

CHAPTER 27

ELECTIONS

H. F. 24

AN ACT to amend, revise, and codify chapter thirty-seven (37), code, 1924, relating to nominations by caucus, convention, or petition.

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

That chapter thirty-seven (37), code, 1924, is amended, revised, and codified to read as follows:

1 SECTION 1. **Nominations by political organizations not parties.** Any
2 convention or caucus of qualified electors representing a political or-
3 ganization which is not a political party as defined by law, may, for
4 the state, or for any division or municipality thereof, or for any county,
5 or for any subdivision thereof, for which such convention or caucus
6 is held, make one nomination of a candidate for each office to be filled
7 therein at the general election.

1 SEC. 2. **Nominations certified.** Nominations made under the pre-
2 ceding section shall be certified by the chairman and secretary of the
3 convention or caucus, who shall enter their place of residence opposite
4 their signatures, and attach to said certificate their affidavit to the
5 effect that the certificate is true.

1 SEC. 3. **Contents of certificate.** Said certificate shall state:

2 1. The name of each candidate nominated.

3 2. The office to which each candidate is nominated.

4 3. The name of the political organization making such nomination,
5 expressed in not more than five (5) words.

6 4. The place of residence of each nominee, with the street or num-
7 ber thereof, if any.

8 5. In case of presidential electors, the names of the candidates for
9 president and vice president shall be added to the name of the organ-
10 ization.

11 6. The name and address of each member of the organization's
12 executive or central committee.

13 7. The provision, if any, made for filling vacancies in nominations.

1 SEC. 4. **Objections—time and place of filing.** Objection to the legal
2 sufficiency of a certificate of nomination or to the eligibility of a can-
3 didate may be filed by any person who would have the right to vote
4 for a candidate for the office in question. Such objections must be
5 filed with the officer with whom such certificate is filed and within the
6 following time:

7 1. Those with the secretary of state, not less than twenty (20)
8 days before the day of election.

9 2. Those with other officers, not less than eight (8) days before
10 the day of election.

11 3. In case of nominations to fill vacancies occurring after said
12 twenty (20) or eight (8) days, as the case may be, or in case of nom-
13 inations made to be voted on at a special election, within three (3)
14 days after the filing of the certificate.

1 **SEC. 5. Notice of objections.** When objections are filed notice shall
2 forthwith be given to the candidate affected thereby, addressed to
3 his place of residence as given in the certificate of nomination, stating
4 that objections have been made to said certificate, also stating the
5 time and place such objections will be considered.

1 **SEC. 6. Hearing before secretary of state.** Objections filed with
2 the secretary of state shall be considered by the secretary and auditor
3 of state and attorney general, and a majority decision shall be final;
4 but if the objection is to the certificate of nomination of one (1) or
5 more of the above named officers, said officer or officers so objected
6 to shall not pass upon the same, but their places shall be filled, re-
7 spectively, by the treasurer of state, the governor and the superin-
8 tendent of public instruction.

1 **SEC. 7. Hearing before county auditor.** Objections filed with the
2 county auditor shall be considered by the county auditor, clerk of the
3 district court, and county attorney, and a majority decision shall be
4 final; but if the objection is to the certificate of nomination of one (1)
5 or more of the above named county officers, said officer or officers so
6 objected to shall not pass upon such objection, but their places shall
7 be filled, respectively by the county treasurer, the sheriff, and county
8 superintendent.

1 **SEC. 8. Hearing before mayor.** Objections filed with the city or
2 town clerk shall be considered by the mayor and clerk and one (1)
3 member of the council chosen by the council by ballot, and a majority
4 decision shall be final; but if the objection is to the certificate of nom-
5 ination of either of said city or town officials, he shall not pass upon
6 said objection, but his place shall be filled by a member of the council
7 against whom no such objection exists, chosen as above provided.

1 **SEC. 9. Withdrawals.** Any candidate named under this chapter
2 may withdraw his nomination by a written request, signed and ac-
3 knowledged by him before any officer empowered to take acknowledg-
4 ment of deeds. Such withdrawal must be filed as follows:

5 1. In the office of the secretary of state, at least thirty (30) days
6 before the day of election.

7 2. In the office of the proper county auditor, at least twenty (20)
8 days before the day of the election.

9 3. In the office of the proper city or town clerk, at least twelve (12)
10 days before the day of the election.

11 4. In the office of the secretary of state, in case of a special election
12 to fill vacancies, at least sixteen (16) days before the day of election.

13 5. In the office of the proper county auditor, or city or town clerk,
14 in case of a special election to fill vacancies, at least twelve (12) days
15 before the day of election.

1 **SEC. 10. Effect of withdrawal.** No name so withdrawn shall be
2 printed on the official ballot under such nomination.

1 **SEC. 11. Vacancies filled.** If a candidate named under this chapter
2 declines a nomination, or dies before election day, or should any cer-
3 tificate of nomination be held insufficient or inoperative by the officer
4 with whom it is required to be filed, or in case any objection made
5 to any certificate of nomination, or to the eligibility of any candidate

6 therein named, is sustained by the board appointed to determine such
7 questions, the vacancy or vacancies thus occasioned may be filled by
8 the convention, or caucus, or in such manner as such convention or
9 caucus has previously provided.

1 **SEC. 12. Insufficient time to hold convention.** If the time is in-
2 sufficient for again holding such convention or caucus, or in case no
3 such previous provisions have been made, such vacancy shall be filled
4 by the regularly elected or appointed executive or central committee
5 of the particular division or district representing the political organ-
6 ization holding such convention, or caucus.

1 **SEC. 13. Certificates in matter of vacancies.** The certificates of
2 nominations made to supply such vacancies shall state, in addition to
3 the facts required in an original certificate, the name of the original
4 nominee, the date of his death or declination of nomination, or the
5 fact that the former nomination has been held insufficient or inopera-
6 tive, and the measures taken in accordance with the above require-
7 ments for filling a vacancy, and shall be signed and sworn to by the
8 presiding officer and secretary of the convention, or caucus, or by the
9 chairman and secretary of the committee, as the case may be.

1 **SEC. 14. Filing of certificates.** Said certificates of nominations
2 shall be filed as follows:

3 1. For state, congressional, judicial, and legislative offices, with the
4 secretary of state, not more than sixty (60), nor less than forty (40),
5 days before the general election.

6 2. For all other offices, except for cities and towns, with the county
7 auditors of the respective counties, not more than sixty (60), nor less
8 than thirty (30), days before the general election.

9 3. For city and town offices, with the clerks thereof, not more
10 than forty (40), nor less than fifteen (15), days before the city or
11 town election.

12 4. In case of special elections to fill vacancies for offices to be filled
13 by the electors of a larger district than a county, with the secretary
14 of state, not less than fifteen (15) days before the time of holding
15 such special election.

16 5. In case of special elections to fill vacancies for offices to be filled
17 by the voters of a county, with the county auditor, not less than
18 twelve (12) days before the time of holding such special election.

1 **SEC. 15. Presumption of validity.** Certificates thus filed, and being
2 apparently in conformity with law, shall be regarded as valid, un-
3 less objection in writing thereto shall be made, and, under proper
4 regulations, shall be open to public inspection, and preserved by the
5 receiving officer for not less than six (6) months after the election
6 is held.

1 **SEC. 16. Correction of errors.** Any error found in such certificate
2 may be corrected by the substitution of another, executed as is re-
3 quired for an original.

1 **SEC. 17. Nominations by petition.** Nominations for candidates for
2 state offices may be made by nomination paper or papers signed by
3 not less than five hundred (500) qualified voters of the state; for
4 county, district, or other division, not less than a county, by such

5 paper or papers signed by not less than twenty-five (25) qualified
6 voters, residents of such county, district, or division; and for township,
7 city, town, or ward, by such paper or papers signed by not less than
8 ten (10) qualified voters, residents of such township, city, town, or
9 ward.

1 **SEC. 18. Adding name by petition.** The name of a candidate placed
2 upon the ballot by any other method than by petition shall not be
3 added by petition for the same office.

1 **SEC. 19. Signing and preparation of petition.** Each petitioning
2 voter shall add to his signature his place of business, postoffice address
3 and date of signing. Before filing said petition, there shall be in-
4 dorsed thereon or attached thereto the affidavit of at least one (1) of
5 the signers of said petition, which affidavit or affidavits shall show:
6 1. The name and residence (including street and number, if any)
7 of said nominee, and the office to which he is nominated.
8 2. That each of said signers are qualified voters of the state and
9 entitled to vote for such nominee for such office.
10 3. That each of said petitioners voluntarily signed said petition.
11 Such petition when so verified shall be known as a nomination paper.

1 **SEC. 20. Filing—presumption—withdrawals—objections.** The time
2 and place of filing nomination petitions, the presumption of validity
3 thereof, the right of a candidate so nominated to withdraw and the
4 effect of such withdrawal, and the right to object to the legal suffi-
5 ciency of such petitions, or to the eligibility of the candidate, shall be
6 governed by the law relating to nominations by political organizations
7 which are not political parties.

Approved March 10, A. D. 1925.

CHAPTER 28

MAPS IN GYPSUM MINES

H. F. 22

AN ACT to amend section thirteen hundred fifty-two (1352), code, 1924, relating to maps in gypsum mines.

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

1 **SECTION 1.** Section thirteen hundred fifty-two (1352), code, 1924,
2 is amended by striking from line thirteen thereof the word "continu-
3 ous" and by inserting in lieu thereof the word "contiguous".

Approved February 14, A. D. 1925.