

February 13, 1957.  
Passed on File.

**Senate File 248**  
By DAILEY, WEBER and McMANUS.

Passed Senate, Date..... Passed House, Date.....  
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....  
Approved.....

## A BILL FOR

An Act relating to drainage and levee districts with  
pumping stations.

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

- 1 Chapter four hundred sixty-one (461), Code 1954, is hereby
- 2 amended by adding thereto the following sections:
- 3 "Section 1. Any provisions of chapter four hundred sixty-
- 4 two (462), Code 1954, to the contrary notwithstanding, every
- 5 drainage district and levee district using a pumping station,
- 6 or with a pumping station within its boundaries, shall,
- 7 through the district trustees if operated by trustees or
- 8 through the board of supervisors if no trustees have been
- 9 elected, certify to the county auditor, not more than thirty
- 10 (30) days nor less than twenty (20) days before any election,
- 11 the date and place at which such election is to be held, the
- 12 purpose of such elections, and if for trustees, whether the
- 13 election is for drainage trustees or levee trustees or both.
- 14 The county auditor, not less than one (1) nor more than three
- 15 (3) days prior to the date of such election, shall certify to
- 16 the board of trustees, if such board exists, or to the board
- 17 of supervisors the following:
- 18 1. The name of the person, or persons, against whom each
- 19 tract in the drainage district or levee district is assessed
- 20 for benefits
- 21 2. The amount of assessment for drainage, in case of an

22 election for a drainage district, and for levee, in case of an  
23 election for a levee district.  
24 for each tract.

25 3. The number of votes, including fractions thereof, each  
26 owner is entitled to cast in the election.

27 Sec. 2. Any provisions of chapter four hundred sixty-two  
28 (462), of the Code to the contrary notwithstanding, every  
29 drainage district and levee district using a pumping station,  
30 or with a pumping station within its boundaries, shall vote in  
31 proportion to assessment of benefits as herein provided at all  
32 elections, for any purpose, held within said district from and  
33 after the effective date of this Act. Any person, including  
34 corporations, whose land is assessed for benefits, without  
35 regard to his age, sex, condition, or place of residence, shall  
36 be entitled to one vote for each ten (10) dollars, or fraction  
37 thereof, of the first three hundred (300) dollars of the prior  
38 year's assessment against the land owned by such person, as  
39 shown by the auditor's certificate, and shall be entitled to  
40 one vote for each one hundred (100) dollars, or fraction thereof,  
41 of such assessment over three hundred (300) dollars. Only levee  
42 assessments shall be considered in an election for a levee  
43 district; only drainage assessments shall be considered in an  
44 election for a drainage district; and both levee and drainage  
45 assessments shall be considered in an election for a combined  
46 levee and drainage district. The chairman of the election board  
47 shall place in a circle at the upper left corner of the ballot  
48 the correct number of votes, or fractions thereof, to which  
49 the voter is entitled, before said chairman hands the voter  
50 a ballot, such entitlement to be as determined by the auditor's

51 certificate in his certified list. Where title to real estate  
52 is split between different owners, as by co-tenancy, contract,  
53 or otherwise, the number of votes for such real estate shall  
54 be computed on the basis of the prior year's total assessment  
55 against such real estate; and each owner shall be entitled to  
56 such proportion of said total vote as his interest in said  
57 real estate shall appear, as shown by the auditor's certificate;  
58 and fractional votes may be cast. No vote may be cast by  
59 agent or proxy, but any absentee ballot may be cast by  
60 following the procedure for absentee balloting provided for  
61 in chapter four hundred sixty-two (462) of the Code. At the  
62 time of delivery of said absent voter's ballot to the voter,  
63 the auditor, in addition to the duties imposed by section four  
64 hundred sixty-two point twelve (462.12), Code 1954, shall enter  
65 in the upper left hand corner of the ballot, in a circle  
66 provided for that purpose, the number of votes, including  
67 fractions, the voter is entitled to cast.

68     Sec. 3. 1. Each ballot for election of trustees shall have  
69 the name of each candidate printed or legibly written thereon,  
70 and also the number of the election district for which he is  
71 a candidate.

72     2 Upon the left hand margin of each ballot there shall be  
73 placed a square opposite the name of each candidate, the sides  
74 of each square to be not less than one-fourth ( $\frac{1}{4}$ ) of an inch  
75 in length. There shall also appear for each election district  
76 a blank line with a similar square at the left side thereof,  
77 on which line may be inserted the name of any eligible person  
78 not appearing on the ballot. The square aforesaid shall be  
79 marked in the same manner as in general elections.

80 3. In order for his name to be printed on the ballot as  
 81 above contemplated, a candidate for trustee shall file with  
 82 the clerk of the board of trustees at least thirty (30) days  
 83 before any election a nomination paper signed by at least  
 84 five (5) qualified voters of the district.

85 4. All nomination papers shall be about eight and one-half  
 86 (8½) inches by thirteen (13) inches in size, and in sub-  
 87 stantially the following form

88 "I, the undersigned, a qualified elector of \_\_\_\_\_  
 89 \_\_\_\_\_ (insert the  
 90 \_\_\_\_\_ in \_\_\_\_\_  
 91 name of drainage or levee district)  
 92 County, Iowa, hereby nominate \_\_\_\_\_, who is  
 93 qualified for election from Election District No. \_\_\_\_\_,  
 94 of said district, as a candidate for the office of trustee  
 95 of said drainage district to be voted upon at the regular  
 96 election for trustees, to be held on the third Saturday of  
 97 January, 19....."

98 The requirements for signing nomination papers shall be the  
 99 same as those provided in section forty-three point fifteen  
 100 (43.15) of the Code, except that signers need not be residents  
 101 of the county if otherwise qualified.

102 5. Affidavits by candidates shall be in substantially the  
 103 following form:

104 "I, \_\_\_\_\_, on my oath or affirmation,  
 105 say that I am a duly qualified elector of \_\_\_\_\_  
 106 \_\_\_\_\_ (insert name of  
 107 \_\_\_\_\_ and of Election District No. \_\_\_\_\_  
 108 drainage levee district)

110 of said drainage levee district in ..... County,  
 111 Iowa, that I am eligible for the office of trustee of said  
 112 district and am a candidate for election to said office at  
 113 the regular drainage levee district election to be held on  
 114 the third Saturday in January, 19....., and I hereby request  
 115 that my name be printed upon the official ballot as provided  
 116 by law. I furthermore declare that if I am elected I will  
 117 qualify as such trustee."

118 Signed  
 119 .....

120 Subscribed and sworn to or affirmed  
 121 before me by ..... on this  
 122 ..... day of ..... 19.....  
 123 .....

124 Name  
 125 .....

126 Official Title

127 6. All ballots, nomination papers and candidates' affidavits  
 128 shall be furnished by the clerk of the district at the expense  
 129 of the drainage district involved.

130 Sec. 4. On the day designated for the election the polls  
 131 shall open at one (1) o'clock and remain upon until seven  
 132 (7) o'clock. The judges of election shall canvass the votes,  
 133 certify the results, and shall deposit the ballots with the  
 134 county auditor, together with poll books showing the names  
 135 of the voters; but if said district is in more than one county,  
 136 the returns shall be filed with the auditor of the county having  
 137 the greatest acreage of said district.

138 Sec. 5. On the first Monday following said election, the

139 board of supervisors shall canvass the returns and determine  
140 the results of such canvass, and the county auditor shall issue  
141 certificates of election to the persons elected as trustees.

142 If the district extends into more than one county, then the  
143 auditor shall certify the results of said election to the  
144 other counties which may be affected.

145 Sec. 6. The provisions of this chapter so far as applicable  
146 shall include all levee districts maintaining levees for the  
147 protection of any drainage district or districts having  
148 pumping stations.

149 Sec. 7. Except where they may be in conflict with the  
150 provisions of chapter four hundred sixty-one (461) of the  
151 Code, the provisions of chapter four hundred sixty-two (462)  
152 of the Code, shall, where pertinent, apply to drainage and  
153 levee districts with pumping stations."