

CHAPTER 20

ELECTIONS

H. F. 41

AN ACT to amend chapter thirty-five (35) of the code relating to elections, to regulate the manner of electing township trustees and township clerks, and to define their qualifications.

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

- 1 SECTION 1. Chapter thirty-five (35) of the code is amended by
 2 adding thereto the following section, to wit:
 3 Township trustees and the township clerk shall, in townships which
 4 embrace no city or town, be elected by the voters of the entire town-
 5 ship. In townships which embrace a city or town, said officers shall
 6 be elected by the voters of the township who reside outside the
 7 corporate limits of such city or town; but any such officer may be a
 8 resident of said city or town.

Approved March 30, A. D. 1927.

CHAPTER 21

PERMANENT REGISTRATION OF VOTERS

H. F. 64

AN ACT relating to elections and providing a system of permanent registration for certain cities, including cities acting under special charter.

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

1. SECTION 1. **Commissioner of registration.** The office of commis-
 2 sioner of registration is hereby created in all cities now or hereafter
 3 having a population of more than one hundred twenty-five thousand
 4 (125,000) inhabitants. The city clerk of each such city is hereby
 5 constituted such commissioner of registration.

- 1 SEC. 2. **Definitions.** For the purpose of this act, the word "elec-
 2 tions" shall be held to mean general, municipal, special, school, or
 3 primary elections, and shall include state, county, and municipal
 4 elections.

- 1 SEC. 3. **Registration required.** From and after the first of July,
 2 1928, no qualified voter shall be permitted to vote at any election
 3 unless such voter shall register as provided in this act.

- 1 SEC. 4. **Commissioner of registration—duties.** The said commis-
 2 sioner of registration shall have complete charge of the registration of
 3 all qualified voters within such city. He shall appoint such deputies
 4 and clerks as may be necessary, from the two political parties receiv-

5 ing the highest vote at the last general election. The number of
6 such deputies and clerks for all precinct registration places, and the
7 central registration office, shall be equally divided between the mem-
8 bers of the two said political parties. These appointments shall be
9 subject to the approval of the city council. The commissioner of
10 registration shall provide such printed forms and blanks as may be
11 necessary, together with such other supplies and equipment as are
12 necessary to properly carry out the provisions of this act. Subject
13 to the provisions of this act, the city council shall prescribe by ordin-
14 ance such reasonable rules and regulations as to office hours and
15 places and manner of registration as may be necessary. Registration
16 places shall be established throughout the city in the proportion of
17 one to each precinct which shall be open for registration as provided
18 under this act during not less than two nor more than four days in
19 the year 1928, between July 1, 1928, and up to and including the
20 tenth day prior to the general election in the fall of 1928. Such regis-
21 tration places shall be selected by the commissioner of registration
22 and shall be open between 7 o'clock a. m. and 9 o'clock p. m. All
23 deputies, clerks, and other employees appointed by the commissioner
24 of registration shall be subject to the provisions of any civil service
25 law that now is or may hereafter be applicable to any such city.

1 **SEC. 5. Registration lists.** As soon as possible after the pas-
2 sage of this act and not later than July 1, 1928, the commissioner of
3 registration shall proceed to take the necessary steps for establishing
4 the permanent registration plan. He shall provide for an original
5 list of qualified voters, indexed alphabetically, which shall be kept
6 at the office of the commissioner of registration in a place and in
7 such manner as to be properly safeguarded. Such list shall be known
8 as the "original registration list" and shall not be removed from the
9 commissioner's office except upon order of court. A second list, to
10 be known as the "duplicate registration list", shall be prepared by the
11 commissioner from the original registration list. Such duplicate regis-
12 tration list shall be open to public inspection at all reasonable times.

1 **SEC. 6. Form of records.** For the purpose of expediting the work
2 of the commissioner of registration, for uniformity, and for prepara-
3 tion of abstracts and other forms in use by the election boards, the
4 registration records shall be substantially as follows:

5 Suitable card index devices shall be provided. There shall also be pro-
6 vided suitable index cards of sufficient facial area to contain in plain
7 writing and figures the data required thereon. The following informa-
8 tion concerning each applicant for registry shall be entered on the card:

- 9 1. Ward.
- 10 2. Election precinct.
- 11 3. If a man:
 - 12 (a) The name of the applicant, giving surname and Christian
13 names in full.
 - 14 (b) Residence, giving name and number of the street, avenue,
15 or other location of the dwelling, and such additional clear and definite

16 description as may be necessary to give the exact residence of the
17 applicant.

18 (c) Age and date of birth.

19 (d) Term of residence in the United States; in the state; in the
20 county; in the precinct.

21 (e) Nativity.

22 (f) Citizenship. (If naturalized give date of papers and court;
23 also date of naturalization of parents.)

24 (g) Date of application for registration.

25 (h) Signature of voter. (The applicant after registration shall
26 be required to sign his name on both the original and duplicate reg-
27 istration lists.)

28 4. If a woman:

29 (a) The information requested shall be the same as for the
30 males, with such additional information as may be necessary to de-
31 termine the qualifications of the applicant for registration. Provided,
32 that, after such original registration, whenever any change of name
33 shall occur, due to marriage or divorce, such applicant shall not be
34 allowed to vote until she has reregistered; and after such reregistra-
35 tion, the previous registration card shall be removed from the files.

1 **SEC. 7. Change of residence.** There shall be provided removal
2 notices to be given out upon request for the use of any registered
3 voter moving to a new location. These notices shall be printed upon
4 thin card, shall contain a blank form showing where the applicant
5 last resided and the address and exact location to which he is moving,
6 and shall have a line for his signature similar to the one upon the
7 original registration card. Upon receipt of such removal notices, but
8 not later than ten days prior to any election, the commissioner of
9 registration shall make entry of any such change of residence on
10 the original and duplicate registration lists and the applicant shall
11 thereupon be qualified to vote in the new election precinct.

1 **SEC. 8. Election register.** The commissioner shall compile and
2 shall deliver to the judges of election in each precinct the duplicate
3 registration list of the voters in that precinct, which shall be known
4 as the election register. Such register shall contain the name and
5 address of every registered voter in that election precinct, indexed
6 by street and house number, together with a space following each
7 name in which shall be recorded the words "voted" or "not voted",
8 as the case may be; also a space for remarks in which shall be
9 recorded any challenges, affidavit or other information as may be
10 required. The entry of the words "voted" or "not voted", challenge,
11 affidavit, or other information, shall be made by the judges of elec-
12 tion immediately after the ballot of the voter has been cast or he
13 or she has voted on the voting machine.

1 **SEC. 9. Correction of list.** For the purposes of preventing fraud-
2 ulent voting and for eliminating excess names, following the close of
3 registration or at any other time as may be deemed necessary, the
4 commissioner of registration may send by mail to any voter whose

5 name appears on the original registration list, a notice bearing a
6 statement substantially as follows:

7 You are hereby notified that your name and address appear on
8 the original registration list as shown on the opposite side of this
9 card. If there is any mistake in the above name and address, pre-
10 sent this card at the office of the commissioner of registration, No.
11 City Hall, for correction on or before19....
12 The return of this card by the post office to the commissioner of reg-
13 istration will be accepted as evidence on which to challenge your vote
14 on election day.

.....

Commissioner of Registration.

17 Upon the return by the postoffice of any such notice, the commis-
18 sioner of registration shall, and at other times may, direct an au-
19 thorized clerk to check up, in person, the name and address of any
20 voter, and if said voter is found to have removed from the address
21 as recorded on the original registration list, the commissioner of
22 registration shall cause to be entered on the election register of the
23 proper precinct, in the proper space opposite the said voter's name,
24 the word "challenged". No one so challenged shall be permitted to
25 vote except by complying with all the provisions applicable to the
26 proving of challenges.

1 SEC. 10. Record of deceased persons. Every fifteen days, or at
2 any more frequent times, the commissioner of health or other officer
3 in charge of the death records in any such city shall report to the
4 commissioner of registration the names and addresses of all persons
5 over twenty-one (21) years of age who have died within such city.
6 The commissioner of registration shall, upon receipt of such report,
7 examine the original registration list and duplicate registration list
8 and shall remove therefrom, to an inactive file, the registration cards
9 of all registered persons certified by the health commissioner as
10 deceased.

1 SEC. 11. Time and method of registration. The commissioner of
2 registration, or a duly authorized clerk acting for him, shall, up to
3 and including the tenth day next preceding any election, receive the
4 application for registration of all such qualified voters as shall per-
5 sonally appear for registration at the office of the commissioner or
6 at any other place as is designated by him for registration, who then
7 are or on the date of election next following the day of making such
8 application will be entitled to vote. Any qualified voter who applies
9 for registration shall subscribe to the following oath or affidavit:

10 "You do solemnly swear or affirm that you will fully and truly
11 answer such questions as shall be put to you, touching your qualifi-
12 cations as a voter, under the laws of this state?"

13 Upon being sworn, the applicant shall answer such questions as are
14 required, as hereinbefore set forth, and the clerk shall fill out the
15 form which the applicant shall sign, and he shall not be required to
16 register again for any election; provided, however, that failure to
17 vote at least once in four calendar years wherein elections are held
18 shall operate as a challenge and shall require the applicant to rereg-

19 ister. In case a qualified voter is unable to write his name, he shall
 20 be required to make a cross, which shall be certified by the signing of
 21 the name of the applicant by the registration clerk taking the ap-
 22 plication. A qualified voter who is unable to sign his name shall not
 23 be permitted to mail or hand in removal notices as is in this act
 24 provided, but must appear in person to secure a removal of his name
 25 to his new voting precinct.

1 SEC. 12. **Disabled or absent voters.** Any person entitled to vote
 2 at any primary, general, school, municipal, or special election who is
 3 permanently disabled by sickness, or who is absent from the election
 4 precinct in which he maintains his legal residence and is entitled to
 5 vote, may, up to and including the tenth day next preceding any such
 6 primary, special, school, municipal, or general election, make ap-
 7 plication in writing to the commissioner of registration to have his
 8 name entered upon the poll list and register of the precinct of his
 9 said residence, by mailing to and filing with said commissioner of
 10 registration his application and affidavit substantially in the fol-
 11 lowing form:

12 I,, being first duly sworn, on oath say
 13 that I am a legal voter in the state of Iowa, that I reside at No.
 14 Street (or Avenue) in the election
 15 precinct, of the ward in the city of;
 16 that I have not been and will not be able to be present in such pre-
 17 cinct to register personally for the reason that;
 18 that I desire to be registered in such precinct; that my full name is
 19; I was born at;
 20 am (state color); have resided in the United States for
 21 years and months, and in Iowa for years and
 22 months and in such election precinct for years and
 23 months, and days; that I am able to read English, and
 24 by occupation am a; that at the last general
 25 election I resided at No. Street (or Avenue), in such city
 26 and was registered and voted at the election precinct of the
 27 ward (or at the last general election I was not a resident
 28 of such city, but voted at), that at my present
 29 residence as above stated, I am (householder, boarder,
 30 lodger, employee or other proper term); (the following to be omitted
 31 if native-born) that I am a naturalized citizen of the United States;
 32 that my final papers were issued by the (give
 33 court and place) on the (give date or other par-
 34 ticulars)
 35 Signature
 36 Subscribed and sworn to before me this
 37 day of 19....

38 Upon the filing of such application with the commissioner of reg-
 39 istration, he shall forward to said applicant original and duplicate
 40 registration cards which said applicant shall sign and acknowledge
 41 in duplicate before an officer authorized by law to administer oaths
 42 and having a seal, and return said original and duplicate registration
 43 cards to said commissioner of registration.

1 **SEC. 13. Election registers.** The commissioner of registration
2 shall have nine full days between the last day of registration and
3 election day to perfect his election registers and, for that purpose,
4 nine days before any election day shall be days upon which voters
5 may not register. During these nine days the commissioner shall
6 complete the election registers and, on the day before election day,
7 he shall deliver them as required by law to each election precinct.

1 **SEC. 14. Revision of lists.** At the close of each calendar year after
2 the fourth year of the registration under this act, clerks of regis-
3 tration shall check up the original registration list for the purpose of
4 eliminating excess names and, to that end, they shall examine the
5 election registers and whenever it appears that a registered voter has
6 not voted at least once in four calendar years wherein elections are
7 held, his card shall be taken from the original and duplicate registra-
8 tion lists and placed in a transfer file, and a printed postal card notice
9 of that fact with the information that his vote has been challenged,
10 and that the voter must reregister to remove such challenge, shall be
11 sent to the last known address of said voter. When removal notices
12 are received by the clerks, they shall examine the signatures and
13 compare them with the original and, if they are not similar, a postal
14 card notice specifying a refusal to transfer for that cause, shall be
15 sent to the applicant at the new address given.

1 **SEC. 15. Challenges.** Any person may challenge a registration at
2 any time by filing a written challenge with the commissioner of reg-
3 istration. Persons so challenging shall appear before the commis-
4 sioner of registration thereafter to prove their challenge, and the
5 person so challenged shall have notice of the challenge. The com-
6 missioner shall decide the right to the entry under the evidence.
7 Either party may appeal to the district court of the county in which
8 the challenge is made, and a date for the hearing shall be fixed and
9 the decision of such court shall be final.

1 **SEC. 16. Penalties.** Any officer or employee who shall wilfully
2 fail to perform or enforce any of the provisions of this act, or who
3 shall unlawfully or fraudulently remove any registration card or
4 record from its proper compartment in the registration records, or
5 who shall wilfully destroy any record provided by this act, or any
6 person who shall wilfully or fraudulently register more than once,
7 or register under any but his true name, or votes or attempts to vote
8 by impersonating another who is registered, or who wilfully or fraudu-
9 lently registers in any election precinct where he is not a resident
10 at the time of registering, or who adds a name or names to a page
11 or pages, or who violates any of the provisions of this act, shall be
12 guilty of felony and, upon conviction, shall be imprisoned in the state
13 penitentiary for not less than one year.

1 **SEC. 17. Qualification of officers.** Before entering upon his duties,
2 each officer or clerk in whatever capacity shall subscribe to an oath
3 in such form as provided by the attorney for the city.

1 **SEC. 18. Expenses.** The necessary expense in each city for car-

2 rying out the provisions of this act shall be paid by such city, and
 3 the city council of such city shall provide out of the current revenues
 4 of the city sufficient funds, based upon the estimate prepared by the
 5 commissioner of registration and subject to the approval of the city
 6 council. The city council of any city in which this act applies may,
 7 in its judgment, compensate the commissioner of registration for the
 8 additional service required by the performance of the duties herein
 9 described, in addition to any salary such commissioner of registration
 10 as city clerk may receive at the time of the adoption of this act, and
 11 notwithstanding any provisions of the charter of such city, and the
 12 compensation so paid to the commissioner of registration may be
 13 retained by him, notwithstanding any provisions in the charter or
 14 ordinances of such city to the contrary. The city council shall by
 15 ordinance fix the compensation paid to deputies or clerks.

1 SEC. 19. **Nonapplicability of statutes.** The provision of chapter
 2 thirty-nine (39) of the code, 1924, and lines six (6) to ten (10) in-
 3 clusive of section seven hundred ninety-five (795) of the code, 1924,
 4 shall not be applicable to sections one (1) to eighteen (18), inclusive,
 5 of this act.

1 SEC. 20. **Certificate of registration.** In municipalities having a
 2 population in excess of one hundred twenty-five thousand (125,000)
 3 and having permanent registration for elections, before any person
 4 offering to vote receives the ballots from the judge or is permitted
 5 to enter the voting machine, a certificate containing the following
 6 information shall be signed by the applicant:

7 CERTIFICATE OF REGISTERED VOTER

8 I hereby certify that I am a qualified voter duly registered under
 9 the Permanent Registration Act of 1927 in the precinct,
 10 ward, city of, county of
 11, Iowa.

12 Signature of Voter.....

13 Address

14 Approved

15
 16 Judge or Clerk of Election.

17 The certificate of registration shall be approved by a judge or clerk
 18 of election if the signature of the voter on the certificate of regis-
 19 tration and the signature on the registry list appear to be the same.
 20 The voter shall present this certificate to the judge in charge of the
 21 ballots or voting machine, as proof of his right to vote. After voting
 22 the voter shall present his certificate of registration to the judge or
 23 clerk in charge of the register of election, who shall make entry as
 24 provided in section 8 of this act. The certificates shall be arranged
 25 in alphabetical order after the close of the election, placed in en-
 26 velopes provided for that purpose, and returned to the city clerk as
 27 commissioner of registration.

1 SEC. 21. The city council of any other city, including cities acting
 2 under special charter, in which registration of voters is required, may,
 3 by ordinance, adopt the plan for registration provided in this act.

4 When the city council of any such city enacts an ordinance estab-
5 lishing such plan, all of the provisions of this act shall apply to such
6 city.

1 SEC. 22. Date effective. This act shall be in full force and effect
2 from and after July 1, 1928, provided, however, that the commissioner
3 of registration shall make all preliminary arrangements and have the
4 necessary forms prepared prior to such date, and the city council
5 may adopt such ordinances as it may deem proper to carry into effect
6 the provisions of this act prior to said date.

1 SEC. 23. All acts or parts of acts in conflict or inconsistent with
2 the provisions of this act are hereby repealed in so far as they apply
3 to cities under the provisions of this act.

Approved April 16, A. D. 1927.

CHAPTER 22

ELECTIONS—NUMBER OF BALLOTS

H. F. 5

AN ACT to amend the law as it appears in section seven hundred eighty-two (782) of the code, 1924, relating to the number of election ballots to be furnished to the various voting precincts of the state by the officers charged with the printing thereof.

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

1 SECTION 1. That the law as it appears in section seven hundred
2 eighty-two (782) of the code, 1924, be and the same is hereby
3 amended to read as follows:

4 The officers charged with the printing of the ballots shall cause
5 ballots of the kind to be voted in each precinct, to be delivered to the
6 judges of election as follows: In general elections which are pres-
7 idential elections seventy-five ballots for every fifty votes, or fraction
8 thereof, cast in said precinct at the last preceding general election
9 which was also a presidential election; and in general elections which
10 are not presidential elections, seventy-five ballots for every fifty votes,
11 or fraction thereof, cast therein at the last preceding general election
12 which was not a presidential election.

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