

indebtedness issued by authority of and according to law of this or any other state when such bonds are at or above par.

**SEC. 7. Power to lease city property.** That any such city, by a two-thirds vote of its council shall have authority to lease any city property for a term of not exceeding one year, from the date of leasing the same, wherein the judgment of the council expressed by a two-thirds vote thereof, any such property may not be needed for the immediate use of such city.

Approved April 8, A. D. 1909.

## CHAPTER 68.

### COMMENCEMENT OF TERMS OF OFFICE.

S. F. 338.

AN ACT to amend the law as it appears in section ten hundred sixty (1060) of the supplement to the code, 1907, relating to the time of the commencement of the term of officers chosen at a general election.

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

**SECTION 1. Term of office.** That the law as it appears in section ten hundred sixty (1060) of the supplement to the code, 1907, be amended by striking out in the second line thereof the words, "first Monday" and inserting in lieu thereof the words, "second secular day".

**SEC. 2. Acts in conflict repealed.** All parts of acts in conflict with this act are hereby repealed.

Approved April 16, A. D. 1909.

## CHAPTER 69.

### PRIMARY ELECTIONS.

S. F. 113.

AN ACT to amend the law as it appears in sections one thousand eighty-seven-a one (1087-a1), one thousand eighty-seven-a five (1087-a5), one thousand and eighty-seven-a six (1087-a6), one thousand eighty-seven-a ten (1087-a10), one thousand eighty-seven-a twelve (1087-a12), one thousand eighty-seven-a fourteen (1087-a14), one thousand eighty-seven-a nineteen (1087-a19), one thousand eighty-seven-a twenty-one (1087-a21), one thousand eighty-seven-a twenty-two (1087-a22), one thousand eighty-seven-a twenty-three (1087-a23), one thousand eighty-seven-a twenty-four (1087-a24), one thousand eighty-seven-a twenty-five (1087-a25), one thousand eighty-seven-a twenty-six (1087-a26), and one thousand eighty-seven-a twenty-seven (1087-a27) of the supplement to the code, 1907, and to repeal the law as it appears in sections one thousand eighty-seven-a thirteen (1087-a13), one thousand eighty-seven-a fifteen (1087-a15) and one thousand eighty-seven-a eighteen (1087-a18) of the supplement to the code, 1907, and to enact substitutes therefor, all relating to the holding of primary elections by political parties.

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

**SECTION 1. Offices affected.** That the law as it appears in section one thousand eighty-seven-a 1 (1087-a 1) of the supplement to the code, 1907, be, and the same is hereby amended by striking out of said section all after the period following the word "provided," in the fourteenth line thereof.

**SEC. 2. Expenses—compensation of judges and clerks.** That the law as it appears in section one thousand eighty-seven-a 5 (1087-a 5) of the supplement to the code, 1907, be, and the same is hereby amended by striking [out] the comma following the word "election" in the sixth line of said section, and inserting

in lieu thereof a period; and by striking out of said section all after said period and inserting in lieu thereof the following:

"The expenses of the primary election shall be audited by the board of supervisors of each county and be paid the same as the expenses of the general election. The compensation of the judges and clerks of the primary election shall be the sum of twenty-five cents per hour for all official services rendered by any such judge or clerk at any such election."

**SEC. 3. Polls open.** That the law as it appears in section one thousand eighty-seven-a 6 (1087-a 6) of the supplement to the code, 1907, be, and the same is hereby amended by striking out of said section the certain figures, characters, letters, and words after the word "from" and before the article "the" in the seventh line of said section, to-wit: "1:00 p. m. to 8:00 p. m." and inserting in lieu thereof the following: "nine o'clock a. m. to eight o'clock p. m."

**SEC. 4. Nomination papers—when destroyed—affidavit of candidacy—when filed.** That the law as it appears in section one thousand eighty-seven-a 10 (1087-a 10) of the supplement to the code, 1907, be and the same is hereby amended by inserting a comma immediately after the word "county" in the eighteenth line of said section and by inserting immediately after said comma the following: "or a candidate for party committeeman,"; and by striking out from said section all of line sixty-one after the word "am"; and by adding to said section after the period at the end thereof, the following: "All nomination papers shall be destroyed at the same time and in the manner in which the primary election ballots are destroyed."; and by striking out the word "thirty" in line fifty-four and inserting in lieu thereof the word "fifteen".

**SEC. 5. Nominations certified to county auditor—order on ballot designated—notice published.** That the law as it appears in section one thousand eighty-seven-a 12 (1087-a 12) of the supplement to the code, 1907, be and the same is hereby amended by striking out of said section all after the period following the word "nomination" at the end of the seventh line of said section, and inserting in lieu thereof the following:

"Such lists shall also designate the order in which the names of all candidates for the office of senator in the congress of the United States and for offices to be filled by the voters of the entire state shall be arranged and printed upon the primary election ballots in each county, in the following manner, to-wit: The secretary of state shall prepare a list of the counties of the state for each political party by arranging the various counties in the order of the vote cast by each political party in each county for its candidate for governor at the last preceding general election, or for the head of the ticket of any political party when it had no candidate for governor at such election, numbering the counties consecutively on each list from 1 to 99, both inclusive, beginning with the county which cast the largest vote, which shall be numbered '1'. He shall then arrange the surnames of such candidates in alphabetical order for the respective offices for the several political parties for the first county on the respective lists; thereafter, for each succeeding county, the names appearing first for the respective offices in the last preceding county shall be placed last, so that the names that occupied second position before the change shall occupy first position after the change. Such auditor shall forthwith publish a proclamation of the time of holding the primary election, the hours during which the polls will be open, the offices for which candidates are to be nominated and that the primary election will be held in the regular polling places in each precinct. Such notice shall be published once each week for two consecutive weeks before the primary election, in not to exceed two newspapers of general circulation in such county. One of such newspapers shall represent the political party which cast the largest vote in such county

at the last preceding general election, and the other, if any, that shall represent the political party which cast the next largest vote in such county at such general election. The county auditor shall correct any errors or omissions in names of candidates and any other errors brought to his knowledge before the printing of the ballots."

**SEC. 6. Repeal—printing—order of names on ballot.** That the law as it appears in section one thousand eighty-seven-a 13 (1087-a 13) of the supplement to the code, 1907, be, and the same is hereby, repealed and the following enacted as a substitute therefor:

"The names of the candidates of each political party for nomination for the several offices, and for party committeemen and blank spaces for the delegates to the county convention shall be printed in black ink on separate sheets of paper, uniform in color, quality, texture and size, with the name of the political party printed at the head of said ballots, which ballots shall be prepared by the county auditor in the same manner as for the general election, except as in this chapter otherwise provided. The names of candidates for the office of senator in the congress of the United States and for offices to be filled by the voters of the entire state shall be arranged and printed on the primary election ballots in the order in which they are certified by the secretary of state. The names of candidates for offices to be filled by the voters of a county, and by the voters of any district of the state composed of more than one county, shall be arranged and printed upon the primary election ballots in the following manner, to-wit: The county auditor shall prepare a list of the election precincts of his county, by arranging the various townships, towns and cities in the county in alphabetical order and the wards or precincts of each city, town or township in numerical order under the name of such city, town or township. He shall then arrange the surnames of all candidates for such offices alphabetically for the respective offices for the first precinct in the list; thereafter, for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The names of candidates for all offices to be filled by the voters of a territory smaller than a county shall be arranged and printed alphabetically according to the surnames for the respective offices."

**SEC. 7. Ballot—form.** That section one thousand eighty-seven-a 14 (1087-a 14) of the supplement to the code, 1907, be, and the same is hereby, amended by striking from said section the dotted line and square before it at the end of said section, and inserting in lieu thereof the following:

<input type="checkbox"/>	John Doe
<input type="checkbox"/>	Richard Roe
<input type="checkbox"/>	.....

**SEC. 8. Repeal—sample ballots.** That the law as it appears in section one thousand eighty-seven-a 15 (1087-a 15) of the supplement to the code, 1907, be, and the same is hereby, repealed and the following enacted as a substitute therefor:

"After the printing of the official ballots, the county auditor shall change a sufficient number thereof to supply each voting precinct in the county with ten sample ballots of each political party. The auditor shall change the same by writing or stamping the words "sample ballot" in red ink near the top of each of such ballots, and by signing his name or stamping a fac simile thereof and his title of office immediately thereunder. Such sample ballots shall not

be voted, received or counted in any primary election. The county auditor shall distribute such sample ballots with the official ballots, and it shall be the duty of the judges of election to see that such sample ballots are posted in and about the polling places upon the day of the primary election and before the opening of the polls."

**SEC. 9. Repeal—recount of ballots.** That the law as it appears in section one thousand eighty-seven-a 18 (1087-a 18) of the supplement to the code, 1907, be, and the same is hereby, repealed and the following enacted as a substitute therefor:

"Any candidate whose name appears upon the official primary ballot of any voting precinct may require the board of supervisors of the county in which such precinct is situated to recount the ballots cast in any such precinct as to the office for which he was a candidate, at the time fixed for canvassing the returns of the judges of election, by filing with the county auditor not later than the day before such meeting, a showing in writing, duly sworn to by such candidate, that fraud was committed, or error or mistake made, in counting or returning the votes cast in any such precinct as to the office for which he was a candidate. The showing must be specified and from it there must appear reasonable ground to believe that a recount of the ballots would produce a result as to his candidacy different from the returns made by the judges. If such showing is made to the satisfaction of the board, it shall thereupon recount the ballots cast in any such precinct for the office for which the contestant was a candidate, and if the result reached by the board on the recount of the ballots as to such office be different from that returned by the judges of election it shall be substituted therefor as the true and correct return and so regarded in all subsequent proceedings. The action of the board shall be final and no other contest of any kind shall be permitted. The term 'candidate' as used in this section shall include and apply to persons voted for for delegates and party committeemen."

**SEC. 10. Certificates.** That the law as it appears in section one thousand eighty-seven-a 19 (1087-a 19) of the supplement to the code, 1907, be, and the same is hereby, amended by inserting after the comma following the word "nominated" and before the word "together" in the twenty-sixth line of said section the following: "by reason of the failure of any candidate for any such office to receive thirty-five per centum of all the votes cast by such party for such office".

**SEC. 11. Published proceedings—what to contain.** That the law as it appears in section one thousand eighty-seven-a 21 (1087-a 21) of the supplement to the code, 1907, be, and the same is hereby, amended by adding after the period at the end of said section the following:

"The published proceedings of the board of supervisors as a canvassing board shall contain only a brief statement of the names of the candidates nominated by the electors of any county or subdivision thereof under the title of the office for which they are nominated, and a statement of the title of the office for which they are nominated, and a statement of the title of the county offices, if any, for which no nomination was made by any political party participating in the primary election for the failure of any one of its candidates for any office to receive thirty-five per centum of all the votes cast by the party for such office".

**SEC. 12. Certificates.** That the law as it appears in section one thousand eighty-seven-a 22 (1087-a 22) of the supplement to the code, 1907, be and the same is hereby, amended by inserting after the comma following the word "nominated" and before the word "together" in the twenty-fourth line of said section, the following: "By reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party for such office" and by adding after the period at the end of

said section the following: "The candidate of any party for the office of senator in the congress of the United States having received the highest number of votes of his party in the state, shall be the nominee of his party for such office and the secretary of state shall certify the result of said primary election as to such office to the next convening general assembly."

**SEC. 13. Vacancies.** That the law as it appears in section one thousand eighty-seven-a 24 (1087-a 24) of the supplement to the code, 1907, be, and the same is hereby, amended by striking from said section all after the period following the word "be" in the fourth line of said section down to and including the word "occurs" in the eight line and inserting in lieu thereof the following:

"Vacancies occurring in nominations made in the primary election before the holding of the county, district or state convention, shall be filled by the county convention if the office in which the vacancy in nomination occurs is to be filled by the voters of the county; by a district convention if the office in which the vacancy in nomination occurs is to be filled by the voters of a district composed of more than one county; by the state convention if the office in which the vacancy occurs is to be filled by the voters of the entire state. Vacancies in nominations in such offices occurring after the holding of a county, district or state convention, or on failure of any such convention to fill a vacancy in a nomination, as aforesaid, then it shall be filled by the party committee for the county, district or state, as the case may be. If a vacancy shall occur in any such office too late for the filing of nomination papers for candidates therefor in the primary election and before the holding of a county, district or state convention, as the case may be, then the convention having jurisdiction shall make nomination for such office; and if a vacancy in any such office shall occur after the holding of a county, district or state convention, then nomination for such office may be made by the party committee for the county, district or state, as the case may be. Vacancies in nominations for offices to be filled by the voters of a territory smaller than a county shall be filled by the members of the party committee for the county from such subdivision. Nominations made as above provided and as provided in sections one thousand eighty-seven-a 25 (1087-a 25), one thousand eighty-seven-a 26 (1087-a 26) and one thousand eighty-seven-a 27 (1087-a 27) of the supplement to the code, 1907, shall be certified forthwith to the proper officer by the chairman and secretary of the convention or committee as the case may be, and if received in time shall be printed upon the official ballots the same as if the nomination had been made in the primary election. Such certificate of nomination shall state the name, place of residence, and post office address of the person nominated, the office to which he is nominated and the name of the political party making the nomination."

**SEC. 14. County convention—delegates—committeemen.** That the law as it appears in section one thousand eighty-seven-a 25 (1087-a 25) of the supplement to the code, 1907, be and the same is hereby amended by striking out the word "third" in the fifth line of said section and inserting in lieu thereof the word "fourth"; and by inserting after the period following the word "convention" and before the word "one" in the nineteenth line of said section the following: "The term of office of such delegates shall begin on the day following the final canvass of the votes by the board of supervisors, and shall continue for two years and until their successors are elected"; and by inserting a period after the word "elected" in the twentieth line of said section; and by striking from said section all after said period to the word "his" in the twenty-first line; and by inserting after the period following the word "position" and before the word "returns" in the twenty-seventh line of said section the following: "The county central committee elected in the primary election shall organize on the day

of the convention, immediately following the same. Vacancies in such committee may be filled by majority vote of the committee"; and by striking out the words "such returns are filed" following the word "after" and before the word "notify" in the thirty-second line, and inserting in lieu thereof the words "the final count and canvass of the votes and returns by the board of supervisors"; and by changing the period following the word "election" in the forty-second line of said section to a comma and inserting after said comma and before the word "if" in the same line, the following: "by reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by inserting after the comma following the word "election" and before the word "as" in the forty-seventh line of said section the following: "by reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor,"; and by adding to said section after the period at the end thereof, the following: "but in no case shall the county convention make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the superior and district courts.;" and by inserting after the word "thereof" and before the word "thus" in line thirty-seven the following: "or when delegates representing a majority of the precincts".

**SEC. 15. District convention.** That the law as it appears in section one thousand eighty-seven-a 26 (1087-a 26) of the supplement to the code, 1907, be and the same is hereby amended, by inserting after the comma following the word "states" and the word "as" in the twenty-second line of said section, the following: "By reason of the failure of any candidate for any office to receive thirty-five per centum of all votes cast by his party therefor," and by inserting after the word "election" in the thirty-first line of said section a comma and immediately following said comma and before the word "as" in the same line, the following: "by reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by adding to said section after the period at the end thereof, the following: "But in no case shall any such convention of a party make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the district court."

**SEC. 16. State convention.** That the law as it appears in section one thousand eighty-seven-a 27 (1087-a 27) of the supplement to the code, 1907, be, and the same is hereby amended by striking out the words, "third Thursday" at the end of the third line of said section, and inserting in lieu thereof the words, "first Wednesday," and by striking out the words and language, "Thursday following primary election," following the word "fifth" in the fourth line of said section, and inserting in lieu thereof the following: "Wednesday following the county convention," and by inserting a comma after the word "election" in the sixteenth line of said section and inserting after said comma and before the word "as" in the same line, the following: "By reason of the failure of any candidate for any such office to receive thirty-five per centum of all votes cast by such party therefor," and by adding to said section after the period at the end thereof, the following: "But in no case shall the state convention of a party make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the supreme court."

**SEC. 17. Nominations certified to county auditor.** That the law as it appears in section one thousand eighty-seven-a 23 (1087-a 23) of the supplement to the code, 1907, is hereby amended by inserting after the word "convention" in line ten and before the comma following it the words, "or party committee".

Approved April 16, A. D. 1909.