striking  
 4 from line eight (8) the word "and" and by inserting a comma in lieu  
 5 thereof and also inserting after the comma following the word "sur-  
 6 geon" in line eight (8) of said section the words "and a chaplain",  
 7 and also by striking from line seventeen (17) thereof the word "and"  
 8 and by inserting after the word "surgeon" in line eighteen (18) of  
 9 said section the following, "and chaplain".

Approved April 14, A. D. 1915.