

A BILL

FOR AN ACT TO AMEND THE LAW AS IT APPEARS IN SECTIONS ONE THOUSAND EIGHTY-SEVEN-a1 (1087-a1), ONE THOUSAND EIGHTY-SEVEN-a5 (1087-a5), ONE THOUSAND EIGHTY-SEVEN-a6 (1087-a6), ONE THOUSAND EIGHTY-SEVEN-a10 (1087-a10), ONE THOUSAND EIGHTY-SEVEN-a12 (1087-a12), ONE THOUSAND EIGHTY-SEVEN-a14 (1087-a14), ONE THOUSAND EIGHTY-SEVEN-a19 (1087-a19), ONE THOUSAND EIGHTY-SEVEN-a21 (1087-a21), ONE THOUSAND EIGHTY-SEVEN-a22 (1087-a22), ONE THOUSAND EIGHTY-SEVEN-a24 (1087-a24), ONE THOUSAND EIGHTY-SEVEN-a25 (1087-a25), ONE THOUSAND EIGHTY-SEVEN-a26 (1087-a26), AND ONE THOUSAND EIGHTY-SEVEN-a27 (1087-a27) OF THE SUPPLEMENT TO THE CODE, 1907, AND TO REPEAL THE LAW AS IT APPEARS IN SECTIONS ONE THOUSAND EIGHTY-SEVEN-a13 (1087-a13), ONE THOUSAND EIGHTY-SEVEN-a15 (1087-a15) AND ONE THOUSAND EIGHTY-SEVEN-a18 (1087-a18) OF THE SUPPLEMENT TO THE CODE, 1907, AND TO ENACT SUBSTITUTES THEREFOR, RELATING TO THE HOLDING OF PRIMARY ELECTIONS BY POLITICAL PARTIES.

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

SECTION 1. That the law as it appears in section one thousand eighty-seven-a1 (1087-a1) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking out of said section all after the period following the word "provided" in the fourteenth line thereof.

SEC. 2. That the law as it appears in section one thousand eighty-seven-a5 (1087-a5) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking the comma following the word "election" in the sixth line of said section, and inserting in lieu thereof a period; and by striking out of said section all after said period and inserting in lieu thereof the following: "The expenses of the primary election shall be audited by the board of supervisors of each county and be paid the same as the expenses of the general election. The compensation of the judges and clerks of the primary election shall be the sum of two dollars each for all official services rendered by any such judge or clerk at any such election."

SEC. 3. That the law as it appears in section one thousand eighty-seven-a6 (1087-a6) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking out of said section the certain figures, characters, letters, and words after the word "from" and before the

4 article "the" in the seventh line of said section, to-wit: "1:00 p. m. to 8:00 p. m." and insert-
5 ing in lieu thereof the following: "nine o'clock a. m. to eight o'clock p. m."

SEC. 4. That the law as it appears in section one thousand eighty-seven-a10 (1087-a10) of
2 the Supplement to the Code, 1907, be, and the same is hereby amended by inserting a comma
3 immediately after the word "county" in the eighteenth line of said section and by inserting im-
4 mediately after said comma the following: "or a candidate for party committeeman,"; and by
5 striking out from said section all of line sixty-one after the word "am"; and by adding to
6 said section after the period at the end thereof, the following: "All nomination papers shall
7 be destroyed at the same time and in the manner in which the primary election ballots are de-
8 stroyed."

SEC. 5. That the law as it appears in section one thousand eighty-seven-a12 (1087-a12) of
2 the Supplement to the Code, 1907, be, and the same is hereby amended by striking out of said
3 section all after the period following the word "nomination" at the end of the seventh line of
4 said section, and inserting in lieu thereof the following: "such lists shall also designate the
5 order in which the names of all candidates for offices to be filled by the voters of the entire
6 state shall be arranged and printed upon the primary election ballots in each county, in the
7 following manner, to-wit: The secretary of state shall arrange the sur-names of such candi-
8 dates for the respective offices alphabetically for the county in the state coming first in alpha-
9 betical order; thereafter, for each succeeding county, in alphabetical order, the names ap-
10 pearing first for the respective offices in the last preceding county shall be placed last, so
11 that the names that occupied second position before the change shall be first after the change;
12 provided, however, if it shall appear from the foregoing arrangement that the name of a can-
13 didate for any office shall occupy first-position in counties in which the aggregate vote cast
14 for the candidate of his party for governor at the last preceding general election materially
15 exceeded such vote in the counties in which any of the other candidates of the same party for
16 the same office shall occupy first position, then, in any case, the Secretary of State shall alter
17 the foregoing arrangement of names of such candidates sufficiently so that their names shall oc-
18 cupy first position in counties whose aggregate vote for the candidate of their party for gov-
19 ernor at the last preceding general election is as near equal as practicable.

20 Such auditor shall forthwith publish a proclamation of the time of holding the primary elec-
21 tion, the hours during which the polls will be open, the offices for which candidates are to be
22 nominated and that the primary election will be held in the regular polling places in each pre-
23 cinct. Such notice shall be published once each week for two consecutive weeks before the pri-
24 mary election, in not to exceed two newspapers of general circulation in such county. One of
25 such newspapers shall represent the political party which cast the largest vote in such county
26 at the last preceding general election, and the other, if any, that shall represent the political
27 party which cast the next largest vote in such county at such general election. The county

28 auditor shall correct any errors or omissions in names of candidates and any other errors
29 brought to his knowledge before the printing of the ballots.”

SEC. 6. That the law as it appears in section one thousand eighty-seven-a13 (1087-a13) of
2 the Supplement to the Code, 1907, be, and the same is hereby, repealed and the following en-
3 acted as a substitute therefor:

4 The names of the candidates of each political party for nomination for the several offices,
5 and for party committeemen and blank spaces for the delegates to the county convention
6 shall be printed in black ink on separate sheets of paper, uniform in color, quality, texture
7 and size, with the name of the political party printed at the head of said ballots, which bal-
8 lots shall be prepared by the county auditor in the same manner as for the general election, ex-
9 cept as in this chapter otherwise provided. The names of candidates for offices to be filled by
10 the voters of the entire state shall be arranged and printed on the primary election ballots in
11 the order in which they are certified by the Secretary of State. The names of candidates for
12 offices to be filled by the voters of a county, and by the voters of any district of the state com-
13 posed of more than one county, shall be arranged and printed upon the primary election ballots
14 in the following manner, to-wit: The county auditor shall prepare a list of the election pre-
15 cincts of his county, by arranging the various townships, towns and cities in the county in al-
16 phabetical order and the wards or precincts of each city, town or township in numerical or-
17 der under the name of such city, town or township. He shall then arrange the surnames of all
18 candidates for such offices alphabetically for the respective offices for the first precinct in the
19 list; thereafter, for each succeeding precinct, the names appearing first for the respective
20 offices in the last preceding precinct shall be placed last, so that the names that were second be-
21 fore the change shall be first after the change. The names of candidates for all offices to be
22 filled by the voters of a territory smaller than a county shall be arranged and printed alpha-
23 betically according to the surnames for the respective offices.

SEC. 7. That section one thousand eighty-seven-a14 (1087-a14) of the Supplement to the
2 Code, 1907, be, and the same is hereby, amended by striking from said section the dotted line
3 and square before it at the end of said section, and inserting in lieu thereof the following:

- 4 John Doe
- 5 Richard Roe
- 6

SEC. 8. That the law as it appears in section one thousand eighty-seven-a15 (1087-a15) of
2 the Supplement to the Code, 1907, be, and the same is hereby, repealed and the following en-
3 acted as a substitute therefor:

4 “After the printing of the official ballots, the county auditor shall change a sufficient num-
5 ber thereof to supply each voting precinct in the county with ten sample ballots of each polit-

6 ical party. The auditor shall change the same by writing or stamping the words 'Sample
7 Ballot' in red ink near the top of each of such ballots, and by signing his name or stamping a
8 fac simile thereof and his title of office immediately thereunder. Such sample ballots shall not
9 be voted, received or counted in any primary election. The county auditor shall distribute
10 such sample ballots with the official ballots, and it shall be the duty of the judges of election to
11 see that such sample ballots are posted in and about the polling places upon the day of the pri-
12 mary election and before the opening of the polls."

SEC. 9. That the law as it appears in section one thousand eighty-seven-a18 (1087-a18) of
2 the Supplement to the Code, 1907, be, and the same is hereby repealed and the following
3 enacted as a substitute therefor:

4 "Any candidate whose name appears upon the official primary ballot of any voting pre-
5 cinct may require the board of supervisors of the county in which such precinct is situ-
6 ated to recount the ballots cast in any such precinct as to the office for which he was a can-
7 didate, at the time fixed for canvassing the returns of the judges of election, by filing with
8 the county auditor not later than the day before such meeting, a showing in writing, duly
9 sworn to by such candidate, that fraud was committed, or error or mistake made, in count-
10 ing or returning the votes cast in any such precinct as to the office for which he was a candi-
11 date. The showing must be specified and from it there must appear reasonable ground to
12 believe that a recount of the ballots would produce a result as to his candidacy different
13 from the returns made by the judges. If such showing is made to the satisfaction of the
14 board, it shall thereupon recount the ballots cast in any such precinct for the office for
15 which the contestant was a candidate, and if the result reached by the board on the recount
16 of the ballots as to such office be different from that returned by the judges of election it
17 shall be substituted therefor as the true and correct return and so regarded in all subse-
18 quent proceedings. The action of the board shall be final and no other contest of any kind
19 shall be permitted. The term 'candidate' as used in this section shall include and apply to
20 persons voted for for delegates and party committeemen."

SEC. 10. That the law as it appears in section one thousand eighty-seven-a19 (1087-a19) of
2 the Supplement to the Code, 1907, be, and the same is hereby, amended by inserting after
3 the comma following the word "nominated" and before the word "together" in the twenty-
4 sixth line of said section the following: "By reason of the failure of any candidate for any
5 such office to receive thirty-five per centum of all the votes cast by such party for such office."

SEC. 11. That the law as it appears in section one thousand eighty-seven-a21 (1087-a21) of
2 the Supplement to the Code, 1907, be, and the same is hereby, amended by adding after the
3 period at the end of said section the following:

4 "The published proceedings of the board of supervisors as a canvassing board shall contain
5 only a brief statement of the names of the candidates nominated by the electors of any

6 county or sub-division thereof under the title of the office for which they are nominated,
7 and a statement of the title of the county offices, if any, for which no nomination was made
8 by any political party participating in the primary election for the failure of any one of its
9 candidates for any office to receive thirty-five percentum of all the votes cast by the party for
10 such office.”

SEC. 12. That the law as it appears in section one thousand eighty-seven-a22 (1087-a22) of
2 the Supplement to the Code, 1907, be, and the same is hereby, amended by inserting after the
3 comma following the word “nominated” and before the word “together” in the twenty-fourth
4 line of said section, the following:

5 “By reason of the failure of any candidate for any such office to receive thirty-five per centum
6 of all votes cast by such party for such office”; and by adding after the period at the end of
7 said section the following:

8 “The candidate of any party for the office of senator in the congress of the United States
9 having received the highest number of votes of his party in the state, shall be the nominee of
10 his party for such office and the Secretary of State shall certify the result of said primary
11 election as to such office to the next convening general assembly.”

SEC. 13. That the law as it appears in section one thousand eighty-seven-a24 (1087-a24) of
2 the Supplement to the Code, 1907, be, and the same is hereby, amended by striking from said
3 section all after the period following the word “be” in the fourth line of said section and in-
4 serting in lieu thereof the following:

5 “Vacancies in nominations made in the primary election occurring before the holding of the
6 county, district or state convention, shall be filled by the county convention if the office in
7 which the vacancy in nomination occurs is to be filled by the voters of the county; by a dis-
8 trict convention if the office in which the vacancy in nomination occurs is to be filled by the
9 voters of a district composed of more than one county; by the state convention if the office in
10 which the vacancy occurs is to be filled by the voters of the entire state. Vacancies in nomi-
11 nations in such offices occurring after the holding of a county, district or state convention, or
12 on failure of any such convention to fill a vacancy in a nomination, as aforesaid, then it shall
13 be filled by the party committee for the county, district, or state, as the case may be. If a
14 vacancy shall occur in any such office too late for the filing of nomination papers for candi-
15 dates therefor in the primary election and before a holding of a county, district or state con-
16 vention, as the case may be, then the convention having jurisdiction shall make nomination for
17 such office; and if a vacancy in any such office shall occur after the holding of a county, dis-
18 trict or state convention, then nomination for each office may be made by the party committee
19 for the county, district or state, as the case may be. Vacancies in nominations for offices to
20 be filled by the voters of a territory smaller than a county shall be filled by the members of the
21 party committee for the county from such sub-division.”

SEC. 14. That the law as it appears in section one thousand eighty-seven-a25 (1087-a25 of the Supplement to the Code, 1907, be and the same is hereby amended by striking out the word "third" in the fifth line of said section and inserting in lieu thereof the word "fourth"; and by inserting after the period following the word "convention" and before the word "one" in the nineteenth line of said section the following:

"The term of office of such delegates shall begin on the day following the final canvass of the votes by the board of supervisors, and shall continue for two years and until their successors are elected"; and by inserting a period after the word "elected" in the twentieth line of said section; and by striking from said section all after said period to the word "his" in the twenty-first line; and by inserting after the period following the word "position" and before the word "returns" in the twenty-seventh line of said section the following

"The county central committee elected in the primary election shall organize on the day of the convention, immediately following the same. Vacancies in such committee may be filled by majority vote of the committee"; and by striking out the words "such returns are filed" following the word "after" and before the word "notify" in the thirty-second line, and inserting in lieu thereof the words "the final count and canvass of the votes and returns by the board of supervisors"; and by changing the period following the word "election" in the forty-second line of said section to a comma and inserting after said comma and before the word "if" in the same line, the following:

"by reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by inserting after the comma following the word "election" and before the word "as" in the forty-seventh line of said section the following:

"by reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor,"; and by adding to said section after the period at the end thereof, the following:

"But in no case shall the county convention make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the superior and district courts."

SEC. 15. That the law as it appears in section one thousand eighty-seven-a26 (1087-a26) of the Supplement to the Code, 1907, be and the same is hereby, amended by inserting after the comma following the word "states" and the word "as" in the twenty-second line of said section, the following:

"By reason of the failure of any candidate for any office to receive thirty-five per centum of all votes cast by his party therefor," and by inserting after the word "election" in the thirty-first line of said section a comma and immediately following said comma and before the word "as" in the same line, the following: "by reason of the failure of any candidate for any such

9 office to receive thirty-five per centum of all votes cast by such party therefor," and by adding
10 to said section after the period at the end thereof, the following:

11 "But in no case shall any such convention of a party make a nomination for an office for
12 which no person was voted for in the primary election of such party, except for judges of
13 the district court."

Sec. 16. That the law as it appears in section one thousand eighty-seven-a 27 (1087-a 27)
2 of the Supplement to the Code, 1907, be, and the same is hereby amended by striking out the
3 words, "third Thursday" at the end of the third line of said section, and inserting in lieu
4 thereof the words, "first Wednesday," and by striking out the words and language, "Thurs-
5 day following primary election," following the word "fifth" in the fourth line of said section,
6 and inserting in lieu thereof the following: "Wednesday following the county convention," and
7 by inserting a comma after the word "election" in the sixteenth line of said section and in-
8 serting after said comma and before the word "as" in the same line, the following:

9 "By reason of the failure of any candidate for any such office to receive thirty-five per cen-
10 tum of all votes cast by such party therefor," and by adding to said section after the period
11 at the end thereof, the following:

12 "But in no case shall the State convention of a party make a nomination for an office for
13 which no person was voted for in the primary election of such party, except for judges of the
14 Supreme Court."