

LAWS
OF THE
Fiftieth General Assembly
OF THE
STATE OF IOWA

PASSED AT THE EXTRAORDINARY SESSION THEREOF, AT DES MOINES,
THE CAPITAL OF THE STATE, BEGUN ON THE TWENTY-SIXTH DAY
OF JANUARY, AND ENDED ON THE TWENTY-EIGHTH DAY
OF JANUARY, A. D., 1944 IN THE NINETY-EIGHTH
YEAR OF THE STATE

GENERAL LAWS

CHAPTER 1

ABSENT VOTING BY ARMED FORCES

S. F. 1

AN ACT to provide facilities for qualified electors of the State of Iowa serving in the armed forces of the United States to vote at the primary and general elections in the year 1944 by casting absent voter's ballots and to that end to advance the dates for filing nomination papers, affidavits of candidacy, certificates of candidacies and nominations by modifying the provisions of sections five hundred thirty-seven (537), five hundred thirty-nine (539), five hundred forty-seven (547), five hundred forty-eight (548), six hundred one (601) and six hundred seventeen (617), Code 1939, to modify the provisions of chapters 37.1 and 37.2, Code 1939, as to time of filing nominations and candidacies, objections, withdrawals, making certifications which are provided for in sections six hundred fifty-five and four-hundredths (655.04), six hundred fifty-five and nine-hundredths (655.09), and six hundred fifty-five and fourteen hundredths (655.14), Code 1939: also amending section seven hundred seventy-four (774), Code 1939, relating to cost of printing absent voter's ballots; also amending section nine hundred thirty-seven (937), Code 1939, relating to time when qualified voters in the armed forces may vote personally; to modify the provisions as to registration and absent voting insofar as it shall apply to voters in the armed forces of the United States by making sections nine hundred twenty-eight (928), nine hundred thirty (930), and nine hundred thirty-one (931), Code 1939, inapplicable to such voting, and providing the method of obtaining ballots and authorizing specially printed war ballots; creating and prescribing the duties and powers of the Iowa War Ballot Commission; providing for obtaining and distributing by the State Printing Board of specially required materials, and making appropriations for carrying out the provisions of this Act.

WHEREAS, it is desirable to afford every facility for the exercise of the elective franchise by qualified electors of the State of Iowa who are serving in the armed forces of the United States, insofar as it is possible to do so, and

WHEREAS, any enactment by the National Congress purporting to provide facilities for electors in the armed forces to vote would be ineffectual insofar as State and local officers are concerned, and would be of doubtful constitutionality under the provisions of the Constitution of the United States,

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The provisions of this Act shall apply only to the
2 Primary and General elections to be held in the State of Iowa in June
3 and November respectively in the year 1944. This act is designed to
4 facilitate the voting in said elections by qualified electors of the State
5 of Iowa who are serving in the armed forces of the United States,
6 irrespective of what part of the world they may be serving in, and to
7 that end special provision is made in this act advancing the date for
8 filing candidacies in primaries, time of printing ballots, methods of
9 casting ballots, and other changes. It is hereby declared that any
10 changes made by this act in the election laws of the state are not by
11 way of permanent amendment to existing statutes, but shall be effective
12 only as to said Primary and General elections to be held in the year
13 1944.

1 SEC. 2. Notwithstanding the provisions of Section Five Hundred
2 Thirty-seven (537), Code 1939, as to the time of filing nomination
3 papers, such papers as are provided for in said Section Five Hundred
4 Thirty-seven (537) shall in the year 1944 be filed as follows:

5 1. For an elective county office, at least Seventy (70) days prior to
6 the date fixed for holding the primary election;

7 2. For United States Senator, for an elective state office, for repre-
8 sentative in Congress, and for members of the general assembly, not
9 more than One Hundred (100) days nor less than Eighty (80) days
10 prior to the date fixed for holding the primary election.

1 SEC. 3. Section Five Hundred Thirty-nine (539), Code 1939, shall
2 be interpreted and construed to comply and conform with the pro-
3 visions of section two (2) of this act.

1 SEC. 4. Notwithstanding the provisions of section Five Hundred
2 Forty-seven (547), Code 1939, as to the time for filing nomination
3 papers and affidavits of candidacy, such papers as are provided for in
4 said section Five Hundred Forty-seven (547) shall in the year 1944
5 be filed at least Seventy (70) days prior to such primary election.

1 SEC. 5. Notwithstanding the provisions of Section Five Hundred
2 Forty-eight (548), Code 1939, as to the time for certification of can-
3 didacies by the Secretary of State to each county auditor, the Secretary
4 of State shall, in the year 1944, make the certification provided for in
5 said section Five Hundred Forty-eight (548) at least Seventy (70)
6 days before the primary election.

1 SEC. 6. Notwithstanding the provisions of section Six Hundred
2 one (601), Code 1939, as to the time the Secretary of State shall make

3 certification of nominations, the Secretary of State shall, in the year
4 1944, make the certifications provided for in said section Six Hundred
5 one (601) not less than Seventy (70) days before the general election.

1 SEC. 7. Notwithstanding the provisions of Section Six Hundred
2 Seventeen (617), Code 1939, as to the time for party county central
3 committees to file a statement as to the number of delegates to be
4 elected from each precinct, such statement shall, in the year 1944, be
5 filed with the County Auditor at least Seventy (70) days before the
6 primary election.

1 SEC. 8. In the year 1944 nominations made under the provisions
2 of Chapter Thirty-seven and one-tenth (37.1) and thirty-seven and
3 two-tenths (37.2), Code 1939, which are required to be filed in the
4 office of the Secretary of State, shall be filed in said office at least
5 ninety (90) days prior to the date of the General Election to be held
6 in November, and those nominations which are required to be filed in
7 the office of the County Auditor shall be filed in said office at least
8 eighty (80) days prior to the date of said General Election.

1 SEC. 9. In the year 1944, notwithstanding the provisions of Section
2 Six Hundred Fifty-five and four hundredths (655.04), Code 1939,
3 as to the time for filing objections, objections which are required to
4 be filed with the Secretary of State shall be filed with the Secretary of
5 State not less than eighty-five (85) days before the date of election,
6 and such objections as are required to be filed with other officers shall
7 be filed with such other officers not less than seventy-five (75) days
8 before the day of election; in case of nominations made to fill vacancies
9 occurring after said eighty-five (85) or seventy-five (75) days, as
10 the case may be, objections shall be filed within three days after the
11 filing of the certificate, provided such vacancies shall be filled not
12 later than eighty (80) days prior to the election in the case of offices,
13 certificate for which is required to be filed in the office of the Secretary
14 of State, and not later than seventy (70) days prior to the election
15 in case of offices, certificate for which is required to be filed in the
16 office of the County Auditor.

1 SEC. 10. Notwithstanding the provisions of the paragraphs num-
2 bered 1 and 2 of Section Six Hundred Fifty-five and nine hundredths
3 (655.09), Code 1939, as to time for filing withdrawal of nominations,
4 such withdrawals, in the year 1944, shall be filed in the office of the
5 Secretary of State at least eighty-five (85) days before the day of
6 election, and in the office of the proper County Auditor at least seventy-
7 five (75) days before the day of election.

1 SEC. 11. Notwithstanding the provisions of the paragraphs num-
2 bered 1 and 2 of Section Six Hundred Fifty-five and fourteen hun-
3 dredths (655.14), Code 1939, as to the time of filing certificates, such
4 certificates for state, congressional, judicial, and legislative offices
5 shall, in the year 1944, be filed with the Secretary of State not more
6 than one hundred (100) nor less than eighty (80) days before the
7 General Election, and such certificates for all other offices, except for
8 cities and towns, shall, in the year 1944, be filed with the County
9 Auditor not more than ninety (90) nor less than seventy (70) days
10 before the General Election.

1 SEC. 12. Nominations made under the provisions of Chapter
2 Thirty-seven and two-tenths (37.2), Code 1939, in the year 1944
3 shall be subject to the provisions of Sections eight (8) to eleven (11),
4 both inclusive, of this act.

1 SEC. 13. The term "Armed Forces of the United States", as used
2 in this act shall mean the Army, Navy, Marine Corps and Coast Guard
3 of the United States.

1 SEC. 14. In the year 1944, whenever registration is required in
2 order to vote at either the Primary Election or General Election,
3 in the case of voters in the Armed Forces of the United States, the
4 affidavit upon the ballot envelope of such voter, otherwise qualified,
5 shall constitute a sufficient registration, whether the registration re-
6 quired be under the provisions of Chapter thirty-nine (39) or Chapter
7 thirty-nine and one-tenth (39.1), Code 1939.

1 SEC. 15. The provisions of Sections Nine Hundred Twenty-eight
2 (928), Nine Hundred Thirty (930) and Nine Hundred Thirty-one
3 (931), Code 1939, shall not apply in connection with the Primary and
4 General Elections in the year 1944 in the case of a qualified elector of
5 the State of Iowa serving in the armed forces of the United States;
6 in any such case an application for ballot as provided for in said sec-
7 tions shall not be required and an absent voter's ballot shall be sent
8 or made available to any such voter upon a request being made there-
9 for as provided for in this act. All official ballots to be voted by
10 qualified absent voters in the armed forces of the United States at the
11 Primary Election and the General Election in the year 1944 shall be
12 printed prior to fifty-five (55) days before the said respective elections
13 and shall be available for transmittal to such qualified electors in the
14 armed forces of the United States fifty-five (55) days prior to the
15 respective elections. The provisions of Chapter forty-four (44),
16 Code 1939, shall apply to absent voting by qualified voters in the
17 armed forces of the United States at said elections in 1944, except
18 as modified by the provisions of this act.

1 SEC. 16. Request in writing for ballot for the Primary Election
2 and for the General Election in the year 1944, may be made by any
3 member of the armed forces of the United States who is or will be a
4 qualified voter on the day of the election at which said ballot is to be
5 cast, at any time prior to either of said elections, the request stating
6 for which election the request is made. In the case of the General
7 Election such request may likewise be made, not more than seventy
8 (70) days before said election, for and on behalf of a voter in the
9 armed forces of the United States by a spouse, parent, adult brother,
10 adult sister, or adult child of any such voter, residing in the county of
11 said voter's residence, provided that any such request made by other
12 than the voter may be required to be made on forms prescribed by the
13 Iowa War Ballot Commission.

14 A request shall show the residence (including street address, if any)
15 of the voter, the age of the voter, and length of residence in the city,
16 town or township, county and state, and shall designate the address
17 to which the ballot is to be sent, and in the case of the Primary Elec-
18 tion, the party affiliation of such voter. Such request shall be made to
19 the County Auditor of the county of the voter's residence, provided

20 that if the request is made by the voter to any elective state, city,
21 town or county official, the said official shall forward it to the County
22 Auditor of the county of the voter's residence, and such request so
23 forwarded shall have the same force and effect as if made direct to
24 the County Auditor by the voter.

25 The county auditor shall immediately on the fifty-fifth (55) day
26 prior to the particular election transmit ballots to the voter by mail or
27 otherwise, postage prepaid, as may be directed by the Iowa War Bal-
28 lot Commission, requests for which are in his hands at that time, and
29 thereafter so transmit ballots immediately upon receipt of requests
30 for same. A request for ballot for the Primary election which does
31 not state the party affiliation of the voter making the request shall
32 be void and of no effect. A request which does not show that the per-
33 son for whom ballot is requested will be a qualified voter in the pre-
34 cinct in which said ballot is to be cast on the day of the election for
35 which the ballot is requested, shall not be honored; provided that a
36 request which states the age and the city or town, including street
37 address, if any, or township, and county wherein the voter resides,
38 and which shows a sufficient period of residence, shall be sufficient to
39 show that he is such a qualified voter. A request by the voter con-
40 taining substantially the information required herein shall be sufficient.

41 If the affidavit on the ballot envelope shows that the affiant is not a
42 qualified voter on the day of the election at which said ballot is offered
43 for voting, the envelope shall not be opened, but the envelope and bal-
44 lot contained therein shall be preserved and returned by the judges of
45 election to the County Auditor, who shall preserve same for the period
46 of time and under the conditions provided for in Sections Eight Hun-
47 dred Fifty-one (851) to Eight Hundred Fifty-four (854) inclusive,
48 Code 1939.

1 SEC. 17. The County Auditor of each county shall establish and
2 maintain a record of all requests for ballots which are made, and of
3 all ballots transmitted, and the manner of transmittal, from and re-
4 ceived in his office under the provisions of this act. In the event more
5 than one request for absent voter's ballot for a particular election
6 shall be made to the county auditor by or on behalf of a voter in the
7 armed forces of the United States, the request first received shall be
8 honored, except that if one of the requests is made by the voter him-
9 self, and a request on his behalf has not been previously honored, such
10 request of the voter shall be honored in preference to a request made
11 on his behalf by another. Not more than one ballot shall be trans-
12 mitted by the county auditor to any voter for a particular election.
13 In the event the county auditor shall receive more than one absent
14 voter's ballot, provided for by this act, from or purporting to be from
15 any one voter for a particular election, all of said ballots so received
16 from or purporting to be from such voter shall be null and void, and
17 the county auditor shall not deliver any of said ballots to the judges of
18 election, but shall retain them in his office, and preserve them for the
19 period and under the conditions provided for in Sections Eight Hun-
20 dred Fifty-one (851) to Eight Hundred Fifty-four (854), inclusive,
21 Code 1939.

1 SEC. 18. Notwithstanding the provision as to time found in
2 section nine hundred thirty-seven (937), Code 1939, in the year 1944

3 any qualified voter in the armed forces of the United States may per-
4 sonally appear in the office of the county auditor of the county of his
5 residence and there vote an absent voter's ballot at any time not
6 earlier than fifty-five (55) days before the Primary or General Elec-
7 tion, as the case may be.

1 SEC. 19. The ballots and envelopes used in connection with vot-
2 ing by absent voter's ballot by voters who are members of the armed
3 forces of the United States, shall have stamped or printed on them
4 the words "War Ballot" and a designation of the election at which
5 said ballot is to be cast, either "Primary Election June 5, 1944" or
6 "General Election November 7, 1944", as the case may be.

1 SEC. 20. Any commissioned officer in the armed forces of the
2 United States, or any person authorized by the Government of the
3 United States to administer oaths to members of the armed forces of
4 the United States are authorized to administer and attest any oath
5 required in connection with the voting of an absent voter's ballot by
6 a voter in the armed forces of the United States. Such officer or per-
7 son shall show his rank and branch of service or other legal qualifica-
8 tions in connection with his signature in attesting any oath.

1 SEC. 21. There is hereby created for the year 1944 the Iowa War
2 Ballot Commission, which shall be composed of the Secretary of State,
3 who is the state official charged with the conduct and supervision of
4 elections and who shall be chairman of the commission, and four
5 other members who shall be appointed in the following manner, to-
6 wit: Within ten days from the effective date of this act the respective
7 chairmen of the state central committees of the two political parties
8 which cast the largest and second largest number of votes for Governor
9 at the general election held in November, 1942, as shown by the
10 records in the office of the Secretary of State, shall each designate two
11 members, qualified electors of the state of Iowa, from his political
12 party for membership on said commission and notify the Governor
13 thereof in writing; the Governor shall immediately upon receipt of
14 such notification appoint said persons so designated as members of the
15 commission and issue his commission of appointment therefor; in
16 the event either of said state chairmen shall fail to so make such
17 designation and notification of either or both of said designates within
18 said ten (10) days, the Governor shall immediately thereafter make
19 the appointment thereto from the membership of the political party
20 of the chairman failing to make such designation and notification and
21 issue his commission of appointment therefor. The commissioners
22 appointed shall qualify by subscribing the oath provided in Section
23 One Thousand Fifty-four (1054), Code 1939. The members of the
24 commission shall be reimbursed their actual expenses in the per-
25 formance of their duties, but shall receive no compensation for their
26 services.

1 SEC. 22. The said commission is authorized and empowered to*:

2 1. To make rules and regulations for the purpose of carrying out
3 the provisions and intent of this act;

4 2. To prescribe and direct the preparation of specially printed
5 ballots, envelopes and other papers of different size and weight to be

*Note: In accordance with the enrolled act.

6 used in connection with absent voting by voters in the armed forces
7 of the United States, if, in the discretion of the commission, it shall
8 determine that such a special ballot and other papers will facilitate
9 voting by such voters; provided that the content of any such specially
10 printed matter shall be the same as that used for absent voters gen-
11 erally in the particular precinct in which said war ballot is to be cast,
12 and provided further that such ballots, envelopes and other papers
13 shall be substantially uniform in size and weight throughout the state;
14 and provided further that the provisions of section seven hundred
15 seventy-four (774), Code 1939, establishing the maximum cost of
16 printing ballots, shall not govern as to the cost of any specially printed
17 ballots authorized by this act, but the cost of printing any such specially
18 printed ballots by the several counties shall not exceed an amount, per
19 thousand such ballots or fraction thereof, which may be determined
20 by the State Printing Board upon the basis of cost and weight of
21 paper, size of ballots and type measurements;

22 3. To prescribe any forms that are not otherwise prescribed by
23 law, and which in the judgment of the commission are necessary to
24 facilitate the carrying out of the purposes and intent of this act;

25 4. To arrange for special transportation of ballots either in co-
26 operation with the Government of the United States through any
27 authorized instrumentality thereof or otherwise, and to that end the
28 commission is empowered to direct the county auditors of the several
29 counties of the state to send ballots to voters in the armed forces of the
30 United States other than in the usual course of mail;

31 5. To employ such clerical assistance as it may require in carrying
32 out its functions, to purchase and requisition any office supplies it may
33 require, and certify for payment the expenses of carrying out its
34 functions;

35 6. To call upon any department or division of the state government
36 for information and assistance in connection with carrying out the
37 provisions of this act;

38 7. To cooperate with any authorized departments, agencies and
39 instrumentalities of the Government of the United States in effecting
40 the intent and purposes of this act.

1 SEC. 23. In order to establish uniformity in size, weight and
2 other characteristics of the ballot and facilitate its distribution and
3 return, the State Printing Board shall upon direction of the Iowa
4 War Ballot Commission purchase any material needed for any special
5 ballots, envelopes and other printed matter, and sell any such materials
6 to the several counties of the state at cost plus handling and trans-
7 portation costs.

8 There is hereby appropriated to the State Printing Board from the
9 General Fund of the State such sums as may be necessary to purchase
10 any materials provided for herein. The proceeds from sale of such
11 materials to counties shall be turned into the General Fund of the
12 State upon receipt of same by the State Printing Board.

1 SEC. 24. In the event the Government of the United States or any
2 branch, department, agency or other instrumentality thereof shall
3 make provision for sending of any voting matter provided for in this
4 act through the mails postage free, or otherwise, the election officials
5 of the State of Iowa and of the several counties of the state are author-

6 ized to make use thereof under the direction of the Iowa War Ballot
7 Commission.

1 SEC. 25. The provisions of this act as to absent voting shall apply
2 only to absent voters in the armed forces of the United States. The
3 provisions of Chapter Forty-four (44), Code 1939, as amended by
4 Chapter Eighty-five (85), Acts of the 49th General Assembly, shall
5 apply to all other qualified voters not members of the armed forces of
6 the United States, unaffected by any provision of Sections Fifteen (15)
7 to Twenty-four (24), both inclusive, of this act.

1 SEC. 26. There is hereby appropriated to the Iowa War Ballot
2 Commission from the General Fund of the State such sums as are
3 necessary for it to pay its expenses and perform its functions under
4 this act. Warrants shall be drawn by the Comptroller upon certifica-
5 tion by the chairman of the commission, or in the event of his in-
6 ability or unavailability to act, by three members of the commission.

1 SEC. 27. This act shall be liberally construed in order to provide
2 means and opportunity for qualified voters of the State of Iowa serv-
3 ing in the armed forces of the United States to vote at the Primary
4 and General Elections in the year 1944.

1 SEC. 28. The provision or provisions of this act which are incon-
2 sistent with any provision or provisions of any other existing statute
3 or any part of any such other existing statute, shall prevail. Like-
4 wise, the provision or provisions of any other existing statute or any
5 part of any other existing statute which is not inconsistent with this
6 act, shall prevail.

1 SEC. 29. This act being deemed of immediate importance shall
2 go into effect upon its publication in the Union-Republican, a news-
3 paper published at Albia, Iowa, and in the Perry Daily Chief, a news-
4 paper published at Perry, Iowa.

Approved January 28, 1944.

I hereby certify that the foregoing act was published in the Union-Republican, Albia,
Ia., February 3, 1944, and the Perry Daily Chief, Perry, Ia., February 3, 1944.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 2

ABSENT VOTER'S AFFIDAVIT

S. F. 2

AN ACT to amend section nine hundred thirty-nine (939), Code, 1939, relating to the
form of the affidavit for the envelope for the absent voter's ballot.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section Nine hundred thirty-nine (939), Code, 1939,
2 is amended by substituting a semi-colon (;) for the period (.) fol-
3 lowing the word "years" in line twelve (12) and inserting after said
4 semi-colon (;) the following: "date of birth.....,
5 (month)
6"
7 (day) (year)