

## A BILL

### FOR AN ACT TO PROVIDE FOR PRINTING AND DISTRIBUTING BALLOTS AT PUBLIC EXPENSE, AND REGULATING THE MANNER OF CONDUCTING ELECTIONS.

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

SECTION 1. All ballots cast in elections for public officers in this state shall be printed and distributed at public expense as hereinafter provided. The expense of printing and distributing ballots shall, in elections for officers of cities and towns, be paid by the cities and towns in which such elections are held. In all other elections the expense shall be paid by the counties in which such elections are held.

SEC. 2. Any convention of delegates, and any caucus or meeting of qualified voters and individual voters to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as hereinafter provided.

SEC. 3. All nominations made by any such convention or caucus shall be certified as follows: The certificate of nomination shall be in writing, shall contain the name of each person nominated, his residence, the date of his nomination, the office for which he is nominated, and shall designate in not more than three words the party or principle which such convention represents. It shall be signed by the presiding officer and secretary of such convention or caucus, who shall add to the same their respective places of residence and attach to such certificate their affidavits that said certificate is correct.

SEC. 4. For the nomination of candidates for offices to be filled by the electors of the entire state or any district or division thereof greater than one county, the certificates of nomination shall be filed with the secretary of state. For the nomination of candidates for offices to be filled by the electors of a city or town, or any ward, district or division thereof, the certificates of nomination shall be filed with the city clerk or town recorder, as the case may be. For the nomination of candidates for offices to be filled by the electors of a county or township, or division thereof, the certificates of nomination shall be filed with the county auditor.

SEC. 5. Candidates for public office may be nominated otherwise than by a convention or caucus in the manner following: A nomination paper containing the names of the candidates to be nominated, with the other information required to be given in the certificates provided for in section 3 of this act, shall be signed by electors (who shall add to their signatures their

5 respective places of residence) residing in the state, district or political division for which  
6 candidates are to be presented, equal in number to at least one per cent of the entire vote  
7 cast at the last preceding election in the state, county, or other division or district for which  
8 the nomination is made: *Provided*, that the number of signatures so required shall not exceed  
9 one thousand when the nomination is for an office to be filled by the electors of the entire  
10 state; shall not exceed two thousand when the nomination is for an office to be filled by the  
11 electors of a district or division of the state greater than one county; shall not exceed one  
12 hundred when the nomination is for an office to be filled by the electors of a county or a city  
13 of the first class, or a district, ward or division of such city of the first class; shall not exceed  
14 fifty when the nomination is for an office to be filled by the electors of a city of the second  
15 class, ward or division thereof, an incorporated town, ward or division thereof, or a district or  
16 division of a county greater than one township; and shall not exceed twenty-five when the  
17 nomination is for an office to be filled by the electors of a township; and *provided* also, that  
18 the said signatures need not all be appended to one paper. Each of such papers shall, before  
19 being filed, be sworn to by an elector of each precinct in which the persons signing the same  
20 reside, to the effect that the signatures thereto appended are the genuine signatures of the  
21 persons signing the same, and that they are qualified voters of said precinct. The affidavits  
22 made as above provided shall be filed with the nomination paper.

23 Such nomination paper, when made as above prescribed, may be filed as provided in sec-  
24 tion 4 of this act, with the same effect as a certificate of nomination made by a party conven-  
25 tion or caucus.

SEC. 6. No certificate of nomination nor nomination paper shall contain the name of more  
2 than one person for each office to be filled.

SEC. 7. Certificates of nomination and nomination papers filed as herein provided shall be  
2 filed as follows:

3 Those required to be filed with the secretary of state, not less than forty days before the  
4 day set for the election of the persons in nomination.

5 Those required to be filed with the county auditor, except for officers to be elected by the  
6 electors of a township, not less than twenty days before the day set for the election of the  
7 persons in nomination. Those required to be filed with the city clerk or town recorder, or  
8 those making nominations for offices to be filled by the electors of a township, not less than  
9 fifteen days before an election.

SEC. 8. Not less than twenty days before an election to fill an office required to be elected  
2 by the qualified voters of the entire state, or of any district or division thereof greater than  
3 one county, the secretary of state shall re-certify to the county auditor of each county within  
4 which any of the electors may by law vote for candidates for such office, the name and de-  
5 scription of each person nominated for such office as specified in the certificates of nomina-  
6 tion and nomination papers filed with the secretary of state.

SEC. 9. At least ten days before an election to fill a public office the county auditor shall  
2 cause to be published in two newspapers in the county the nominations to office re-certified  
3 to him by the secretary of state, and also those filed with the county auditor. He shall cause  
4 such publication to be made upon the last day upon which each of said newspapers is issued  
5 before election. Such publication shall be made in two newspapers representing the political  
6 parties that at the last preceding election cast the largest and next largest number of votes.  
7 Should there not be a newspaper representing each of such parties, then such publication  
8 shall be in such papers as the county auditor shall designate. Should there be but one  
9 newspaper in such county, such publication shall be made in it; and if there is no newspaper  
10 published in said county, he shall cause to be posted in three public places in each precinct in  
11 said county the list of nominations as above stated; the list of nominations published by the  
12 county auditors of the respective counties shall, as far as practicable, be arranged in the or  
13 der and form in which they will be printed upon the ballot. Nothing herein contained shall  
14 require posting in any precinct wherein no election is required to be held.

SEC. 10. The provisions of section 9 shall apply to cities and incorporated towns so far as  
2 the same are applicable, and the duties therein prescribed for the county auditor shall apply  
3 to the city clerk or town recorder as the case may be.

SEC. 11. At the conventions and caucuses held as herein provided for the nomination of  
2 candidates for public offices within this state, in the year 1890 and each year thereafter, each  
3 of said conventions and caucuses shall appoint a central committee consisting of such num-  
4 ber as they may choose, and shall certify the same as required for certificates of nomination.  
5 Such committees shall each choose a secretary, who shall notify the secretary of state,  
6 county auditor, city clerk, or town recorder, as the case may be, of any changes in the  
7 membership of his committee, and also the names and residences of the chairman and sec-  
8 retary of each convention held by such party during his term of office, and the names of  
9 the members of the committee succeeding the one for which he is secretary. In his ab-  
10 sence or inability to act any properly certified member of said committee may act in his  
11 stead. All certificates required to be made by him shall be made within five days after the  
12 occurrence of the fact required to be certified to by him, and at once transmitted in person  
13 or by registered letter to the proper officer, and each officer to whom such certificates are sent  
14 shall provide at public expense a book known as the "Political Book," in which he shall keep  
15 a record of the names and postoffice addresses of all party committees for his political  
16 division, and a record of the chairmen and secretaries of all conventions held therein.

SEC. 12. No officer with whom is required to be filed certificates of nomination and  
2 nomination papers shall certify, publish, post, or cause to be printed upon the bal-  
3 lots the name of any candidate who shall have notified him in a writing signed and exe-  
4 cuted with the formalities prescribed for the execution of an instrument to entitle it to

5 record, that he will not accept the nomination contained in the certificate of nomination or  
6 nomination paper.

SEC. 12½. In case of the death, removal or resignation of any candidate too late for the  
2 vacancy thus created to be filled in the usual manner of making nominations, it shall be law-  
3 ful for the committee of the state, county, district, city, town or township committee, as the  
4 case may be, of the political organization of which such candidate was a member, to make a  
5 nomination to fill such vacancy and to provide the election board of each precinct in which  
6 such candidate is to be voted for, with a number of posters containing only the name of  
7 such candidate at least equal to the number of ballots provided each precinct, but no posters  
8 shall be given to or received by any one except such committee and such election board, and  
9 it shall be the duty of the ballot clerks to put one of such posters in a careful and proper  
10 manner and in the proper place before they shall sign their initials thereon.

SEC. 13. Whenever a proposed constitutional amendment or other question is to be sub-  
2 mitted to the people of the state for popular vote, the secretary of state shall, in the time  
3 and manner in which he is required to certify the names and descriptions of persons nomi-  
4 nated for office, certify the same to the county auditor of each county, and the county audi-  
5 tor of each county shall include the same in the publication provided for in section 9 of this  
5 act.

SEC. 14. Whenever any question other than those mentioned in section 13 of this act is  
2 submitted to the people of a county or district or division thereof, or to the people of a city  
3 or town or a district or division thereof for popular vote, the same shall be published by the  
4 county auditor, city clerk or town recorder, as the case may be, as provided in section 9 of this  
5 act.

SEC. 15. All ballots for use in elections held by any city or town, or any district or divis-  
2 ion thereof, shall be prepared by the city clerk or town recorder. All ballots for use in other  
3 elections shall be prepared by the county auditors of the several counties respectively. Every  
4 ballot which shall be printed in accordance with the provisions of this act shall contain the  
5 names of all candidates whose nominations for any offices specified in the ballot have been  
6 duly made and not withdrawn in accordance herewith, and shall contain no other names.  
7 Also, the name of the postoffice of each candidate shall be added to the name of each can-  
8 didate for other than city offices; and the street, and number of street, if any, on which a  
9 candidate resides, shall be added to the name of each candidate on ballots for city offices;  
10 and there shall also be added to the names of candidates, their party or political designation.  
11 The names of candidates for each office shall be arranged under the designation of the office  
12 in alphabetical order, according to surnames, except that the names of candidates for the  
13 offices of electors of president and vice president shall be arranged in groups, as presented  
14 in the several certificates of nomination papers. There shall be left at the end of the list of

15 candidates for each different office, as many blank spaces as there are persons to be elected to  
16 such office, in which the voter may insert the name of any person not printed on the ballot,  
17 for whom he desires to vote as a candidate for such office. Whenever the approval of a con-  
18 stitutional amendment or other question is submitted to the vote of the people, such ques-  
19 tions shall be printed upon the ballots after the list of candidates. The ballots shall be  
20 printed so as to give to each voter a clear opportunity to designate by a cross mark (X) in a  
21 sufficient margin at the right of the name of each candidate, his choice of candidates, and  
22 his answers to the questions submitted, and on the ballot may be printed such words as will  
23 aid the voter to do this, as, "vote for one," "vote for three," "yes," "no," and the like. The  
24 ballots shall not be more than fifteen inches nor less than twelve inches in length, and its  
25 width shall be two-thirds of its length, except that where ballots for township and other  
26 officers are required to be deposited in separate boxes from those in which the ballots for  
27 state or other officers are deposited, the ballots may be not less than six inches long and four  
28 inches wide. All ballots shall be printed upon white paper. Before distribution the ballots  
29 shall be folded in marked creases in such a way as that, when so folded, the face of each  
30 ballot shall be concealed. On the back and outside when folded, shall be printed, "official  
31 ballot for the . . . . . of . . . . .," inserting the title and name of the county, city or town for  
32 which the ballot is prepared, and the signature or fac simile thereof of the county auditor,  
33 city clerk or town recorder, who caused the ballot to be printed.

SEC. 16. The officer whose duty it is to cause the ballots to be printed, upon the written  
2 request of the committee for any party making nominations in the county, city or town for  
3 which such ballots are being printed, or upon the written request of any three persons sign-  
4 ing nomination papers for the nomination of any person whose name is required to be  
5 printed upon such ballots, shall allow one person from each of the political parties so re-  
6 questing, and one person from each of the lists of persons signing such nomination papers,  
7 to be present at the printing of said ballots. Said persons shall be designated by the com-  
8 mittee or persons making such request.

SEC. 17. All ballots when printed, shall be folded as hereinbefore provided and fastened  
2 together in convenient numbers in packages, books or blocks, in such manner that each ballot  
3 may be detached and removed separately. A record of the ballots printed and furnished to  
4 each polling place shall be kept and preserved by the officers having charge of the printing  
5 of the ballots.

SEC. 18. There shall be provided for each voting place at which an election is to be held,  
2 two sets each of one hundred of each kind of ballots to be used for every fifty voters or  
3 fraction thereof, who voted at the last preceding election.

SEC. 19. If by any accident or casualty the ballots delivered as herein provided for use  
2 at any voting place shall be lost or destroyed, it shall be the duty of the person in custody to

3 report the loss at once to the officer having charge of the printing of such ballots, and make  
4 affidavit of the circumstances of the loss, whereupon said officer shall at once re-supply said  
5 person.

SEC. 20. The secretary of state and the chairmen of the state committees of the two  
2 political parties casting the highest vote and the next to the highest vote in the state, shall  
3 prepare full instructions for the guidance of voters at all elections, as to obtaining ballots, as  
4 to the manner of marking them and the method of gaining assistance, and as to obtaining  
5 new ballots in place of those accidentally spoiled, and they shall cause the same, together  
6 with copies of sections of this act, to be printed in large, clear type, on separate cards, to be  
7 called cards of instructions. Each county auditor shall cause to be printed, on tinted paper,  
8 ten or more copies of the form of the ballot provided for each voting precinct, which shall be  
9 called specimen ballots. The secretary of state shall furnish cards of instruction to the  
10 number of ten, for each precinct in the respective counties of the state, and the county  
11 auditor shall furnish the same, and the sample ballots, to the precincts in the same manner  
12 as is herein provided for furnishing ballots.

SEC. 21. The county auditor, city clerk or town recorder shall furnish to the election  
2 boards in each precinct, for which they cause ballots to be printed, the ballots for use on the  
3 day of election. They shall deliver, or send, to said election boards, separately and at differ-  
4 ent times, or by different methods, the two sets of ballots, together with the specimen ballots  
5 and cards of instruction. They shall be sent in sealed packages, with marks on the outside  
6 clearly designating the precinct for which they are intended, the person or officer to whom  
7 they are addressed, and the number of ballots of each kind enclosed. And the member of  
8 the election board receiving said packages shall, on their delivery to him, return receipts  
9 therefor to the officer so sending them. Said officer shall keep a record of the time when,  
10 and the manner in which the several packages are sent, and shall preserve for two years the  
11 receipts of said election boards. The ballots shall be delivered to the election boards at  
12 least twelve hours before the time of opening the polls.

SEC. 22. At the opening of the polls in each polling place the seals of the packages shall  
2 be publicly broken, and the packages opened by the election board, and the books or blocks  
3 of ballots shall be delivered to the officers having charge of the same, as hereinafter provided.  
4 The cards of instruction shall be immediately posted at, or in, each voting shelf or compart-  
5 ment, provided in accordance with this act, for the marking of the ballots, and not less than  
6 three such cards and five specimen ballots shall be immediately posted outside of the poll  
7 room, and not more than one hundred feet, and not less than fifty feet away from said poll  
8 room. The second set of ballots shall be retained by the respective boards of election, until  
9 they are called for or are needed for the purposes of voting.

SEC. 23. In case the ballots shall have been destroyed or lost, and there is not sufficient

2 time to proceed as provided in section 19 hereof, the election board shall cause other ballots  
3 to be prepared, substantially in the form of the ballots so destroyed or lost.

SEC. 24. The board of supervisors of each county shall, at their September meeting of  
2 each year, and on or before the third Monday in September, appoint judges and clerks of  
3 election and ballot officers for each precinct in the several counties. Not more than two  
4 of said judges of election shall belong to the same political party, and there shall be one  
5 clerk and one ballot officer from each of the two political parties casting the highest and  
6 next to the highest vote in said county, at the then next preceding general election. The  
7 officers above required to be selected shall be from lists filed with the county auditor, by the  
8 chairman of the county committees. The said lists shall be composed as follows: Five per-  
9 sons by each committee, residents of each precinct, from which shall be chosen the judges of  
10 election; five persons, in the same manner, for clerks of election, and five persons, in the  
11 same manner, for ballot officers. In each precinct, the party which, at the last preceding  
12 general election, cast the highest number of votes, shall have the minority of the judges of  
13 elections. The lists so filed by the committees, shall be used by the county auditor in filling  
14 any vacancies that may occur in any of the officers above appointed; and the county auditor,  
15 when notified, in writing, by the chairman or secretary of either of the above named county  
16 committees that a vacancy has occurred, naming the person whose place has become vacant  
17 shall appoint from said lists a person of the same party as the one causing such vacancy;  
18 *provided*, that the board of supervisors be not then in session, in which event, said board shall  
19 fill said vacancy in the same manner as the auditor is herein required to do.

SEC. 25. The board of supervisors in each county shall provide for each voting place a  
2 suitable number of voting shelves or compartments, at or in which voters may conveniently  
3 mark their ballots, so that, in the marking thereof, they may be screened from the observā-  
4 tion of others, and a guard rail shall be so constructed and placed that only such persons as  
5 are inside can approach within six feet of the ballot boxes and of such voting shelves or  
6 compartments. The shelves shall be so placed that judges of election can see whether more  
7 than one person enters one of such booths at one time. The number of such voting shelves  
8 or compartments shall not be less than one for every sixty voters and fraction thereof, quali-  
9 fied to vote at such polling place, and not less than three in any precinct and not less than  
10 five in any voting precinct of a city. Said shelves and rails shall be substantially constructed,  
11 and when not in use shall be placed in charge of the township or city clerk or town recorder  
12 of the township, city or town in which such election is held. When used for city or town  
13 such city or town shall defray half of the expenses of making and caring for them. No per-  
14 sons other than the election officers and voters admitted as hereinafter provided shall be  
15 permitted within said rail, except by authority of the election officers for the purpose of

16 keeping order and enforcing the law. Each voting shelf or compartment shall be kept pro-  
17 vided with proper supplies and conveniences for marking the ballots.

SEC. 26. Any person desiring to vote shall give his name and, if requested so to do, his  
2 residence, to one of the ballot clerks, who shall thereupon announce the same in a loud and  
3 distinct tone of voice, clear and audible. The ballot clerks shall give him one, and only one  
4 ballot upon the back of which they shall write their initials. Besides the election officers,  
5 not more than four voters in excess of the number of voting shelves or compartments pro-  
6 vided, shall be allowed in said enclosed space at one time.

SEC. 27. On receipt of his ballot, the voter shall, forthwith, and without leaving the  
2 enclosed space, retire alone to one of the voting shelves or compartments so provided, and  
3 shall prepare his ballot by marking in the appropriate margin or place, a cross (X) opposite  
4 the name of the candidate of his choice for each office to be filled, or by filling in the name  
5 of the candidate of his choice in the blank space provided therefor and marking a cross (X)  
6 opposite thereto; and in case of a question submitted to the vote of the people, by marking  
7 in the appropriate place a cross (X) against the answer which he desires to give. Before  
8 leaving the voting shelf or compartment, the voter shall fold his ballot, without  
9 displaying the marks thereon, in the same way it was folded when received by him,  
10 and he shall keep it so folded until he has voted. He shall vote in the manner now  
11 provided by law, before leaving the enclosed space and shall show the judges of election,  
12 the official endorsement and initials of the ballot officers thereon, before voting. He  
13 shall mark and deposit his ballot without undue delay, and shall quit said enclosed space  
14 as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or com-  
15 partment already occupied by another, nor to remain in said enclosed space more than ten  
16 minutes, nor to occupy a voting shelf or compartment more than five minutes in case all of  
17 such shelves or compartments are in use and other voters are waiting to occupy the same.  
18 No voter, not an election officer, whose name has been placed on the list of voters or checked  
19 as provided by law, shall be allowed to re-enter said enclosed space during said election. It  
20 shall be the duty of the judges of election to secure the observance of the provisions of this  
21 section and of other sections relative to the duty of election officers.

SEC. 28. No person shall take or remove any ballot from the polling place before the close  
2 of the polls. If any voter spoils a ballot he may successively obtain others, not exceeding  
3 three in all, upon returning each spoiled one. The ballots thus returned shall be immediately  
4 cancelled, and together with those not distributed to the voters, shall be destroyed as soon  
5 as the polls are closed.

SEC. 29. Any voter who declares to the judges of election that by blindness or other  
2 physical disability, or by reason of being unable to read, he is unable to mark his ballot, shall,  
3 upon request, receive the assistance of two of the election officers, of opposite political parties.

4 in the marking thereof, and such officers shall certify that it was so marked with their assist-  
5 ance, and shall thereafter give no information regarding the same. Any officer of election  
6 may, in his discretion, require such declaration of disability to be made by the voter under  
7 oath before him, and he is hereby qualified to administer the same.

SEC. 30. If the voter marks more names than there are persons to be elected to any office,  
2 or if for any reason it is impossible to determine the voter's choice for any office to be filled,  
3 his ballot shall not be counted for such office. No ballot without the initials of the ballot  
4 officers and the official endorsement, except as herein otherwise provided, shall be deposited  
5 in the ballot box, and none but ballots provided in accordance with the provisions of this act  
6 shall be counted. Ballots not counted shall be marked "defective" on the back thereof, and  
7 shall be preserved as now provided by law.

SEC. 31. In cases where the law requires a special election to fill a vacancy, the time for  
2 filing certificates of nomination and nomination papers shall not be less than five nor more  
3 than fifteen days before such special election.

SEC. 32. This act shall not apply to school elections.

SEC. 33. A voter who shall, except as herein otherwise provided, allow his ballot to be  
2 seen by any person with an apparent intention of letting it be known how he is about to vote,  
3 or place any distinguishing mark upon his ballot, or shall make a false statement as to his  
4 inability to mark his ballot, or any person who shall interfere or attempt to interfere with  
5 any voter when inside the room where the election is held, or who shall endeavor to induce  
6 any voter to show how he has marked his ballot, or who shall deposit, or offer to deposit, in  
7 the ballot box a ballot other than the one received from the ballot clerks, shall be punished  
8 by a fine of not more than one hundred dollars; and any election officer shall the power to  
9 act as a peace officer in all cases of violation of the provisions of this act.

SEC. 34. Any person who shall, prior to any election, willfully deface or destroy any list  
2 of candidates posted in accordance with the provisions of this act, or who shall willfully de-  
3 face, tear down, remove or destroy any card of instruction or specimen ballot printed or  
4 posted for the instruction of voters, or who shall willfully remove or destroy any of the con-  
5 veniencies or supplies furnished to enable a voter to prepare his ballot, or shall willfully hin-  
6 der the voting of others, shall be punished as provided in the preceding section.

SEC. 35. Any person who shall falsely make, or willfully deface or destroy any certificate  
2 of nomination or nomination paper, or any part thereof, or any letter of withdrawal; or sign  
3 any such certificate or paper contrary to the provisions of this act; or fill any certificate of  
4 nomination or nomination paper, or letter of withdrawal, knowing the same or any part thereof  
5 to be falsely made; or suppress any certificate of nomination or nomination paper, or any part  
6 thereof, which has been duly filed; or forge or falsely make the official indorsement on any  
7 ballot; or willfully destroy or deface any ballot, or shall take or remove any ballot outside of

8 the enclosure provided for voting, before the close of the election, or willfully delay the de-  
9 livery of any ballots, shall be punished by fine not less than five hundred dollars nor more  
10 than one thousand dollars.

SEC. 36. Any public officer, or any person upon whom a duty is imposed by this act, who  
2 shall willfully neglect to perform such duty or who shall perform it in such a way as to hinder  
3 the objects of this act, shall be punished by a fine of not less than five hundred nor more  
4 than one thousand dollars.