CHAPTER 61

CONTESTING ELECTIONS OF STATE OFFICERS

Referred to in §39.28, 43.5, 50.12, 59.2

Chapter applicable to primary elections, §43.5

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61.1 Contest court.

The court for the trial of contested state offices, except that of governor and lieutenant governor, shall consist of five district judges, not interested, who shall be selected by the chief justice of the supreme court.

[C51, §369; R60, §599; C73, §719; C97, §1224; C24, 27, 31, 35, 39, §**1006;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.1]

2025 Acts, ch 122, §20
Section amended

61.2 Clerk.

The clerk of the supreme court shall be the clerk of this court.

[C51, §370; R60, §600; C73, §720; C97, §1225; C24, 27, 31, 35, 39, §**1007;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.2]

2025 Acts, ch 122, §21
Section amended

61.3 Statement filed.

The statement, as provided in chapter 62 must be filed with such clerk within thirty days from the day when incumbent was declared elected.

[C51, §371; R60, §601; C73, §721; C97, §1226; C24, 27, 31, 35, 39, §**1008;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.3]

61.4 Selection of court.

The chief justice of the supreme court shall select the membership of the court by January 30 of each odd-numbered year, and immediately certify such selection to the clerk of the supreme court. Vacancies shall also be filled by the chief justice.

[C24, 27, 31, 35, 39, §**1009;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.4]

2025 Acts, ch 122, §22
Section amended

61.5 Notice of selection.

The clerk of the supreme court, on receipt of such certificate, shall forthwith in writing notify the members of such court of contest of their selection.

[C51, §372; R60, §602; C73, §722; C97, §1227; C24, 27, 31, 35, 39, §**1010;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.5]

61.6 Organization.

The members so selected for said contest court shall meet at the seat of government within ten days after said notification and qualify by taking the oath required in case of contest over the office of presidential elector, and proceed, at said place, with the discharge of their duties.

[C51, §375; R60, §605; C73, §725; C97, §1229; C24, 27, 31, 35, 39, §**1011;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.6]

Oath, §60.3

61.7 Reserved.

61.8 Delivery of papers.
Upon the organization of said court of contest, all papers in the possession of the clerk of the supreme court shall be forthwith delivered to said court of contest.
[C24, 27, 31, 35, 39, §**1013;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.8]

61.9 Time of trial.
The time for the trial of any contest relative to a state office shall not be set beyond the last Monday in January following the election.
[C51, §372; R60, §602; C73, §722; C97, §1227; C24, 27, 31, 35, 39, §**1014;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.9]

61.10 Notice to incumbent — trial.
Upon the organization of said court of contest, the court shall cause a notice of said contest to be served on the incumbent, together with a copy of the statement of contest filed by the contestant in the manner provided by the rules of civil procedure for service of an original notice. No trial shall be held sooner than twenty days following said notice, except by consent of all parties.
[C51, §372; R60, §602; C73, §722; C97, §1227; C24, 27, 31, 35, 39, §**1015;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.10; 81 Acts, ch 34, §44]

61.11 Subpoenas — depositions.
The secretary of state, the several clerks of the supreme and district courts, under their respective seals of office, and either of the judges of the supreme or district courts, under their hands, may issue subpoenas for witnesses to attend this court; and disobedience to such process may be treated as a contempt. Depositions may also be taken as in the case of contested county elections.
[C51, §373; R60, §603; C73, §723; C97, §1228; C24, 27, 31, 35, 39, §**1016;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.11]
Contempts, chapter 665
Depositions in county contest, §62.16

61.12 Judgment filed — execution.
A transcript of the judgment rendered by such court, filed in the office of the clerk of the supreme court, shall have the force and effect of a judgment of the supreme court, except that the judgment of the court may be appealed to the supreme court, and execution may issue therefrom in the first instance against the party's property generally.
[C51, §377; R60, §607; C73, §727; C97, §1231; C24, 27, 31, 35, 39, §**1017;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.12]
2025 Acts, ch 122, §23
Section amended

61.13 Power of judge.
The presiding judge of this court shall have authority to carry into effect any order of the court, after the adjournment thereof, by attachment or otherwise.
[C51, §378; R60, §608; C73, §728; C97, §1232; C24, 27, 31, 35, 39, §**1018;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.13]

61.14 Compensation of judges.
The judges shall be entitled to receive for their travel and attendance the sum of twelve dollars each per day, with such mileage as is allowed to members of the general assembly, to be paid from the state treasury.
[C51, §376; R60, §606; C73, §726; C97, §1230; C24, 27, 31, 35, 39, §**1019;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.14]