

CHAPTER 60

ELECTIONS

H. F. 331.

AN ACT providing for three (3) receiving judges and three (3) counting judges in voting precincts having three hundred (300) or more votes. Also providing for additional election clerks, and their qualifications, and for two (2) ballot boxes in such precincts, and prescribing the manner of procedure in such precincts and the manner of qualifying of said officers and providing penalties for violation of the provisions of this act, and repealing all acts or parts of acts in conflict herewith.

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

1 SECTION 1. Counting Board. In all election precincts in Iowa
2 where three hundred (300) or more votes were cast in the last pre-
3 ceding general election, the board of supervisors may appoint for
4 each primary and general election three (3) additional judges and
5 two (2) additional clerks to be known as the election counting board.
6 Each of such appointees shall be of good moral character, well in-
7 formed, able to read, write and speak the English language, shall be
8 a voter in the election precinct in which he is to serve and entitled to
9 vote therein.

1 SEC. 2. Receiving board—selection of counting board. The
2 judges and clerks of election as provided in existing law shall be
3 known as the receiving board and it shall be their duty to supervise
4 the casting of ballots at said election, and the judges and clerks pro-
5 vided for in section one (1) of this act shall be known as the count-
6 ing board. The counting board shall be chosen from the two (2)
7 political parties casting the highest number of votes at the last gen-
8 eral election. Not more than two (2) judges nor more than one (1)
9 clerk shall belong to the same political organization, provided that
10 two (2) of such judges shall be chosen from the political party cast-
11 ing the highest number of votes at the last preceding general elec-
12 tion. The receiving board shall perform all the functions of judges
13 and clerks of election as now provided by law except as to counting
14 and certifying the vote as by this act provided.

1 SEC. 3. Counting of ballots. The counting board shall proceed
2 to their respective voting places to which they have been appointed
3 at one o'clock p. m., on election day, and shall take charge of the ballot
4 box containing the ballots already cast in that precinct. It shall re-
5 quire to a partitioned space or room provided for that purpose and there
6 proceed to count and tabulate the ballots as it shall find them deposited
7 in the ballot box. The receiving board shall continue to receive the
8 votes of electors in the other box provided, until such time as the count-
9 ing board shall have finished counting and tabulating the ballots cast
10 in the first ballot box. The two boards shall then exchange the first box
11 for the second box and so continue until they have counted and tabu-
12 lated all the votes cast on that election day. When the hour arrives
13 for closing the polls, the receiving board shall certify to all matters
14 pertaining to casting of ballots and shall then unite with the count-
15 ing board in the counting of ballots. The judges shall then divide
16 the ballots not counted and each group of judges and clerks shall

17 proceed to canvass their portion of the same. When the canvass has
18 been completed the judges and clerks shall report the result of their
19 canvass which report shall be incorporated in the returns provided
20 by law.

1 **SEC. 4. Ballot boxes.** It shall be the duty of the board of super-
2 visors to provide the judges of election with such ballot boxes and
3 other election supplies as may be required, to be furnished in dupli-
4 cate to accomplish the purpose of this act.

1 **SEC. 5. Manner of counting.** Whenever the counting board re-
2 ceives from the receiving board the ballot box they shall also be fur-
3 nished a statement from the receiving board giving the number of
4 votes as shown by the poll books up to that time, which shall equal
5 the number of votes in the ballot box. The counting board shall on
6 opening the ballot box first count the ballots therein. If the number
7 of ballots found in the ballot box exceeds the number as shown by the
8 statement received from the receiving board the counting judges shall
9 proceed to examine the official endorsement of said ballots, and, if
10 any ballots are found that do not bear proper official endorsement,
11 said ballots shall be kept separate and a record of such ballots shall
12 be made and returned under the head of excess ballots. The count-
13 ing board shall then proceed to count the ballots as now provided by
14 law.

1 **SEC. 6. Secrecy of ballot.** The space or room occupied by the
2 counting board shall be policed in such manner as to prevent any
3 person, or persons, from gaining information regarding the progress
4 of the count before the polls are closed.

1 **SEC. 7. Oath.** All judges and clerks shall take an oath as now
2 provided in existing law for judges of election and in addition to
3 such oath the counting board shall take the following oath:

4 "I do swear (or affirm) that
5 I will duly attend to the ensuing election during the continuance
6 thereof as a member of the counting board; that I will not, prior to
7 the closing of the polls, communicate in any manner, directly or in-
8 directly, by word or sign, the progress of the counting, nor the result
9 so far as ascertained, nor any information whatsoever in relation
10 thereto; that I will make and return a perfect return of the said elec-
11 tion, and will in all things truly, impartially and faithfully perform
12 my duty respecting the same to the best of my judgment and ability;
13 that I am not directly or indirectly interested in any bet or wager on
14 the result of this election."

15 This oath shall be administered by the clerk of the receiving board
16 who is hereby empowered to administer such oath.

1 **SEC. 8. Penalty.** Any judge or clerk violating the provisions
2 of this act shall be guilty of a misdemeanor, and, upon conviction
3 thereof, shall be liable to a fine of not to exceed five hundred (\$500.00)
4 dollars, or imprisonment in the county jail not to exceed six (6)
5 months. Any person so convicted shall be disfranchised for five
6 years thereafter. And anyone circulating or attempting to circulate
7 any information with reference to the result of the counted ballots
8 shall be guilty of a misdemeanor and punished as provided by this
9 section.

1 SEC. 9. **Persons present during count.** No person, or persons,
2 shall be admitted into the space or room where such ballots are being
3 counted until the polls are closed except the counting board.

1 SEC. 10. **Quarters furnished—guarding ballots.** Boards of su-
2 pervisors shall provide suitable places for the counting of ballots, but
3 when it becomes necessary to remove the ballot box from one room
4 to another, or from one building to another, and at all times when they
5 are in possession of the counting board, they shall be under constant
6 observation of at least two counting judges.

1 SEC. 11. **Township assessor.** When the precinct includes a
2 town, or a part thereof, together with territory outside the limits of
3 such town, the township trustees shall prepare a separate ballot box to
4 receive the vote for township assessor, which shall be on separate
5 ballots, and only the ballots of persons living outside the limits of
6 such town shall be placed in said ballot box.

1 SEC. 12. **Exception.** This act does not apply where voting ma-
2 chines are used.

1 SEC. 13. **Compensation.** Compensation for counting judges and
2 clerks shall be the same as now provided by law for clerks and judges
3 of election.

1 SEC. 14. **Applicability of act.** This act shall apply to all gener-
2 al and primary elections, but shall not apply to school elections or
3 town elections.

SEC. 15. **Certification of count—return of books and ballots.**
1 Both boards shall certify to all matters pertaining to counting and
2 canvassing of votes and shall return poll books and ballots to the
3 county auditor as provided by law.

1 SEC. 16. **Repeal clause.** This act is amendatory of existing law and
2 all acts or parts of acts in conflict herewith are hereby repealed in so
3 far as they conflict herewith.

Approved March 23, A. D. 1921.

CHAPTER 61

MUNICIPAL COURTS

H. F. 437

AN ACT to repeal section six hundred ninety-four-c forty-seven (694-c47), supple-
mental supplement to the code, 1915, and chapter 152, acts of the thirty-seventh
general assembly, (C. C. Sec. 6888), relating to salaries of judges and officers of
municipal courts, and to enact a substitute therefor.

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

1 SECTION 1. **Salaries.** That section six hundred ninety-four-c
2 forty-seven (694-c47), supplemental supplement to the code, 1915,
3 and chapter one hundred fifty-two (152), acts of the thirty-seventh