

A BILL

FOR AN ACT PROVIDING FOR THE NOMINATION, BY POLITICAL PARTIES OR ORGANIZATIONS, OF CANDIDATES FOR VARIOUS OFFICES AND ELECTION OF DELEGATES TO CONVENTIONS OF SAID POLITICAL PARTIES OR ORGANIZATIONS, BY A PRIMARY ELECTION AND FOR THE HOLDING OF CONVENTIONS FOR THE NOMINATION OF CANDIDATES FOR CERTAIN OFFICES BY SUCH POLITICAL PARTIES OR ORGANIZATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. In the year 1908 and biennially thereafter the candidates of political parties for
2 all township county and district offices which under the law are filled by the direct vote of
3 the voters of this State at the general election in November, shall be nominated by a primary
4 election at the times and in the manner hereinafter provided. The provisions of chapter three
5 (3) and four (4), title VI (6), and chapter eight (8), title XXIV (24) of the Code, shall apply so
6 far as applicable to all such primary elections the same as general elections, except as herein-
7 after provided. This act shall not apply to special elections.

Sec. 2. A political party under this act shall be construed to be any political organization
2 recognized as such under the provisions of section one thousand ninety-eight (1098) of the
3 Code.

Sec. 3. The primary election herein provided for shall consist of an election by all political
2 parties and shall be held at the usual voting places of the several precincts on the first Tues-
3 day in June, 1908, and biennially thereafter, for the nomination of candidates to be nomi-
4 nated by a primary election and for the election of delegates.

Sec. 4. The judges and clerks of said primary election shall be selected and appointed in
2 the same manner as for the general election held in November following, and they shall
3 take the same oath, and the judges are hereby authorized to administer oaths as hereinafter
4 provided. Vacancies shall be filled as provided for the judges and clerks of the general
5 election, and their compensation shall be the same. The expenses of said primary election shall
6 be paid by the county in which the said primary election is held.

Sec. 5. The Australian ballot system as used in this State, except as herein provided, shall
2 be used at said primary election in all precincts. The voters shall in all cases mark the ballot
3 in the square before the name of each person for whom he desires to vote. In cities where

4 registrationis required by law, the polls shall be open, from 7:00 A. M. to 7:00 P. M., and in all
5 other precincts from 1:00 P. M. to 9:00 P. M. The elector voting at said primary election shall
6 be allowed to vote for candidates for nomination on the ticket of only one political party, and
7 that shall be the party with which he is enrolled as affiliated.

Sec. 6. Any person will be entitled to participate in a primary election who is a qualified
2 elector in such precinct at the time of said primary election and who has designated the
3 political party with which he desires to be affiliated at some preceding general election, (unless
4 challenged, and if challenged, then only in the event that the challenge is determined in favor
5 of the voter) and shall be entitled forthwith but not later, to receive a ballot of the political
6 party with which it is determined by the poll books of the last preceding general election that
7 he declared his affiliations. The elector voting at said primary election shall be allowed to
8 vote for candidates for nominations on the ticket of only one political party, and that shall be
9 the party with which he is registered as affiliated with; provided, however, that those who
10 failed to register their party affiliation for any of the reasons enumerated in section seven (7) of
11 this act, shall, upon complying with the requirements of said section, have their names
12 registered as provided therein and be permitted to vote; and provided further that a first voter,
13 or citizen of this State casting his first vote in this State, shall be allowed to vote upon declaring
14 on oath his political affiliation. When an elector has changed his residence within the State
15 after the November election and before the primary election following, he may show his party
16 affiliation by a certificate from the county auditor of the county in which he last voted, which
17 certificate shall be issued upon request by said officer. The endorsement of the judges of
18 election and the fac simile of the auditor's signature shall appear upon the ballots, as provided
19 by law for the ballots used for the November election. A judge of election shall publicly
20 inform the voter that it is his right to vote for his choice of the candidates for such office, and
21 he must return the ballot folded that it may be deposited in the ballot box.

Sec. 7. In order that none but those affiliating with and being members of any political
2 party shall participate in any primary election held by such political party, a system for the
3 registration of such persons is hereby provided, and such registration shall be conducted in
4 form and manner as follows:- At the general election held in November, 1906, there shall
5 be set aside on the regular poll books used for the purpose of entering the names of persons
6 who may desire to take part in any primary election held thereafter by any political party.
7 Such space shall be provided on the regular election poll books, immediately following the
8 last perpendicularly ruled column in such book, and shall be headed as follows: "Party Affilia-
9 tions." It shall be the duty of the judges at such general election to offer every voter a printed
10 blank on which there shall be a blank space for the voter to write his name and under that
11 there shall be printed the names of all the political parties recognized by this act with a square
12 before the name of each political party on which printed blank the voter can write his name

13 and make a cross mark in the square before the name of the political party with which he wishes
14 to affiliate. If the voter wishes, he can take his blank into a booth, mark it unobserved, seal it
15 in a thick envelope provided for that purpose by the judges, and deposit before the judges in a
16 ballot box kept for that purpose. If a voter does not care to affiliate, his blank must still be
17 enclosed in the envelope, even though unmarked, and deposited in said ballot box. Immed-
18 iately after the closing of the polls and the canvassing of the vote for the candidates for the
19 various offices, the judges shall also take from the ballot box provided for that purpose the
20 envelopes containing the printed blanks on which the voters have declared their political party
21 affiliation, open the same, and duly record in the blank spaces prepared for that purpose in the
22 poll book and opposite that particular voter's name the party affiliation of each voter as shown
23 thereon. In case any party does not desire to state his party affiliation he shall not be required
24 to do so nor shall his failure to do so act as a bar to his voting at any election held under the
25 provisions of the general election law, except a primary election. The voters selection shall
26 constitute his declaration of party affiliation and shall be checked on the voting list used by the
27 clerks of the primary election board and said list shall be returned to the county auditor for
28 preservation. Copies of the names and party entries on such list together with the changes
29 of party affiliation hereinafter provided, arranged alphabetically by surnames, shall be used at
30 subsequent primaries for determining with what party the voter has been enrolled and no
31 voter enrolled under the provisions of this act shall be allowed to receive the ballot of any
32 political party except that with which he is so enrolled, but he may change his enrollment as
33 elsewhere provided in this act. The county auditor shall prepare for each voting precinct
34 two of the above mentioned lists duly certified by him, which he shall deliver to the primary
35 election boards in 1908 and biennially thereafter, at least one day prior to the day of the
36 primary election and which lists together with the poll books of the primary election shall be
37 returned to the said auditor in good condition within twenty-four hours after the primary elec-
38 tion to be preserved by him. Provided that before returning said poll lists the primary elec-
39 tion boards shall strike from said lists the names of all persons who have ceased to be voters
40 in their precincts.

Sec. 8. Any person who has thus declared his party affiliation shall thereafter be listed on
2 the poll books as a member of that political party, and such person while living in the same
3 voting precinct need not declare his party affiliation at succeeding primary elections unless
4 he desires to change his party affiliation. Any elector whose party affiliation was not
5 recorded at some general election on account of failure to vote or desire not to declare his
6 party affiliation, or who having declared his party affiliation desires to change the same, may,
7 nor less than sixty days prior to the date of any primary election file a written declaration
8 with the county auditor stating his party affiliation or change of party affiliation, and the
9 auditor shall enter a record of the same on the poll books in the proper column opposite the

10 voter's name. Any elector who has changed his residence to another precinct, or a first voter
11 or citizen of this State casting his first vote in this State shall be entitled to vote at any sub-
12 sequent primary election in the same manner and upon the same terms as provided in sec-
13 tion six (6) of this act and the clerks of the primary election shall record his party affiliation
14 and the county auditor shall add his name to the alphabetical lists for use in subsequent pri-
15 mary elections as provided for in section six (6) of this act.

Sec. 9. Each political party shall be entitled to have two party challengers present at each
2 polling place, to be appointed by the respective party committeemen. Any judge or clerk of
3 the primary election or any party challenger may challenge any voter upon the grounds
4 mentioned in section eleven hundred fifteen (1115) of the Code and such challenge shall be
5 determined as there provided. Any elector whose party affiliation has been recorded as
6 provided by this act and who desires to change his party affiliation on the primary election
7 day, shall be subject to challenge. If the person challenged insists that he is entitled to vote
8 the ticket of the political party to which he has transferred his political affiliation and the
9 challenge is not withdrawn, one of the judges shall tender to him the following oath: "You
10 do solemnly swear (or affirm) that you have in good faith changed your party affiliation to
11 the party." And if he take such oath he shall thereupon be given a
12 ticket of such political party and the clerks of the primary election shall change his enroll-
13 ment of party affiliation accordingly.

Sec. 10. The names of candidates for nomination shall be given the county auditor at least
2 thirty days before said primary election day, when such candidates are to be voted for only
3 within one county, or any division thereof, and the names of candidates for nomination shall
4 be given to the Secretary of State at least forty days before said primary election day, when
5 such candidates are to be voted for in the several counties comprising representative, senator-
6 ial, judicial or congressional districts, in all of which instances said candidate shall file there-
7 with an affidavit stating that he is eligible to the office for the township, county, or district,
8 or the state in which he is and will be a bona fide candidate for nomination for said office, as
9 follows:

10 I, A.....B....., being duly sworn, say that I
11 reside at.....street,.....(city or town),.....county, in
12 the state of Iowa; that I am eligible to the office for which I am a candidate, and that the
13 political party with which I affiliate is the.....party; that I am a
14and a candidate for nomination to the office of.....to be
15 made at the primary election to be held on the first Tuesday in June 19...., and hereby
16 request that my name be printed upon the official primary ballot as provided by law, as a
17 candidate of the.....party. I furthermore declare that if I am nom-
18 inated and elected I will qualify as such officer.

19 (Signed).....
 20 Subscribed and sworn to (or affirmed) before me..... by
 21 on this..... day of..... 190.....
 22

Sec. 11. At least thirty (30) days before any such primary election the Secretary of State,
 2 shall submit to the auditors of the several counties in the said districts a certified list contain-
 3 ing the name and postoffice address of each person for whom nomination papers have been filed
 4 in his office in accordance with the preceding section and entitled to be voted for at such prim-
 5 ary election by the voters of such county, together with a designation of the office for which
 6 each is a candidate, and the party from which he seeks a nomination. Such auditor shall
 7 forthwith, upon receipt thereof, publish under the proper party designation, the title of each
 8 office to be filled, the names and address of all persons for whom proper nomination papers have
 9 been duly filed, both in his own office and in the office of the Secretary of State, giving the
 10 name and address of each, the date of the primary, the hours during which the polls will be
 11 opened and that the primary will be held in the regular voting places in each precinct. It
 12 shall be the duty of said auditor to publish said notice once each week for two consecutive
 13 weeks prior to the said primary election. He shall also forthwith mail copies of such notice
 14 to each city, town and township clerk of the county, who shall immediately post copies of the
 15 same in at least three (3) public places in each precinct of the township, town or city, design-
 16 ating therein the location of the polling place in each election precinct. Every publication
 17 required in this act shall be made in at least two (2) and not to exceed three (3) newspapers
 18 of general circulation in such county. One of such newspapers shall represent the political
 19 party which cast the largest vote in such county in said general election. In any case where
 20 the publication of a notice cannot be made as hereinbefore required, it may be made in any
 21 newspaper having a general circulation in the county in which the notice is required to be
 22 published.

Sec. 12. The names of the candidates for nomination of each and every political party for
 2 the several offices shall be printed on separate and uniform ballots, with the name of the
 3 political party printed at the head of said ballots, which ballots shall be prepared by the
 4 county auditor in the same manner as for a general election. The names of candidates for
 5 each office on all primary election ballots shall be arranged alphabetically according to sur-
 6 names. The ballot for the primary election shall include the congressional, legislative,
 7 county and township ticket and shall be in the following form:

8 NAME OF PARTY.
 9 PRIMARY ELECTION BALLOT.
 10 For Representative in Congress
 11District.

12 (Vote for one)

13 GEORGE CAMPBELL

14 RICHARD DOE

15 HENRY STILES

16

17 For State Senator

18District

19 (Vote for one)

20 GEORGE L. WRIGHT

21 JOHN H. BLACK

22 WESLEY HOLMES

23

24 For Representative

25District

26 (Vote for one)

27 HOWARD COLLINS

28 WILLIAM LONGLEY

29

30 For County Auditor

31 (Vote for one)

32 JOHN SMITH

33 WILLIAM STRONG

34 ROBERT THOMPSON

35

36 Delegates to County Convention

37 (Vote for.....)

38

39

40

41 Party Committeeman

42 (Vote for one)

43

44

45 For Township Clerk

46 (Vote for one)

47 J. B. HANCOCK

48

EDWARD DALLAS

49

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Sec. 13. All necessary election supplies, including poll books as provided by law, for the
 2 general election, shall be furnished for the primary election board for each precinct by the
 3 county auditor, and such poll books shall contain blank spaces for the names of the candidates
 4 of the several parties for the different offices to be written in and blank spaces for entering
 5 by the clerks the names of the electors voting at said primary election; and upon the pages
 6 provided for entering the name of said voters there shall be ruled spaces for the listing of
 7 names of said voters and for the designation of the party ticket voted by said elector in manner
 8 and form as follows:

No.	Name.	Republican.	Democrat.	Prohibitionist.	Socialist.
1.	James Smith.....	X			
2.	Tom Jones.....		X		
3.	Dan Brown.....			X	
4.	Geo. White.....				X

9 It shall be the duty of the clerks of the primary election when entering a name of a voter
 10 to place in the poll book a cross, thus (x), in the column designating the party ticket which
 11 was given to said voter upon his application for a ticket.

Sec. 14. Upon the closing of the polls, the clerks and judges shall immediately open the
 2 ballot box at each polling place and proceed to take therefrom the ballots. Said officers shall
 3 count the number of ballots cast by each party, at the same time stringing the tickets cast
 4 for each party together on separate wires. As soon as the clerks and judges shall have sorted
 5 the ballots of each separate party, then they shall take the tally sheets provided in the poll
 6 books and shall count all the ballots for each party separately until the count is completed,
 7 and shall certify to the number of votes cast for each candidate for each office upon the ticket
 8 of each party. After all have been counted and certified to by the clerks and judges, they
 9 shall seal the ballots cast by each of the parties in separate envelopes on the outside of which
 10 shall be printed or written the names of that party's candidates for the different offices, and
 11 opposite each candidate's name shall be placed the number of votes cast for such candidate
 12 in said precinct, and then seal these envelopes containing the votes of the various political
 13 parties, in one large envelope, on the outside of which, or on a paper attached thereto, shall
 14 be printed or written in perpendicular columns the names of the several political parties with
 15 the names of the candidates for the different offices under their respective party headings,
 16 and opposite each candidate's name shall be placed the number of votes cast for such
 17 candidates in said precinct, and at the bottom the total vote cast by each political party in
 18 said precinct, and such envelopes shall be returned to the county auditor.

Sec. 15. Said judges of election shall deliver the returns so made to the auditors of their
2 respective counties within twenty-four (24) hours after the primary election has closed; and
3 if the returns from any precinct be not so delivered within the said time, the county auditor
4 shall forthwith send a messenger for any such missing returns, and said messenger shall be
5 paid as provided by law for the general election. On the Thursday next following the general
6 election, the auditor shall, in the presence of the chairman of the county central committee
7 of each of the political parties whose candidates were voted for at the primary election (or, if
8 they be not in attendance, then in the presence of any persons who desire to attend) open the
9 said returns, and he shall thereupon canvass the same for all candidates for office in townships
10 and political divisions less than a county, and the candidates for office who have received the
11 highest number of votes cast, as determined by a count of the votes by the primary election
12 board, shall be declared the nominees of the parties in such divisions, and their names shall be
13 placed upon the ballots for the succeeding general election, as required by law.

Sec. 16. A certification of the result of said vote on candidates for the various county offices
2 shall be made by the county auditor to the chairmen of the county central committees of the
3 several political parties participating in said primary election by 1:30 P. M. of the Friday fol-
4 lowing the first Tuesday in June, and these returns shall be reviewed as to the result of the
5 vote on their own party candidates by the county central committee in open convention here-
6 after provided for, and those candidates receiving a majority of all the votes cast by any
7 political party at said primary election shall be declared the nominees of that party and in case
8 no candidate receives a majority of all the votes cast by any political party for any particular
9 office as aforesaid, then the delegates to said county convention hereinafter provided for shall
10 select the candidates by a majority vote of said delegates. Said convention shall by its chair-
11 man and secretary certify to the county auditor of the county wherein the same is held the
12 nominees of the party. There shall be conventions of delegates of the different political
13 parties held on or before the second Saturday following the first Tuesday in June, at an hour
14 and place designated by the county central committee, the chairman and secretary acting for
15 them, and said call shall be published in a newspaper in the county for at least ten days pre-
16 ceding the date of the convention and shall also designate the number of delegates each pre-
17 cinct is entitled to have in said county convention. The county auditor shall also make
18 returns of the votes cast at said primary election in his county for the candidates for the vari-
19 ous district offices to the secretary of state. And the secretary of state shall certify the result
20 to the chairmen of the respective committees of the various political parties in the different
21 districts. The names of candidates for nomination for offices in township and political divis-
22 ions less than a county as heretofore stated shall be presented to the primary election board
23 of their respective election precincts and said board shall declare the same to the electors vot-
24 ing at said primary election, so that said electors may vote for such candidates for nomination

25 the same as for candidates for the various county and other offices.

Sec. 17. Delegates to the county convention and members of the county central committee
2 of the various political parties shall be voted for in each voting precinct at the same time and
3 place the primary election for the selection of party nominees is held, and the delegates selected
4 shall attend the county convention of the party for which they are chosen, where they shall
5 select from among their own number, delegates for the district and State conventions of their
6 party, make nominations when no candidate for any particular office has received a major-
7 ity of all the votes cast by such political party, and transact such other business as may come
8 before them.

Sec. 18. The selection of the delegates to the county convention shall be made in the follow-
2 ing manner: the requisite number of delegates to which each precinct is entitled shall be deter-
3 mined by the county auditor from the written reports of the chairmen of the respective county
4 central committees, said reports to be filed with the county auditor on or before May 1st preced-
5 ing the primary election, setting forth the number of delegates to which each precinct is entitled
6 in the county convention of their party. The county auditor shall have a like number of
7 blank lines placed on each ballot. In case no report is filed by any of said chairmen as here
8 provided, then the auditor shall determine the requisite number of delegates to which each
9 precinct is entitled, as he may deem just and proportionate. The voter while in the booth
10 shall write or paste on the blank lines provided on the ballot the requisite number of names of
11 persons of his choice to act as delegates. And the requisite number of persons for delegates
12 receiving the highest number of votes cast shall constitute the delegates from such precinct
13 to the county convention. In case of a tie vote on any delegate or delegates, the matter shall
14 be decided by lot to be cast then and there as the primary election board may determine. In
15 case of vacancy on said delegation the remaining delegates selected shall have full power to
16 vote and act for the entire delegation but there shall be no proxies. One member of the
17 county central committee from each political party from each precinct shall be elected in the
18 same manner in which delegates are selected. His term of office shall begin on the day
19 of the county convention and immediately following the adjournment thereof and shall
20 continue for two years and until his successor is elected and qualified. The chairman and
21 secretary of the county central committees of the various political parties shall be elected
22 by the members thereof.

Sec. 19. The delegates to the county convention, therein assembled, shall have announced
2 to them in open convention by some person designated by the county central committee, the
3 nominations made at the primary, as determined by a count of the votes cast, and in cases
4 where no candidate has received a majority of all the votes cast by his party, they shall make
5 nominations as provided in section sixteen (16) of this act, and they shall select delegates to
6 the various district and State conventions from among the delegates elected to said county

7 convention. The chairmen of the respective district and State central committees of the
8 several political parties participating in a primary election shall file with the chairman of the
9 county committees a report, showing the number of delegates each county is entitled to at
10 their respective district or State conventions. And the delegates selected to the several dis-
11 trict conventions shall, when in attendance at said convention, have announced to them in
12 open convention the nominations for the various district offices, and those candidates receiv-
13 ing a majority of all the votes cast by any political party at said primary election, shall be
14 the nominees of that party, and in case no candidate receives a majority of all the votes cast by
15 any political party for any particular office as aforesaid, then the delegates to said convention
16 therein assembled shall nominate the candidate by a majority vote of said delegates, and said
17 convention shall, by their chairman and secretary, certify to the county auditors of the
18 proper counties wherein said primaries are held for the nomination of candidates for the
19 respective offices, and to the Secretary of State the nominees of their party in the different
20 districts, and transact such other business as may legally come before them. The delegates
21 selected to the State conventions of the various political parties shall, when in attendance at
22 said State conventions make nominations for the various state offices, and transact much
23 other business as may legally come before them. Said State conventions shall by their
24 chairman and secretary certify to the Secretary of State the nominees of their party for the
25 various state offices. If any county shall not be fully represented in any district or State con-
26 vention the delegates present from such county may fill the delegation or cast the full vote
27 thereof but there shall be no proxies.

Sec. 20. Any party committeeman or any primary election or other public officer, upon
2 whom the duty is imposed by this act or by acts herein made applicable to primary elections,
3 who shall wilfully neglect to perform any such duty, or who shall wilfully perform it in such
4 a way as to hinder the objects thereof, or shall disclose to any one, except as may be ordered
5 by any court of justice the contents of any ballot or any part thereof, as to the manner in
6 which the same may have been voted, shall be punished by a fine of not less than one hun-
7 dred dollars (\$100), nor more than one thousand dollars (\$1,000), or by imprisonment in the
8 penitentiary not less than one (1) or more than five (5) years, or by both such fine and
9 imprisonment.

Sec. 21. Any person who shall agree to perform any services in the interest of any candi-
2 date in consideration of any money or other valuable thing, or who shall accept any money
3 or other valuable thing for such services performed in the interest of any candidate, or any
4 person paying or offering to pay or giving or offering to give money or other valuable things
5 for such services, shall be punished by a fine of not more than three hundred dollars (\$300),
6 or be imprisoned in the county jail not exceeding thirty (30) days. But nothing herein shall
7 be construed to include persons making contracts in good faith for the announcement of

8 their candidacy in the newspapers and for the conveyance of voters to and from polling places
9 on the day of the primary election and the payment of any reasonable compensation for such
10 services.

Sec. 22. Any person offering or giving a bribe either in money or other consideration to
2 any elector for the purpose of influencing his vote at any primary election, or any elector
3 entitled to vote at such primary election receiving and accepting such bribe; any person mak-
4 ing false answer to any of the provisions of this act relative to his qualifications and party
5 affiliations; any person wilfully voting or offering to vote at a primary election who has not
6 been a resident of this State for six months next preceding said primary election; or who, at
7 the primary election is not twenty-one years of age, or is not a citizen of the United States;
8 or knowing himself not to be a qualified elector of such precinct where he offers to vote; or
9 any person violating any of the provisions of this act or of the Code, as may be hereto applied,
10 and any person knowingly procuring, aiding, or abetting such violation, shall be deemed
11 guilty of a misdemeanor, and upon conviction shall be fined a sum not less than one hundred
12 dollars (\$100) or more than five hundred dollars (\$500), and be imprisoned in the county jail
13 not less than ten (10) days nor more than ninety (90) days.

Sec. 23. The provisions of section two thousand four hundred forty-eight (2448) of the
2 code relative to the closing of saloons on election days shall apply in like manner to primary
3 election days under this act.

Sec. 24. All acts and sections of the Code and of the acts of the Twenty-seventh (27th),
2 Twenty-eighth (28th), Twenty-ninth (29th) and Thirtieth (30th) General Assemblies in conflict
3 herewith are hereby repealed.