

1857 CONSTITUTION OF THE STATE OF IOWA — ORIGINAL

PREFACE

Literal Print Version of Text. *With the exception of the table of contents which appears at the beginning of this version of the Constitution of the State of Iowa and the catchwords which precede each section, the Constitution as it appears here is a literal print version of the original handwritten Constitution on file in the Office of the Secretary of State. If the original text contained an ess set, a double “s” (ss) is substituted. Certain manifest clerical errors and instances where the original text is not clear are footnoted. If a provision in this original Constitution was repealed or superseded by constitutional amendment, the provision is bracketed, asterisked, and followed by a footnote that includes the year, each relevant amendment number, and information relating to the changes made by the amendment. If a provision was modified only, an asterisk showing the location of each change is placed within the text and a footnote including the year, relevant amendment number, and information relating to the changes made by the amendment is added at the end of the provision.*

Literal Print Version of Amendments. *Following the original Constitution text are all of the amendments which have been adopted by the General Assembly and ratified by the electorate. The text of the amendments are a literal reprint of the text of the final resolutions, but each amendment has been numbered editorially for reference purposes. If more than one amendment was ratified by the electorate in the same year, each amendment received a different editorial number. The editorial amendment numbers precede the amendments to which they relate, are in boldface type, and are contained in brackets. Descriptive catchwords have also been editorially supplied preceding the amendment text for any amendments which did not include catchwords in the original resolutions.*

Historical Source Notes. *Footnotes providing historical source information to both ratified and certain unratified constitutional amendments and internal references to other provisions in this original Constitution are included.*

Internet Access. *To access electronic copies of the original handwritten Constitution, adopted resolutions proposing amendments to the Iowa Constitution, the codified Iowa Constitution, and information relating to Iowa’s three constitutional conventions and the republication of the original and codified versions of the Iowa Constitution in the 2019 Iowa Code, see www.legis.iowa.gov/law/statutory/constitution.*

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Preamble. WE, THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows:

Boundaries. Beginning in the middle of the main channel of the Mississippi River, at a point due East of the middle of the mouth of the main channel of the Des Moines River; thence up the middle of the main channel of the said Des Moines River, to a point on said river where the Northern boundary line of the State of Missouri — as established by the constitution of that State — adopted June 12th. 1820 — crosses the said middle of the main channel of the said Des Moines River; thence Westwardly along the said Northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri River; thence up the middle of the main channel of the said Missouri River to a point opposite the middle of the main channel of the Big Sioux River, according to Nicollett’s Map: thence up the main channel of the said Big Sioux River, according to the said map, until it is intersected by the parallel of forty three degrees and thirty minutes North latitude; thence East along said parallel of forty three degrees and thirty minutes until said parallel intersects the middle of the main channel of the Mississippi River; thence down the middle of the main channel of said Mississippi River to the place of beginning.

ARTICLE I.

BILL OF RIGHTS.

Rights of persons. SECTION 1. All men* are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

*In 1998, this section was amended by adding the words “and women”, see Amendment 45

Political power. SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

Religion. SEC. 3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry.

Religious test — witnesses. SEC. 4. No religious test shall be required as a qualification for any office, or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

Dueling. SEC. 5. [Any citizen of this State who may hereafter be engaged, either directly, or indirectly, in a duel, either as principal, or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State.]*

*In 1992, this section was repealed, see Amendment 43

Laws uniform. SEC. 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any Citizen, or class of Citizens, privileges or immunities, which, upon the same terms shall not equally belong to all Citizens.

Liberty of speech and press. SEC. 7. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libellous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Personal security — searches and seizures. SEC. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Right of trial by jury — due process of law. SEC. 9. The right of trial by jury shall remain inviolate; but the General Assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

Rights of persons accused. SEC. 10. In all criminal prosecutions, and in cases involving the life, or liberty of an individual the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and, to have the assistance of counsel.

When indictment necessary. SEC. 11. All offences less than felony and in which the punishment does not exceed a fine of One hundred dollars,** or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace,** or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offence, unless on presentment or indictment by a grand jury,* except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

*In 1884, an amendment regarding indictment and the number of grand jurors was adopted and ratified, see Amendment 9

**In 1998, this section was amended to eliminate references to the one hundred dollar fine and justices of the peace, see Amendment 46

Twice tried — bail. SEC. 12. No person shall after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable, by sufficient sureties, except for capital offences where the proof is evident, or the presumption great.

Habeas corpus. SEC. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion, or invasion the public safety may require it.

Military. SEC. 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

Quartering soldiers. SEC. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Treason. SEC. 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

Bail — punishments. SEC. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

Eminent domain. SEC. 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.*

*In 1908, this section was amended by adding a paragraph relating to levees, drains, and ditches for agricultural, sanitary, or mining purposes, see Amendment 13

Imprisonment for debt. SEC. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a militia fine in time of peace.

Right of assemblage — petition. SEC. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives and to petition for a redress of grievances.

Attainder — ex post facto law — obligation of contract. SEC. 21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Resident aliens. SEC. 22. Foreigners who are, or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native born citizens.

Slavery — penal servitude. SEC. 23. There shall be no slavery in this State; nor shall there be involuntary servitude, unless for the punishment of crime.

Agricultural leases. SEC. 24. No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a longer period than twenty years.

Rights reserved. SEC. 25. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

In 1882, an additional section (SEC. 26) providing for a prohibition of intoxicating liquors was added to this original Constitution, Art. I by an amendment proposed by the general assembly in 1880 Acts, JR 8, readopted in 1882 Acts, JR 8, and ratified by the electorate in a special election held on June 27, 1882; the supreme court, however, in the case of *Koehler v. Hill*, 60 Iowa 543, on April 21, 1883, held that, owing to certain irregularities, the amendment was not legally submitted to the voters and did not become a part of the Constitution

ARTICLE II.

RIGHT OF SUFFRAGE.

Electors. SECTION 1. [Every [white]* male citizen of the United States, of the age of twenty one years, who shall have been a resident of this State six months next preceding the election, and of the County in which he claims his vote sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorised by law.]**

*In 1868, this section was amended by striking the word "white", see Amendment 1

In 1916, a proposal made in 1913 Acts, HJR 6 and SJR 10, and 1915 Acts, ch 18, to strike the word "male" was defeated; for information regarding votes cast on the amendment, see 1917-1918 Iowa Official Register, pp. 462-481

**In 1970, this section was repealed and a substitute adopted in lieu thereof, see Amendment 30

Privileged from arrest. SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

From military duty. SEC. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war, or public danger.

Persons in military service. SEC. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place, or station within this State.

Disqualified persons. SEC. 5. [No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.]*

*In 2008, this section was repealed and a substitute adopted in lieu thereof, see Amendment 47

Ballot. SEC. 6. All elections by the people shall be by ballot.

An additional section (SEC. 7) pertaining to the general election was added to this original Constitution, Art. II, by the amendments of 1884, but was repealed and a substitute adopted in lieu thereof in 1916, see Amendments 7 and 14

ARTICLE III.

OF THE DISTRIBUTION OF POWERS.

Departments of government. SECTION 1. The powers of the government of Iowa shall be divided into three separate departments — the Legislative, the Executive, and the Judicial: and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

General assembly. SECTION 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives; and the style of every law shall be, "Be it enacted by the General Assembly of the State of Iowa".

Sessions. SEC. 2. [The sessions of the General Assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the Governor of the State shall, in the meantime, convene the General Assembly by proclamation.]*

*In 1968 and 1974, this section was repealed and a substitute adopted in lieu thereof, see Amendments 24 and 36
Special sessions, see this original Constitution, Art. IV, §11 and Amendment 36

Representatives. SEC. 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, [on the second Tuesday in October,* except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November;]* and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

*In 1884 and 1916, amendments adding and then replacing section 7 of Art. II changed the time for holding the general election; in 1904, an amendment to Art. XII established a time for the holding of biennial general elections and was effective until it was repealed by the 1916 amendment, see Amendments 7, 11, and 14

Qualifications. SEC. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, be a [free white] [male]* citizen of the United States, and shall have been an inhabitant of this State one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the County, or District he may have been chosen to represent.

*In 1880, the words "free white" were stricken; the word "male" was stricken in 1926, see Amendments 6 and 15

Senators — qualifications. SEC. 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

Number and classification. SEC. 6. [The number of Senators shall not be less than one third, nor more than one half the representative body; and shall be so classified by lot, that one class, being as nearly one half as possible, shall be elected every two years. When the number of Senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.]*

*In 1968, this section was repealed and a substitute adopted in lieu thereof, see Amendment 26

Officers — elections determined. SEC. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

Quorum. SEC. 8. A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Authority of the houses. SEC. 9. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

Protest — record of vote. SEC. 10. Every member of the General Assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

Privileged from arrest. SEC. 11. Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

Vacancies. SEC. 12. When vacancies occur in either house, the Governor or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

Doors open. SEC. 13. The doors of each house shall be open, except on such occasions, as, in the opinion of the house, may require secrecy.

Adjournments. SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Bills. SEC. 15. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

Executive approval — veto. SEC. 16. Every bill which shall have passed the General Assembly, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to re-consider it; if, after such re-consideration, it again pass both houses, by yeas and nays, by a majority of two thirds of the members of each house, it shall become a law, notwithstanding the Governors* objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State, within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof.**

*According to original document

**In 1968, an additional paragraph regarding item vetoes by the governor was added to this section, see Amendment 27

Passage of bills. SEC. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

Receipts and expenditures. SEC. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the General Assembly.

Impeachment. SEC. 19. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

Referred to in Amendment 33

Officers subject to impeachment — judgment. SEC. 20. The Governor, Judges of the Supreme and District Courts, and other State officers, shall be liable to impeachment for any misdemeanor or malfeasance in office: but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

Referred to in Amendment 33

Members not appointed to office. SEC. 21. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

Disqualification. SEC. 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly: but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

Failure to account. SEC. 23. No person who may hereafter be a collector or holder of public monies, shall have a seat in either House of the General Assembly, or be eligible to hold any office of trust or profit in this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

Appropriations. SEC. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Compensation of members. SEC. 25. [Each member of the first General Assembly under this Constitution, shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled, in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation, as fixed by law for the regular session, and none other.]*

*In 1968, this section was repealed and a substitute adopted in lieu thereof, see Amendment 28

Time laws to take effect. SEC. 26. No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the fourth* day of July next after the passage thereof. Laws passed at a special session,** shall take effect ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State.***

*In 1966, the effective date language was changed to "July first", see Amendment 23

**The punctuation in the original document is not clear

***In 1986, this section was repealed and a substitute adopted in lieu thereof, see Amendment 40

Divorce. SEC. 27. No divorce shall be granted by the General Assembly.

Lotteries. SEC. 28. [No lottery shall be authorized by this State; nor shall the sale of lottery tickets be allowed.]*

*In 1972, this section was repealed, see Amendment 34

Acts — one subject — expressed in title. SEC. 29. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Local or special laws — general and uniform — boundaries of counties. SEC. 30. The General Assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes for State, County, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Laws uniform, see this original Constitution, Art. I, §6

Extra compensation — payment of claims — appropriations for local or private purposes. SEC. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor, shall any money be paid on any claim, the subject matter of which shall not have been

provided for by pre-existing laws, and no public money or property shall be appropriated for local, or private purposes, unless such appropriation, compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

Oath of members. SEC. 32. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator, (or Representative, as the case may be,) according to the best of my ability". And members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

Census. SEC. 33. [The General Assembly shall, in the years One thousand eight hundred and fifty nine, One thousand eight hundred and sixty three, One thousand eight hundred and sixty five, One thousand eight hundred and sixty seven, One thousand eight hundred and sixty nine, and One thousand eight hundred and seventy five, and every ten years thereafter, cause an enumeration to be made of all the white* inhabitants of the State.]**

*In 1868, this section was amended by striking the word "white", see Amendment 2

**In 1936, this section was repealed, see Amendment 17

Senators — number — method of apportionment. SEC. 34. [The number of senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties, according to the number of white* inhabitants in each.]**

*In 1868, this section was amended by striking the word "white", see Amendment 3

**In 1904 and 1968, this section was repealed and a substitute adopted in lieu thereof, see Amendments 12 and 26

**In 1928, the 1904 version of this section was amended to limit each county to no more than one senator, but this limitation was eliminated by the 1968 repeal and replacement of this section, see Amendments 16 and 26

Senators — representatives — number — apportionment — districts. SEC. 35. [The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the State, according to the number of white* inhabitants in each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one representative; and any one county containing in addition to the ratio fixed by law, one half of that number, or more, shall be entitled to one additional representative. No floating district shall hereafter be formed.]**

*In 1868, this section was amended by striking the word "white", see Amendment 4

**In 1904 and 1968, this section was repealed and a substitute adopted in lieu thereof, see Amendments 12 and 26

Ratio of representation. SEC. 36. [At its first session under this Constitution, and at every subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a representative.]*

*In 1904 and 1968, this section was repealed and a substitute adopted in lieu thereof, see Amendments 12 and 26

Districts. SEC. 37. [When a congressional, senatorial, or representative district shall be composed of two or more counties, it shall not be entirely separated by by* any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.]**

*According to original document

**In 1968, this section was repealed and a substitute adopted in lieu thereof, see Amendment 26

Elections by general assembly. SEC. 38. In all elections by the General Assembly, the members thereof shall vote viva voce and the votes shall be entered on the journal.

Additional sections (SEC. 38A, SEC. 39, SEC. 39A, and SEC. 40) pertaining to municipal home rule, legislative districts, counties home rule, and nullification of administrative rules were added to this original Constitution, Art. III, by the amendments of 1968, 1970, 1978, and 1984 respectively, see Amendments 25, 29, 37, and 38

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Governor. SECTION 1. The Supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

Election and term. SEC. 2. [The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.]*

*In 1972 and 1988, this section was repealed and a substitute adopted in lieu thereof, see Amendments 32 and 41

Lieutenant governor — returns of elections. SEC. 3. [There shall be a Lieutenant Governor, who shall hold his office two years, and be elected at the same time as the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.]*

*In 1972 and 1988, this section was repealed and a substitute adopted in lieu thereof, see Amendments 32 and 41

Election by general assembly. SEC. 4. [The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be declared duly elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of said persons Governor, or Lieutenant Governor, as the case may be.]*

In 1952, this section was amended to add language regarding the death of a governor-elect or failure to qualify, see Amendment 19

*In 1988, this section was repealed and a substitute adopted in lieu thereof, see Amendment 41

Contested elections. SEC. 5. [Contested elections for Governor, or Lieutenant Governor, shall be determined by the General Assembly in such manner as may be prescribed by law.]*

*In 1988, this section was repealed and a substitute adopted in lieu thereof, see Amendment 41

Eligibility. SEC. 6. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have been a citizen of the United States, and a resident of the State, two years next preceding the election, and attained the age of thirty years at the time of said election.

Commander in chief. SEC. 7. The Governor shall be commander in chief of the militia, the army, and navy of this State.

Duties of governor. SEC. 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

Execution of laws. SEC. 9. He shall take care that the laws are faithfully executed.

Vacancies. SEC. 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have

power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

Convening general assembly. SEC. 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

This section may have been modified by the 1968 and 1974 repeals and replacements of Art. III, §2, each of which provided for the convening of the general assembly in special session by proclamation of the governor, see Amendments 24 and 36

Message. SEC. 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient.

Adjournment. SEC. 13. In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly.

Disqualification. SEC. 14. No persons shall, while holding any office under the authority of the United States, or this State, execute the office of Governor, or Lieutenant Governor, except as hereinafter expressly provided.

Terms — compensation of lieutenant governor. SEC. 15. [The official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant Governor, while acting as Governor, shall receive the same pay as provided for Governor; and while presiding in the Senate, shall receive as compensation therefor, the same mileage and double the per diem pay provided for a Senator, and none other.]*

*In 1972 and 1988, this section was repealed and a substitute adopted in lieu thereof, see Amendments 32 and 42

Pardons — reprieves — commutations. SEC. 16. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reasons therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Lieutenant governor to act as governor. SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

President of senate. SEC. 18. [The Lieutenant Governor shall be President of the Senate, but shall only vote when the Senate is equally divided;* and in case of his absence, or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President pro tempore.]**

*Majority vote required on passage of a bill in general assembly, see original Constitution, Art. III, §17

**In 1988, this section was repealed and a substitute adopted in lieu thereof, see Amendment 42

Vacancies. SEC. 19. [If the Lieutenant Governor, while acting as Governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the

duties of the office, the President pro tempore of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.]*

*In 1952 and 1988, this section was repealed and a substitute adopted in lieu thereof, see Amendments 20 and 42

Seal of state. SEC. 20. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

Grants and commissions. SEC. 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Secretary — auditor — treasurer. SEC. 22. [A Secretary of State, Auditor of State and Treasurer of State, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified; and perform such duties as may be required by law.]*

*In 1972, this section was repealed and a substitute adopted in lieu thereof, see Amendment 32

ARTICLE V.

JUDICIAL DEPARTMENT.

Courts. SECTION 1. The Judicial power shall be vested in a Supreme Court, District Courts, and such other Courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

Supreme court. SEC. 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold Court.

But see this original Constitution, Art. V, §10

Election of judges — term. SEC. 3. [The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their Court at such time and place as the General Assembly may prescribe. The Judges of the Supreme Court so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge holding the shortest term of office under such classification, shall be Chief Justice of the Court, during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each Judge of the Supreme Court shall be six years, and until his successor shall have been elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State, during the term for which they shall have been elected.]*

*In 1962, this section was repealed, see Amendment 21

Jurisdiction of supreme court. SEC. 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General Assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory* control over all inferior Judicial tribunals throughout the State.

*In 1962, this section was amended to require administrative, in addition to supervisory, control by the supreme court over inferior courts, see Amendment 21

District court and judge. SEC. 5. [The District Court shall consist of a single Judge, who shall be elected by the qualified electors of the District in which he resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor shall have

been elected and qualified; and shall be ineligible to any other office, except that of Judge of the Supreme Court, during the term for which he was elected.]*

*In 1962, this section was repealed, see Amendment 21

Jurisdiction of district court. SEC. 6. The District Court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law.

Conservators of the peace. SEC. 7. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.

Style of process. SEC. 8. The style of all process shall be, "The State of Iowa", and all prosecutions shall be conducted in the name and by the authority of the same.

Salaries. SEC. 9. [The salary of each Judge of the Supreme Court shall be two thousand dollars per annum; and that of each District Judge, one thousand six hundred dollars per annum, until they* year Eighteen hundred and Sixty; after which time, they shall severally receive such compensation as the General Assembly may, by law, prescribe; which compensation shall not be increased or diminished during the term for which they shall have been elected.]**

*According to original document

**In 1962, this section was repealed, see Amendment 21

Judicial districts — supreme court. SEC. 10. The State shall be divided into eleven Judicial Districts; and after the year Eighteen hundred and sixty, the General Assembly may re-organize the Judicial Districts and increase or diminish the number of Districts, or the number of Judges of the said Court, and may increase the number of Judges of the Supreme Court; but such increase or diminution shall not be more than one District, or one Judge of either Court, at any one session; and no re-organization of the districts, or diminution of the number of Judges, shall have the effect of removing a Judge from office. Such re-organization of the districts, or any change in the boundaries thereof, or increase or diminution of the number of Judges, shall take place every four years thereafter, if necessary, and at no other time.*

*In 1884, language was added that permitted new judicial district divisions and numbers of judges, appearing to supersede many of the requirements in this section, see Amendment 8

Judges — when chosen. SEC. 11. [The Judges of the Supreme and District Courts shall be chosen at the general election; and the term of office of each Judge shall commence on the first day of January next, after his election.]*

*In 1962, this section was repealed, see Amendment 21

Attorney general. SEC. 12. [The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.]*

*In 1972, this section was repealed and a substitute adopted in lieu thereof, see Amendment 32

District attorney. SEC. 13. [The qualified electors of each judicial district shall, at the time of the election of District Judge, elect a District Attorney, who shall be a resident of the district for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.]*

*In 1884, this section was repealed and a substitute adopted in lieu thereof, see Amendment 10

*In 1970, this substitute was repealed, see Amendment 31

System of court practice. SEC. 14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the Courts of this State.

Additional sections (SEC. 15, SEC. 16, SEC. 17, SEC. 18, and SEC. 19) pertaining to vacancies in courts; state and district nominating commissions; terms and judicial elections; salaries, qualifications, and retirements; and retirement and discipline of judges were added to this original Constitution, Art. V, by the amendments of 1962 and 1972 respectively, see Amendments 21 and 33

ARTICLE VI.

MILITIA.

Composition — training. SECTION 1. The militia of this State shall be composed of all able-bodied [white]* male citizens, between the ages of eighteen and forty five years, except such as are or may hereafter be exempt by the laws of the United States, or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

*In 1868, this section was amended by striking the word "white", see Amendment 5

Exemption. SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace: Provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

Officers. SEC. 3. All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

ARTICLE VII.

STATE DEBTS.

Credit not to be loaned. SECTION 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

Limitation. SEC. 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Losses to school funds. SEC. 3. All losses to the permanent, School, or University fund of this State, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State, in favor of the respective fund, sustaining the loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

War debts. SEC. 4. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but

the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Contracting debt — submission to the people. SEC. 5. Except the debts herein before specified in this article, no debt shall be hereafter contracted by, or on behalf of this State, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one news paper in each County, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

Legislature may repeal. SEC. 6. The Legislature may, at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may, at any time, forbid the contracting of any further debt, or liability, under such law; but the tax imposed by such law, in proportion to the debt or liability, which may have been contracted in pursuance thereof, shall remain in force and be irrepealable, and be annually collected, until the principal and interest are fully paid.

Tax imposed distinctly stated. SEC. 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Additional sections (SEC. 8, SEC. 9, and SEC. 10) pertaining to motor vehicle fees and fuel taxes, fish and wildlife protection funds, and natural resources were added to this original Constitution, Art. VII, by the amendments of 1942, 1996, and 2010 respectively, see Amendments 18, 44, and 48

ARTICLE VIII.

CORPORATIONS.

How created. SECTION 1. No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

Taxation of corporations. SEC. 2. The property of all corporations for pecuniary profit, shall be subject to taxation, the same as that of individuals.

State not to be a stockholder. SEC. 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the State.

Municipal corporations. SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

Banking associations. SEC. 5. No act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto shall take effect, or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three

months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

State bank. SEC. 6. Subject to the provisions of the foregoing section, the General Assembly may also provide for the establishment of a State Bank with branches.*

*Original Constitution, Art. VIII, §6 – 11 apply to banks of issue only, see 63 Iowa 11, 220 Iowa 794, and 221 Iowa 102

Specie basis. SEC. 7. If a State Bank be established, it shall be founded on an actual specie basis, and the branches shall be mutually responsible for each others liabilities upon all notes, bills, and other issues intended for circulation as money.*

*Original Constitution, Art. VIII, §6 – 11 apply to banks of issue only, see 63 Iowa 11, 220 Iowa 794, and 221 Iowa 102

General banking law. SEC. 8. If a general Banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest paying stocks of States in good credit and standing, to be rated at ten per cent. below their average value in the City of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of said stocks, to the amount of ten per cent. on the dollar, the bank or banks owning such stock shall be required to make up said deficiency by depositing additional stocks: and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer, and to whom.*

*Original Constitution, Art. VIII, §6 – 11 apply to banks of issue only, see 63 Iowa 11, 220 Iowa 794, and 221 Iowa 102

Stockholders' responsibility. SEC. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held for all of its liabilities, accruing while he or she remains such stockholder.*

*Original Constitution, Art. VIII, §6 – 11 apply to banks of issue only, see 63 Iowa 11, 220 Iowa 794, and 221 Iowa 102

Bill-holders preferred. SEC. 10. In case of the insolvency of any banking institution, the bill-holders shall have a preference over its other creditors.*

*Original Constitution, Art. VIII, §6 – 11 apply to banks of issue only, see 63 Iowa 11, 220 Iowa 794, and 221 Iowa 102

Specie payments — suspension. SEC. 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.*

*Original Constitution, Art. VIII, §6 – 11 apply to banks of issue only, see 63 Iowa 11, 220 Iowa 794, and 221 Iowa 102

Amendment or repeal of laws — exclusive privileges. SEC. 12. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two thirds of each branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

ARTICLE IX.

EDUCATION AND SCHOOL LANDS.

1ST. EDUCATION.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Board of education. SECTION 1. The educational interest of the State, including Common Schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the Lieutenant Governor, who shall be the

presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Eligibility. SEC. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty five years, and shall have been one year a citizen of the State.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Election of members. SEC. 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years; and one half of the Board shall be chosen every two years thereafter.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

First session. SEC. 4. The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December, after their election; after which the General Assembly may fix the time and place of meeting.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Limitation of sessions. SEC. 5. The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two thirds of the Board, the Governor may order a special session.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Secretary. SEC. 6. The Board of Education shall appoint a Secretary, who shall be the executive officer of the Board, and perform such duties as may be imposed upon him by the Board, and the laws of the State. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Rules and regulations. SEC. 7. All rules and regulations made by the Board shall be published and distributed to the several Counties, Townships, and School Districts, as may be provided for by the Board, and when so made, published and distributed, they shall have the force and effect of law.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Power to legislate. SEC. 8. The Board of Education shall have full power and authority to legislate and make all needful rules and regulations in relation to Common Schools, and other educational institutions, that are instituted, to receive aid from the School or University fund of this State: but all acts, rules, and regulations of said Board may be altered, amended or repealed by the General Assembly; and when so altered, amended, or repealed they shall not be re-enacted by the Board of Education.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Governor ex officio a member. SEC. 9. The Governor of the State shall be, ex officio, a member of said Board*

*Original document does not include a period

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Expenses. SEC. 10. The Board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the General Assembly.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

State university. SEC. 11. The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that Institution and no other.*

*See this original Constitution, Art. IX, 1st Education, §15, Art. IX, 2nd School Funds and School Lands, §2, and Art. XI, §8; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1; the governance of the state university remained under a board of trustees appointed at the last session of the board of education pursuant to the terms of 1864 Acts, ch 59, until it was transferred, together with management of the university fund, in 1870, to a board of regents by 1870 Acts, ch 87

See also Code of 1897 [enacted], §2640, that did not include language previously contained in the Code of 1873 [enacted], §1585, referring to the establishment of the state university at Iowa City by the Constitution; see also, Code 2019, §263.1, that does not include language establishing the state university of Iowa at Iowa City

Common schools. SEC. 12. The Board of Education shall provide for the education of all the youths of the State, through a system of Common Schools and such school shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school as aforesaid may be deprived of their portion of the school fund.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Compensation. SEC. 13. The members of the Board of Education shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Quorum — style of acts. SEC. 14. A majority of the Board shall constitute a quorum for the transaction of business; but no rule, regulation, or law, for the government of Common Schools or other educational institutions, shall pass without the concurrence of a majority of all the members of the Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be, “Be it enacted by the Board of Education of the State of Iowa”.*

*See this original Constitution, Art. IX, 1st Education, §15; the board of education was abolished in 1864 by 1864 Acts, ch 52, §1

Board may be abolished. SEC. 15. At any time after the year One thousand eight hundred and sixty three, the General Assembly shall have power to abolish or re-organize said Board of Education, and provide for the educational interest of the State in any other manner that to them shall seem best and proper.*

*The board of education was abolished in 1864 by 1864 Acts, ch 52, §1

2ND. SCHOOL FUNDS AND SCHOOL LANDS.

Control — management. SECTION 1. The educational and school funds and lands, shall be under the control and management of the General Assembly of this State.

Permanent fund. SEC. 2. The University lands, and the proceeds thereof, and all monies belonging to said fund shall be a permanent fund for the sole use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

Perpetual support fund. SEC. 3. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which may have been, or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved in the year of our Lord one thousand eight hundred and forty one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as has been or may hereafter be granted by Congress, on the sale of lands in this State, shall be, and remain a perpetual fund, the interest of which, together with all rents

of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of Common schools throughout the State.

Fines — how appropriated. SEC. 4. [The money which may have been or shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several Counties for any breach of the penal laws, shall be exclusively applied, in the several Counties in which such money is paid, or fine collected, among the several school districts of said Counties, in proportion to the number of youths subject to enumeration in such districts, to the support of Common Schools, or the establishment of libraries, as the Board of Education shall, from time to time provide.]*

*In 1974, this section was repealed, see Amendment 35

Proceeds of lands. SEC. 5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any person or persons, to this State, for the use of the University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

Agents of school funds. SEC. 6. The financial agents of the school funds shall be the same, that by law, receive and control the State and county revenue for other civil purposes, under such regulations as may be provided by law.

Distribution. SEC. 7. [The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.]*

*In 1984, this section was repealed, see Amendment 39

ARTICLE X.

AMENDMENTS TO THE CONSTITUTION.

How proposed — submission. SECTION 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

More than one amendment. SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Convention. SEC. 3. [At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may, by law, provide, the question, “Shall there be a Convention to revise the Constitution, and amend the same?” shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.]*

*In 1964, this section was repealed and a substitute adopted in lieu thereof, see Amendment 22

ARTICLE XI.

MISCELLANEOUS.

Justice of peace — jurisdiction. SECTION 1. The jurisdiction of Justices of the Peace shall extend to all civil cases, (except cases in chancery, and cases where the question of title to real estate may arise,) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

Nonindictable misdemeanors, jurisdiction, see this original Constitution, Art. I, §11
The office of justice of peace was abolished by 1972 Acts, ch 1124

Counties. SEC. 2. No new County shall be hereafter created containing less than four hundred and thirty two square miles; nor shall the territory of any organized county be reduced below that area; except the County of Worth, and the counties west of it, along the Northern boundary of this State, may be organized without additional territory.

Indebtedness of political or municipal corporations. SEC. 3. No county, or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount, in the aggregate, exceeding five per centum on the value of the taxable property within such county or corporation — to be ascertained by the last State and county tax lists, previous to the incurring of such indebtedness.

Boundaries of state. SEC. 4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

Oath of office. SEC. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

How vacancies filled. SEC. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall hold until the next general election, and until their successors are elected and qualified.

Land grants located. SEC. 7. The General Assembly shall not locate any of the public lands, which have been, or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant, so exempted, shall not exceed three hundred and twenty acres.

Seat of government established — state university. SEC. 8. The seat of Government is hereby permanently established, as now fixed by law, at the City of Des Moines, in the County of Polk; and the State University, at Iowa City, in the County of Johnson.

In January of 1855, the fifth general assembly established a commission to relocate the seat of government to within two miles of the junction of the Des Moines and Raccoon rivers in Polk county, see 1855 Acts, ch 72

ARTICLE XII.

SCHEDULE.

Supreme law — constitutionality of acts. SECTION 1. This Constitution shall be the supreme law of the State, and any law inconsistent therewith, shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

Laws in force. SEC. 2. All laws now in force and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

Proceedings not affected. SEC. 3. All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgement* and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as now provided by law; and all offences, misdemeanors, and crimes that may have been committed before the taking effect of this Constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been, had not this Constitution been made.

*According to original document

Fines inure to the state. SEC. 4. [All fines, penalties, or forfeitures due, or to become due, or accruing* to the State, or to any County therein, or to the school fund, shall inure to the State, county, or school fund, in the manner prescribed by law.]**

*According to original document

**In 1974, this section was repealed, see Amendment 35

Bonds in force. SEC. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

First election for governor and lieutenant governor. SEC. 6. The first election under this Constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty seven, at which time the electors of the State shall elect the Governor and Lieutenant Governor. There shall also be elected at such election, the successors of such State Senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday of December One thousand eight hundred and fifty six.

First election of officers. SEC. 7. The first election for Secretary, Auditor, and Treasurer of State, Attorney General, District Judges, Members of the Board of Education, District Attorneys, members of Congress and such State officers as shall be elected at the April election, in the year One thousand eight hundred and fifty seven, (except the Superintendent of Public Instruction,) and such county officers as were elected at the August election, in the year One thousand eight hundred and fifty six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: Provided, That the time for which any District Judge or other State or County officer elected at the April election in the year One thousand eight hundred and fifty eight, shall not extend beyond the time fixed for filling like offices at the October election in the year one thousand eight hundred and fifty eight.

For judges of supreme court. SEC. 8. The first election for Judges of the Supreme Court, and such County officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year One thousand eight hundred and fifty nine.

General assembly — first session. SEC. 9. The first regular session of the General Assembly shall be held in the year One thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

Senators. SEC. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty nine, at which time their successors shall be elected as may be prescribed by law.

Offices not vacated. SEC. 11. Every person elected by popular vote, by vote of the General Assembly, or who may hold office by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed, to any such office, before the taking effect of this constitution, (except as in this Constitution otherwise provided,) shall continue in office until the term for which such person has been or may be elected or appointed shall expire: but no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.

Judicial districts. SEC. 12. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the General Assembly, in accordance with the provisions of this Constitution.

Submission of constitution. SEC. 13. This Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, “New Constitution — Yes.” Those against the Constitution, “New Constitution — No.” The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of State officers. And if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

Proposition to strike out the word “white”. SEC. 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word “White” from the article on the Right of Suffrage, shall be separately submitted to the electors of this State for adoption or rejection in manner following — Namely:

A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box; and those given for the adoption of such proposition shall have the words, “Shall the word ‘White’ be stricken out of the Article on the Right of Suffrage? Yes.” And those given against the proposition shall have the words, “Shall the word ‘White’ be stricken out of the Article on the Right of Suffrage? No.” And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this Constitution, then said word “White” shall be stricken from said Article and be no part thereof.

This proposition failed to be adopted but see Amendment 1

Mills county. SEC. 15. Until otherwise directed by law, the County of Mills shall be in and a part of the sixth Judicial District of this State.

In 1904, an additional section (SEC. 16) providing for biennial elections was added to this original Constitution, Art. XII, but appears to have been superseded, see Amendments 11 and 14

Done in Convention at Iowa City, this fifth day of March in the year of our Lord One thousand eight hundred and fifty seven, and of the Independence of the United States of America, the eighty first.

In testimony whereof we have hereunto subscribed our names.

TIMOTHY DAY	A. H. MARVIN	S AYERS
S. G. WINCHESTER	J. H. EMERSON	HARVEY J. SKIFF
DAVID BUNKER	R. L. B. CLARKE	J. A. PARVIN
D. P. PALMER	JAMES A YOUNG	W. PENN. CLARKE
GEO. W. ELLS	D. H. SOLOMON	JEREMIAH HOLLINGSWORTH
J. C. HALL	M. W. ROBINSON	WM. PATTERSON
JOHN. H. PETERS	LEWIS TODHUNTER	D. W. PRICE.
WM. A. WARREN	JOHN EDWARDS	ALPHEUS SCOTT
H. W. GRAY	J. C. TRAER	GEORGE GILLASPY
ROBT. GOWER	JAMES F. WILSON	EDWARD JOHNSTONE
H D. GIBSON	AMOS HARRIS	AYLETT R COTTON,
THOMAS SEELY	JNO T. CLARK	

Attest;

FRANCIS SPRINGER President.

TH: J. SAUNDERS, Secretary.

E. N. BATES Asst. Secretary.

PROCLAMATION

Whereas an instrument known as the New Constitution of the State of Iowa adopted by the constitutional Convention of said State on the fifth day of March AD 1857 was submitted to the qualified electors of said State at the annual election held on Monday the third day of August 1857 for their approval or rejection

And whereas an official canvass of the votes cast at said election shows that there were Forty thousand three hundred and eleven votes cast for the adoption of said Constitution and Thirty eight thousand six hundred and eighty one votes were cast against its adoption, leaving a majority of sixteen hundred and thirty votes in favor of its adoption.

Now. therefore I James W. Grimes Governor of said State, by virtue of the authority conferred upon me, hereby declare the said New Constitution to be adopted, and declare it to be the supreme law of the State of Iowa

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa

L.S. Done at Iowa City this Third day of September AD. 1857 of the Independence of the United States the Eighty second and of the State of Iowa the Eleventh.

By the Governor.

James W. Grimes

Elijah Sells,
Secretary of State.

AMENDMENTS TO THE CONSTITUTION

AMENDMENTS OF 1868

- [1] 1st. Strike the word “white,” from section 1 of article two [II] thereof; [Electors]
- [2] 2d. Strike the word “white,” from section 33 of article three [III] thereof; [Census]
- [3] 3d. Strike the word “white,” from section 34 of article three [III] thereof; [Senators]
- [4] 4th. Strike the word “white,” from section 35 of article three [III] thereof; [Apportionment]
- [5] 5th. Strike the word “white,” from section 1 of article six [VI] thereof; [Militia]

Amendments 1 – 5 were proposed in 1866 Acts, ch 98, and readopted in 1868 Acts, ch 68

The first of these amendments was submitted to the electorate with the Constitution in 1857 but was defeated, see Art. XII, §14

AMENDMENT OF 1880

- [6] Strike out the words “free white” from the third line of section four (4) of article three (3) [III] of said constitution, relating to the legislative department.

Amendment 6 was proposed in 1878 Acts, JR 5, and readopted in 1880 Acts, JR 6

AMENDMENTS OF 1884

- [7] **General election.** [AMENDMENT 1. The general election for state, district county and township officers shall be held on the Tuesday next after the first Monday in November.]*

Amendment 7 was proposed in 1882 Acts, JR 12, and readopted in 1884 Acts, JR 13

*This amendment, published as section 7 of original Constitution, Art. II was repealed by Amendment 14

- [8] **Judicial districts.** AMENDMENT 2. At any regular session of the general assembly, the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no re-organization of the districts or diminution of the judges shall have the effect of removing a judge from office.

Amendment 8 was proposed in 1882 Acts, JR 12, and readopted in 1884 Acts, JR 13

See original Constitution, Art. V, §10

- [9] **Grand jury.** AMENDMENT 3. The grand jury may consist of any number of members not less than five, nor more than fifteen, as the general assembly may by law provide, or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.

Amendment 9 was proposed in 1882 Acts, JR 12, and readopted in 1884 Acts, JR 13

See original Constitution, Art. I, §11

- [10] AMENDMENT 4. That section 13 of article 5 [V] of the constitution be stricken therefrom, and the following adopted as such section.

County attorney. SEC. 13. [The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter elect a county attorney, who shall be a resident of the county for which he is elected, and shall hold his office for two years, and until his successor shall have been elected and qualified.]*

Amendment 10 was proposed in 1882 Acts, JR 12, and readopted in 1884 Acts, JR 13

*In 1970, this section was repealed, see Amendment 31

AMENDMENTS OF 1904

[11] Add as section 16, to article 12 [XII] of the constitution, the following:

General election. SEC. 16. [The first general election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November in the year one thousand nine hundred and six, and general elections shall be held biennially thereafter. In the year one thousand nine hundred and six there shall be elected a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney general, two judges of the supreme court, the successors of the judges of the district court whose terms of office expire on December 31st, one thousand nine hundred and six, state senators who would otherwise be chosen in the year one thousand nine hundred and five, and members of the house of representatives. The terms of office of the judges of the supreme court which would otherwise expire on December 31st, in odd numbered years, and all other elective state, county and township officers whose terms of office would otherwise expire in January in the year one thousand nine hundred and six, and members of the general assembly whose successors would otherwise be chosen at the general election in the year one thousand nine hundred and five, are hereby extended one year and until their successors are elected and qualified. The terms of offices of senators whose successors would otherwise be chosen in the year one thousand nine hundred and seven are hereby extended one year and until their successors are elected and qualified. The general assembly shall make such changes in the law governing the time of election and term of office of all other elective officers as shall be necessary to make the time of their election and terms of office conform to this amendment, and shall provide which of the judges of the supreme court shall serve as chief justice. The general assembly shall meet in regular session on the second Monday in January, in the year one thousand nine hundred and six, and also on the second Monday in January in the year one thousand nine hundred and seven, and biennially thereafter.]*

Amendment 11 was proposed in 1902 Acts, JR 5, and readopted in 1904 Acts, JR 1

Practically the same amendment as the above was proposed in 1898 Acts, JR 1, readopted in 1900 Acts, JR 1, and ratified in 1900, but the supreme court, in the case of *State ex rel. Bailey v. Brookhart*, 113 Iowa 250, held that said amendment was not proposed and adopted as required by the constitution, and did not become a part thereof

*This amendment from 1904 appears to have been superseded by Amendment 14

[12] That sections thirty-four (34) thirty-five (35) and thirty-six (36) of article three (3) of the constitution of the state of Iowa, be repealed and the following be adopted in lieu thereof:

Number of senators. SECTION 34. [The senate shall be composed of fifty members to be elected from the several senatorial districts, established by law and at the next session of the general assembly held following the taking of the state and national census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census.]*

*See Amendment 16 which limited representation to one senator per county in 1928; also original Constitution, Art. III, §6

Number of representatives — districts. SEC. 35. [The house of representatives shall consist of not more than one hundred and eight members. The ratio of representation shall be determined by dividing the whole number of the population of the state as shown by the last preceding state or national census, by the whole number of counties then existing or organized, but each county shall constitute one representative district and be entitled to one representative, but each county having a population in excess of the ratio number, as herein provided of three fifths or more of such ratio number shall be entitled to one additional representative, but said addition shall extend only to the nine counties having the greatest population.]*

Ratio and apportionment. SEC. 36. [The general assembly shall, at the first regular session held following the adoption of this amendment, and at each succeeding regular

session held next after the taking of such census, fix the ratio of representation, and apportion the additional representatives, as hereinbefore required.]*

Amendment 12 was proposed in 1902 Acts, JR 2, and readopted in 1904 Acts, JR 2

*In 1968, sections 34, 35, and 36 of Art. III were repealed and substitutes adopted in lieu thereof, see Amendment 26

AMENDMENT OF 1908

[13] That there be added to section eighteen (18) of article one (1) of the constitution of the state of Iowa, the following:

Drainage ditches and levees. The general assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agricultural, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The General Assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation.

Amendment 13 was proposed in 1904 Acts, JR 6, and readopted in 1906 Acts, JR 1, and in 1907 Acts, HJR 2

AMENDMENT OF 1916

[14] To repeal section seven (7) of article two (2) of the constitution of Iowa and to adopt in lieu thereof the following, to wit:

General election. [SEC. 7.] The general election for state, district, county and township officers in the year 1916 shall be held in the same month and on the same day as that fixed by the laws of the United States for the election of presidential electors, or of president and vice-president of the United States; and thereafter such election shall be held at such time as the general assembly may by law provide.

Amendment 14 was proposed in 1913 Acts, HJR 3, and readopted in 1915 Acts, ch 210

This amendment repealed Amendment 7; see also Amendment 11

A proposed amendment to extend the election franchise to women was proposed in 1913 Acts, HJR 6 and SJR 10, readopted in 1915 Acts, ch 18, but defeated by the people in a special election held on June 5, 1916; for information regarding votes cast on the amendment, see 1917-1918 Iowa Official Register, pp. 462-481

A second proposed prohibition amendment was proposed in 1915 Acts, ch 19, readopted in 1917 Acts, ch 321, but defeated by the people in a special election held on October 15, 1917; for information regarding votes cast on the second proposed prohibition amendment, see 1925-1926 Iowa Official Register, p. 39; the first proposed prohibition amendment was proposed in 1880 Acts, JR 8, readopted in 1882 Acts, JR 8, submitted to the electorate at a special election held on June 27, 1882, and ratified, but was held by the supreme court in *Koehler and Lang v. Hill*, 60 Iowa 543, not to have been legally submitted to the electors and, as a consequence, did not become part of the constitution

In 1919, a second proposed amendment to enfranchise women was proposed in 1917 Acts, ch 153, readopted in 1919 Acts, ch 110, but was nullified by a procedural defect caused by failure to publish the 1917 resolution

AMENDMENT OF 1926

[15] Strike out the word “male” from section four (4) of article three (3) of said constitution, relating to the legislative department.

Amendment 15 was proposed in 1923 Acts, ch 387, and readopted in 1925 Acts, ch 282

AMENDMENT OF 1928

[16] [That the period (.) at the end of said section thirty-four (34) of article three (3) of the constitution of the state of Iowa be stricken and the following inserted:

“, but no county shall be entitled to more than one (1) senator.”]*

Amendment 16 was proposed in 1925 Acts, ch 279, and readopted in 1927 Acts, ch 353

This amendment applies to Amendment 12

*This amendment was repealed by Amendment 26

See also original Constitution, Art. III, §6

AMENDMENT OF 1936

[17] Amend article three (III) by repealing section thirty-three (33) relating to the state census.

Amendment 17 was proposed in 1933 Acts, ch 268, and readopted in 1935 Acts, ch 223

AMENDMENT OF 1942

[18] That Article Seven (VII) of the Constitution of the State of Iowa be amended by adding thereto, as Section eight (8) thereof, the following:

Motor vehicle fees and fuel taxes. [SEC. 8.] All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.

Amendment 18 was proposed in 1939 Acts, ch 307, and readopted in 1941 Acts, ch 342

AMENDMENTS OF 1952

[19] Amendment 1. Section four (4) of Article IV of the Constitution of Iowa is amended by adding thereto the following:

Death of governor-elect or failure to qualify. [If, upon the completion of the canvass of votes for Governor and Lieutenant Governor by the General Assembly, it shall appear that the person who received the highest number of votes for Governor has since died, resigned, is unable to qualify, fails to qualify, or for any other reason is unable to assume the duties of the office of Governor for the ensuing term, the powers and duties of the office shall devolve upon the person who received the highest number of votes for Lieutenant Governor until the disability is removed and, upon inauguration, he shall assume the powers and duties of Governor.]*

Amendment 19 was proposed in 1949 Acts, ch 309, and readopted in 1951 Acts, ch 268

*In 1988, this amendment was repealed by Amendment 41

[20] Amendment 2. Section nineteen (19) of Article IV of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Gubernatorial succession. Sec. 19. [If there be a vacancy in the office of Governor and the Lieutenant Governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of Governor, the President pro tempore of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President pro tempore of the Senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of Governor the same shall devolve upon the Speaker of the House of Representatives; and if the Speaker of the House of Representatives, for any of the above causes, shall be incapable of performing the duties of the office of Governor, the Justices of the Supreme Court shall convene the General Assembly by proclamation and the General Assembly shall organize by the election of a President pro tempore by the Senate and a Speaker by the House of Representatives. The General Assembly shall thereupon immediately proceed to the election of a Governor and Lieutenant Governor in joint convention.]*

Amendment 20 was proposed in 1949 Acts, ch 309, and readopted in 1951 Acts, ch 268

*In 1988, this section was repealed and a substitute was adopted in lieu thereof, see Amendment 42

AMENDMENT OF 1962

[21] Article Five (V) is amended in the following manner:

1. Section four (4) is amended by striking from lines eight (8) and nine (9) of such section the words, "exercise a supervisory" and inserting in lieu thereof the words, "shall exercise a supervisory and administrative".
2. Sections three (3), five (5), nine (9) and eleven (11) are repealed.
3. The following sections are added thereto:

Vacancies in courts. SECTION 15. Vacancies in the Supreme Court and District Court shall be filled by appointment by the Governor from lists of nominees submitted by the appropriate judicial nominating commission. Three nominees shall be submitted for each Supreme Court vacancy, and two nominees shall be submitted for each District Court vacancy. If the Governor fails for thirty days to make the appointment, it shall be made from such nominees by the Chief Justice of the Supreme Court.

State and district nominating commissions. SECTION 16. There shall be a State Judicial Nominating Commission. Such commission shall make nominations to fill vacancies in the Supreme Court. Until July 4, 1973, and thereafter unless otherwise provided by law, the State Judicial Nominating Commission shall be composed and selected as follows: There shall be not less than three nor more than eight appointive members, as provided by law, and an equal number of elective members on such Commission, all of whom shall be electors of the state. The appointive members shall be appointed by the Governor subject to confirmation by the Senate. The elective members shall be elected by the resident members of the bar of the state. The judge of the Supreme Court who is senior in length of service on said Court, other than the Chief Justice, shall also be a member of such Commission and shall be its chairman.

There shall be a District Judicial Nominating Commission in each judicial district of the state. Such commissions shall make nominations to fill vacancies in the District Court within their respective districts. Until July 4, 1973, and thereafter unless otherwise provided by law, District Judicial Nominating Commissions shall be composed and selected as follows: There shall be not less than three nor more than six appointive members, as provided by law, and an equal number of elective members on each such commission, all of whom shall be electors of the district. The appointive members shall be appointed by the Governor. The elective members shall be elected by the resident members of the bar of the district. The district judge of such district who is senior in length of service shall also be a member of such commission and shall be its chairman.

Due consideration shall be given to area representation in the appointment and election of Judicial Nominating Commission members. Appointive and elective members of Judicial Nominating Commissions shall serve for six year terms, shall be ineligible for a second six year term on the same commission, shall hold no office of profit of the United States or of the state during their terms, shall be chosen without reference to political affiliation, and shall have such other qualifications as may be prescribed by law. As near as may be, the terms of one-third of such members shall expire every two years.

Terms — judicial elections. SECTION 17. Members of all courts shall have such tenure in office as may be fixed by law, but terms of Supreme Court Judges shall be not less than eight years and terms of District Court Judges shall be not less than six years. Judges shall serve for one year after appointment and until the first day of January following the next judicial election after the expiration of such year. They shall at such judicial election stand for retention in office on a separate ballot which shall submit the question of whether such judge shall be retained in office for the tenure prescribed for such office and when such tenure is a term of years, on their request, they shall, at the judicial election next before the end of each term, stand again for retention on such ballot. Present Supreme Court and District Court Judges, at the expiration of their respective terms, may be retained in office in like manner

for the tenure prescribed for such office. The General Assembly shall prescribe the time for holding judicial elections.

Salaries — qualifications — retirement. SECTION 18. Judges of the Supreme Court and District Court shall receive salaries from the state, shall be members of the bar of the state and shall have such other qualifications as may be prescribed by law. Judges of the Supreme Court and District Court shall be ineligible to any other office of the state while serving on said court and for two years thereafter, except that District Judges shall be eligible to the office of Supreme Court Judge. Other judicial officers shall be selected in such manner and shall have such tenure, compensation and other qualification as may be fixed by law. The General Assembly shall prescribe mandatory retirement for Judges of the Supreme Court and District Court at a specified age and shall provide for adequate retirement compensation. Retired judges may be subject to special assignment to temporary judicial duties by the Supreme Court, as provided by law.

Amendment 21 was proposed in 1959 Acts, ch 420, and readopted in 1961 Acts, ch 343

AMENDMENT OF 1964

[22] Section three (3) of Article ten (X) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Constitutional convention. Section 3. At the general election to be held in the year one thousand nine hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may, by law, provide, the question, “Shall there be a Convention to revise the Constitution, and propose amendment or amendments to same?” shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention, and for submitting the results of said Convention to the people, in such manner and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state. If two or more amendments shall be submitted at the same time, they shall be submitted in such a manner that electors may vote for or against each such amendment separately.

Amendment 22 was proposed in 1961 Acts, ch 345, and readopted in 1963 Acts, ch 372

AMENDMENT OF 1966

[23] Section twenty-six (26) of Article III is amended by striking from line four (4) the word “fourth” and inserting in lieu thereof the word “first”.

Amendment 23 was proposed in 1963 Acts, ch 373, and readopted in 1965 Acts, ch 480

AMENDMENTS OF 1968

[24] Section two (2) of Article three (III) of the Constitution of the State of Iowa is hereby repealed and the following adopted in lieu thereof:

Annual sessions of General Assembly. Section 2. [The General Assembly shall meet in session on the second Monday of January of each year. The Governor of the State may convene the General Assembly by proclamation in the interim.]*

Amendment 24 was proposed in 1965 Acts, ch 472, and readopted in 1967 Acts, ch 461

*In 1974, this section was repealed and a substitute adopted, see Amendment 36

[25] Article three (III), legislative department, Constitution of the State of Iowa is hereby amended by adding the following new section:

Municipal home rule. [SEC. 38A.] Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly.

The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Amendment 25 was proposed in 1965 Acts, ch 477, and readopted in 1967 Acts, ch 462

[26] Section six (6) of Article three (III) section thirty-four (34) of Article three (III) and the 1904 and 1928 amendments thereto, sections thirty-five (35) and thirty-six (36) of Article three (III) and the 1904 amendment to each such section, and section thirty-seven (37) of Article three (III) are hereby repealed and the following adopted in lieu thereof:

Senators — number and classification. Section 6. The number of senators shall total not more than one-half (1/2) the membership of the house of representatives. Senators shall be classified so that as nearly as possible one-half (1/2) of the members of the senate shall be elected every two (2) years.

Senate and House of Representatives — limitation. Section 34. The senate shall be composed of not more than fifty (50) and the house of representatives of not more than one hundred (100) members. Senators and representatives shall be elected from districts established by law. Each district so established shall be of compact and contiguous territory. The state shall be apportioned into senatorial and representative districts on the basis of population. The general assembly may provide by law for factors in addition to population, not in conflict with the constitution of the United States, which may be considered in the apportioning of senatorial districts. No law so adopted shall permit the establishment of senatorial districts whereby a majority of the members of the senate shall represent less than forty (40) percent of the population of the state as shown by the most recent United States decennial census.

Senators and representatives — number and districts. Section 35. The general assembly shall in 1971 and in each year immediately following the United States decennial census determine the number of senators and representatives to be elected to the general assembly and establish senatorial and representative districts. The general assembly shall complete the apportionment prior to September 1 of the year so required. If the apportionment fails to become law prior to September 15 of such year, the supreme court shall cause the state to be apportioned into senatorial and representative districts to comply with the requirements of the constitution prior to December 31 of such year. The reapportioning authority shall, where necessary in establishing senatorial districts, shorten the term of any senator prior to completion of the term. Any senator whose term is so terminated shall not be compensated for the uncompleted part of the term.

Review by Supreme Court. Section 36. Upon verified application by any qualified elector, the supreme court shall review an apportionment plan adopted by the general assembly which has been enacted into law. Should the supreme court determine such plan does not comply with the requirements of the constitution, the court shall within ninety (90) days adopt or cause to be adopted an apportionment plan which shall so comply. The supreme court shall have original jurisdiction of all litigation questioning the apportionment of the general assembly or any apportionment plan adopted by the general assembly.

Congressional districts. Section 37. When a congressional district is composed of two (2) or more counties it shall not be entirely separated by a county belonging to another district and no county shall be divided in forming a congressional district.

Amendment 26 was proposed in 1965 Acts, ch 473, and readopted in 1967 Acts, ch 463

[27] Section sixteen (16) of article three (III) of the Constitution of the State of Iowa is hereby amended by adding the following new paragraph at the end thereof:

Item veto by Governor. The governor may approve appropriation bills in whole or in part, and may disapprove any item of an appropriation bill; and the part approved shall become a law. Any item of an appropriation bill disapproved by the governor shall be returned, with his objections, to the house in which it originated, or shall be deposited by him in the office of the secretary of state in the case of an appropriation bill submitted to the governor for his approval during the last three days of a session of the General Assembly, and the procedure in each case shall be the same as provided for other bills. Any such item of an appropriation bill may be enacted into law notwithstanding the governor's objections, in the same manner as provided for other bills.

Amendment 27 was proposed in 1965 Acts, ch 474, and readopted in 1967 Acts, ch 464

[28] Section twenty-five (25) of Article three (III) of the Constitution of the State of Iowa is hereby repealed and the following adopted in lieu thereof:

Compensation and expenses of General Assembly. Section 25. Each member of the General Assembly shall receive such compensation and allowances for expenses as shall be fixed by law but no General Assembly shall have the power to increase compensation and allowances effective prior to the convening of the next General Assembly following the session in which any increase is adopted.

Amendment 28 was proposed in 1965 Acts, ch 475, and readopted in 1967 Acts, ch 466

AMENDMENTS OF 1970

[29] Article three (III) of the Constitution of the State of Iowa is hereby amended by adding thereto the following new section:

Legislative districts. Section 39. In establishing senatorial and representative districts, the state shall be divided into as many senatorial districts as there are members of the senate and into as many representative districts as there are members of the house of representatives. One (1) senator shall be elected from each senatorial district and one (1) representative shall be elected from each representative district.

Amendment 29 was proposed in 1967 Acts, ch 467, and readopted in 1969 Acts, ch 325

[30] Section one (1) of Article two (II) of the Constitution, as amended in eighteen hundred sixty-eight (1868), is hereby repealed and the following is hereby adopted in lieu thereof:

Electors. Section 1. Every citizen of the United States of the age of twenty-one (21) years, who shall have been a resident of this State for such period of time as shall be provided by law and of the county in which he claims his vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are now or hereafter may be authorized by law. The General Assembly may provide by law for different periods of residence in order to vote for various officers or in order to vote in various elections. The required periods of residence shall not exceed six (6) months in this State and sixty (60) days in the county.

Amendment 30 was proposed in 1967 Acts, ch 465, and readopted in 1969 Acts, ch 326
See United States Constitution, Amendments 19 and 26

[31] Section thirteen (13) of Article five (V) of the Constitution of the State of Iowa as amended by Amendment four (4) of the Amendments of eighteen hundred eighty-four (1884) is hereby repealed. [County Attorney]

Amendment 31 was proposed in 1967 Acts, ch 468, and readopted in 1969 Acts, ch 327

AMENDMENTS OF 1972

[32] Section two (2) of Article four (IV) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Election and term [governor]. Sec. 2. [The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office for four years from the time of his installation, and until his successor is elected and qualifies.]*

Section three (3) of Article four (IV) of the Constitution of the State of Iowa is hereby repealed and the following adopted in lieu thereof:

Lieutenant governor — returns of elections. Sec. 3. [There shall be a Lieutenant Governor who shall hold his office for the same term, and be elected at the same time as the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.]*

Section fifteen (15) of Article four (IV) of the Constitution of the State of Iowa is hereby repealed and the following adopted in lieu thereof:

Terms — compensation of lieutenant governor. Sec. 15. [The official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualify. The Lieutenant Governor, while acting as Governor, shall receive the same compensation as provided for Governor; and while presiding in the Senate, and between sessions such compensation and expenses as provided by law.]*

Section twenty-two (22) of Article four (IV) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Secretary — auditor — treasurer. Sec. 22. A Secretary of State, an Auditor of State and a Treasurer of State shall be elected by the qualified electors at the same time that the governor is elected and for a four-year term commencing on the first day of January next after their election, and they shall perform such duties as may be provided by law.

Section twelve (12) of Article five (V) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Attorney general. Sec. 12. The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be four years, and until his successor is elected and qualifies.

Amendment 32 was proposed in 1970 Acts, ch 1307, and readopted in 1971 Acts, ch 290

*In 1988, sections 2, 3, and 15 of Art. IV were repealed and substitutes adopted in lieu thereof, see Amendment 42

[33] Article five (V), Constitution of the State of Iowa, is hereby amended by adding thereto the following new section:

Retirement and discipline of judges. [SEC. 19.] In addition to the legislative power of impeachment of judges as set forth in Article three (III), sections nineteen (19) and twenty (20) of the Constitution, the Supreme Court shall have power to retire judges for disability and to discipline or remove them for good cause, upon application by a commission on judicial qualifications. The General Assembly shall provide by law for the implementation of this section.

Amendment 33 was proposed in 1970 Acts, ch 1306, and readopted in 1971 Acts, ch 291

[34] Section twenty-eight (28) of Article three (III) of the Constitution of the State of Iowa is hereby repealed. [Lottery prohibition]

Amendment 34 was proposed in 1970 Acts, ch 1308, and readopted in 1972 Acts, ch 1141

AMENDMENTS OF 1974

[35] Apportionment of fines.

1. Section four (4), subdivision two (2) entitled "School Funds and School Lands", of Article nine (IX) of the Constitution of the State of Iowa is hereby repealed.

2. Section four (4) of Article twelve (XII) of the Constitution of the State of Iowa is hereby repealed.

Amendment 35 was proposed in 1972 Acts, ch 1143, and readopted in 1974 Acts, ch 1282

[36] Section two (2) of Article three (III) of the Constitution of the State of Iowa, as amended by amendment number one (1) of the Amendments of 1968 to the Constitution of the State of Iowa, is repealed and the following adopted in lieu thereof:

Annual sessions of General Assembly — special sessions. [SEC. 2] The General Assembly shall meet in session on the second Monday of January of each year. Upon written request to the presiding officer of each House of the General Assembly by two-thirds of the members of each House, the General Assembly shall convene in special session. The Governor of the state may convene the General Assembly by proclamation in the interim.

Amendment 36 was proposed in 1972 Acts, ch 1142, and readopted in 1974 Acts, ch 1283

AMENDMENT OF 1978

[37] Article three (III), legislative department, Constitution of the State of Iowa is hereby amended by adding the following new section:

Counties home rule. [SEC. 39A.] NEW SECTION. Counties or joint county-municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The general assembly may provide for the creation and dissolution of joint county-municipal corporation governments. The general assembly may provide for the establishment of charters in county or joint county-municipal corporation governments.

If the power or authority of a county conflicts with the power and authority of a municipal corporation, the power and authority exercised by a municipal corporation shall prevail within its jurisdiction.

The proposition or rule of law that a county or joint county-municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Amendment 37 was proposed in 1976 Acts, ch 1263, and readopted in 1978 Acts, ch 1206

In 1980, a proposed amendment to Art. I, §1, proposed in 1978 Acts, ch 1205, readopted in 1979 Acts, ch 170, and relating to equal rights of men and women was defeated by the people; for information regarding votes cast on the amendment, see 1981-1982 Iowa Official Register, pp. 161-262

AMENDMENTS OF 1984

[38] Article III, Legislative Department, Constitution of the State of Iowa, is amended by adding the following new section:

Nullification of administrative rules. [SEC. 40.] NEW SECTION. The general assembly may nullify an adopted administrative rule of a state agency by the passage of a resolution by a majority of all of the members of each house of the general assembly.

Amendment 38 was proposed in 1982 Acts, ch 1266, and readopted in 1983 Acts, ch 209

[39] Distribution. Section 7, subdivision 2 entitled "School Funds and School Lands", of Article IX of the Constitution of the State of Iowa is repealed.

Amendment 39 was proposed in 1982 Acts, ch 1267, and readopted in 1983 Acts, ch 210

AMENDMENT OF 1986

[40] Section 26 of Article III of the Constitution of the State of Iowa, as amended by the Amendment of 1966, is repealed and the following adopted in lieu thereof:

Time laws to take effect. [SEC. 26.] An act of the general assembly passed at a regular session of a general assembly shall take effect on July 1 following its passage unless a different effective date is stated in an act of the general assembly. An act passed at a special session of a general assembly shall take effect ninety days after adjournment of the special session unless a different effective date is stated in an act of the general assembly. The general assembly may establish by law a procedure for giving notice of the contents of acts of immediate importance which become law.

Amendment 40 was proposed in 1984 Acts, ch 1318, and readopted in 1985 Acts, ch 269

AMENDMENTS OF 1988

[41] 1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

Election and term. SEC. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

Governor and lieutenant governor elected jointly — returns of elections. SEC. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor

shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

3. Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

Election by general assembly in case of tie — succession by lieutenant governor. SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

4. Section 5 of Article IV of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

Contested elections. SEC. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Amendment 41 was proposed in 1986 Acts, ch 1251, and readopted in 1988 Acts, ch 1285

[42] 1. Section 15 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

Terms — compensation. SEC. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

2. Section 18 of Article IV of the Constitution of the State of Iowa is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

Duties of lieutenant governor. SEC. 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

3. Section 19 of Article IV of the Constitution of the State of Iowa as amended by amendment number 2 of the Amendments of 1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

Succession to office of governor and lieutenant governor. SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Amendment 42 was proposed in 1986 Acts, ch 1251, and readopted in 1988 Acts, ch 1285

AMENDMENT OF 1992

[43] 1. Section 5 of Article I of the Constitution of the State of Iowa is repealed. [Dueling]

Amendment 43 was proposed in 1989 Acts, ch 325, and readopted in 1992 Acts, ch 1248

In 1992, a proposed amendment relating to the equality of rights of men and women under the law proposed in 1989 Acts, ch 327, and readopted in 1991 Acts, ch 272, was defeated by the electors at the general election; for information regarding votes cast on the amendment, see 1993-1994 Iowa Official Register, p. 449

AMENDMENT OF 1996

[44] Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

FISH AND WILDLIFE PROTECTION FUNDS. Sec. 9. All revenue derived from state license fees for hunting, fishing, and trapping, and all state funds appropriated for, and federal or private funds received by the state for, the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration, management, or harvest of fish or wildlife, shall be used exclusively for the performance and administration of activities related to those purposes.

Amendment 44 was proposed in 1993 Acts, ch 184, and readopted in 1995 Acts, ch 221

AMENDMENTS OF 1998

[45] Section 1 of Article I of the Constitution of the State of Iowa is amended to read as follows:

RIGHTS OF PERSONS. Section 1. All men and women are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Amendment 45 was proposed in 1995 Acts, ch 222, and readopted in 1997 Acts, ch 216

[46] Section 11, unnumbered paragraph 1, Article I of the Constitution of the State of Iowa is amended to read as follows:

When indictment necessary — grand jury. [SEC. 11.] All ~~offences~~ offenses less than felony and in which the ~~punishment does not exceed a fine of one hundred dollars, or maximum permissible imprisonment for does not exceed~~ does not exceed thirty days; shall be tried summarily before a ~~justice of the peace, or other an~~ officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal ~~offence~~ offense, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

Amendment 46 was proposed in 1996 Acts, ch 1220, and readopted in 1997 Acts, ch 217

Proposed amendments relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes proposed in 1998 Acts, ch 1228, and readopted in 1999 Acts, ch 212, were defeated by the people at a special election held on June 29, 1999; for information regarding votes cast on the amendments, see 1999-2000 Iowa Official Register, p. 441

AMENDMENT OF 2008

[47] Section 5 of Article II of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

DISQUALIFIED PERSONS. SEC. 5. A person adjudged mentally incompetent to vote or a person convicted of any infamous crime shall not be entitled to the privilege of an elector.

Amendment 47 was proposed in 2006 Acts, ch 1188, and readopted in 2007 Acts, ch 223

AMENDMENT OF 2010

[48] Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

NATURAL RESOURCES. SEC. 10. A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this State including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this State. Moneys in the fund shall be exclusively appropriated by law for these purposes.

The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund.

Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

Amendment 48 was proposed in 2008 Acts, ch 1194, and readopted in 2009 Acts, ch 185

AMENDMENT OF 2022

[49] Article I of the Constitution of the State of Iowa is amended by adding the following new section:

RIGHT TO KEEP AND BEAR ARMS. SEC. 1A. The right of the people to keep and bear arms shall not be infringed. The sovereign state of Iowa affirms and recognizes this right to be a fundamental individual right. Any and all restrictions of this right shall be subject to strict scrutiny.

Amendment 49 was proposed in 2019 Acts, ch 168, and readopted in 2021 Acts, ch 185