

Sec. 41. City clerk to preserve registration records. The city clerk shall carefully preserve all registry books and alphabetical lists and other papers pertaining to the registration, until destroyed as provided by law.

Sec. 42. Penalty. If any register or judge of election shall wilfully neglect or disregard any duty imposed, or shall make, or permit to be made, any registration, statement, or list, except at the time and place and in the manner herein authorized and prescribed, or shall knowingly make, or permit to be made, any false statement as aforesaid, or if any person shall wilfully make, or authorize to be made, any statement required to be made, false in any particular, or shall violate any of the provisions of this chapter, every such register or judge of election, person or persons, shall be guilty of a misdemeanor.

Approved January 25, 1924.

CHAPTER 14  
METHOD OF CONDUCTING ELECTIONS  
S. F. 25

AN ACT to amend, revise, and codify chapter six (6) of title four (4) of the compiled code of Iowa and of the supplement to said code, and section thirty-four hundred forty-two (3442) of the compiled code of Iowa, and sections four hundred ninety-nine-a four (499-a4) and four hundred ninety-nine-a eleven (499-all) of the supplement to said code, relating to the method of conducting elections.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter six (6) of title four (4) of the compiled Code of Iowa and of the supplement to said Code, and section thirty-four hundred forty-two (3442) of the compiled Code of Iowa, and sections four hundred ninety-nine-a four (499-a4) and four hundred ninety-nine-a eleven (499-all) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Elections included. The provisions of this chapter shall apply to all elections known to the laws of the state, except school elections.

Sec. 2. Terms defined. For the purposes of this chapter:

1. The term "general election" means any election held for the choice of national, state, judicial, district, county, or township officers.
2. The term "city election" means any municipal election held in a city of town.
3. The term "special election" means any other election held for any purpose authorized or required by law.

Sec. 3. Election precincts. Election precincts shall, except as otherwise provided, be as follows:

1. Each township when there is no part of a city therein.
2. The portion of a township outside the limits of any city.
3. Such divisions of cities as may be fixed by the council by ordinance.
4. Each incorporated town, for town elections.

Sec. 4. Change in precincts by supervisors. The board of supervisors may divide a township or part thereof, into two (2) or more precincts, or change or abolish such division. An order establishing precincts shall define their boundaries.

Sec. 5. City precincts. The council of a city may, from time to time, by ordinance definitely fixing the boundaries, divide the city into such number of election precincts as will best serve the convenience of the voters.

Sec. 6. Power to combine township and city precincts. The board of supervisors and the council of any city of less than thirty-five hundred (3500) inhabitants, not including the inmates of any state institution, may combine any part of the township outside of such city with any or all the wards or precincts thereof as one (1) election precinct, or change or abolish such precinct.

Sec. 7. Portions of townships combined. No precinct shall contain different townships or parts thereof, except where, by reason of the existence of a village or incorporated town on or near a township line, the board of supervisors may create a voting precinct in compact form, from said town or village, and may include therein territory adjoining and adjacent to said village or town, which is situated in two (2) or more townships.

Sec. 8. Changes in precincts. In cases contemplated in the preceding section, the board may, from time to time, make such changes in said boundaries as the convenience of the voters may require.

Sec. 9. Proper place of voting. No person shall vote in any precinct but that of his residence, except as provided in section thirty-five hundred eleven-a one (3511-a1) of the supplement to the compiled Code.

Sec. 10. Polling places for certain precincts. Polling places for precincts outside the limits of a city, but within the township, or originally within and set off as a separate township from the township in which the city is in whole or in part situated, and a polling place for a township which entirely surrounds another township containing a city, may be fixed at some room or rooms in the courthouse or in some other building within the limits of the city as the board of supervisors may provide.

Sec. 11. Notice of boundaries of precincts. The board of supervisors or council shall number or name the several precincts established, and cause the boundaries of each to be recorded in the records of said board of supervisors or council, as the case may be, and publish notice thereof in some newspaper of general circulation, published in such county or city, once each week for three (3) consecutive weeks, the last to be made at least thirty (30) days before the next general election. The precincts thus established shall continue until changed.

Sec. 12. Election boards. Election boards shall consist of three (3) judges and two (2) clerks. Not more than two (2) judges and not more than one (1) clerk shall belong to the same political party or organization, if there be one (1) or more electors of another party qualified and willing to act as such judge or clerk. Providing that nothing in this act shall change or abrogate any of the provisions of law relating to double election boards.

Sec. 13. Judges in cities and towns. In cities and towns, the councilmen shall be judges of election; but in case more than two (2) councilmen belonging to the same political party or organization are residents of the same election precinct, the county board of supervisors may designate which of them shall serve as judge.

Sec. 14. Judges and clerk in township precincts. In township precincts, the clerk of the township shall be clerk of election of the precinct in which he resides, and the trustees of the township shall be judges of election, except that, in township not divided into election precincts, if all the trustees be of the same political party, the board of supervisors shall determine by lot which two (2) of the three (3) trustees shall be judges of such precinct.

Sec. 15. Supervisors to choose additional members. The membership of such election board shall be made up or completed by the board of supervisors from the parties which cast the largest and next largest number of votes in said precinct at the last general election, or that one which is unrepresented.

Sec. 16. Council to act in cities and towns. In city and town elections the powers given in this chapter and duties herein made incumbent upon the board of supervisors shall be performed by the council.

Sec. 17. Boards with only one voting machine. The election board in precincts using only one (1) voting machine shall consist of three (3) judges, only two (2) of whom shall be of the same political party, and two (2) of whom shall also act as clerks.

Sec. 18. Vacancies occurring on election day. If, at the opening of the polls in any precinct, there shall be a vacancy in the office of clerk or judge of election, the same shall be filled by the members of the board present, and from the political party which is entitled to such vacant office under the provisions of this chapter.

Sec. 19. Boards for special elections -- duty of auditor. The election board at any special election shall be the same as at the last preceding general election. In case of vacancies happening therein, the county auditor may make the appointment to fill the same when the board of supervisors is not in session.

Sec. 20. Compensation of members. The members of election boards shall receive thirty cents (30c) per hour while engaged in the discharge of their duties.

Sec. 21. Polling places. In townships the trustees, except as otherwise provided, shall provide at the expense of the county, suitable places in which to hold all elections provided for in this chapter, and see that the same are warmed and lighted.

Sec. 21-a1. Duty of mayor and clerk. In cities and towns, the duties placed upon the trustees by the preceding section shall be performed by the mayor and clerk.

Sec. 21-a2. Notice of change. When a change is made from the usual place of holding elections in the township, notice of such change shall be given by posting up notices in three (3) public places in the township, ten (10) days prior to the day on which the election is to be held.

Sec. 22. Schoolhouse as polling places. In precincts outside of cities and towns the election shall, if practicable, be held in the public school building. All damage to the building or furniture shall be paid by the county.

Sec. 23. Arrangement and number of polling places and booths. The number, arrangement and construction of polling places and voting booths shall be as follows:

1. A guard rail shall be so constructed and placed that only such persons as are inside such rail can approach within six (6) feet of the ballot box, or of the booths.

2. The voting booths shall be so arranged that they can only be reached by passing within said guard rail, and so that they shall be in plain view of the election officers, and both booths and ballot boxes shall be in plain view of persons outside of the guard rail.

3. Each booth shall be at least three (3) feet square, and having three (3) sides inclosed, the side in front to open and shut by a door swinging outward, or closed with a curtain.

4. Each side of the booth shall be seven (7) feet high, and the door or curtain shall extend to within two (2) feet of the floor, and shall be closed while the voter is preparing his ballot.

5. Each booth shall contain a shelf at least one (1) foot wide, at a convenient height for writing, and shall be well lighted.

6. The number of voting booths shall not be less than one (1) to every sixty (60) voters or fraction thereof who voted at the last preceding election in the precinct.

7. The booths and compartments shall be so built and arranged, if possible, as to be permanent, so that after the election they may be taken down and deposited with the township, city or town clerk, as the case may be, for safekeeping and for future use.

Sec. 24. Ballot boxes. The auditor shall furnish each precinct in the county, except as provided in the next section, the necessary ballot boxes with locks and keys therefor.

Sec. 25. Separate ballot box and ballots for township officers. When the territory of a precinct is such that one or more of the officers of a township can be legally voted for by only a part of the precinct voters, the auditor shall prepare separate ballots for such township officer or officers, and the trustees shall furnish a separate ballot box in which such special ballots shall be deposited when voted. Only such special ballots shall be placed in said special ballot box. The judges of election shall have the right to administer an oath to any person and to examine him under oath in order to determine whether he is entitled to vote for the township officer or officers.

Sec. 26. Auditor to furnish poll books and supplies. The auditor shall prepare and furnish to each precinct two (2) poll books, and all other books, blanks, materials and supplies necessary to carry out the provisions of this chapter. Each poll book shall contain a column for the names of the voters, a column for the number, and sufficient printed blank leaves to contain the entries of the oaths, certificates, and returns.

Sec. 27. Voting by ballot. In all elections regulated by this chapter, the voting shall be by ballots printed and distributed as hereinafter provided, except as may be otherwise specially directed by law.

Sec. 28. All candidates on one ballot--exception. The names of all candidates to be voted for in such election precinct, except presidential electors, shall be printed on one (1) ballot.

Sec. 29. Arrangement of party nominees. All nominations of any political party or group of petitioners, except as provided in the preceding section, shall be placed under the party name or title of such party or group, as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except as provided in the following section.

Sec. 30. Candidates for president in place of electors. The candidates for electors of president and vice president of any political party or group of petitioners shall not be placed on the ballot, but in the years in which they are elected the names of candidates for president and vice president, respectively, of such parties or group of petitioners shall be placed on the ballot, as the names of candidates for United States senators are placed thereon, under their respective party, petition or adopted titles for each political party, or group of petitioners, nominating a set of candidates for electors.

Sec. 31. One square for president and vice president. Upon the left-hand margin of each separate column of the ballot, immediately opposite the names of the candidates for president and vice president, a single square, the sides of which shall not be less than one-fourth (1/4) of an inch in length, shall be printed in front of a bracket inclosing the names of the said candidates for president and vice president. The votes for said candidates shall be counted and certified to by the election judges in the same manner as the votes for other candidates.

Sec. 32. United States senators. At all elections next preceding the expiration of the term of office of United States senator, there shall be placed upon the official ballot in the proper place the names of candidates for all parties or groups of petitioners for said office that have been nominated by law. The votes for said candidates shall be counted and certified to by the election judges in the same manner as votes for other candidates.

Sec. 33. Order of arranging names. Each list of candidates for the several parties and groups of petitioners shall be placed in a separate column on the ballot, in such order as the authorities charged with the printing of the ballots shall decide, except as otherwise provided, and be called a ticket.

Sec. 33-a1. Candidates of nonparty organization. The term "group of petitioners" as used in the foregoing sections shall embrace an organization which is not a political party as defined by law.

Sec. 34. Columns to be separated. Each of the columns containing the list of candidates, including the party name, shall be separated by a distinct line.

Sec. 35. Candidate's name to appear but once. The name of a candidate shall not appear upon the ballot in more than one (1) place for the same office, whether nominated by convention, primary, caucus, or petition, except as hereinafter provided.

Sec. 36. Dual nomination. When two (2) or more political parties, or when two (2) or more political organizations which are not political parties, or when a political party and a political organization which is not a political party, nominate the same candidate for the same office, such nominee shall forthwith designate, in writing, the political party name, or the political organization name, under which he desires to have his name printed on the official ballot for the ensuing general election; such written designation shall be filed with the officer with whom the nomination papers, or certificate of nomination by a convention or caucus, is filed and the name of such nominee shall appear on the ballot in accordance therewith.

Sec. 37. Failure to designate. If the designation referred to in the preceding section be not filed, the following rules shall govern:

1. If the nomination be by two (2) or more political parties, the name of such nominee shall be printed under the party designation under which nomination papers were first filed in his behalf.

2. If the nomination be by a political party and also by a political organization which is not a political party, the name of such nominee shall be printed under the name of the political party or political organization first filing nomination papers, or certificate of nomination, as the case may be.

3. If the nomination be by two (2) or more political organizations which are not political parties, the name of such nominee shall be printed under the name of the political organization filing a certificate of nomination of such candidate.

Sec. 38. Nominees for judge of district court. The name of a nominee for the office of judge of the district court shall be printed on said general official ballot as a candidate of each political party, political organization, or group of petitioners nominating such candidate. The bar association or convention of attorneys of any county or judicial district shall be deemed a political organization for the purpose of this section.

Sec. 39. Form of official ballot. Said ballot shall be substantially in the following form:

<input type="radio"/> REPUBLICAN	<input type="radio"/> DEMOCRATIC	<input type="radio"/> PROHIBITION	<input type="radio"/> UNION LABOR
For President, A _____ B _____ of Ohio.	For President, N _____ O _____ of Virginia.	For President, A _____ B _____ of Maine.	For President, N _____ O _____ of Idaho.
For Vice Pres- ident, C _____ D _____ of New York.	For Vice Pres- ident, P _____ Q _____ of Indiana.	For Vice Pres- ident, C _____ D _____ of Illinois.	For Vice Pres- ident, P _____ Q _____ of Ohio.
For United States Senator, <input type="checkbox"/> E _____ F _____ of _____ County.	For United States Senator, <input type="checkbox"/> R _____ S _____ of _____ County.	For United States Senator, <input type="checkbox"/> E _____ F _____ of _____ County.	For United States Senator, <input type="checkbox"/> R _____ S _____ of _____ County.
For Governor, <input type="checkbox"/> G _____ H _____ of _____ County.	For Governor, <input type="checkbox"/> T _____ U _____ of _____ County.	For Governor, <input type="checkbox"/> G _____ H _____ of _____ County.	For Governor, <input type="checkbox"/> T _____ U _____ of _____ County.
For Lieutenant Governor, <input type="checkbox"/> I _____ J _____ of _____ County.	For Lieutenant Governor, <input type="checkbox"/> V _____ W _____ of _____ County.	For Lieutenant Governor, <input type="checkbox"/> I _____ J _____ of _____ County.	For Lieutenant Governor, <input type="checkbox"/> V _____ W _____ of _____ County.
For Judge of Supreme Court, <input type="checkbox"/> L _____ M _____ of _____ County.	For Judge of Supreme Court, <input type="checkbox"/> X _____ Y _____ of _____ County.	For Judge of Supreme Court, <input type="checkbox"/> L _____ M _____ of _____ County.	For Judge of Supreme Court, <input type="checkbox"/> X _____ Y _____ of _____ County.

Sec. 40. Constitutional amendment or other public measure. When a constitutional amendment or other public measure is to be voted upon by the electors, it shall be printed in full upon a separate ballot, preceded by the words, "shall the following amendment to the constitution (or public measure) be adopted?"

Sec. 41. Form of ballot. Upon the right-hand margin opposite said words, two (2) spaces shall be left, one (1) for votes favoring such amendment or public measure, and the other for votes opposing the same. In one (1) of these spaces the word "yes" or other word required by law shall be printed; in the other, the word "no" or other word required, and to the right of each space a square shall be printed to receive the voting cross.

Sec. 42. General form of ballot. Ballots referred to in the two (2) preceding sections shall be substantially in the following form:

"Shall the following amendment to the constitution (or public measure) be adopted?"

(Here insert in full the proposed constitutional amendment or public measure.)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Sec. 43. Marking ballots on public measures. The elector shall designate his vote by a cross mark, thus, "X", placed in the proper square.

Sec. 44. Notice to be published on ballots. At the top of ballots on such public measures shall be printed the following:

"(Notice to voters. For an affirmative vote upon any question submitted upon this ballot make a cross (X) mark in the square after the word 'Yes'. For a negative vote make a similar mark in the square following the word 'No'.)"

Sec. 45. Different measures on same ballot. If more than one (1) constitutional amendment or public measure is to be voted upon, they shall be printed upon the same ballot, one (1) below the other, with one (1) inch space between the several constitutional amendments or public measures to be submitted.

Sec. 46. Printing of ballots on public measures. All of such ballots for the same polling place shall be of the same size, similarly printed, upon yellow colored paper. On the back of each ballot shall be printed appropriate words, showing that such ballot relates to a constitutional or other question to be submitted to the electors, so as to distinguish the said ballots from the official ballot for candidates for office, and a facsimile of the signature of the auditor or other officer who has caused the ballot to be printed.

Sec. 47. Indorsement and delivery of ballots. Ballots on such public measures shall be indorsed and given to each voter by the judges of election, as in case of ballots generally, and shall be subject to all other laws governing ballots for candidates, so far as the same shall be applicable.

Sec. 48. County auditor to control printing. For all elections held under this chapter, except those of cities or towns, the county auditor shall have charge of the printing of ballots in his county, and shall cause to be placed thereon the names of all candidates which have been certified to him by the secretary of state, in the order the same appear upon said certificate, together with those of all other candidates to be voted for thereat, whose nominations have been made in conformity with law.

Sec. 49. Candidates for township offices -- when omitted. The name of a candidate for a township office shall not be placed upon the general official ballot for a precinct when the territory of said precinct is such that only a part of the precinct voters can legally vote for said candidate. In such cases special ballots shall be prepared as heretofore provided.

Sec. 50. City or town clerk to control printing. In city or town election, the clerk shall have charge of the printing of the ballots, and shall cause to be placed thereon the names of all candidates to be voted for thereat, whose nominations have been made as provided by law.

Sec. 51. Publication of ballot. For publication of the official ballot, forty cents (40c) for each ten (10) lines of brevier or its equivalent may be charged, the space necessarily occupied thereby being measured as if it were in brevier type set solid. In no case shall the cost of publishing the official ballot exceed forty dollars (\$40.00) for each of the two (2) papers in which it shall be published, except in presidential years, when it shall not exceed the sum of seventy dollars (\$70.00) for each of said papers.

Sec. 52. Delivery of ballots to judges. In all cases the ballots shall be furnished the election judges at the polling place in each precinct not less than twelve (12) hours before the opening of the polls on the morning of the election.

Sec. 53. Maximum cost of printing. The cost of printing the official election ballots shall not exceed twenty-five dollars (\$25.00) per thousand ballots or fraction thereof except in presidential years, when the cost shall not exceed thirty dollars (\$30.00) per thousand where two thousand or more ballots are printed for a county. Where less than two thousand ballots are printed the price shall not exceed thirty dollars (\$30.00) per thousand, except in presidential years when the price shall not exceed forty dollars (\$40.00) per thousand or fraction thereof.

Sec. 54. Method and style of printing ballots. Ballots shall be prepared as follows:

1. They shall be on plain white paper, through which the printing or writing can not be read.
2. The party name shall be printed in capital letters, not less than one-fourth ( $1/4$ ) of an inch in height.
3. The names of candidates shall be printed in capital letters, not less than one-eighth ( $1/8$ ), nor more than one-fourth ( $1/4$ ) of an inch in height.
4. A square, the sides of which shall not be less than one-fourth ( $1/4$ ) of an inch in length, shall be printed at the beginning of each line in which the name of a candidate is printed, except as otherwise provided.
5. On the outside of the ballot, so as to appear when folded, shall be printed the words "Official ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a facsimile of the signature of the auditor or other officer who has caused the ballot to be printed.

Sec. 55. Vacancies certified before ballots are printed. The name supplied for a vacancy by the certificate of the secretary of state, or by nomination certificates or papers for a vacancy filed with the county auditor, or city or town clerk, shall, if the ballots are not already printed, be placed on the ballots in place of the name of the original nominee.

Sec. 56. Vacancies certified after ballots are printed. If vacancies be certified after the ballots have been printed, new ballots, whenever practicable, shall be furnished.

Sec. 57. Inserting name of vacancy nominee. When it may not be practicable, after a vacancy has been certified, to have new ballots printed, the election officers having charge of them shall place the name supplied for the vacancy upon each ballot used before delivering it to the judges of election.

Sec. 58. Furnishing judges name of vacancy nominee--pasters. If said ballots have been delivered to the judges of election before vacancy has been certified, said auditor or clerk shall immediately furnish the name of such substituted nominee to all judges of election within the territory in which said nominee may be a candidate.

Pastors with the name of the substituted nominee thereon shall likewise be furnished the voter with his ballot when possible to do so.

Sec. 59. Filling in name of vacancy nominee. Judges of election having charge of the ballots shall, in the case contemplated in the preceding section, place the name supplied for the vacancy upon each ballot issued before delivering it to the voter, by affixing a paster, or by writing or stamping the name thereon.

Sec. 60. Time of printing -- inspection and correction. Ballots shall be printed and in the possession of the officer charged with their distribution in time to enable him to furnish ballots to absent voters as provided by law. Said printed ballots shall be subject to the inspection of candidates and their agents. If mistakes are discovered, they shall be corrected without delay, in the manner provided in this chapter.

Sec. 61. Number ballots delivered. The officers charged with the printing of the ballots shall cause to be delivered to the judges of election seventy-five (75) ballots, of the kind to be voted in such precinct, for every fifty (50) votes or fraction thereof cast therein at the last preceding election of state officers.

Sec. 62. Packing ballots, delivery, and receipts. Such ballots shall be put up in separate sealed packages, with marks on the outside, clearly designating the polling place for which they are intended and the number of ballots inclosed, and receipt therefor shall be given by the judge or judges of election to whom they are delivered, which receipt shall be preserved by the officer charged with the printing of the ballots.

Sec. 63. Reserve supply of ballots. Any officer charged with the printing and distribution of ballots shall provide and retain at his office an ample supply of ballots, in addition to those distributed to the several voting precincts, and if at any time the ballots furnished to any precinct shall be lost, destroyed or exhausted before the polls are closed, on written application, signed by a majority of the judges of such precinct, or signed and sworn to by one (1) of such judges, he shall immediately cause to be delivered to such judges, at the polling place, such additional supply of ballots as may be required, and sufficient to comply with the provisions of this chapter.

Sec. 64. Form of reserve supply. For general elections, the supply of ballots so retained shall only equal the number provided for the precinct casting the largest vote at the preceding general election, and shall include only the portions of the various tickets to be voted for throughout the entire county, with blank spaces in which the names of candidates omitted may be written by the voter, and with blank spaces in the indorsement upon the back of such ballots, in which the name of the precinct shall be written by the judges of election.

Sec. 65. Attorney general to furnish instruction. The attorney general shall prepare, and from time to time revise, written instructions to the voters relative to voting, and deliver such instructions to the secretary of state. Such instructions shall cover the following matters:

1. The manner of obtaining ballots.
2. The manner of marking ballots.
3. That unmarked or improperly marked ballots will not be counted.
4. The method of gaining assistance in marking ballots.
5. That any erasures or identification marks, or otherwise spoiling or defacing a ballot, will render it invalid.
6. Not to vote a spoiled or defaced ballot.
7. How to obtain a new ballot in place of a spoiled or defaced one.
8. Upon the right of an employee to absent himself for two (2) hours for the purpose of voting, by application for leave so to do made before

the day of election, without deduction from his salary or wages.

9. Any other matters thought necessary.

Sec. 66. Secretary of state to furnish copies of instructions. The secretary of state shall furnish county auditors and city clerks with copies of the foregoing instructions.

Sec. 67. Judges to be furnished instructions. The county auditor and city clerk shall cause copies of the foregoing instructions to be printed in large, clear type, under the heading of "Card of Instructions", and shall furnish the judges of election with a sufficient number of such cards as will enable them to comply with the following section.

Sec. 68. Posting instruction cards and sample ballots. The judges of election, before the opening of the polls, shall cause said cards of instruction to be securely posted as follows:

1. One (1) copy in each voting booth.
2. Not less than four (4) copies, with an equal number of sample ballots, in and about the polling place.

Sec. 69. Publication of list of nominations. The county auditor shall, prior to the day of election, publish a list of all nominations made as provided by law, and to be voted for at such election, except township, city or town officers. Such publication shall be, as near as may be, in the form in which such nominees will appear on the official ballot. Such publication shall be in two (2) newspapers, representing, if possible, the political parties which cast at the preceding general election the largest number and the next largest number of votes.

Sec. 70. Time of opening polls. At all elections the polls shall be opened at eight (8) o'clock in the forenoon, except in cities where registration is required, when the polls shall be opened at seven (7) o'clock in the forenoon, or in each case as soon thereafter as vacancies in the places of judges or clerks of election have been filled. In all cases the polls shall be closed at seven (7) o'clock in the evening.

Sec. 71. Oath. Before opening the polls, each of the judges and clerks shall take the following oath: "I, A.B., do solemnly swear that I will impartially, and to the best of my knowledge and ability, perform the duties of judge (or clerk) of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same."

Sec. 72. How administered. Any one (1) of the judges or clerks present may administer the oath to the others, and it shall be entered in the poll books, subscribed by the person taking it, and certified by the officer administering it.

Sec. 73. Ballot furnished to voter. The judges of election of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall give his name, and, if required, his residence, to such judges, one (1) of whom shall thereupon announce the same in a loud and distinct tone of voice.

Sec. 74. Voting under registration. In precincts where registration is required, if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat such name in the same manner; if the name of the person desiring to vote is not found on the register of voters, his ballot shall not be received until he shall have complied with the law prescribing the manner and conditions of voting by unregistered voters.

Sec. 75. Challenges. Any person offering to vote may be challenged as unqualified by any judge or elector; and it is the duty of each of the judges to challenge any person offering to vote whom he knows or suspects not to be duly qualified. No judge shall receive a ballot from a voter who is challenged, until such voter shall have established his right to vote.

Sec. 76. Examination on challenge. When any person is so challenged, the judges shall explain to him the qualifications of an elector, and may examine him under oath touching his qualifications as a voter.

Sec. 77. Oath in case of challenge. If the person challenged, be duly registered, or if such person is offering to vote in a precinct where registration is not required, and insists that he is qualified, and the challenge be not withdrawn, one (1) of the judges shall tender to him the following oath:

"You do solemnly swear that you are a citizen of the United States, that you are a resident in good faith of this precinct, that you are twenty-one (21) years of age as you verily believe, that you have been a resident of this county sixty (60) days, and of this state six (6) months next preceding this election, and that you have not voted at this election."

If said person takes such oath, his vote shall be received.

Sec. 78. Voter to receive one ballot--indorsement by judge. One (1) of the judges of election shall give the voter one (1) ballot and only one (1), on the back of which a judge shall indorse his initials, in such manner that they may be seen when the ballot is properly folded. No ballot without said official indorsement shall be deposited in the ballot box. The voter's name shall immediately be checked on the registry list.

Sec. 79. Names to be entered on poll book. The name of each person, when a ballot is delivered to him, shall be entered by each of the clerks of election in the poll book kept by him, in the place provided therefor.

Sec. 80. Marking and return of ballot. On receipt of the ballot, the voter shall, without leaving the inclosed space, retire alone to one (1) of the voting booths, and without delay mark his ballot, and, before leaving the voting booth, shall fold the same in such manner as to conceal the marks thereon, and deliver the same to one (1) of the judges of election. The number of the voter on the poll books or register lists shall not be indorsed on the back of his ballot.

Sec. 81. Depositing ballots. One (1) of the judges of election shall at once, after receiving the ballot, in the presence of the voter, deposit such ballot in the ballot box and the voter shall quit said inclosed space as soon as he has voted.

Sec. 82. Failure to vote--return of ballot. Any voter who, after receiving an official ballot, decides not to vote, shall, before retiring from within the guard rail, surrender to the election officers the official ballot which has been given him, and such fact shall be noted on each of the poll lists. A refusal to surrender such ballot shall subject the person so offending to immediate arrest and the penalties provided in this chapter.

Sec. 83. Prohibited ballot--taking ballot from polling place. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election, nor take or remove any ballot from the polling place before the close of the poll.

Sec. 84. Limitation on time for voting. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said inclosed space more than ten (10) minutes, nor to occupy a voting booth more than five (5) minutes, in case all of said voting booths are in use and other voters waiting to occupy the same, nor to again enter the inclosed space after having voted; nor shall more than two (2) voters in excess of the whole number of voting booths provided be allowed at any one (1) time in such inclosed space, except by the authority of the election officers to keep order and enforce the law.

Sec. 85. Selection of officials to assist voters. At, or before, the opening of the polls, the judges of each precinct shall select two (2) members of the election board, of different political parties, to assist voters who may be unable to mark their ballot.

Sec. 86. Assisting voter. Any voter who may declare upon oath that he can not read the English language, or that, by reason of any physical disability other than intoxication, he is unable to mark his ballot, shall, upon request, be assisted by said two (2) officers, in marking said ballot. Said officers shall mark said ballot as directed by the voter, and shall thereafter give no information regarding the same.

Sec. 87. Assistance to voter indicated on poll book. The clerks of election shall enter upon the poll lists, after the name of any elector who received such assistance in marking his ballot, a memorandum of the fact.

Sec. 88. Voting mark. The voting mark shall be a cross which shall be placed in the circle at the head of a ticket, or in the squares opposite the names of candidates.

Sec. 89. But one vote for same office except in groups. No voter shall vote for more than one (1) candidate for the same office, nor for a greater number of candidates for two (2) or more offices of the same class than there are offices of such class to be filled at such election.

Sec. 90. How to mark a straight ticket. If the names of all candidates for whom a voter desires to vote appear upon the same ticket, and he desires to vote for all candidates whose names appear upon such ticket he may do so in any one of the following ways:

1. He may place a cross in the circle at the top of such ticket without making a cross in any square beneath said circle.
2. He may place a cross in the square opposite the name of each such candidate without making any cross in the circle at the top of such ticket.
3. He may place a cross in the circle at the top of such ticket and also a cross in any or all of the squares beneath said circle.

Sec. 91. Voting part of ticket only. If the names of all candidates for whom the voter desires to vote appear upon a single ticket but he does not desire to vote for all the candidates whose names appear thereon, he shall place a cross in the square opposite the name of each such candidate for whom he desires to vote without making any cross in the circle at the top of such ticket.

Sec. 92. Group candidates for offices of same class. Where two (2) or more offices of the same class are to be filled at the same election, and all of the candidates for such offices, for whom the voter desires to vote, appear upon his party ticket at the top of which he has marked a cross in the circle, he need not otherwise indicate his vote for such candidates; but if the name of any candidate for whom he desires to vote for such office appears upon a different ticket, then as to such group of candidates the cross in the circle does not apply and to indicate his choice the voter must place a cross in the square opposite the name of each such candidate for whom he desires to vote whether the same appears under such marked circle or not.

Sec. 93. How to mark a mixed ticket. If the names of all candidates for whom a voter desires to vote do not appear upon the same ticket, he may indicate the candidates of his choice by marking his ballot in any one (1) of the following ways:

1. He may place a cross in the circle at the top of a ticket on which the names of some of the candidates for whom he desires to vote appear and also a cross in the square opposite the name of each other candidate of his choice, whose name appears upon some ticket other than the one in which he has marked the circle at the top.
2. He may place a cross in the square opposite the name of each candidate for whom he desires to vote without placing any cross in any circle.

Sec. 94. Counting ballots. The ballots shall be counted according to the markings thereon, respectively, as provided in the six (6) preceding sections, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, such ballot shall not be counted for such office. When there is a conflict between the cross in the circle on one ticket and the cross in the square on another ticket on the ballot, the cross in the square shall be held to control, and the cross in the circle in such case shall not apply as to that office. Any ballot marked in any other manner than as authorized in the six (6) preceding sections, and in such manner as to show that the voter employed such mark for the purpose of identifying his ballot, shall be rejected.

Sec. 95. Writing name on ballot. The voter may also insert in writing in the proper place the name of any person for whom he desires to vote and place a cross in the square opposite thereto. The writing of such name without making a cross opposite thereto, or the making of a cross in a square opposite a blank without writing a name therein, shall not effect the validity of the remainder of the ballot.

Sec. 96. Spoiled ballots. Any voter who shall spoil his ballot may, on returning the same to the judges, receive another in place thereof, but no voter shall receive more than three (3) ballots, including the one (1) first delivered to him. None but ballots provided in accordance with the provisions of this chapter shall be counted.

Sec. 97. Defective ballot does not nullify vote. No ballot properly marked by the voter shall be rejected:

1. Because of any discrepancy between the printed ballot and the nomination paper, or certificate of nomination, or certified abstract of the canvassing board.
2. Because of any error in stamping or writing the indorsement thereon by the officials charged with such duties.
3. Because of any error on the part of the officer charged with such duty in delivering the wrong ballots at any polling place.

Sec. 98. Defective ballots--how counted. Said defective ballots shall be counted for the candidate or candidates for such offices named in the nomination papers, certificate of nomination, or certified abstract.

Sec. 99. Wrong ballots--how counted. Said wrong ballots shall be counted as cast for all candidates for whom the voter had the right to vote, and for whom he did vote,

Sec. 99-a. Duties of counting and receiving boards. The counting boards shall proceed to their respective voting places to which they have been appointed at one o'clock p.m., and shall take charge of the ballot box containing the ballots already cast in that precinct. It shall retire to a partitioned space or room provided for that purpose and there proceed to count and tabulate the ballots as it shall find them deposited in the ballot box. The receiving board shall continue to receive the votes of electors in the other box provided, until such time as the counting board shall have finished counting and tabulating the ballots cast in the first ballot box. The two boards shall then exchange the first box for the second box and so continue until they have counted and tabulated all the votes cast on that election day. When the hour arrives for closing the polls, the receiving board shall certify to all matters pertaining to casting of ballots and shall then unite with the counting board in the counting of ballots. The judges shall then divide the ballots not counted and each group of judges and clerks shall proceed to canvass their portion of the same. When the canvass has been completed the judges and clerks shall report the result of their canvass which report shall be incorporated in the returns provided by law.

Sec. 100. Persons permitted at polling places. The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

1. Any person who is by law authorized to perform or is charged with the performance of official duties at the election.
2. Any number of persons, not exceeding three (3) from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.
3. Any number of persons not exceeding three (3) from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots.

Sec. 101. When judges and clerks may order arrest. Any judge or clerk of election shall order the arrest of any person who conducts himself in a noisy, riotous, tumultuous or disorderly manner at or about the polls, so as to disturb the election, or insults or abuses the judges or clerks of election, or commits a breach of the peace, or violates any of the provisions of this chapter.

Sec. 102. Judges may commit disorderly person. Any constable or special policeman may forthwith arrest such person and bring him before the judges of election, and they, by a warrant under their hands, may commit him to the jail of the county for a term not exceeding twenty-four (24) hours, but they shall permit him to vote.

Sec. 103. Prohibited acts on election day. The following acts, except as specially authorized by law, are prohibited on any election day:

1. Loitering, congregating, electioneering, treating voters, or soliciting votes, during the receiving of the ballots, within one hundred (100) feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway or other means of reaching the room where the polls are held.
2. Interrupting, hindering or opposing any voter while in or approaching the polling place for the purpose of voting.
3. A voter allowing any person to see how his ballot is marked.
4. A false statement by a voter as to his ability to mark his ballot.
5. Interfering or attempting to interfere with a voter when inside the inclosed space, or when marking his ballot.
6. Endeavoring to induce a voter to show how he marks, or has marked his ballot.

7. Marking, or causing in any manner to be marked, on any ballot, any character for the purpose of identifying such ballot.

Sec. 104. Penalty. Any violation of the provisions of the preceding section shall be punished by a fine of less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not less than ten (10) days nor more than thirty (30) days in the county jail, or by both fine and imprisonment.

Sec. 105. Employees entitled to time to vote. Any person entitled to vote at a general election shall, on the day of such election, be entitled to absent himself from any services in which he is employed for a period of two (2) hours, between the time of opening and closing the polls, which period may be designated by the employer, and such voter shall not be liable to any penalty, nor shall any deduction be made from his usual salary or wages, on account of such absence, but application for such absence shall be made prior to the day of election.

Sec. 106. Intimidation of employees by employer. Any employer who shall refuse to an employee the privilege conferred by the preceding section, or shall subject such employee to a penalty or reduction of wages because of the exercise of such privilege, or shall in any manner attempt to influence or control such employee as to how he shall vote, by offering any reward, or threatening discharge from employment, or otherwise intimidating or attempting to intimidate such employee from exercising his right to vote, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

Sec. 107. Acts declared unlawful. It shall be unlawful for any person, prior to the closing of the polls, wilfully to do any of the following acts:

1. Destroy, deface, tear down, or remove any list of candidates, card of instruction, or specimen ballot posted as provided by law.
2. Remove or destroy any of the supplies or articles furnished for the purpose of enabling voters to prepare their ballots.

Sec. 108. Penalty. Any person violating the preceding section shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or imprisoned not less than ten (10) nor more than thirty (30) days, or both said fine and imprisonment.

Sec. 109. Official neglect or misconduct. Any public officer upon whom a duty is imposed by this chapter, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the object thereof, or shall disclose to anyone, except as may be ordered by any court of justice, the manner in which any ballot may have been voted, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the penitentiary not less than one (1) nor more than five (5) years, or by both fine and imprisonment.

Sec. 110. Special police. The city council shall detail and employ, at each election, from citizens, or from the police force of the city, from two (2) to four (4) special policemen for each voting precinct and fully empower them for the special occasion of such election to prevent violations of this chapter, or of any other lawful command made under this chapter. Said special police shall be men of good character and reputation and shall be appointed on the nomination of the principal political committee of each political party recognized as the two (2) leading parties, and in equal numbers from each of said political parties. No other peace officer than those above named shall exercise his authority for preserving order at or within one hundred (100) feet of such voting places, unless called in by an emergency. If no policeman be in attendance, the judges of election may appoint one (1) or more specially, by writing, who shall have all the powers of such policeman.

Sec. 111. Constables. Except in voting precincts within any city, any constable of the township, who may be designated by the judges of election, shall attend at the place of election; if none attend, the judges of the election may, in writing, specially appoint one (1) or more, who shall have all the powers of a regular constable.

Sec. 112. Preserving order. All special policemen and constables are authorized and required to preserve order and peace at all places of election, and such special policemen, constables, and all other persons are authorized and required to obey the lawful orders and commands of said judges of election given to prevent violations of this chapter.

Sec. 113. Compensation of police. The special policemen appointed under the provision of this chapter, when not appointed from the police force of the city, shall be entitled to receive two dollars (\$2.00) a day for their services.

Sec. 114. Election expenses. The expenses of necessary booths, guard rails, and ballot boxes shall be paid by the county. All other election expenses authorized by law shall be paid by the county in case of general elections or special elections held by the county, and in all other cases by the city, town or other municipality in which the election is held.

Sec. 115. Penalty. Any person violating or attempting to violate any provisions or requirements of this chapter, or failing or refusing to comply with any order or command of an election officer, made in pursuance of the provisions of this chapter, shall, unless otherwise provided, be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment of not less than twenty (20) days, nor more than six (6) months, in the county jail.

Sec. 116. Promise of position prohibited. It shall be unlawful for any candidate for any office to be voted for at any primary, general, municipal, or special election, prior to his nomination or election, to promise, either directly or indirectly, to support or use his influence in behalf of any person or persons for any position, place, or office, or to promise directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting him or using his, her, or their influence in securing his or her nomination, election, or appointment.

Sec. 117. Promise of influence prohibited. It shall be unlawful for any person to solicit from any candidate for any office to be voted for at any primary, municipal, general, or special election, or any candidate for appointment to any public office, prior to his nomination, election, or appointment, to promise, directly or indirectly, to support or use his or her influence in behalf of any person or persons for any position, place, or office, or to promise either directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting him or her, or using his, her, or their influence in securing his or her nomination, election, or appointment.

Sec. 118. Penalty. Any person violating any of the provisions of the two (2) preceding sections shall be deemed guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), or by imprisonment in the county jail not less than thirty (30) days nor more than six (6) months.

Approved April 4, 1924.

CHAPTER 15  
CANVASS OF VOTES AT ELECTIONS  
H. F. 26

AN ACT to amend, revise, and codify sections four hundred sixty-six (466) to four hundred sixty-eight (468), inclusive, four hundred seventy (470), four hundred seventy-one (471), four hundred seventy-three (473) to four hundred seventy-six (476), inclusive, four hundred seventy-nine (479) to four hundred eighty-one (481), inclusive, four hundred eighty-four (484), four hundred eighty-five (485), four hundred eighty-seven (487) to four hundred ninety (490), inclusive, and four hundred ninety-five (495) of the compiled code of Iowa, relating to the canvass of votes at elections.

Be It Enacted by the General Assembly of the State of Iowa:

That section four hundred sixty-six (466) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Canvass by judges. When the poll is closed, the judges shall forthwith, and without adjournment:

1. Publicly canvass the vote, and credit each candidate with the number of votes counted for him.
2. Ascertain the result of the vote.
3. Compare the poll lists and correct errors therein.
4. Cause each clerk to keep a tally list of the count.

Sec. 2. When judges declare election. The candidate receiving the highest number of votes, if for an office in that precinct alone, shall be declared elected, and the judges shall issue certificates accordingly.

That section four hundred sixty-seven (467) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Double or defective ballots. If two (2) or more marked ballots are so folded together as to appear to be cast as one (1), the judges shall indorse thereon "Rejected as double." Such ballots shall not be counted, but shall be folded together and kept as hereinafter directed. Every ballot not counted shall be indorsed "Defective" on the back thereof.

Sec. 4. Ballots objected to. Every ballot objected to by a judge or challenger, but counted, shall be indorsed on the back thereof "Objected to", and there shall also be indorsed thereon, and signed by the judges, a statement as to how it was counted.

Sec. 5. Disputed ballots returned separately. All ballots indorsed as required by the two (2) preceding sections shall be inclosed and securely sealed in an envelope, on which the judges shall indorse "Disputed ballots", with a signed statement of the precinct in which, and date of the election at which, they were cast.

That section four hundred sixty-eight (468) of the compiled Code of Iowa is amended, revised, and codified to read as follows: