

publication in the Iowa State Register and the Des Moines Times.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register October 1, 1862, and in the Des Moines Times Sept. 24, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 29.

### ELECTION FOR SOLDIERS.

AN ACT to amend Title IV of the Revision of 1860, so as to enable the qualified electors of this State in the Military Service, to vote at certain elections.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That every white male citizen of the United States, of the age of twenty-one years, and who shall have been a resident of Iowa six months, and of some County therein sixty days next preceding his entering the military service of this State, or of the United States, shall be entitled to vote at all the elections authorized by law, as provided in this Act, and every such citizen shall thus be entitled, in the manner herein prescribed, whether at the time of voting he shall be within the limits of the State or not.

**SEC. 2.** Every volunteer or soldier in the military service of this State or the United States, including officers and their staffs, Surgeons and Assistant Surgeons, Chaplains and Commissioners appointed under this Act, shall, if possessed of the qualifications set forth in Section one (1) of this Act, be entitled to the benefits of the provisions thereof.

**SEC. 3.** Each elector voting by virtue of the provisions of this Act, shall be considered as voting in the County in which he has resided for sixty days next preceding his entering the military service: that is, he shall have the right (so far as authorized by this Act,) to vote for the same officers, and no others, that he might lawfully have voted for in the County in which he had resided at the time of his entering the military service.

**SEC. 4.** The elections under this Act shall be held on the same day that is provided for by Title IV of the Revision for similar elections within the State.

Qualification  
of voters.

Who are enti-  
tled to vote.

May vote for  
such officers  
as he would  
be entitled to  
vote for if he  
was voting in  
the Co. of his  
residence.

Election to be  
held 2d Tues-  
day in Oct,

SEC. 5. At the election to be held on the second Tuesday of October, A. D. 1862, each elector authorized to vote by this Act, shall have the right to vote for the following officers, to-wit: Secretary of State, Auditor of State, Treasurer of State, Attorney General, Register of the State Land Office, Member of Congress of the proper District, Judges of the District Court, District Attorney and Member of the Board of Education of the proper District, and Clerk of the District Court, or any County officer except Constables, Justices of the Peace and County Supervisors.

At the general election for A. D. 1863, and afterwards at other elections, all persons authorized to vote under this Act, so long as it shall be in force, may vote for all the officers to be chosen at such elections, except Constables, Justices of the Peace, Township officers and County Supervisors.

SEC. 6. The provisions of Title IV of the Revision of 1860, so far as applicable, and not qualified by the provisions of this Act, shall be applied to all elections held under and by virtue of this Act.

SEC. 7. The Governor of the State is hereby charged with the duty of seeing that this Act shall be properly executed and carried out, and for that purpose is authorized and required to take such steps from time to time as may be necessary, not inconsistent with law, on this Act.

SEC. 8. At the elections herein provided for, a poll shall be opened at every place, whether within or without the State, where a Regiment, Batallion, Battery or Company of Iowa soldiers may be found, or stationed; and at such election all persons may vote who are thereto entitled by law and by the provisions of this Act.

SEC. 9. A poll shall be opened for each Iowa soldiers at the same place.

Any Company or detached portion of a Regiment may, if not practicable for all to vote together, open a separate poll, and the electors present shall choose from their number three Judges of Election from the qualified electors present, whose duty it shall be to act.

It is the object and design of this Act, that every Regiment and every Company on detached service shall have the opportunity to enjoy its privileges, and to this end any such Regiment or Company are authorized to open polls as aforesaid, whether they have been visited or seen by the Commissioners herein provided for or not.

SEC. 10. The Judges of the Election shall appoint the Clerks of the Election.

Judges and Clerks to be sworn.

SEC. 11. 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.

Com'rs and Judges empowered to administer oaths.

SEC. 12. Each Commissioner and each Judge of the election is empowered to administer oaths; and the Judges of the Election may administer the oath to each other. The oaths of the Judges and Clerks shall be entered in the poll books, subscribed by the persons taking the same, and certified to by the Commissioner or Judge of the Election administering it.

Opening and closing polls.

SEC. 13. The polls shall be opened at 9 A. M., or sooner, if necessary, or as soon thereafter as practicable, and shall remain open at least three hours, and if necessary, in the opinion of the Judges, in order to receive the ballots of all the electors, they may keep the polls open till 6 o'clock, P. M. Proclamation thereof shall be made at or before the opening of the polls, and one hour before closing them.

Ballot boxes.

SEC. 14. The Judge shall prepare boxes or other suitable receptacles for the ballots.

Form of ballot.

SEC. 15. The ballots to be voted at the election held under this Act, shall have printed or written at the top of each ballot, the name of the County in which the person offering to vote is a voter. Each ballot, in addition to the name of the County, shall have printed or written on it all of the officers which may properly be voted for. The ballot on its face to be arranged thus: 1st—the name of the County, as above; 2d—names of the Governor, Lieutenant Governor, and State officers to be voted for; 3d—For Congress, (naming the number of the Congressional District of which the County at the head of the ballot is a part); 4th—For District Judge, District Attorney, and Member of the Board of Education, (naming in each instance the number of the Judicial District of which the County at the head of the ticket is a part; 5th—All other officers to be voted for under this Act. The ballot shall be folded, (if folded at all,) so as to show on the outside the name of the County, and the Judges shall refuse to receive any ballot which does not thus show the name of the County. The ballot thus prepared shall be on one piece, and all the ballots to be deposited in one box. And it is the duty of the Judges of the Election to be satisfied that the person offering to vote is

a legal voter of the County which is shown at the top of the ballot.

In canvassing the votes thus cast, the Judges shall reject all votes cast for any officer of a District, (whether Congressional, Judicial or otherwise,) not composed in part of the County named at the head of the ballot. For example, Lee County is in the First Congressional District. If a ballot be headed Lee County, and in it the voter has cast a vote for the Second Congressional District, such vote is not to be counted, so far as Congressman is concerned, and the same principle shall apply to all officers who are elected by Districts. Ballots may be rejected.

The following is an example form of the ballot provided for in this Section, viz: Example ballots.

SCOTT COUNTY.

- For Secretary of State,.....
  - For Treasurer of State,.....
  - For Auditor of State,.....
  - For Attorney General,.....
  - For Register of State Land Office,.....
  - For Congress—2d District,.....
  - For Judge of District Court—7th District,.....
  - For District Attorney—7th District,.....
  - For Clerk of District Court,.....
- and so of other officers, Where an officer is elected from a District, the ballot shall specify the number of the District.

SEC. 16. The Judges of the Election are required, unless they have been furnished therewith by the Commissioner, to prepare and have present at the polls, two poll books, having each of them a sufficient column for the names and the County of the residence of the voters a column for the number, and sufficient blank leaves for the oaths, certificates and returns. Said books may be substantially as follows: Poll books.

Name of voter.	Residence voter.	No. Reg't and Co.
John Smith,...	Lee County, Iowa.	5th Reg't, Co. A.
John Jones,...	Scott Co., Iowa.	11th Reg't, Co. B.

At the time of voting, the elector must declare his name and the name of the County in which he had resided for sixty days next preceding his entering the military service, and also the number of the Regiment and Company to which he belongs, and these must be written down by the Clerk on the poll books as above shown. Each Clerk shall keep a poll book, so that there may be a double list of voters. The electors shall deliver their ballots to one of the Judges, who shall deposit them in the ballot-box, but no elector shall vote at the same elec- Duty of elector when offering his ballot.

tion at two different polls, and for no officers except such as are provided for by Section 3, and the other provisions of this Act.

**Voter may be challenged.** SEC. 17. Any person offering to vote may be challenged as unqualified by either of the Judges, or by any person who is an elector in this State, 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.

**Judges' duty to challenge voter.** SEC. 18. When any person is so challenged, the Judges shall read or explain to him Sections 1, 2 and 3 of this Act, and may examine him as to his qualifications, and if the person insists that he is qualified to vote, and the challenge is not withdrawn, one of the Judges shall tender to him the following oath: "You do solemnly

**Oath of challenged voter.** swear that you are a citizen of the United States: that you are twenty-one years of age, as you verily believe; that you have resided in the State of Iowa six months, and in . . . . . County in said State sixty days next preceding the time you entered the military service, and that you have not voted at this election;" and if he takes such oath his vote shall be received.

**Canvass.** SEC. 19. When the poll is closed, the Judges shall immediately proceed to canvass and ascertain the result.

**Canvass shall be public.** SEC. 20. The canvass shall be public, and shall commence by a comparison of the poll lists from the beginning, and a correction of any errors which may be found therein, until they shall be found or made to agree. If two or more ballots are found so folded together as to present the appearance of a single ballot, and to convince the Judges that they were cast as one, they shall not be counted, but they shall have the words "rejected as double" written upon them, be folded together again and kept as herein directed.

**Rejected ballots.** SEC. 21. If at any stage of the canvass, a ballot not stating for what office the person therein named is voted for, is found in the box when officers of different kinds are to be elected, it is to be rejected.

SEC. 22. If a ballot be found containing the names of more persons for an office than can be elected to that office, and such ballot form an excess above the number of voters, it shall be rejected as to that office, (the cause of rejection being endorsed thereon,) and disposed of as hereinafter directed; and if it does not form such excess, so many of the names first in order as are required, shall be counted.

**Each Clerk to keep a tally list.** SEC. 23. As a check in counting, each Clerk shall keep a tally list.

SEC. 24. A return in writing shall be made in each

poll book, setting forth, in words at length, the whole number of ballots cast for each officer, (except those rejected,) the name of each person voted for, and the number of votes given to each person for each different office; which return shall be certified as correct, signed by the judges and attested by the clerk. Such return shall be substantially as follows :

“At an election held by the electors of . . . . .  
 Regiment of Iowa soldiers, or by Company . . . . . of  
 . . . . . Regiment at [describing the place] there  
 were . . . . . ballots cast for the office of Secretary of  
 State, of which A. B. had . . . . . votes; C. D. had  
 . . . . . votes. For Treasurer of State, . . . . . votes  
 were cast, of which E. F. had . . . . . votes; G. H.  
 had . . . . . votes.

For Auditor of State . . . . . votes were cast, of  
 which J. K. had . . . . . votes; L. M. had . . . . . votes.

For Attorney General . . . . . votes were cast, of  
 which P. Q. had . . . . . votes; D. F. had . . . . . votes.

For Register of the State Land office, there were  
 . . . . . votes cast, of which N. T. received . . . . .  
 votes, and N. B. received . . . . . votes.

For Congress in the First Congressional District  
 . . . . . votes were cast, of which N. O. had . . . . .  
 votes; P. Q. had . . . . . votes.

For Congress in the Second Congressional District  
 . . . . . votes were cast, of which R. S. had . . . . .  
 votes; T. W. had . . . . . votes, (and so on, giving  
 result as to each of the six Congressional Districts, giv-  
 ing in each case No. of District.)

For District Attorney of First Judicial District. . . . .  
 votes were cast, of which A. B. had . . . . . votes;  
 and C. D. had . . . . . votes; (and so on, as to each  
 of the eleven districts.)

*For Member of the Board of Education, same return  
 as to Judges.*

For Clerk of the District Court of . . . . . county  
 . . . . . votes were cast, of which G. H. had . . . . .  
 votes; L. M. had . . . . . votes; and in the same man-  
 ner as to any other officer voted for.

In making the returns as to Congress, Judges and all  
 other officers elected by Districts, the return shall spe-  
 cify the number of the District, as in the form above  
 given. When a County is a District, or alone elects an  
 officer, the name of the county shall be specified in the  
 return.

At the end of the return the judges shall certify in  
 substance, as follows, giving, if officers, their rank and

No. of their Regiment ; if privates, the number of their Regiment and Company, viz :

A TRUE RETURN:

L. M., } Judges  
 N. O., } of the  
 P. A., } Election.

ATTEST: } Clerks  
 R. S., } of  
 T. U., } Election.

SEC. 25. One of the poll books containing such re-  
 One poll book turn shall be mailed by the judges to the Secretary of  
 to be marked State ; another poll book with its return shall be en-  
 to Sec'y of closed, sealed, superscribed and delivered to one of the  
 State, and the Judges of Election, who shall deliver the same to one of  
 other deliver- Judges of Election, who shall deliver the same to one of  
 ed to Comm'r the Commissioners herein provided for, if such Commis-  
 or forwarded sioner calls for the same in ten days. If not so called  
 to Sec'y State. for, the Judge shall transmit the same by mail or other  
 safe mode as soon as practicable to the Secretary of  
 State of this State, addressed to him at Des Moines.

SEC. 26. When the result of the election is ascer-  
 Ballots and tally lists for- tained, the Judges shall cause all the ballots, including  
 ward to the those rejected, with the tally list, to be preserved and be  
 Sec'y of State. delivered to the Commissioner or transmitted to the  
 Secretary of State with the poll book.

SEC. 27. The votes of all elections held under this  
 Act shall be Canvassed by the Board of Canvassers for  
 the State in the manner as near as practicable provided  
 for in Sections 519 to 529 of the Revision of 1860.

SEC. 28. Where an election is held under this Act  
 State Canvas- for such officers as the County alone elects or for such as  
 sers to for- are not Canvassed for by the Board of State Canvassers  
 ward to Dist. the County or District Canvass shall not be closed nor  
 and Co. Can- the result declared anything in title IV of the Revision  
 vassers the to the contrary, until the State Canvassers have acted  
 vote of their respective and the County Canvassers have had transmitted to them  
 Districts and an abstract of the State Canvass as to such Officers. It  
 Counties. is hereby made the duty of the Board of State Can-  
 vassers to transmit such an abstract to the several Count-  
 ties without delay. If there is none such to transmit  
 the County Canvassers shall then declare the result, and  
 the County Canvassers after canvassing the votes cast in  
 the County in the manner provided by law, shall adjourn  
 said canvass for such a time or times as will enable them  
 to receive the result of the State Canvass or ascertain  
 that there is no return to be made by the State Can-  
 vassers to the County. When the abstract shall have  
 been received by the County or District Canvassers from  
 the Board of State Canvassers, it shall be the duty of

Canvass may be adjourned.

the County or District Canvassers to canvass and count the same before declaring the result of the election.

SEC. 29. The returns of the Judges to the State Canvassers shall be presumed correct and shall govern them accordingly. But in case the ballots have been returned to the State Canvassers, then any person interested in the election may require the ballots to be re-canvassed by the State Canvassers; if the latter are satisfied that there is a mistake in the returns they shall rectify the same.

Ballots may be re-canvassed.

SEC. 30. That for the purpose of carrying out this Act, it is hereby made the duty of the State Census Board, to appoint and commission under the Seal of the State of Iowa, one Commissioner having the qualifications of an Elector in this State, to each of the Regiments of Iowa Volunteers in the service of the United States or of this State, and shall apportion the work among the Commissioners. If any of them refuses, or neglects to act, or dies, or otherwise becomes unable to act, the Governor has the power, and it is made his duty, to supply the place of such by the appointment of another or other Commissioners. If in the opinion of the Governor, it shall become necessary properly to carry out the provisions of this Act, he may appoint additional Commissioners.

State Census Board to appoint Com'r.

Additional appointed by the Gov.

Such Commissioners, before they act, shall take and subscribe an oath, and cause the same to be filed with the Secretary of State, to the following effect:

I, A. B., appointed Commissioner under the Act of the General Assembly of the State of Iowa, entitled "An Act to amend Title IV of the Revision of 1860, so as to enable the qualified electors of this State in the military service to vote at certain elections," do solemnly swear that I will support the Constitution of the United States and the State of Iowa, and impartially, fully and without reference to political preferences or results, perform, to the best of my knowledge and ability, the duties imposed on me by the said Act, and that I will studiously endeavor to prevent fraud, deceit and abuse, not only in the Election held under the same, but in the returns thereof, and that I will not in any manner attempt to influence or control the vote of any soldier.

Oath of Commissioner.

The Secretary of State shall have charge of, and it is made his duty to have a sufficient number of poll books, blank forms for oaths, and certificates and instructions, and copies of the Act at once prepared and printed by the State Printer, and to send or deliver the requisite

Sec'y of State to prepare poll books and instructions.



number of each to the Commissioners appointed under this Act.

Penalty for violation of oath.

SEC. 31. Any of the provisions of Chapter 171 of the Revision, entitled "Offences against the right of suffrage," are hereby declared applicable to the election held under this Act, and to the voters, Judges and Commissioners. In addition thereto, it is hereby provided that any Commissioner appointed by or under this Act, who shall knowingly violate his duty, or knowingly omit or fail to do his duty under this Act, or shall violate any part of his oath, shall be liable to indictment in the County of which he is a resident, and upon conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment in the Penitentiary not exceeding one year, or both in the discretion of the Court.

Comm'r to deliver poll books and laws to Regiments, &c., after election receive and return to the Sec'y of State

SEC. 32. It shall be the duty of such Commissioners to deliver, as far as practicable, two of said books and ten or more printed copies of this Act to the Commanding officers of every Regiment or part of Regiment, or detached Company of Iowa soldiers in the actual military service of the United States, or of this State, and to make suitable provision and arrangement for the opening of polls under this Act. It is also the duty of said Commissioners, as soon as practicable after the day of election, to call upon the Judges of the Election and procure one poll book and the ballots, and safely to preserve the same, not only from loss, but from alteration, and deliver the same without delay to the Secretary of State.

Compensat'n of Comm'rs.

SEC. 33. Said Commissioners shall receive in full compensation for their services under this Act, ten cents per mile in going to and returning from their respective Regiments, estimating the distance of travel from the Capitol of the State by the usually traveled route, and it is hereby made the duty of the Auditor of State to audit the same and issue warrants on the State Treasury therefor.

Proceedings not to be void for informality.

SEC. 34. No mere informality in the manner of carrying out or executing of any of the provisions of this Act shall invalidate any election held under the same or authorize the Judges of the Election or the State or County Canvassers to reject the returns or set the same aside. Nor shall any failure on the part of the Commissioners to reach or visit any Regiment or Company or the failure of any Regiment or Company to vote, invalidate the election.

Officers to aid Comm'rs.

SEC. 35. All Commanding and other officers are requested to aid the Commissioners herein appointed and

to give them all proper facilities to enable them to carry out the design and intention of this Act.

SEC. 36. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Times, newspapers published in the City of Des Moines, and the Daily Davenport Gazette, a newspaper published in the City of Davenport, or any two of them. Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 14th, 1862, in the Des Moines Times September 17th, 1862, and in the Davenport Gazette September —, 1862.  
 ELIJAH SELLS, Secretary of State.

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## CHAPTER 30.

### LEGALIZING ACTS OF BOARDS OF SUPERVISORS.

AN ACT to legalize appropriations made by the Boards of Supervisors for the payment of Bounties for enlistments, and for the support of the families of persons in the military service of this State, or of the United States and to authorize the levy and collection of a Special Tax for the payment of the same, also to legalize the levy of certain Taxes heretofore levied.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the appropriations made by the respective Boards of Supervisors of the different Counties of this State for the purpose of paying Bounties for enlistments in the service of the United States or for the support of families of persons in the military service of the United States, or of this State, be and the same are hereby legalized and declared to be legal and binding on said Counties, in the same manner and with the same effect as if said Boards of Supervisors had possessed full power and authority by law to allow the same at the time of making any such appropriations whether the same be paid out of the ordinary County fund or of the Special fund hereafter provided for, or out of the Swamp Land fund. Bounties granted to volunteer soldiers legalized.

SEC. 2. That the said Boards of Supervisors shall have full power and authority to cause any Warrants, issued or to be issued under any appropriations specified in the first Section of this Act, to draw interest at any Warrants may draw interest.