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5 expense to the state of Iowa.

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WAYNE M. ROPES, *Secretary of State.*

CHAPTER 36

ABSENT VOTING BY ARMED FORCES

S. F. 199

AN ACT to provide facilities for qualified electors of the state of Iowa serving in the armed forces of the United States to vote at the primary and general elections in the year 1946 and each election year thereafter during the continuance of the present war and for one (1) year thereafter, by casting absent voter's ballots and to that end to advance the dates for filing nomination papers, affidavits of candidacy, certificates of candidacies and nominations by modifying the provisions of sections five hundred thirty-seven (537), five hundred thirty-nine (539), five hundred forty-seven (547), five hundred forty-eight (548), six hundred one (601), and six hundred seventeen (617), code, 1939, to modify the provisions of chapters 37.1 and 37.2, code, 1939, as to time of filing nominations and candidacies, objections, withdrawals, making certifications which are provided for in sections six hundred fifty-five and four-hundredths (655.04), six hundred fifty-five and nine-hundredths (655.09), and six hundred fifty-five and fourteen hundredths (655.14), code, 1939; also amending section seven hundred seventy-four (774), code, 1939, relating to cost of printing absent voter's ballots; also amending section nine hundred thirty-seven (937), code, 1939, relating to time when qualified voters in the armed forces may vote personally; to modify the provisions as to registration and absent voting insofar as it shall apply to voters in the armed forces of the United States by making sections nine hundred twenty-eight (928), nine hundred thirty (930), and nine hundred thirty-one (931), code, 1939, inapplicable to such voting, and providing the method of obtaining ballots and authorizing specially printed war ballots; creating and prescribing the duties and powers of the Iowa war ballot commission; providing for obtaining and distributing by the state printing board of specially required materials, and making appropriations for carrying out the provisions of this act.

WHEREAS, it is desirable to afford every facility for the exercise of the elective franchise by qualified electors of the State of Iowa who are serving in the armed forces of the United States, insofar as it is possible to do so, and

WHEREAS, any enactment by the National Congress purporting to provide facilities for electors in the armed forces to vote would be ineffectual insofar as State and local officers are concerned, and would be of doubtful constitutionality under the provisions of the Constitution of the United States,

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

1 SECTION 1. The provisions of this Act shall apply only to the Pri-
2 mary and General elections to be held in the State of Iowa in June
3 and November respectively in the year 1946 and each election year
4 thereafter during the continuance of the present war and for one
5 year thereafter. This act is designed to facilitate the voting in said
6 elections by qualified electors of the State of Iowa who are serving
7 in the armed forces of the United States, irrespective of what part

8 of the world they may be serving in, and to that end special provision
9 is made in this act advancing the date for filing candidacies in pri-
10 maries, time of printing ballots, methods of casting ballots, and other
11 changes. It is hereby declared that any changes made by this act in
12 the election laws of the state are not by way of permanent amend-
13 ment to existing statutes, but shall be effective only as to said Primary
14 and General elections to be held in the year 1946 and each election
15 year thereafter during the continuance of the present war and for
16 one year thereafter.

1 SEC. 2. Notwithstanding the provisions of Section Five Hundred
2 Thirty-seven (537), Code 1939, as to the time of filing nomination
3 papers, such papers as are provided for in said Section Five Hundred
4 Thirty-seven (537) shall in the year 1946 and each election year there-
5 after during the continuance of the present war and for one year
6 thereafter, be filed as follows:

7 1. For an elective county office, at least Seventy (70) days prior to
8 the date fixed for holding the primary election;

9 2. For United States Senator, for an elective state office, for rep-
10 resentative in Congress, and for members of the general assembly,
11 not more than One Hundred (100) days nor less than Eighty (80)
12 days prior to the date fixed for holding the primary election.

1 SEC. 3. Section Five Hundred Thirty-nine (539), Code 1939, shall
2 be interpreted and construed to comply and conform with the pro-
3 visions of section two (2) of this act.

1 SEC. 4. Notwithstanding the provisions of section Five Hundred
2 Forty-seven (547), Code 1939, as to the time for filing nomination
3 papers and affidavits of candidacy, such papers as are provided for
4 in said Section Five Hundred Forty-seven (547) shall in the year 1946
5 and each election year thereafter during the continuance of the pres-
6 ent war and for one year thereafter, be filed at least Seventy (70)
7 days prior to such primary election.

1 SEC. 5. Notwithstanding the provisions of Section Five Hundred
2 Forty-eight (548), Code 1939, as to the time for certification of can-
3 didacies by the Secretary of State to each county auditor, the Secre-
4 tary of State shall, in the year 1946 and each election year thereafter
5 during the continuance of the present war and for one year thereafter,
6 make the certificates provided for in said section Five Hundred Forty-
7 eight (548) at least Seventy (70) days before the primary election.

1 SEC. 6. Notwithstanding the provisions of section Six Hundred
2 one (601), Code 1939, as to the time the Secretary of State shall make
3 certification of nominations, the Secretary of State shall, in the year
4 1946 and each election year thereafter during the continuance of the
5 present war and for one year thereafter, make the certifications
6 provided for in said section Six Hundred one (601) not less than
7 Seventy (70) days before the general election.

1 SEC. 7. Notwithstanding the provisions of Section Six Hundred
2 Seventeen (617), Code 1939, as to the time for party county central
3 committees to file a statement as to the number of delegates to be
4 elected from each precinct, such statement shall, in the year 1946 and

5 each election year thereafter during the continuance of the present
6 war and for one year thereafter, be filed with the County Auditor at
7 least Seventy (70) days before the primary election.

1 SEC. 8. In the year 1946 and each election year thereafter during
2 the continuance of the present war and for one year thereafter,
3 nominations made under the provisions of Chapter Thirty-seven and
4 one-tenth (37.1) and thirty-seven and two-tenths (37.2), Code 1939,
5 which are required to be filed in the office of the Secretary of State,
6 shall be filed in said office not more than one hundred (100) nor less
7 than eighty (80) days prior to the date of the General Election to
8 be held in November; and those nominations which are required to
9 be filed in the office of the County Auditor shall be filed in said office
10 at least seventy (70) days prior to the date of said General Election.

1 SEC. 9. In the year 1946 and each election year thereafter during
2 the continuance of the present war and for one year thereafter, not-
3 withstanding the provisions of Section Six Hundred Fifty-five and
4 four hundredths (655.04), Code 1939, as to the time for filing objec-
5 tions, objections which are required to be filed with the Secretary of
6 State shall be filed with the Secretary of State not less than seventy-
7 five (75) days before the date of election, and such objections as are
8 required to be filed with other officers shall be filed with such other
9 officers not less than sixty-five (65) days before the day of election;
10 in case of nominations made to fill vacancies occurring after said
11 eighty (80) or seventy (70) days, as the case may be, objections shall
12 be filed within three days after the filing of the certificate, provided
13 such vacancies shall be filled not later than seventy-five (75) days
14 prior to the election in the case of offices, certificate for which is re-
15 quired to be filed in the office of the Secretary of State, and not later
16 than sixty-five (65) days prior to the election in case of offices, cer-
17 tificate for which is required to be filed in the office of the County
18 Auditor.

1 SEC. 10. Notwithstanding the provisions of the paragraphs num-
2 bered 1 and 2 of Section Six Hundred Fifty-five and nine hundredths
3 (655.09), Code 1939, as to time for filing withdrawal of nominations,
4 such withdrawals, in the year 1946 and each election year thereafter
5 during the continuance of the present war and for one year there-
6 after, shall be filed in the office of the Secretary of State at least
7 seventy-five (75) days before the day of election and in the office of
8 the proper County Auditor at least sixty-five (65) days before the
9 day of election.

1 SEC. 11. Notwithstanding the provisions of the paragraphs num-
2 bered 1 and 2 of Section Six hundred Fifty-five and fourteen hun-
3 dredths (655.14), Code 1939, as to the time of filing certificates, such
4 certificates for state, congressional, judicial, and legislative offices
5 shall, in the year 1946 and each election year thereafter during the
6 continuance of the present war and for one year thereafter, be filed
7 with the Secretary of State not more than one hundred (100) nor less
8 than eighty (80) days before the General Election, and such certificates
9 for all other offices, except for cities and towns, shall, in the year 1946
10 and each election year thereafter during the continuance of the pres-
11 ent war and for one year thereafter, be filed with the County Auditor

12 not more than ninety (90) nor less than seventy (70) days before the
13 General Election.

1 SEC. 12. Nominations made under the provisions of Chapter Thirty-
2 seven and two-tenths (37.2), Code 1939, in the year 1946 and each elec-
3 tion year thereafter during the continuance of the present war and for
4 one year thereafter, shall be subject to the provisions of Sections eight
5 (8) to eleven (11), both inclusive, of this act.

1 SEC. 13. The term "Armed Forces of the United States", as used in
2 this act shall mean the Army, Navy, Marine Corps, Coast Guard, and
3 Merchant Seamen of the United States.

1 SEC. 14. In the year 1946 and each election year thereafter during
2 the continuance of the present war and for one year thereafter, when-
3 ever registration is required in order to vote at either the Primary
4 Election or General Election, in the case of voters in the Armed Forces
5 of the United States, the affidavit upon the ballot envelope of such
6 voter, otherwise qualified, shall constitute a sufficient registration,
7 whether the registration required be under the provisions of Chapter
8 thirty-nine (39) or Chapter thirty-nine and one-tenth (39.1), Code
9 1939.

1 SEC. 15. The provisions of Sections Nine Hundred Twenty-eight
2 (928), Nine Hundred Thirty (930) and Nine Hundred Thirty-one
3 (931), Code 1939, shall not apply in connection with the Primary and
4 General elections in the year 1946 and each election year thereafter dur-
5 ing the continuance of the present war and for one year thereafter in
6 the case of a qualified elector of the State of Iowa serving in the armed
7 forces of the United States; in any such case an application for ballot
8 as provided for in said sections shall not be required and an absent
9 voter's ballot shall be sent or made available to any such voter upon a
10 request being made therefor as provided for in this act. All official
11 ballots to be voted by qualified absent voters in the armed forces of the
12 United States at the Primary Election and the General Election in the
13 year 1946 and each election year thereafter during the continuance of
14 the present war and for one year thereafter, shall be printed prior to
15 fifty-five (55) days before the said respective elections and shall be
16 available for transmittal to such qualified electors in the armed forces
17 of the United States fifty-five (55) days prior to the respective elec-
18 tions. The provisions of Chapter Forty-four (44), Code 1939, shall
19 apply to absent voting by qualified voters in the armed forces of the
20 United States at said elections in 1946, except as modified by the pro-
21 visions of this act.

1 SEC. 16. Request in writing for ballot for the Primary Election and
2 for the General Election in the year 1946 and each election year there-
3 after during the continuance of the present war and for one year
4 thereafter, may be made by any member of the armed forces of the
5 United States who is or will be a qualified voter on the day of the
6 election at which said ballot is to be cast, at any time prior to either of
7 said elections, the request stating for which election the request is
8 made. In the case of the General Election such request may likewise
9 be made, not more than seventy (70) days before said election, for and
10 on behalf of a voter in the armed forces of the United States by a

11 spouse, parent, adult brother, adult sister, or adult child of any such
12 voter, residing in the county of said voter's residence, provided that
13 any such request made by other than the voter may be required to be
14 made on forms prescribed by the Iowa War Ballot Commission.

15 A request shall show the residence (including street address, if any)
16 of the voter, the age of the voter, and length of residence in the city,
17 town or township, county and state, and shall designate the address to
18 which the ballot is to be sent, and in the case of the Primary Election,
19 the party affiliation of such voter. Such request shall be made to the
20 County Auditor of the county of the voter's residence, provided that if
21 the request is made by the voter to any elective state, city, town or
22 county official, the said official shall forward it to the County Auditor
23 of the county of the voter's residence, and such request so forwarded
24 shall have the same force and effect as if made direct to the County
25 Auditor by the voter.

26 The County Auditor shall immediately on the fifty-fifth (55) day
27 prior to the particular election transmit ballots to the voter by mail
28 or otherwise, postage prepaid, as may be directed by the Iowa War
29 Ballot Commission, requests for which are in his hands at that time,
30 and thereafter so transmit ballots immediately upon receipt of requests
31 for same. A request for ballot for the Primary election which does
32 not state the party affiliation of the voter making the request shall be
33 void and of no effect. A request which does not show that the person
34 for whom ballot is requested will be a qualified voter in the precinct
35 in which said ballot is to be cast on the day of the election for which
36 the ballot is requested, shall not be honored; provided that a request
37 which states the age and the city or town, including street address, if
38 any, or township, and county wherein the voter resides, and which
39 shows a sufficient period of residence, shall be sufficient to show that
40 he is such a qualified voter. A request by the voter containing sub-
41 stantially the information required herein shall be sufficient.

42 If the affidavit on the ballot envelope shows that the affiant is not a
43 qualified voter on the day of the election at which said ballot is offered
44 for voting, the envelope shall not be opened, but the envelope and
45 ballot contained therein shall be preserved and returned by the judges
46 of election to the County Auditor, who shall preserve same for the
47 period of time and under the conditions provided for in Sections Eight
48 Hundred Fifty-one (851) to Eight Hundred Fifty-four (854) inclu-
49 sive, Code 1939.

1 SEC. 17. The County Auditor of each county shall establish and
2 maintain a record of all requests for ballots which are made, and of
3 all ballots transmitted, and the manner of transmittal, from and re-
4 ceived in his office under the provisions of this act. In the event more
5 than one request for absent voter's ballot for a particular election shall
6 be made to the county auditor by or on behalf of a voter in the armed
7 forces of the United States, the request first received shall be honored,
8 except that if one of the requests is made by the voter himself, and a
9 request on his behalf has not been previously honored, such request
10 of the voter shall be honored in preference to a request made on his
11 behalf by another. Not more than one ballot shall be transmitted by
12 the county auditor to any voter for a particular election. In the event
13 the county auditor shall receive more than one absent voter's ballot,

14 provided for by this act, from or purporting to be from any one voter
15 for a particular election, all of said ballots so received from or pur-
16 porting to be from such voter shall be null and void, and the county
17 auditor shall not deliver any of said ballots to the judges of election,
18 but shall retain them in his office, and preserve them for the period and
19 under the conditions provided for in Sections Eight hundred fifty-one
20 (851) to Eight hundred fifty-four (854), inclusive, Code, 1939.

1 SEC. 18. Notwithstanding the provision as to time found in section
2 nine hundred thirty-seven (937), Code 1939, in the year 1946 and each
3 election year thereafter during the continuance of the present war
4 and for one year thereafter, any qualified voter in the armed forces
5 of the United States may personally appear in the office of the county
6 auditor of the county of his residence and there vote an absent voter's
7 ballot at any time not earlier than fifty-five (55) days before the Pri-
8 mary or General Election, as the case may be.

1 SEC. 19. The ballots and envelopes used in connection with voting
2 by absent voter's ballot by voters who are members of the armed
3 forces of the United States, shall have stamped or printed on them the
4 words "War Ballot" and a designation of the election at which said
5 ballot is to be cast, either "Primary Election" or "General Election",
6 as the case may be.

1 SEC. 20. Any commissioned officer in the armed forces of the United
2 States, or any person authorized by the Government of the United
3 States to administer oaths to members of the armed forces of the
4 United States are authorized to administer and attest any oath re-
5 quired in connection with the voting of an absent voter's ballot by a
6 voter in the armed forces of the United States. Such officer or person
7 shall show his rank and branch of service or other legal qualifications
8 in connection with his signature in attesting any oath.

1 SEC. 21. There is hereby created for the year 1946, the Iowa War
2 Ballot Commission, which shall be composed of the Secretary of State,
3 who is the state official charged with the conduct and supervision of
4 elections and who shall be chairman of the commission, and four other
5 members who shall be appointed in the following manner, to wit: On
6 or before January 15 in each year in which a Primary or General elec-
7 tion is to be held, the respective chairmen of the state central com-
8 mittees of the two political parties which cast the largest and second
9 largest number of votes for Governor at the next preceding general
10 election, as shown by the records in the office of the Secretary of State,
11 shall each designate two members, qualified electors of the state of
12 Iowa, from his political party for membership on said commission and
13 notify the Governor thereof in writing; the Governor shall immediately
14 upon receipt of such notification appoint said persons so designated
15 as members of the commission and issue his commission of appoint-
16 ment therefor; in the event either of said state chairmen shall fail to
17 so make such designation and notification of either or both of said
18 designates within said ten (10) days, the Governor shall immediately
19 thereafter make the appointment thereto from the membership of the
20 political party of the chairman failing to make such designation and
21 notification and issue his commission of appointment therefor. The
22 commissioners appointed shall qualify by subscribing the oath pro-

23 vided in Section One Thousand Fifty-four (1054), Code 1939. The
 24 members of the commission shall be reimbursed their actual expenses
 25 in the performance of their duties, but shall receive no compensation
 26 for their services.

1 SEC. 22. The said commission is authorized and empowered:

2 1. To make rules and regulations for the purpose of carrying out the
 3 provisions and intent of this act;

4 2. To prescribe and direct the preparation of specially printed bal-
 5 lots, envelopes and other papers of different size and weight to be used
 6 in connection with absent voting by voters in the armed forces of the
 7 United States, if, in the discretion of the commission, it shall deter-
 8 mine that such a special ballot and other papers will facilitate voting
 9 by such voters; provided that the content of any such specially printed
 10 matter shall be the same as that used for absent voters generally in
 11 the particular precinct in which said war ballot is to be cast, and pro-
 12 vided further that such ballots, envelopes and other papers shall be
 13 substantially uniform in size and weight throughout the state; and
 14 provided further that the provisions of section seven hundred seventy-
 15 four (774), Code 1939, establishing the maximum cost of printing
 16 ballots, shall not govern as to the cost of any specially printed ballots
 17 authorized by this act, but the cost of printing any such specially
 18 printed ballots by the several counties shall not exceed an amount, per
 19 thousand such ballots or fraction thereof, which may be determined by
 20 the State Printing Board upon the basis of cost and weight of paper,
 21 size of ballots and type measurements;

22 3. To prescribe any forms that are not otherwise prescribed by law,
 23 and which in the judgment of the commission are necessary to facili-
 24 tate the carrying out of the purposes and intent of this act;

25 4. To arrange for special transportation of ballots either in coopera-
 26 tion with the Government of the United States through any authorized
 27 instrumentality thereof or otherwise, and to that end the commission
 28 is empowered to direct the county auditors of the several counties of the
 29 state to send ballots to voters in the armed forces of the United States
 30 other than in the usual course of mail;

31 5. To employ such clerical assistance as it may require in carrying
 32 out its functions, to purchase and requisition any office supplies it may
 33 require, and certify for payment the expenses of carrying out its
 34 functions;

35 6. To call upon any department or division of the state government
 36 for information and assistance in connection with carrying out the
 37 provisions of this act;

38 7. To cooperate with any authorized departments, agencies and
 39 instrumentalities of the Government of the United States in effecting
 40 the intent and purposes of this act.

1 SEC. 23. In order to establish uniformity in size, weight and other
 2 characteristics of the ballot and facilitate its distribution and return,
 3 the State Printing Board shall upon direction of the Iowa War Ballot
 4 Commission purchase any material needed for any special ballots, en-
 5 velopes and other printed matter, and sell any such materials to the
 6 several counties of the state at cost plus handling and transportation
 7 costs.

8 There is hereby appropriated to the State Printing Board from the

9 General Fund of the State such sums as may be necessary to purchase
10 any materials provided for herein. The proceeds from sale of such
11 materials to counties shall be turned into the General Fund of the State
12 upon receipt of same by the State Printing Board.

1 SEC. 24. In the event the Government of the United States or any
2 branch, department, agency or other instrumentality thereof shall
3 make provision for sending of any voting matter provided for in this
4 act through the mails postage free, or otherwise, the election officials
5 of the State of Iowa and of the several counties of the state are author-
6 ized to make use thereof under the direction of the Iowa War Ballot
7 Commission.

1 SEC. 25. The provisions of this act as to absent voting shall apply
2 only to absent voters in the armed forces of the United States. The
3 provisions of Chapter Forty-four (44), Code 1939, as amended by
4 Chapter Eighty-five (85), Acts of the 49th General Assembly, shall
5 apply to all other qualified voters not members of the armed forces of
6 the United States, unaffected by any provision of Sections Fifteen (15)
7 to Twenty-four (24), both inclusive, of this act.

1 SEC. 26. There is hereby appropriated to the Iowa War Ballot Com-
2 mission from the General Fund of the State such sums as are necessary
3 for it to pay its expenses and perform its functions under this act.
4 Warrants shall be drawn by the Comptroller upon certification by the
5 chairman of the commission, or in the event of his inability or unavail-
6 ability to act, by three members of the commission.

1 SEC. 27. This act shall be liberally construed in order to provide
2 means and opportunity for qualified voters of the State of Iowa serving
3 in the armed forces of the United States to vote at the Primary and
4 General Elections in the year 1946 and each election year thereafter
5 during the continuance of the present war and for one year thereafter.

1 SEC. 28. The provision or provisions of this act which are inconsis-
2 ent with any provision or provisions of any other existing statute or any
3 part of any such other existing statute, shall prevail. Likewise, the
4 provision or provisions of any other existing statute or any part of
5 any other existing statute which is not inconsistent with this act, shall
6 prevail.

Approved March 19, 1945.