

CHAPTER 99

SCHOOLS AND SCHOOL DISTRICTS

AN ACT to amend the law as it appears in section four thousand ninety-five (4095) of the code, 1927, relating to the election to abolish a county high school.

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

1 SECTION 1. That the law as it appears in section four thousand
2 ninety-five (4095) of the code, 1927, be amended by striking the
3 words "twenty-five per cent of the voters at the last general election"
4 from lines two (2) and three (3) thereof, and inserting in lieu thereof
5 the following:

6 "five hundred voters".

7 Also amend said section by striking therefrom the following:

8 "Chapter two hundred seventy-eight shall apply to and govern the
9 matter including the manner of presenting and determining the suffi-
10 ciency of such petition and remonstrances thereto."

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 The Guthrian, a newspaper published at Guthrie Center, Iowa, and in
4 The Guthrie Vedette, a newspaper published at Panora, Iowa.

House File No. 227. Approved April 16, A. D. 1929.

I hereby certify that the foregoing act was published in the Guthrie Center Guthrian April 25, 1929, and the Guthrie Vedette (Panora) April 25, 1929.

ED. M. SMITH, *Secretary of State.*

CHAPTER 100

SCHOOL ELECTIONS

AN ACT to amend, revise, and codify the law as it appears in chapters two hundred eleven (211) and two hundred eleven-b one (211-b1) of the code, 1927, relating to school elections.

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

That chapters two hundred eleven (211) and two hundred eleven-b one (211-b1) of the code, 1927, are amended, revised, and codified to read as follows:

1 SECTION 1. **Regular election.** A regular election shall be held
2 annually on the second Monday in March in each school corporation
3 and in each subdistrict for the purpose of submitting to the voters
4 thereof any matter authorized by law, except that in all independent
5 school districts which embrace a city and which have a population
6 of one hundred twenty-five thousand or more such election shall be
7 held biennially on the second Monday in March of odd numbered
8 years.

1 SEC. 2. **Special election.** The board of directors in any school cor-
2 poration may call a special election at which election the voters shall
3 have the powers exercised at a regular election with reference to the
4 sale of school property and the application to be made of the proceeds,
5 the authorization of a schoolhouse tax or indebtedness, as provided
6 by law, for the purchase of a site and the construction of a necessary
7 schoolhouse, and for obtaining roads thereto.

1 **SEC. 3. Notice of election.** There shall be a written notice of all
2 regular or special elections, which notice shall be given not less than
3 ten days next preceding the day of the election, except as otherwise
4 provided in this section, and shall contain the date, the polling place,
5 the hours during which the polls will be open, the number of directors
6 or officers to be elected and the terms thereof, and such propositions
7 as will be submitted to and be determined by the voters.

8 In those corporations where registration is not required and in
9 which only one voting precinct has been established said notice shall
10 be posted by the secretary of the board in five public places in the
11 corporation.

12 In those corporations in which registration of voters is required or
13 in which more than one voting precinct has been established the
14 secretary shall post the notice in each precinct, and also publish it
15 once each week for two consecutive weeks preceding the election in
16 some newspaper published in the county and of general circulation
17 in the corporation.

18 In subdistricts said notice shall be posted in three public places
19 by the subdirector, or if there be none, or if the subdirector fails,
20 any voter of the subdistrict may secure from the county superin-
21 tendent the proper form for the required notice and post the same not
22 later than five days before the date of the election.

1 **SEC. 4. Nominations required.** Nomination papers for all candi-
2 dates for election to office in each independent city, town, or consoli-
3 dated district shall be filed with the secretary of the school board not
4 earlier than thirty days nor later than noon of the tenth day prior
5 to said election. Each candidate shall be nominated by a petition
6 signed by not less than ten qualified electors of the district, except
7 that in city independent districts where the regular election is held
8 biennially such petition shall be signed by not less than fifty qualified
9 electors of the district. To each such petition shall be attached the
10 affidavit of a qualified elector of the district that all the signers
11 thereof are electors of such district and that the signatures thereto
12 are genuine.

1 **SEC. 5. Precincts for voting.** School corporations other than city,
2 town, or village independent districts shall constitute a voting pre-
3 cinct, but the voting precincts at all school elections in corporations
4 in whole or in part in cities, towns, and villages shall be the same as
5 for the last general state election except that the board may con-
6 solidate two or more such precincts into one unless there shall be
7 filed with the secretary of the board at least twenty days before the
8 election, a petition signed by twenty-five or more electors of any
9 precinct requesting that such precinct shall not be consolidated with
10 any other precinct. To such petition shall be attached the affidavit
11 of a qualified elector of the precinct that all the signers thereof are
12 electors of such precinct, and that the signatures thereon are genuine.

13 In subdistrict elections the subdistrict shall constitute a single
14 voting precinct.

1 **SEC. 6. Territory outside city or town.** If there is within a school
2 corporation any territory not within the limits of a city or town the
3 board may divide the territory which lies outside the city but within

4 the school district into additional precincts, or may attach the vari-
5 ous parts thereof to such contiguous city precincts as will best serve
6 the convenience of the electors of said outside territory in voting on
7 school matters, but the voters within such territory shall not be
8 required to register.

1 **SEC. 7. Polling place.** In all school corporations the board shall
2 determine a suitable polling place in each precinct, which polling place
3 shall be, when practicable, the same place used by the last city or
4 state election.

5 In subdistricts the subdirector shall determine a suitable polling
6 place except that if there is no subdirector the polling place shall be
7 selected by the voter who posts the notices.

1 **SEC. 8. Printed ballots required.** In school corporations where
2 nomination of candidates for election to office is required the secre-
3 tary shall cause to be printed and delivered at the several polling
4 places a sufficient number of ballots printed on plain, substantial
5 paper of uniform quality, with no party designation or mark thereon.
6 Such ballots shall contain in alphabetical order the names of all can-
7 didates for each office, filed as provided by law, and a blank line for
8 each such officer to be elected. There shall be at the left of each name
9 and each blank line a square, and there shall also be a direction to
10 the voter as to the number of candidates to be voted for at said school
11 election.

1 **SEC. 9. Opening polls.** In all school corporations in which registra-
2 tion of voters is required the polls shall open at seven o'clock A. M.
3 and close at seven o'clock P. M.; in school corporations where regis-
4 tration of voters is not required composed in whole or in part of
5 cities, towns, or in consolidated school districts, the polls shall open
6 at twelve o'clock M. and close at seven o'clock P. M., except that in
7 districts where the board has combined voting precincts the board
8 may order the polls to open at seven o'clock A. M. and to close at
9 seven o'clock P. M.; in all other independent school districts and
10 school townships the polls shall open at one o'clock P. M. and remain
11 open not less than two hours; in subdistricts the polls shall open not
12 earlier than nine o'clock A. M. nor adjourn before twelve o'clock M.,
13 but shall remain open not less than two hours.

1 **SEC. 10. Judges of election.** In corporations consisting of one vot-
2 ing precinct the president and the secretary of the board, with one
3 of the directors shall act as judges of the election. If any such judge
4 of election is absent at the organization of the meeting the voters
5 present shall appoint one of their number to act in his stead.

6 In corporations consisting of more than one precinct the board in
7 such district shall appoint three voters of the precinct as judges of
8 the election and one voter of the precinct as clerk thereof. Not more
9 than one member of the board shall act as such judge at any one
10 voting precinct. If any person so appointed is absent or fails to
11 qualify the judge or judges attending shall fill the place by appoint-
12 ment of any voter present. Should all of the appointees fail to qualify
13 their places shall be filled by the voters from those in attendance.

14 In subdistrict elections the voters present shall select a chairman
15 and a secretary of the meeting who shall act as judges of the election.

1 **SEC. 11. Oath required to judges and clerks of election.** All judges
2 or clerks of election shall qualify before opening of polls by taking
3 the oath as provided for in sections seven hundred ninety-two (792)
4 and seven hundred ninety-three (793).

1 **SEC. 12. Right to vote.** To have the right to vote at a school
2 election a person shall have the same qualifications as for voting at
3 a general election and must have been for ten days prior to such
4 school election an actual resident of the corporation and precinct or
5 subdistrict in which he offers to vote.

1 **SEC. 13. Method of voting.** Voting at all school elections shall be
2 by ballot or by voting machines.

1 **SEC. 14. Ballot box—voting machines—poll books.** The board shall
2 provide the necessary ballot box or voting machine and poll books
3 for each precinct.

1 **SEC. 15. Voting machines.** Voting machines may be used for all
2 school elections in all precincts where the same are in use at general
3 elections and the names of the candidates and the propositions to be
4 voted upon shall be arranged thereon as by law provided. The state
5 and county, or either, as the case may be, shall without charge permit
6 the use for school elections of voting machines used at the general
7 elections, and the same shall be used according to the general election
8 law so far as applicable.

1 **SEC. 16. Precincts for registration.** In corporations where regis-
2 tration is required, except in those corporations where permanent
3 registration is otherwise provided for by statute, the board may con-
4 solidate precincts into registration districts as provided by law ap-
5 plicable to registration for general elections and shall designate suit-
6 able and convenient places for such registration.

1 **SEC. 17. Registrars appointed.** The board of directors of school
2 corporations where registration is required at general elections, except
3 where permanent registration is required, shall, not less than ten
4 days prior to the school election, appoint two registrars in each of the
5 registration districts of such school corporation for the registration
6 of voters therein who shall have the same qualifications as registrars
7 appointed for general elections and shall qualify in the same manner
8 and receive the same compensation to be paid by the school corpora-
9 tion. The person in custody of the registration books, records, and
10 poll books for the general election shall furnish the same to the board
11 of directors which shall distribute them to the proper registrars and
12 judges and they shall be used for registration for school elections
13 the same as the general elections, and shall, within ten days after
14 the school election, be returned to the proper custodian.

1 **SEC. 18. Registration days.** The registrars shall meet and remain
2 in session on election day only and during the time the polls are open.
3 In all respects except as in this chapter provided the general registra-
4 tion laws shall apply to registration for school elections wherein

5 registration is required for general elections, except that administra-
6 tive and clerical duties imposed thereby on the mayor and city clerk
7 shall be performed by the president and secretary of the board re-
8 spectively.

1 **SEC. 19. Canvassing the votes.** In school corporations consisting
2 of one precinct the judges of election shall canvass the vote and shall
3 issue certificates to all officers elected and make a record of the propo-
4 sitions adopted.

5 In corporations consisting of more than one precinct the judges
6 shall canvass the vote and make and certify a return to the secretary
7 of the corporation of the votes cast for officers and upon each ques-
8 tion submitted.

9 In a subdistrict the judges shall canvass the vote for subdirector
10 and issue a certificate of election to the person receiving the highest
11 number of votes, and shall immediately notify the secretary in writ-
12 ing of the subdirector elected and the votes for and against all propo-
13 sitions voted upon. They shall also canvass the vote for director-
14 at-large in those subdistricts where a director-at-large is voted for
15 and forthwith make certified returns thereof in a sealed envelope to
16 the secretary of the school township.

17 In all school corporations it shall be the duty of the secretary to
18 cause a permanent record to be made of the vote on each officer and
19 on each proposition submitted to the electors.

1 **SEC. 20. Canvassing returns.** On the next Monday after the elec-
2 tion in each corporation consisting of more than one precinct and in
3 each school township having an even number of subdistricts the
4 board shall canvass the returns made to the secretary, ascertain the
5 result of the voting with regard to every matter voted upon, declare
6 the same, cause a record to be made thereof, and at once issue a
7 certificate to each person elected.

1 **SEC. 21. Tie vote.** If there is a tie vote for any elective school
2 office in any school corporation or subdistrict the judges of election
3 or the board canvassing the returns, as the case may be, shall decide
4 the election by lot substantially as provided in section eight hundred
5 eighty-three (883).

1 **SEC. 22. Contested elections.** School elections may be contested
2 as provided by law for the contesting of other elections.

1 **SEC. 23. Number on board.** In any district including all or part
2 of a city of the first class or a city under special charter the board
3 shall consist of seven members; in all other independent city or town
4 districts, in consolidated districts, and in rural and village independent
5 districts having a population of over five hundred, the board shall
6 consist of five members; in all other rural and village independent
7 districts having a population of five hundred or less and in school
8 townships not divided into subdistricts the board shall consist of
9 three members; in school townships divided into subdistricts the
10 board shall consist of one subdirector from each subdistrict with a
11 director-at-large in those school townships that are divided into an
12 even number of subdistricts,

1 **SEC. 24. Term of office.** Members of the board in all independent
2 districts and undivided school townships shall be chosen for a term
3 of three years to succeed those whose terms expire and shall hold
4 office for the term for which elected and until their successors are
5 elected or appointed and qualified, except that in those independent
6 districts which embrace a city and which have a population of one
7 hundred and twenty-five thousand or more the term shall be six years.
8 In school townships divided into subdistricts the subdirector and the
9 director-at-large where one is required shall be chosen for a term of
10 one year.

11 In all school corporations and subdistricts the term of office shall
12 begin at the organization of the board on the third Monday of March.

1 **SEC. 25. Directors in new districts.** At the first election in newly
2 organized districts the directors shall be elected as follows:

3 1. In districts having three directors, one director shall be elected
4 for one year, one for two years, and one for three years.

5 2. In districts having five directors, one shall be elected for one
6 year, two for two years, and two for three years.

7 3. In districts having seven directors, three shall be elected for
8 one year, two for two years, and two for three years.

1 **SEC. 26. Treasurer.** In districts composed in whole or in part of
2 cities or towns a treasurer shall be chosen at the regular election.
3 He shall serve without pay and his term shall begin on the first
4 secular day of July and continue for two years and until his successor
5 is elected or appointed and qualified.

1 **SEC. 27. Qualification.** A school officer or member of the board
2 shall, at the time of election or appointment, be a qualified voter of
3 the corporation or subdistrict.

1 **SEC. 28. Oath required.** Each director elected shall qualify on or
2 before the time set for the organization of the board of the corpora-
3 tion in which he was elected by taking the oath required of civil
4 officers as provided in section ten hundred fifty-four (1054).

1 **SEC. 29. Vacancies.** Failure to qualify within the time prescribed
2 by law; the incumbent ceasing to be a resident of the district or sub-
3 district; the resignation or death of incumbent or of the officer-elect;
4 the removal of the incumbent from, or forfeiture of, his office, or the
5 decision of a competent tribunal declaring his office vacant; the con-
6 viction of incumbent of an infamous crime or of any public offense
7 involving the violation of his oath of office, shall constitute a vacancy.

1 **SEC. 30. Vacancies filled by election.** When vacancies are to be
2 filled at the annual meeting, at a special meeting called for that pur-
3 pose, or at the biennial meeting, as the case may be, the election
4 shall be for the number of years required to fill the vacancy and until
5 a successor is elected, or appointed, and qualified.

1 **SEC. 31. Surrendering office.** Each school officer or member of
2 the board upon the termination of his term of office shall immediately
3 surrender to his successor all books, papers, and moneys pertaining
4 or belonging to the office, taking a receipt therefor.

1 **SEC. 32. Penalties.** Any school officer wilfully violating any law
2 relative to common schools, or wilfully failing or refusing to perform
3 any duty imposed by law, shall forfeit and pay into the treasury of
4 the particular school corporation in which the violation occurs the
5 sum of twenty-five dollars, action to recover which shall be brought
6 in the name of the proper school corporation, and be applied to the
7 use of the schools therein.

1 **SEC. 33. Application of general election laws.** So far as applicable
2 all laws relating to the conduct of general elections and voting thereat
3 and the violation of such laws shall, except as otherwise in this chap-
4 ter provided, apply to and govern all school elections.

1 **SEC. 34. Absent voter's law.** In the application of the absent vot-
2 er's law as provided for in section nine hundred twenty-seven (927)
3 the secretary of the board shall perform the duties therein imposed
4 upon the county auditor or clerk of the city or town. In independent
5 districts in cities of the first class the board shall have power to
6 appoint such deputies as are necessary to enable him properly to
7 perform the duties imposed by this section.

1 **SEC. 35. "Annual" defined.** In independent school districts which
2 embrace a city and which have a population of one hundred twenty-
3 five thousand or more the word "annual" where it appears in sections
4 forty-two hundred seventeen (4217), forty-two hundred eighteen
5 (4218), forty-two hundred twenty-two-a two (4222-a2), forty-two
6 hundred twenty-three-b one (4223-b1), forty-two hundred twenty-
7 eight (4228), forty-three hundred fifty-four (4354), forty-four hun-
8 dred one (4401), forty-four hundred six (4406), forty-four hundred
9 fifty-three (4453), and forty-four hundred sixty-four (4464) shall
10 have the same force and be construed as "biennial".

1 **SEC. 36. Term of office.** In all independent school districts which
2 embrace a city and which have a population of one hundred twenty-
3 five thousand or more the term of office of the two directors which
4 would otherwise expire on the third Monday of March 1929 shall be
5 extended to expire on the third Monday of March of the year 1931,
6 and their successors shall be elected for a term of six years. The
7 term of office of the two directors which would otherwise expire on
8 the third Monday of March 1930 shall be extended to expire on the
9 third Monday of March of the year 1933 and their successors shall be
10 elected for a term of six years. Thereafter all directors shall be
11 elected for a term of six years and until their successors are elected
12 or appointed and qualified.

Senate File No. 263. Approved April 15, A. D. 1929.