

# GENERAL LAWS

## (TEMPORARY)

### CHAPTER 38

#### VOTING BY ARMED FORCES

##### S. F. 501

AN ACT to permit members of the armed forces to vote in the primary and general elections to be held in the year 1952, and to provide for the waiver of certain sections of the Code 1950, relating to election requirements.

*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 1952. 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 1952.

1 SEC. 2. Notwithstanding the provisions of section forty-three  
2 point eleven (43.11), Code 1950, as to the time of filing nomination  
3 papers, such papers as are provided for in said section forty-three  
4 point eleven (43.11), Code 1950, shall in the year 1952 only be filed  
5 as follows:

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

8 2. For United States senator, for an elective state office, for repre-  
9 sentative in congress, and for members of the general assembly, not  
10 more than one hundred (100) days nor less than eighty (80) days  
11 prior to the date fixed for holding the primary election.

1 SEC. 3. Section forty-three point thirteen (43.13), Code 1950,  
2 shall be interpreted and construed to comply and conform with the  
3 provisions of section two (2) of this Act.

1 SEC. 4. Notwithstanding the provisions of section forty-three point  
2 twenty-one (43.21), Code 1950, as to the time for filing nomination  
3 papers and affidavits of candidacy, such papers as are provided for in  
4 said section forty-three point twenty-one (43.21), Code 1950, shall in  
5 the year 1952, be filed at least seventy (70) days prior to such primary  
6 election.

1 SEC. 5. Notwithstanding the provisions of section forty-three point  
2 twenty-two (43.22), Code 1950, 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 1952, make the certificates provided for in  
5 said section forty-three point twenty-two (43.22), Code 1950, at least  
6 seventy (70) days before the primary election.

1 SEC. 6. Notwithstanding the provisions of section forty-three  
2 point seventy-three (43.73), Code 1950, as to the time the secretary of  
3 state shall make certification of nominations, the secretary of state  
4 shall, in the year 1952, make the certifications provided for in said  
5 section forty-three point seventy-three (43.73), Code 1950, not less  
6 than seventy (70) days before the general election.

1 SEC. 7. Notwithstanding the provisions of section forty-three point  
2 ninety (43.90), Code 1950, as to the time for party county central com-  
3 mittees to file a statement as to the number of delegates to be elected  
4 from each precinct, such statement shall, in the year 1952, be filed  
5 with the county auditor at least seventy (70) days before the primary  
6 election.

1 SEC. 8. In the year 1952, nominations made under the provisions  
2 of chapter forty-four (44), and chapter forty-five (45), Code 1950,  
3 which are required to be filed in the office of the secretary of state,  
4 shall be filed in said office not more than one hundred (100) nor less  
5 than eighty (80) days prior to the date of the general election to be  
6 held in November; and those nominations which are required to be filed  
7 in the office of the county auditor shall be filed in said office at least  
8 seventy (70) days prior to the date of said general election.

1 SEC. 9. In the year 1952, notwithstanding the provisions of section  
2 forty-four point four (44.4), Code 1950, as to the time for filing ob-  
3 jections, objections which are required to be filed with the secretary of  
4 state shall be filed with the secretary of state not less than seventy-five  
5 (75) days before the date of election, and such objections as are re-  
6 quired to be filed with other officers shall be filed with such other  
7 officers not less than sixty-five (65) days before the day of election;  
8 in case of nominations made to fill vacancies occurring after said  
9 eighty (80) or seventy (70) days, as the case may be, objections shall  
10 be filed within three (3) days after the filing of the certificate, pro-  
11 vided such vacancies shall be filled not later than seventy-five (75)  
12 days prior to the election in the case of offices, certificate for which  
13 is required to be filed in the office of the secretary of state, and not  
14 later than sixty-five (65) days prior to the election in case of offices,  
15 certificate for which is required to be filed in the office of the county  
16 auditor.

1 SEC. 10. Notwithstanding the provisions of subsections one (1)  
2 and two (2) of section forty-four point nine (44.9), Code 1950, as to  
3 time for filing withdrawal of nominations, such withdrawals, in the  
4 year 1952, shall be filed in the office of the secretary of state at least  
5 seventy-five (75) days before the day of election and in the office of  
6 the proper county auditor at least sixty-five (65) days before the day  
7 of election.

1 SEC. 11. Notwithstanding the provisions of subsections one (1)  
2 and two (2) of section forty-four point fourteen (44.14), Code 1950,

3 as to the time of filing certificates, such certificates for state, con-  
4 gressional, judicial, and legislative offices shall, in the year 1952, be  
5 filed with the secretary of state not more than one hundred (100) nor  
6 less than eighty (80) days before the general election, and such cer-  
7 tificates for all other offices, except for cities and towns, shall, in  
8 the year 1952, be filed with the county auditor not more than ninety  
9 (90) nor less than seventy (70) days before the general election.

1 SEC. 12. Nominations made under the provisions of chapter forty-  
2 five (45), Code 1950, in the year 1952, shall be subject to the pro-  
3 visions of sections eight (8) to eleven (11), 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 air force  
3 of the United States.

1 SEC. 14. In the year 1952 and (each election year thereafter),  
2 whenever registration is required in order to vote at either the primary  
3 election or general election, in the case of voters in the armed forces  
4 of the United States, the affidavit upon the ballot envelope of such  
5 voter, otherwise qualified, shall constitute a sufficient registration,  
6 whether the registration required be under the provisions of chapter  
7 forty-seven (47) or chapter forty-eight (48), Code 1950.

1 SEC. 15. The provisions of sections fifty-three point two (53.2),  
2 fifty-three point four (53.4) and fifty-three point five (53.5), Code  
3 1950, shall not apply in connection with the primary and general elec-  
4 tions in the year 1952 in the case of a qualified elector of the state of  
5 Iowa serving in the armed forces of the United States; in any such  
6 case an application for ballot as provided for in said sections shall not  
7 be required and an absent voter's ballot shall be sent or made available  
8 to any such voter upon a request being made therefor as provided for  
9 in this Act. All official ballots to be voted by qualified absent voters  
10 in the armed forces of the United States at the primary election and  
11 the general election in the year 1952, shall be printed prior to fifty-five  
12 (55) days before the said respective elections and shall be available for  
13 transmittal to such qualified electors in the armed forces of the United  
14 States fifty-five (55) days prior to the respective elections. The pro-  
15 visions of chapter fifty-three (53), Code 1950, shall apply to absent  
16 voting by qualified voters in the armed forces of the United States at  
17 said elections in 1952, except as modified by the provisions of this Act.

1 SEC. 16. Request in writing for ballot for the primary election and  
2 for the general election in the year 1952 may be made by any member  
3 of the armed forces of the United States who is or will be a qualified  
4 voter on the day of the election at which said ballot is to be cast, at  
5 any time prior to either of said elections, the request stating for which  
6 election the request is made. In the case of the general election such  
7 request may likewise be made, not more than seventy (70) days before  
8 said election, for and on behalf of a voter in the armed forces of the  
9 United States by a spouse, parent, adult brother, adult sister, or adult  
10 child of any such voter, residing in the county of said voter's residence,  
11 provided that any such request made by other than the voter may be  
12 required to be made on forms prescribed by the Iowa servicemen's  
13 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 election,  
18 the party affiliation of such voter. Such request shall be made to the  
19 county auditor of the county of the voter's residence, provided that  
20 if the request is made by the voter to any elective state, city, town or  
21 county official, the said official shall forward it to the county auditor  
22 of the county of the voter's residence, and such request so forwarded  
23 shall have the same force and effect as if made direct to the county  
24 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  
27 or otherwise, postage prepaid, as may be directed by the Iowa service-  
28 men's ballot commission, requests for which are in his hands at that  
29 time, and thereafter so transmit ballots immediately upon receipt of  
30 requests for same. A request for ballot for the primary election  
31 which does not state the party affiliation of the voter making the re-  
32 quest shall be void and of no effect. A request which does not show  
33 that the person for whom ballot is requested will be a qualified voter  
34 in the precinct in which said ballot is to be cast on the day of the elec-  
35 tion for which the ballot is requested, shall not be honored; provided  
36 that a request which states the age and the city or town, including  
37 street address, if any, or township, and county wherein the voter re-  
38 sides, and which shows a sufficient period of residence, shall be suffi-  
39 cient to show that he is such a qualified voter. A request by the voter  
40 containing substantially the information required herein shall be  
41 sufficient.

42 If the affidavit on the ballot envelope shows that the affiant is not  
43 a qualified voter on the day of the election at which said ballot is  
44 offered for voting, the envelope shall not be opened, but the envelope  
45 and ballot contained therein shall be preserved and returned by the  
46 judges of election to the county auditor, who shall preserve same for  
47 the period of time and under the conditions provided for in sections  
48 fifty point twelve (50.12) to fifty point fifteen (50.15), Code 1950,  
49 inclusive.

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 shall  
6 be made to the county auditor by or on behalf of a voter in the armed  
7 forces of the United States, the request first received shall be honored,  
8 except that if one of the requests is made by the voter himself, and a  
9 request on his behalf has not been previously honored, such request  
10 of the voter shall be honored in preference to a request made on his  
11 behalf by another. Not more than one ballot shall be transmitted by  
12 the county auditor to any voter for a particular election. In the event  
13 the county auditor shall receive more than one absent voter's ballot,  
14 provided for by this Act, from or purporting to be from any one voter  
15 for a particular election, all of said ballots so received from or pur-  
16 porting to be from such voter shall be null and void, and the county

17 auditor shall not deliver any of said ballots to the judges of election,  
18 but shall retain them in his office, and preserve them for the period  
19 and under the conditions provided for in sections fifty point twelve  
20 (50.12) to fifty point fifteen (50.15), Code 1950, inclusive.

1 SEC. 18. Notwithstanding the provision as to time found in  
2 section fifty-three point eleven (53.11), Code 1950, in the year 1952  
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 earlier  
6 than fifty-five (55) days before the primary or general election, as the  
7 case may be.

1 SEC. 19. The ballots and envelopes used in connection with voting  
2 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 the  
4 words "Serviceman's Ballot" and a designation of the election at  
5 which said ballot is to be cast, either "Primary Election" or "General  
6 Election", 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 person  
7 shall show his rank and branch of service or other legal qualifications  
8 in connection with his signature in attesting any oath.

1 SEC. 21. There is hereby created for the year 1952 the "Iowa  
2 Servicemen's Ballot Commission", which shall be composed of the  
3 secretary of state, who is the state official charged with the conduct  
4 and supervision of elections and who shall be chairman of the com-  
5 mission, and four other members who shall be appointed in the follow-  
6 ing manner, to wit: On or before January 15, 1952, 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 next preceding general election, as shown by the records in the  
10 office of the secretary of state, shall each designate two members,  
11 qualified electors of the state of Iowa, from his political party for  
12 membership on said commission and notify the governor thereof in  
13 writing; the governor shall immediately upon receipt of such notifica-  
14 tion appoint said persons so designated as members of the commission  
15 and issue his commission of appointment therefor; in the event either  
16 of said state chairmen shall fail to so make such designation and noti-  
17 fication of either or both of said designates within said ten (10) days,  
18 the governor shall immediately thereafter make the appointment there-  
19 to from the membership of the political party of the chairman failing  
20 to make such designation and notification and issue his commission  
21 of appointment therefor. The commissioners appointed shall qualify  
22 by subscribing the oath provided in section sixty-three point ten  
23 (63.10), Code 1950. The members of the commission shall be reim-  
24 bursed their actual expenses in the performance of their duties, but  
25 shall receive no compensation for their services.

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

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  
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 serviceman's ballot is  
12 to be cast, and provided further that such ballots, envelopes and other  
13 papers shall be substantially uniform in size and weight throughout  
14 the state; and provided further that the provisions of section forty-  
15 nine point fifty-six (49.56), Code 1950, establishing the maximum cost  
16 of printing ballots, shall not govern as to the cost of any specially  
17 printed ballots authorized by this Act, but the cost of printing any  
18 such specially printed ballots by the several counties shall not exceed  
19 an amount, per thousand such ballots or fraction thereof, which may  
20 be determined by the state printing board upon the basis of cost and  
21 weight of paper, size of ballots and type measurements;

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

25 4. To arrange for special transportation of ballots either in coopera-  
26 tion with the government of the United States through any authorized  
27 instrumentality thereof or otherwise, and to that end the commission  
28 is empowered to direct the county auditors of the several counties of  
29 the state to send ballots to voters in the armed forces of the United  
30 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 func-  
34 tions;

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 in-  
39 strumentalities of the government of the United States in effecting the  
40 intent and purposes of this Act.

1 SEC. 23. In order to establish uniformity in size, weight and other  
2 characteristics of the ballot and facilitate its distribution and return,  
3 the state printing board shall upon direction of the "Iowa Servicemen's  
4 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 transporta-  
7 tion 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 state  
12 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 servicemen's  
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 fifty-three (53), Code 1950, shall apply to all  
4 other qualified voters not members of the armed forces of the United  
5 States, unaffected by any provision of sections three (3) to twelve  
6 (12), both inclusive, of this Act.

1 SEC. 26. There is hereby appropriated to the Iowa servicemen's  
2 ballot 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 inability  
6 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 serving  
3 in the armed forces of the United States to vote at the primary and  
4 general elections in the year 1952.

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. Likewise,  
4 the provision or provisions of any other existing statute or any part of  
5 any other existing statute which is not inconsistent with this Act,  
6 shall prevail.

Approved May 15, 1951.

## CHAPTER 39

### STATE BOARD OF SOCIAL WELFARE

H. F. 482

AN ACT to amend chapter one (1), section fifty (50), Acts of the Fifty-third General Assembly relating to compensation of members of board of social welfare.

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

1 SECTION 1. Chapter one (1), section fifty (50), Acts of the Fifty-  
2 third General Assembly is hereby amended by striking the comma (,)   
3 in line four (4) after the word and quotation marks (") "thousand"  
4 and insert in lieu thereof a period (.) and striking from lines four (4),  
5 five (5) and six (6) the following "provided, however, the salary of  
6 the member of the board of social welfare, whose term expires June  
7 30, 1955, shall be forty-five hundred dollars (\$4500.00).".

1 SEC. 2. This Act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in The West Des