

CONTESTING ELECTIONS OF GOVERNOR AND LIEUTENANT GOVERNOR

Footnotes

Chapter applicable to primary elections, § 43.5
Constitution (codified), Art. IV, § 5

58.1 Notice grounds.

The contestant for the office of governor or lieutenant governor shall, within thirty days after the proclamation of the result of the election, deliver to the presiding officer of each house of the general assembly a notice of intent to contest, and a specification of the grounds of such contest, as provided in chapter 62.

[C51, § 388; R60, § 618; C73, § 738; C97, § 1239; C24, 27, 31, 35, 39, § **987**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 58.1]

58.2 Notice to incumbent.

As soon as the presiding officers have received the notice and specifications, they shall make out a notice, directed to the incumbent, including a copy of the specifications, which shall be served in the manner provided by the rules of civil procedure for service of an original notice by the sergeant at arms.

[C51, § 389; R60, § 619; C73, § 739; C97, § 1240; C24, 27, 31, 35, 39, § **988**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 58.2; 81 Acts, ch 34, § 41]

58.3 Houses notified.

The presiding officers shall also immediately make known to their respective houses that such notice and specifications have been received.

[C51, § 390; R60, § 620; C73, § 740; C97, § 1241; C24, 27, 31, 35, 39, § **989**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 58.3]

58.4 Contest court.

Each house shall forthwith proceed, separately, to choose seven members of its own body in the following manner:

1. The names of members of each house, except the presiding officer, written on similar paper tickets, shall be placed in a box, the names of the senators in their presence by their secretary, and the names of the representatives in their presence by their clerk.
2. The secretary of the senate in the presence of the senate, and the clerk of the house of representatives in the presence of the house, shall draw from their respective boxes the names of seven members each.
3. As soon as the names are thus drawn, the names of the members drawn by each house shall be communicated to the other, and entered on the journal of each house.

[C51, § 391; R60, § 621; C73, § 741; C97, § 1242; C24, 27, 31, 35, 39, § **990**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 58.4]

58.5 Powers and proceedings.

The members thus drawn shall constitute a committee to try and determine the contested election, and for that purpose shall hold their meetings publicly at the place where the general assembly is sitting, at such times as they may designate; and may adjourn from day to day or to a day certain, not more than four days distant, until such trial is determined; shall have power to send for persons and papers, and to take all necessary means to procure testimony, extending like privileges to the contestant and the incumbent; and shall report their judgment to both branches of the general assembly, which report shall be entered on the journals of both houses.

[C51, § 392; R60, § 622; C73, § 742; C97, § 1243; C24, 27, 31, 35, 39, § **991**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 58.5]

58.6 Testimony.

The testimony shall be confined to the matters contained in the specifications.

[C51, § 393; R60, § 623; C73, § 743; C97, § 1244; C24, 27, 31, 35, 39, § **992**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 58.6]

58.7 Judgment.

The judgment of the committee pronounced in the final decision on the election shall be conclusive.

[C51, § 394; R60, § 624; C73, § 744; C97, § 1245; C24, 27, 31, 35, 39, § **993**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 58.7]