

the state to military schools and colleges in good standing located within the State of Iowa which include military drill in their course of instruction: *Provided*, however, that when any arms or accoutrements are delivered to such institutions the proper officers thereof shall execute and deliver to the Adjutant General a bond, payable to the people of the State of Iowa, in sufficient amount and with sufficient sureties to be approved by the Governor, conditioned for the proper use of such arms and accoutrements, and return of the same when requested by the proper officers, in good order, wear, and use excepted.

Bond.

Approval.

SEC. 2. All acts or portions of acts in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Des Moines Leader, newspapers published in Des Moines, Iowa.

Publication clause.

Approved April 6, 1892.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 16, and the *Des Moines Leader*, April 9, 1892.

W. M. MCFARLAND, *Secretary of State*.

## CHAPTER 33.

### MANNER OF HOLDING ELECTIONS.

AN ACT to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices; to regulate the manner of holding elections; and to enforce secrecy of the ballot.

Sub. for H. F. 46

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That in all elections to be held after November 1, 1892, in the state for public officers (except those elected at school elections), the voting shall be by ballots printed and distributed at public expense as hereinafter provided, and no other ballots shall be used.

School elections excepted.

SEC. 2. The printing and distributing of ballots and cards of instruction to the voters, as hereinafter described, for any general election, shall be at the expense of the county, and shall be provided for in the same manner as other county election expenses; and the printing and distributing of ballots for use in city elections shall be at the expense of the city or town in which such election shall be held.

Expense of elections.

General.

City or town.

The term "general election", as used in this act, shall apply to any election held for the choice of national, state, judicial,

Application of terms.

district, county or township officers, whether for the full term or for the filling of a vacancy. The term "city election," shall apply to any municipal election held in a city or incorporated town.

Who may make nominations.

SEC. 3. Any convention of delegates, primary, caucus or meeting of qualified voters as hereinafter defined, and individual electors to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as hereinafter provided.

How nominations may be made.

SEC. 4. Any convention of delegates, primary, caucus or meeting representing a political party, which at the general election next preceding polled at least two (2) per cent of the entire vote cast in the state or division thereof, or municipality for which the nomination is made, may for the State or division thereof, or municipality for which the convention, primary, caucus or meeting is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as are required in section six of this act, and shall be signed by the presiding officer and by the secretary of the convention, caucus or meeting, who shall add to their signatures their places of residence. Where such nomination is made by a primary election, the certificate shall be signed by the board of canvassers, to which the returns of such primary election are made. Such certificate shall be sworn to by them to be true, to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

Certificate of nomination.

Contents.

Signature.

Certificate of primary sworn to.

Candidates at large. State.

Same in districts.

Same in city or town.

Same, signature to certificate.

SEC. 5. Nominations for candidates for any office to be filled by the voters of the state at large may also be made by nomination papers, signed in the aggregate for each candidate by not less than five hundred (500) qualified voters of the state. Nominations of candidates for offices to be filled by the electors of a county, district or other division less than the state, may be made by nomination papers, signed in the aggregate for each candidate by not less than twenty-five (25) qualified voters of such county, district or division. Nominations of candidates for offices to be filled by the electors of a city, town, precinct or ward may be made by nomination papers signed in the aggregate for each candidate by not less than ten (10) qualified voters of such city, town, precinct or ward; provided, that the name of any candidate, whose name may appear in any other place upon the ballot, shall not be so added by petition for the same office. Each elector signing a certificate shall add to his signature his place of business and post-office address.

SEC. 6. All certificates of nomination, or nomination papers, shall, besides containing the names of candidates, specify as to each:

1. The office to which he is nominated.
2. The party or political principle which he represents, expressed in not more than five (5) words.
3. His place of residence, with street and number thereof, if any.

In the case of electors for president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

SEC. 7. Certificates of nomination, and nomination papers for the nomination of candidates for offices to be filled by the electors of the entire state, or any division or district greater than a county, shall be filed with the secretary of state not more than sixty (60) days and not less than thirty (30) days before the day fixed by law for the election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county auditor of the respective counties, not more than sixty (60) days and not less than twenty (20) days previous to the day of such election: provided, that certificates of nomination and nomination papers for the nomination of candidates for the offices in cities and incorporated towns shall be filed with the clerks or recorder of the cities or incorporated towns not more than forty (40) days and not less than ten (10) days previous to such election.

SEC. 8. Any person whose name has been presented as a candidate may cause his name to be withdrawn from nomination by his request in writing, signed by him and acknowledged before an officer qualified to take acknowledgment of deeds, and filed with the secretary of state not less than fifteen (15) days, or with the proper auditor, clerk or recorder not less than eight (8) days previous to the day of election, and no name so withdrawn shall be printed upon the ballots. All certificates of nomination and nomination papers, when filed, shall be open, under the proper regulation, to public inspection, and the secretary of state and the several county auditors, clerks and recorders having charge of nomination papers shall preserve the same in their respective offices for not less than six months after the election.

SEC. 9. In case a candidate who has been duly nominated, under the provisions of this act, die before election day or decline the nomination as in this act provided, or should any certificate of nomination be held insufficient or inoperative by the officer with whom they may be filed, the vacancy or vacancies thus occasioned may be filled by the political party or other persons making the original nominations, or, if the time is insufficient therefor, then the vacancy may be filled, if

Nomination papers. Contents.

Presidential election.

Nomination certificates filed with secretary of state.

Time.

When filed with county auditor.

Time.

When filed with clerk.

Time.

Nominations withdrawn.

Filed with secretary of state.

When filed with auditor or clerk.

Papers may be inspected by the public.

When nominee dies or declines

Vacancy how filled.

Additional facts stated.	the nomination was by convention, primary or caucus, in such a manner as the convention, primary or caucus had previously provided, or in case of no such previous provisions, then by a regularly elected or appointed executive or central committee, representing the political party or persons holding such convention, primary meeting or caucus. The certificates of nominations made to supply such vacancy, shall state in addition to the facts hereinbefore required by this act, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative and the measures taken in accordance with the above requirements for filling a vacancy, and it shall be signed and sworn to by the presiding officer and secretary of the convention, primary or caucus, or by the chairman and secretary of the duly authorized committee as the case may be.
Statement sworn to by presiding officers.	
Objections to nomination papers.	<p>SEC. 10. The certificates of nomination and nomination papers being so filed, and being in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing. Such objections or other questions arising in relation thereto in the case of nomination of state officers or officers to be elected by the voters of a division less than the state and greater than a county, shall be considered by the secretary of state, auditor of state and attorney-general, and the decision of the majority of these officers shall be final. Such objections or questions arising in the case of nominations for officers to be elected by the voters of a county or township, shall be considered by the county auditor, clerk of the district court and county attorney for such county, and the decision of a majority of said officers shall be final. Objections or questions arising in the case of nominations for city or incorporated town officers shall be considered by the mayor and clerk or recorder, with whom one councilman or trustee thereof as the case may be, chosen by lot, shall act, and the decision of a majority of such officers shall be final. In any case where objection is made, notice shall forthwith be given to the candidates affected thereby, addressed to their place of residence as given in the nomination papers, and stating the time and place, when and where such objections will be considered.</p>
When settled by secretary of state, auditor and attorney-general.	
When settled by county auditor, clerk and attorney.	
When settled by mayor or clerk.	
Notice to candidates affected.	
Duty of secretary of state as to vacancy.	<p>SEC. 11. When such certificate is filed with the secretary of state, he shall, in certifying nominations to the various county auditors, insert the name of the person thus nominated to fill a vacancy in place of the original nominee; and in the event that he has already sent forward his certificate, he shall forthwith certify to the auditors of the proper counties the name and description of the person so nominated to fill the vacancy, the office he is nominated for, with the other details mentioned in certificates of nomination filed with the secretary</p>
Contents of certificate.	

of state; he shall immediately certify the name so supplied to the authorities charged with the printing of the ballots. The name so supplied for the vacancy shall, if the ballots are not already printed, be placed on the ballots in place of the name of the original nominee; or, if the ballots have been printed, new ballots, whenever practicable, shall be furnished.

Certificate to printer as to vacancy.

SEC. 12. Whenever it may not be practicable to have new ballots printed it shall be the duty of the election officer having charge of the ballots to place the name supplied for the vacancy upon each ballot issued before delivering it to the voter; the name so supplied may be placed upon the ballots either by affixing a paster, or by writing or stamping the name on the ballot; and to enable this to be done, the officer with whom the certificates of nomination are to be filed, shall immediately furnish the name of such substituted nominee to all judges of election within the territory in which such nominee may be a candidate; provided, that in all cases where certificates of nomination or nomination papers are filed with the secretary of state he shall be required only to immediately furnish the name of such substituted nominee to the county auditors within said territory and it shall then be the duty of the county auditor to furnish such information to the judges of election as hereinbefore stated.

When new ballots cannot be printed.

Name of substitute furnished to judges.

Secretary of state furnish names of substitute to county auditor and auditor to the judge.

SEC. 13. Not less than fifteen (15) days before an election to fill any public office the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and residence of each person nominated for such office, as specified in the certificates of nomination or nomination papers filed with the secretary of state.

Secretary of state to furnish county auditor names 15 days before election.

SEC. 14. The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot; all nominations of any political party or group of petitioners being placed under the party appellation or title of such party or group, as designated by them in their certificates of nomination or petitions, or, if none be designated, then under some suitable title, and the ballot shall contain no other names, except that, in case of electors for president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political designation. If a constitutional amendment or other public measure is submitted to a vote, such question shall be printed upon the ballot after the lists of candidates, and words calculated to aid the voter to answer any question submitted, to vote may be added, such as "Yes," "No," or the like. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a *fac simile* of the

Names of all candidates printed on one ballot.

Ballot to contain no other names.

Constitutional amendment.

Form of.

White paper only to be used for ballots.	signature of the auditor or other officers who has caused the ballot to be printed. The ballots shall be on plain white paper, through which the printing or writing cannot be read. The party appellation or title shall be printed in capital letters, not less than one-fourth of an inch in height; and a circle one-half inch in diameter should be printed at the beginning of the line in which such appellation or title is printed. The names of candidates shall be printed in capital letters, not less than one-eighth nor more than one-fourth of an inch in height and at the beginning of each line in which the name of a candidate is printed a square shall be printed, the sides of which shall not be less than one-fourth of an inch in length. The list of candidates for the several parties and groups of petitioners shall be placed in separate columns on the ballots, in such order as the authorities charged with the printing of the ballots shall decide. Each of the columns containing the list of candidates including the party appellation shall be separated by a distinct line.	○ UNION LABOR.
How printed.	The names of candidates shall be printed in capital letters, not less than one-eighth nor more than one-fourth of an inch in height and at the beginning of each line in which the name of a candidate is printed a square shall be printed, the sides of which shall not be less than one-fourth of an inch in length. The list of candidates for the several parties and groups of petitioners shall be placed in separate columns on the ballots, in such order as the authorities charged with the printing of the ballots shall decide. Each of the columns containing the list of candidates including the party appellation shall be separated by a distinct line.	○ PROHIBITION.
Party tickets separated by a line.	The list of candidates for the several parties and groups of petitioners shall be placed in separate columns on the ballots, in such order as the authorities charged with the printing of the ballots shall decide. Each of the columns containing the list of candidates including the party appellation shall be separated by a distinct line.	○ DEMOCRATIC.
County auditor to have charge of printing.	SEC. 15. For all elections to which this act applies, the county auditors in their respective counties shall have charge of the printing of the ballots for all general elections, and shall furnish them to the judges of such elections. The city clerk and recorder of incorporated towns shall have charge thereof and furnish them in all municipal elections. Ballots shall be printed and in the possession of the officer charged with their distribution at least two (2) days before	○ REPUBLICAN.
City clerk to have charge of tickets.	Ballots shall be printed and in the possession of the officer charged with their distribution at least two (2) days before	○

For Governor, A. J. WESTFALL.  
 For Lieutenant-Governor, WILLIAM S. SCOTT.  
 For Judge of Sup. Court, T. F. WILLIS.

For Governor, ISAAC T. GIBSON.  
 For Lieutenant-Governor, J. G. LITTLER.  
 For Judge of Sup. Court, DANIEL B. TURNEY.

For Governor, HORACE BOIES.  
 For Lieutenant-Governor, S. L. BESTOW.  
 For Judge of Sup. Court, L. G. KINNE.

For Governor, HIRAM C. WHEELER.  
 For Lieutenant-Governor, GEO. VAN HOUTEN.  
 For Judge of Sup. Court, S. W. WEAVER.

(And continuing in like manner as to all candidates to be voted for at such elections.)

the election, and subject to the inspection of candidates and their agents. If any mistakes be discovered they shall be corrected without delay. The officers so charged with the printing of the ballots shall cause to be delivered to the judges of election, at the polling place of each voting precinct, not less than twelve (12) hours before the time as fixed by law for the opening of the polls therein, one hundred (100) ballots of the kind to be voted in such precinct for every fifty (50) votes or fraction thereof cast therein at the last preceding election for state officers. Such ballots shall be put up in separate sealed packages, with marks on the outside clearly designating the polling place for which they are intended, and the number of ballots enclosed and receipt therefor shall be given by the judge or judges of election to whom they are delivered, which receipt shall be preserved by the officer charged with the printing of the ballots. The officer or authorities charged with the printing and distributing of the ballots shall provide and retain at his or their office an ample supply of ballots in addition to those distributed to the several voting precincts, and if at any time, on or before the day of election the ballots furnished to any precinct shall be lost, destroyed or exhausted, before the polls are closed, on written application, signed by a majority of the judges of such precinct or signed and sworn to by one of such judges, he shall immediately cause to be delivered to such judges, at the polling place, such additional supply of ballots as may be required, and sufficient to comply with the provisions of this act.

100 ballots furnished for every 50 voters.

Sealed packages.

Receipts taken

Supply of ballots retained.

Lost or exhausted.

Additional ballots, how furnished.

SEC. 16. Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people, such amendment or other public measure shall be printed in full upon the ballot, preceded by the words: "Shall the following amendment to the constitution (or public measure) be adopted?" Two spaces shall be left upon the right hand margin, one for votes favoring the amendment, or public measure, to be designated by the word "Yes," and one for the votes opposing the amendment or measure to be designated by the word "No," as in the form herein given.

Constitutional amendments, how proposed and voted on.

Shall the following amendment to the constitution (or public measure) be adopted:

Proposition, how made on the ballots.

[Here insert in full the proposed public measure or constitutional amendment.]

YES	X
NO	

Plan of marking ballot.

The elector shall designate his vote by a cross-mark, thus (x).

SEC. 17. The officer or officers, whose duty it is to have the ballots printed, shall prepare full instructions for the guidance of voters at each election, as to obtaining ballots, as to the manner of marking them and the the method of gaining assistance, and as to obtaining new ballots in place of those acci-

Full instructions to be furnished voters.

Ballots spoiled	dentally spoiled; and they shall respectively cause the same, together with copies of sections 22, 23, 24, 25, 26, 27, 28 and 29 of this act to be printed in large, clear type on separate cards, to be called cards of instruction; and such officer or officers shall furnish to the judges of election a sufficient number of such cards of instruction to enable the judges of election to comply with the provisions of this act.
Cards of instructions.	
Judge to cause cards to be posted.	SEC. 18. The judges of election shall cause not less than one of such cards to be posted in each voting booth or apartment provided for the preparation of ballots, and not less than four (4) of such cards to be posted in and about the polling place upon the day of election. Judges of election shall, not less than five (5) days prior to an election, cause to be conspicuously posted in five or more public places in their voting precinct a card of instruction and a specimen ballot printed on colored paper, containing the names, residence and party or political affiliation of all candidates nominated, as herein provided and to be voted for in such precinct, substantially in the form of the general ballot to be used. The county auditor shall cause to be published prior to the day of election in at least two newspapers, if there be so many published in such county, representing the political parties which cast at the preceding general election the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for at such election as near as may be in the form in which they shall appear upon the general ballot; provided that publication by the county auditor shall not be required for or apply to the election of township or municipal officers.
Cards posted on election day	
Sample ballot.	
Tickets to be printed in a newspaper as they will appear.	
How election boards composed.	SEC. 19. Election boards shall be composed of three judges and two clerks. The judges of election of their respective election precincts shall have charge of the ballots and furnish them to the voters as hereinafter set forth. Not more than two judges and not more than one clerk shall belong to the same political party or organization; provided, always, there be one or more electors qualified and willing to act as such judge or clerk, and belonging to and a member or members of opposite parties. In municipalities the councilmen or trustees shall be ex-officio judges of election; provided, that in case more than two councilmen or trustees belonging to the same political party or organization be residents of the same election precinct, the county board of supervisors may designate which of the councilmen or trustees shall serve as judges at general elections in such precincts. In township precincts the clerk of the township shall be ex-officio, a clerk of election of the precinct in which he resides, and the trustees of the township shall be ex-officio judges of election, except that in townships not divided into election precincts, if all the trustees be of the same political party, those two only whose terms expire in one
Represent different political parties.	
Councilmen or trustees to be judges.	
Board of supervisor may designate judges.	
Clerk of election.	
Township trustees to be judges.	

and two years, shall be ex-officio judges of such precinct. The membership of such election board shall be completed by the board of supervisors from the party unrepresented which cast the largest or next largest number of votes in said precinct at the last general election; and as now provided by law and in conformity with this act; provided, that in all city elections the powers and duties hereinbefore given and made incumbent upon the board of supervisors shall be exercised and performed by the city council or trustees of incorporated towns. If at the opening of the polls in any precinct there shall be a vacancy in the office of clerk or judge of election, the same shall be filled by the members of the board present and from the political party which is entitled to such vacant office under the provisions of this act.

City council  
may select  
judges.

Vacancy, how  
filled.

SEC. 20. It shall be the duty of the township trustees, and, in cities and towns, of the mayor and clerk or recorder, to provide suitable places in which to hold all elections provided for by this act, and to see that the same are warmed, lighted and furnished with proper supplies and conveniences, including a sufficient number of booths, shelves, pens, penholders, ink, blotters and pencils as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots, screened from all observation as to the manner in which they do so. A guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six (6) feet of the ballot box, and of such voting booths. The arrangements shall be such that the voting booths can only be reached by passing within said guard-rail. They shall be in plain view of the election officers, and both they and the ballot boxes shall be in plain view of those outside of the guard-rail. Each of said booths shall have three sides enclosed, one side in front, to open and shut by a door swinging outward or to be closed with a curtain. Each side of each booth shall be seven (7) feet high, and the door or curtain shall extend to within two (2) feet of the floor, which shall be closed while the voter is preparing his ballot; and such booths shall be well lighted. Each booth shall be at least three (3) feet square, and shall contain a shelf at least one (1) foot wide, at a convenient height for writing. No person other than the election officers and the challengers allowed by law and those admitted for the purpose of voting as hereinafter provided, shall be permitted within the guard-rail, except by the authority of the election officers, to keep order and enforce the law. The number of such voting booths shall not be less than one (1) to every sixty (60) voters, or fraction thereof, who voted at the last preceding election in the precinct. The expense of providing booths and guard-rails, and other things required in this act, shall be paid in the same manner as other election expenses. Said booths or compart-

Duty of the  
trustees or  
mayor, clerk or  
recorder to pro-  
vide place for  
holding elec-  
tion.

Plan of booths,  
guard-rail and  
box.

Must be in  
plain view.

Booths, how  
constructed  
and operated.

Who admitted  
inside of guard-  
rail.

Average num-  
ber of booths  
to voters.

Booths to be permanent and be reserved for future elections.

Election held in certain school houses.

Precinct where registration is required.

Judge announces name.

One ballot only allowed voter.

Indorsement on back of ballot.

If not registered he must comply with law before receiving a ballot

Where challenged.

Voters in excess of booths not allowed in space enclosed.

Applicable where registration not required.

Voter must retire to booth and prepare ballot.

Directions to prepare ballot.

Directions for voting a "straight ticket."

ments shall be so built and arranged, if possible, as to be permanent, so that after the election they may be taken down and deposited with the township or city clerk or town recorder, as the case may be, for safe keeping for all future use. In all cases where it is practicable, in precincts outside of cities and towns, the elections shall be held in the public school building, for the use of which there shall be no charge. But all damage to the building or furniture shall be a just claim against the county.

SEC. 21. Any person desiring to vote in precincts where registration is required, shall give his name, and, if required to do so, his residence, to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear and audible; and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat such name, and the voter shall be allowed to enter the space enclosed by the guard-rail, as above provided. One of the judges shall give the voter one, and only one ballot, on the back of which such judge shall endorse his initials in such manner that they may be seen when the ballot is properly folded, and the voter's name shall immediately be checked on the registry list. At all elections, where registration is required, if the name of any person desiring to vote at such election is not found on the register of voters, he shall not receive a ballot until he shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he shall not receive a ballot until he shall have established his right to vote in the manner provided by law. Besides the election officers, not more than two voters in excess of the whole number of voting booths provided shall be allowed in said enclosed space at one time. This section shall apply to and govern, where applicable, all persons desiring to vote in precincts where registration is not required.

SEC. 22. On receipt of his ballot, the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting booths so provided, and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space on said ticket, making a cross (X) opposite thereto; and in case of a question submitted to the vote of the people, by making in the appropriate margin or place a cross (X) against the answer he desires to give; provided, however, if he shall desire to vote for all the candidates of one political party, or group of petitioners, he may place such mark at the appropriate place, preceding the appellation or title under which the names of the candidates

of such party or group of petitioners, are printed; and the ballots so marked shall be counted as cast for all the candidates named after that title; provided, further, that the voter may place such mark at the appropriate space preceding the appellation or title of any one party or group of petitioners, and may also mark, at the appropriate place preceding the name or names of one or more candidates printed under the appellation or title of some other party, or group of petitioners, and a ballot so marked shall be counted as cast for all candidates named under the appellation or title which has been so marked, except as to the officers to which he has placed such mark preceding the name or names of some other candidate or candidates printed under the title of some other party or group of petitioners, and as to such, it shall be counted as cast for the candidate or candidates preceding whose name or names such mark may have been placed. Before leaving the voting booth the voter shall fold his ballot in such manner as to conceal the marks thereon. The number of the voter on the poll books or register list shall not be endorsed on the back of his ballot. He shall mark and deposit his ballot without undue delay, and shall quit said enclosed space as soon as he has voted. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said enclosed space more than ten minutes, nor to occupy a voting booth more than five minutes, in case all of said voting booths are in use and other voters waiting to occupy the same. No voter, not an election officer, shall, after having voted, be allowed to enter said enclosed space during said election. No person shall take or remove any ballot from the polling place before the close of the poll. No voter shall vote, or offer to vote, any ballot except such as he has received from the judges of election in charge of the ballots. Any voter who shall, by accident or mistake, spoil his ballot, may on returning said spoiled ballot to the election judges, receive another in place thereof. Any voter who, after receiving an official ballot, decides not to vote, shall, before retiring from within the guard rail, surrender to the election officers the official ballot which has been given him; and a refusal to surrender such ballot shall subject the person so offending to immediate arrest and the penalties affixed in section 27 of this act.

Sec. 23. Any voter who may declare upon oath that he cannot read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls. Such officers shall mark the ballot

May also vote for one or more candidates of some other party.

How counted.

Ballot must be folded to conceal marks thereon.

Must vote without delay.

Voters must not remain in booths nor the enclosure.

Must not re-enter.

Ballots must not be removed.

Regular ballots only can be used.

Spoiled ballots

If voting is deferred ballot must be returned.

Where voter cannot read.

May be assisted in marking his ballot.

Such officer must not divulge marking.	as directed by the voter, and shall thereafter give no information regarding the same. The clerks of election shall enter upon the poll lists, after the name of any elector who received such assistance in marking his ballot, a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his ballot.
Memoranda.	
Intoxication.	
Employees may absent themselves two hours.	SEC. 24. Any person entitled to vote at a general election in this state shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of two hours, between the time of opening and closing the polls, and such voter shall not, because of so absenting himself, be liable to any penalty, or shall any deduction be made on account of such absence from his usual salary or wages; provided, however, that application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall subject an employe to a penalty or deduction of wages because of the exercise of such privilege, or who shall in any manner attempt to influence or control such voter as to how he shall vote, by offering any reward or by threatening his discharge from employment, or otherwise intimidating him from a full and free exercise of his right to vote, or shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor, and be fined in any sum not less than five dollars (\$5) or more than one hundred dollars (\$100).
To suffer no deduction from wages.	
Employer may specify hours.	
Penalty for refusal or deduction of wages.	
Intimidation or reward punished.	
Excess of markings on ballot.	SEC. 25. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provision of this act shall be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers, shall be marked "objected to" on the back thereof, and a memorandum, signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked; and all ballots marked "defective" or "objected to," shall be enclosed in an envelope, securely sealed, and so marked and indorsed as to clearly disclose its contents. All ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned by the judges of election to the officer or authorities charged with the printing and distribution of the ballots, and a receipt taken therefor, and shall be preserved for six
All ballots must have official endorsement.	
"Defective" and rejected ballots.	
Defective ballots sealed and marked.	
Spoiled and unvoted ballots must be returned.	

months. Such officer shall keep a record of the number of ballots delivered for each polling place, the name of the person to whom, and the time when delivered, and he shall also enter upon such record the number and character of the ballots returned, with the time when and the person by whom they are returned. When the canvass shall have been completed as now provided by law, the clerks shall announce to the judges the total number of votes received by each candidate; at least one judge of the election shall then proclaim in a loud voice the total number of votes received by each of the persons voted for and the office for which he is designated, as announced by said clerks, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people; immediately after making such proclamation, and before separating, the judges shall fold in two folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them except those marked "objected to," unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied without breaking the seal, enclose the ballots so strung in an envelope and securely seal such envelope in such a manner that it cannot be opened without breaking the seal, and return said ballots, together with the package with the ballots marked "defective" or "objected to," in such sealed package or envelope, to the proper auditor, clerk or recorder, as the case may be, from whom the same were received, and such officer shall carefully preserve such ballots for six months, and at the expiration of that time shall destroy them by burning without previously opening the package or envelope. Such ballot shall be destroyed in the presence of the official custodian thereof, and two electors of approved integrity and good repute and members respectively of the two leading political parties. The said electors shall be designated by the chairman of the board of supervisors of the county in which such ballots are kept; provided, that if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections, the parties contesting the same shall have the right to have said ballots opened, and to have all the errors of the judges in counting or refusing to count any ballots, corrected by the court or body trying such contest; but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof.

Sec. 26. No person whatever, shall do any electioneering or soliciting of votes on election day within any polling place, or within one hundred (100) feet of any polling place. No person shall interrupt, hinder or oppose any voter while

Record of ballots, time of delivery and person to whom delivered.

Proclamation as to number of votes received by candidate.

Regular ballots must be strung on wire.

String sealed.

Strung ballots returned to auditor or clerk.

Ballots preserved six months and burned.

Witnesses selected.

Contested ballots not destroyed.

Procedure in case of contest.

Ballots opened.

Electioneering in certain cases prohibited.

Punishment for violation.	<p>approaching the polling place for the purpose of voting. Whoever shall violate the provisions of this section shall be punished by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars or imprisonment for not less than ten (10) days, nor exceeding thirty (30) days, or by both fine and imprisonment, for each and every offense; and it shall be the duty of the judges of election to enforce the provisions of this section.</p>
Duty of judge to enforce law.	<p>SEC. 27. Any voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere, with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter, before voting, to show how he marks, or has marked his ballot, or any person who shall mark or cause in any manner to be marked, on any ballot, any character for the purpose of identifying said ballot, shall be punished by a fine of not less than five dollars (\$5) nor more than one hundred dollars (\$100), or imprisonment for not less than ten days (10), nor exceeding thirty days (30), or by both fine and imprisonment; and it shall be the duty of the election judges to enforce the provisions of this section.</p>
Exposure of ballot.	<p>SEC. 28. Any person who shall, prior to any election, willfully destroy or deface any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall willfully deface, tear down, remove or destroy any card of instruction or specimen ballot, printed and posted for the instruction of voters, or who shall, during an election, willfully remove or destroy any of the supplies or conveniences furnished to enable voters to prepare their ballots, or shall willfully hinder the voting of others, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or imprisonment for not less than ten (10) days nor exceeding thirty (30) days, or by both fine and imprisonment.</p>
False statement. Intemperance.	<p>SEC. 29. Any person who shall falsely make, or willfully destroy, any certificate of nomination, or nomination papers, or any part thereof, or any letter of withdrawal, or file any certificate of nomination, or nomination papers, knowing the same, or any part thereof, to be falsely made, or suppress any certificate of nomination, or nomination papers, or any part thereof, which have been duly filed, or forge, or falsely make the official endorsement on any ballot, or substitute therefor any spurious or counterfeit ballot, or make, use, circulate, or cause to be made or circulated, as an official ballot, any paper printed in imitation or resemblance thereof, or willfully destroy or deface any ballot, or willfully delay the delivery of any</p>
Inducements as to marking or to designate ballots.	
Punishment for above offense.	
Judge to enforce law.	
Willful destruction of lists, cards or specimen ballots printed or posted.	
Willful destruction of supplies or hindrance of voters punished.	
Certificates of nomination, letter of withdrawal falsely made, punished	
Imitation ballots or paper, delay in delivery of ballots, punished.	

ballots, shall be punished by a fine of not less than one hundred dollars (\$100), and not exceeding one thousand dollars (\$1000), or by imprisonment in the penitentiary not less than one year and not exceeding five years, or by both fine and imprisonment.

Sec. 30. Any public officer upon whom a duty is imposed by this act who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the object of this act, or shall disclose to any one except as may be ordered by any court of justice, the contents of any ballot, as to the manner in which the same may have been voted, shall be punished by a fine of not less than five dollars (\$5), nor more than one thousand dollars (\$1000) or by imprisonment in the penitentiary for not less than one year, and not exceeding five years, or by both fine and imprisonment.

Sec. 31. It shall be the duty of the secretary of state, with the aid and advice of the attorney-general, to cause three thousand copies of this act to be printed immediately, in pamphlet form, with all necessary forms and instructions, to assist election officers to carry it into effect, and to distribute the same among the county auditors of the several counties of the state.

Sec. 32. At all elections to which this act applies the polls shall be opened at eight o'clock in the morning, and shall be closed at six o'clock in the evening, but may be held open until eight o'clock in the evening provided a proclamation was so made at the time of the opening of the polls.

Sec. 33. It shall be the duty of the board of supervisors of each county at their June meeting after the passage of this act, to select two newspapers, one from each of the two political parties casting the greatest number of votes for governor at the election in 1891, in which this law shall be published; provided, that the payment for such publication shall be fixed by said board of supervisors, but in no case shall it exceed the sum of thirty dollars to each newspaper publishing the same. When the board of supervisors has selected the newspapers in which the law shall be published, it shall be the duty of the county auditor to certify such action to the secretary of state, who shall at once furnish to each of said papers a copy of the law, and upon the receipt by the secretary of state of a copy of said paper with an affidavit of the publisher, or business manager, that the law was published in each and every copy of said paper on a certain date (which shall not be later than thirty days after its receipt from the secretary of state), the secretary of state shall certify the amount fixed for payment for the publication of this law in said paper to the state auditor who shall draw his warrant on the state treasurer for the sum named; provided, that the non-publication of this law, as herein provided, shall not invalidate the law.

Willful obstruction or negligence of officers punished.

Contents of ballot not divulged.

Three thousand copies of law printed in pamphlet.

Hours for holding the polls open.

Two newspapers selected in which law is to be published

Compensation not to exceed \$30.

Newspaper certified by county auditor.

Auditor of state draws warrant on certificate of secretary of state.

Law not appli-  
cable in cer-  
tain cases.

SEC. 34. That the provisions of this act shall not apply in so far as they may conflict with chapter 71, Acts of the Seventeenth General Assembly, relating to the election of township assessor and road supervisors.

Repealing  
clause.

SEC. 35. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 2, 1892.

## CHAPTER 34.

### NOTICE TO UNKNOWN DEFENDANTS.

S. F. 290.

AN ACT to amend Sections No. 2623 and 2624, Chapter 6, Title 17 of the Code, relating to notice to unknown defendants.

*Be it enacted by the General Assembly of the State of Iowa:*

Section 2623,  
code amended.

SECTION 1. That section 2623 of the Code, be and the same is hereby amended, by inserting after the word "court," in the first line of the section and before the word "shall" following it the words "or judge thereof in vacation."

"Judge thereof  
in vacation.

Section 2624  
code amended.

That section 2624 be and the same is hereby amended by inserting after the word "court" in the first line thereof and before the word "on" following it, the words "or judge thereof" and by inserting between the words "its" and "approval" in said first line, the words "or his."

Publication  
clause.

SEC. 2. The immediate taking effect of this act being deemed of importance it shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader.

Approved April 6, 1892.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 16, and the *Des Moines Leader*, April 9, 1892.

W. M. MCFARLAND, *Secretary of State.*