

[31] CHAPTER 30.

REPRESENTATIVES IN CONGRESS.

AN ACT to provide for the election of representatives in congress.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Election. That a representative in the congress of the United States shall be chosen in each of the congressional districts of the state, by the qualified voters thereof, at the general election in the year one thousand eight hundred and forty-eight, and every two years thereafter.

SEC. 2. Resignation and vacancy—duty of county clerk. If a representative in congress shall resign, he shall forthwith, transmit a notice of his resignation to the secretary of state; and if a vacancy shall occur by death or removal from the district in the office of representative in congress, the clerk of the board of commissioners of the county where such representative shall have resided at the time of his election, shall, without delay, transmit a notice of such vacancy to the secretary of state.

SEC. 3. Special elections—notice. Upon the happening of a vacancy in the office of representative in congress, the governor shall order a special election to fill such vacancy, unless in his opinion there will not be sufficient time to hold an election and allow the representative then chosen, to take his seat before the expiration of the term for which he would have been chosen; the same notice of such special election shall be given in each county of the proper congressional district, as is provided for in cases of special election to fill the vacancy occasioned by the death of a representative in the general assembly of this state.

SEC. 4. Duty of county clerk—board of canvassers. The clerks of the boards of commissioners of the respective counties in the district, shall, immediately after any election of representative in congress, forward an abstract of votes given thereat, to the secretary of state by mail; and the governor, secretary of state, auditor and treasurer, or any three of them, shall be a board of canvassers to count such votes, and report thereon. In case three of said officers do not attend, either of the judges of the supreme or district courts, may be called in to make up that number, and the person having received the highest number of votes in such district, shall be declared duly elected.

SEC. 5. Duty of secretary. The said board of canvassers shall be called together by the secretary of state as soon as all the returns shall be in, and in case such returns shall not be in within thirty days from the day of the election, he [32] shall despatch a special messenger to the delinquent county or counties, for the purpose of bringing up such returns.

SEC 6. Report to be published—tie election. The report of the board of canvassers shall be published in one of the newspapers printed at the seat of government, and shall set forth the number of votes given for each candidate in each of the counties of the proper district. Should there be a tie, a special election shall be called in the manner above provided.

Approved, January 24, 1848.