

House substituted for H. 3. 192 - 3/18
128 Rec Passage 7/11

January 28, 1953.
Passed on File.

Senate File 126

By MYRLAND, WATSON of Pottawattamie,
ELIJAH, WEICHMAN and MOLISON.

Passed Senate, Date 2-25-53
Vote: Ayes 46 Nays 0
Passed House, Date 3-18-53
Vote: Ayes 103 Nays 0
Approved 3-26-53

House - Conservation 7/26
Senate - Repassed 3/24
50-0
House Repassed - 3/25
100-0

A BILL FOR

An Act to amend sections four hundred sixty-two point twelve (462.12), Code 1950, and four hundred sixty-two point thirteen (462.13), Code 1950, relating to voting for trustees of the drainage districts.

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

1 Section 1. Section four hundred sixty-two point twelve
2 (462.12), Code 1950, is hereby amended by striking everything
3 after the period in line seventeen (17) and inserting in lieu
4 thereof the following: "The vote of any landowner in the dis-
5 trict must be cast in person except as provided in section
6 462.14 of this chapter. For the purpose of voting, any one
7 regular employee of a corporation or executor or administrator
8 of an estate may cast the vote of said corporation or estate
9 in person."

1 Sec. 2. Section four hundred sixty-two point thirteen
2 (462.13), Code 1950, is hereby amended by striking the section
3 in its entirety.

1 Amend Senate File 126 by inserting a period (.)
2 following the figure "(17)" and striking the balance of
3 the bill.

adopted
7/25

Filed
February 24, 1953. By WATSON of Pottawattamie.

1 Amend the title to Senate File 126 by striking all after the
2 word "Act" and inserting in lieu thereof the following: "to amend
3 section four hundred sixty-two point twelve (462.12), Code 1950,
4 relating to voting for trustees of the drainage districts."

adopted
7/25

Filed and adopted
February 25, 1953. By MYRLAND.

1 Amend Senate File 126 by striking everything
2 after the colon in line 4 and inserting in lieu thereof
3 the following:

4 1. "The vote of any landowner of the district may
5 be cast by absent voters ballot as provided in chapter
6 fifty-three (53) of this Code, except that the form of
7 the applications for ballots, the voters affidavit on
8 the envelopes, and the endorsement of the carrier
9 envelope for preserving the ballot shall be substan-
10 tially in the form provided in sections two (2), three
11 (3) and four (4) below. Application blanks, envelopes
12 and ballots shall be provided by and submitted to the
13 office of the county auditor in which the election is
14 held. The cost of such blanks, envelopes, ballots and
15 postage shall be paid by the district.

16 2 "Sec. 2. For the purpose of this chapter,
17 applications for ballots shall be made in blanks
18 substantially in the following form:

19 Application for ballot to be voted at the
20 District Election on
21 (Name of District) (Date)
22 State of Iowa

23 ss:
24County

25 I, do solemnly swear that I am a
26 (Applicant)
27 landowner in the district and that
28 (Name of District)

29 I am a duly qualified voter entitled to vote in said
30 election, and that on account of
31 (business, illness,
32 I cannot be at
33 residence outside of the county, etc.)
34 the polls on election day, and I hereby make application
35 for an official ballot or ballots to be voted by me at
36 such election, and that I will return said ballot or
37 ballots to the officer issuing same before the day of
38 said election.

39 Signed
40 Date
41 Residence (street number if any).....
42 City or town, State

43 Subscribed and sworn to before me this day of
44, A.D. 19.....

45 3. "Sec. 3. For the purpose of this chapter, the
46 affidavit on the reverse side of the envelope used for
47 enclosing the marked ballots shall be substantially
48 as follows:

49 State of Iowa
50 ss:
51 County

52 I, do solemnly swear that I am a
53 (Applicant)
54 landowner in the and that I am a
55 (Name of district)

56 duly qualified voter to vote in the election of trustees
57 of said district and that I shall be prevented from
58 attending the polls on the day of election because of
59
60 (business, illness, residence outside of county, etc.)
61 and that I have marked the enclosed ballot in secret.

62 Signed
63 Subscribed and sworn to before me this day of
64, A.D. 19, and that I hereby certify that the
65 affiant exhibited and enclosed the ballot to me unmarked;
66 that he then in my presence and in the presence of no
67 other person and in such manner that I could not see his
68 vote, marked such ballot enclosed and sealed the same in
69 this envelope; and that the affiant was not solicited or

70 advertised by me for or against
71 any candidate or measure.

72
73
74 (Official Title)

75 4. "Sec. 4. For the purpose of this chapter, upon
76 receipt of the ballot, the auditor shall at once enclose
77 the same, unopened together with the application made by
78 the voter in a large carrier envelope, securely seal the
79 same, and endorse thereon over his official signature,
80 the following:

- 81 '1. Name of the district in which the voter is a
- 82 landowner.'
- 83 '2. Date of the election for which the ballot is cast.'
- 84 '3. Location of the polling place at which the
- 85 ballot would be legally and properly cast if
- 86 voted in person.'
- 87 '4. Names of the judges of the election of that
- 88 polling place, and the statement that this
- 89 envelope contains an absent voter's ballot and
- 90 must be opened only at the polls on election
- 91 day while said polls are open.'
- 92 5. "Sec. 5. Section four hundred sixty-two point
- 93 thirteen (462.13), Code 1950, is hereby amended by
- 94 striking the section in its entirety.
- 95 6. "Sec. 6. Section four hundred sixty-two point
- 96 fourteen (462.14), Code 1950, is hereby amended by strik-
- 97 ing the remainder of the sentence after the word 'person'
- 98 in line six (6)."

Filed
March 17, 1953.

MEYER of Sac.
HADDEN of Monona.
KERR of Shelby.
WILSON of Calhoun.
HENRY of Pottawattamie.
SOETH of Emmet.
PIM of Lucas.

EXPLANATION TO SENATE FILE 126

1 Senate File 126, initially a companion to House File 192,
2 was inverted by amendment to make it possible for all
3 landowners in the drainage district whether resident or
4 nonresident, to vote by proxy.

5 The Senate amendment was intended to provide equity
6 of voting privileges. Its effect, however, is to increase
7 the dangers which House File 192 seeks to remedy. Under
8 the bill as amended by the Senate, it would still be
9 possible for one or two individuals to gain proxy votes
10 from absentee landowners and also to pick up a few from
11 resident landowners, thereby increasing rather than lessen-
12 ing the control that such individuals can wield over the
13 drainage district elections.

14 It should be noted that no other public body allows
15 for voting by proxy. Such public bodies which have the
16 power to tax and the powers of eminent domain properly
17 require that each qualified elector cast his own ballot.

18 The amendment here provided for House File 192 or
19 Senate File 126 would make it possible for all landowners
20 to cast their ballots under the usual procedures for ab-
21 sentee voting, the same as in all other public elections.

Filed
March 17, 1953.

MEYER of Sac.
HADDEN of Monona.
KERR of Shelby.
WILSON of Calhoun.
HENRY of Pottawattamie.
SOETH of Emmet.
PIM of Lucas.

adopted
3/18
Senate
concurred
3/24

1 Amend the title to Senate File 126 by adding, after the
2 first comma (,) appearing in line two (2) thereof, the
3 following: "four hundred sixty-two point thirteen (462.13)
4 and four hundred sixty-two point fourteen (462.14)."

adopted
3/18

Adopted
March 18, 1953.

MEYER of Sac.

1 Amend the amendment filed on March 17 by striking the first
2 three (3) lines thereof and inserting in lieu thereof the
3 following:
4 "Amend Senate File 126 by striking all after the enacting
5 clause and inserting in lieu thereof the following:
6 "Section 1. Section four hundred sixty-two point twelve
7 (462.12), Code 1950, is hereby amended by striking everything
8 after the period in line seventeen (17) and inserting in lieu
9 thereof the following:"

adopted
3/18

Adopted
March 18, 1953.

MEYER of Sac.

1 Amend the amendment to Senate File 126, filed by
2 Meyer, Hadden, et al, on March 17, as follows
3 1. By inserting after the first period in line fifteen (15)
4 the following: "For the purpose of this chapter all land-
5 owners of the district shall be considered qualified voters,
6 regardless of their place of residence."
7 2. By striking the word "Iowa" in line twenty-two (22).
8 3. By striking the word "Iowa" in line forty-nine (49).

adopted
3/18

Adopted
March 18, 1953

MEYER of Sac.

1 Amend the House amendment to Senate File 126 by striking the
2 following in line 21 of section 3: "and enclosed the" and substituting
3 in lieu thereof: "the enclosed".

adopted
3/24

March 23, 1953.

House concurred
3/23
By MYRLAND.

1 Amend the House amendment to Senate File 126 by striking section
2 five (5) thereof and inserting in lieu thereof the following:
3 "Sec. 5. Amend section four hundred sixty-two point thirteen
4 (462.13), Code 1950, by striking the word 'Any' in line one (1) and
5 inserting in lieu thereof the following: 'Except where the provisions
6 of section 462.12 providing for vote in proportion to assessment are
7 invoked, any' and by striking the word 'votes' in line four (4)
8 and substituting in lieu thereof the word 'vote'."

adopted
3/24

Filed
March 23, 1953.

By MYRLAND.

House concurred
3/25