

A BILL

FOR AN ACT TO AMEND THE REGISTRATION AND ELECTION LAWS OF THE STATE, AND TO MORE FULLY DEFINE THE DUTIES AND POWERS OF THE JUDGES OF ELECTIONS.

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

SECTION 1. That section 573 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

Sec. 573. The general election for State, county, district, and township officers shall be held throughout the State on the Tuesday next after the first Monday in November.

SEC. 2. That section 595 of the Code be and the same is hereby amended by striking out the word "September," in the third line, and inserting the word "October" in lieu thereof.

SEC. 3. That section 597 of the Code be and the same is hereby amended by inserting before the word "Tuesday," in the fifth line, the word "third," and after the word "Tuesday" in the same line, the words "of October."

SEC. 4. That section 602 of the Code be and the same is hereby amended by striking out the word "six" in the second line, and inserting the word "three" in lieu thereof.

SEC. 5. That section 606 of the Code be and the same is hereby amended by inserting after the word "precinct" at the close of the first line the following words, to-wit: "no more than ten of whom shall belong to the same political party," and by adding to said section the following, to-wit: "but in case all the trustees reside in the same voting precinct and are members of the same political party, they shall appoint some worthy and capable elector of the precinct, who is a member of a different political party, to act as a judge of the election in the place of one of the trustees, as determined by the said trustees."

SEC. 6. That section 611 of the Code be and the same is hereby amended by inserting after the word "kept" in the third line, the word "continuously."

SEC. 7. That section 614 of the Code be and the same is hereby amended, by adding thereto the following, to-wit: "and one seal with the following inscription; (name or number of precinct) election precinct, (name of county) county, State of Iowa."

SEC. 8. That section 615 of the Code be and the same is hereby amended, by adding thereto the following, to-wit: and also furnish and deliver, at the time of the delivery of the poll books, one strong envelope of sufficient capacity to contain all the ballots voted at such precinct, with the name or number of the election precinct, name of county, and State of Iowa, printed thereon.

SEC. 9. That section 617 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof :

3 Sec. 617. In voting, the elector shall, in full view of the people assembled at the polls
4 where he appears to vote, deliver to one of the judges of election, a single ballot or
5 piece of paper, on which shall be written or printed the names of the persons voted for,
6 with a pertinent designation of the office which he or they may be intended to fill.
7 And the judge to whom such ballot is delivered, shall upon the receipt thereof, pro-
8 nounce in an audible voice the name of the elector; and if no objection be made as to
9 the right of such elector to vote, and the judges are satisfied that he is a citizen of the
10 United States, and legally entitled according to the constitution and laws of the State,
11 to vote at the election, he shall immediately, and without inspecting the names written
12 or printed thereon, put the ticket in the box, and the clerks of the election shall enter
13 the name of the elector and number in the poll books provided for that purpose.

SEC. 10. That section 619 of the Code be and the same is hereby repealed and the following enacted in lieu thereof : Section 619. Judges of election shall and any elector may chal-
2 lenge every person offering to vote whom they know or suspect is not duly qualified as an
3 elector under the constitution and laws of the State, and if a person offering to vote unchal-
4 lenged as unqualified, one of the judges shall tender to him the following oath.
5 “You do solemnly swear (or affirm) that you will fully and truly answer all such
6 questions as shall be put to you, touching your place of residence and qualifications as an
7 elector at this election.”
8 elector at this election.”

9 *First.* If the person be challenged as unqualified on the ground that he is not a citi-
10 zen, the judges or one of them shall put the following questions :

- 11 1. Are you a citizen of the United States ?
- 12 2. Are you a native or naturalized citizen ?

13 If the person offering to vote claims to be a naturalized citizen of the United States, he
14 shall before his vote shall be received, produce, for the inspection of the judges of the elec-
15 tion, a certificate of his naturalization, and also state under oath or affirmation that he is
16 the identical person named therein ; but the presentation of the certificate shall be dis-
17 pensd with if the person offering to vote state under oath, when and where he was natur-
18 alized, that he has had a certificate of his naturalization, and that against his will, the same
19 is lost, destroyed or beyond his power to produce to the judges of the election; or if he
20 state, under oath, that by reason of the naturalization of his parents or one of them, he has
21 become a citizen of the United States, and when and where his parent or parents were
22 naturalized, the certificate of naturalization need not be produced.

23 *Second.* If the person be challenged on the ground that he has not resided in this
24 State for six months immediately preceeding the election, the judges or one of them
25 shall put the following questions :

26 1. Have you resided in this State for six months immediately preceding this elec-
27 tion?

28 2. Have you been absent from this State within six months immediately preceding
29 this election? If yes then:

30 3. When you left this State, did you leave for a temporary purpose, with the design
31 of returning, or for the purpose of remaining away?

32 4. Did you while absent look upon and regard this State as your home?

33 5. Did you while absent vote in any other State?

34 *Third.* If the person be challenged as unqualified on the ground that he is not a resi-
35 dent of the county or precinct where he appears to vote; the judges or one of them shall
36 put the following questions:

37 1. Have you resided in this county for sixty days last past?

38 2. Have you resided in this precinct for ten days last past?

39 3. When did you last come into this county?

40 4. When you came into this county did you come for a temporary purpose merely, or
41 for the purpose of making it your home?

42 5. Did you come into the county for the purpose of voting this county?

43 6. Are you now and have you been for the last ten days, been an actual resident of
44 this precinct?

45 *Fourth.* If the person be challenged as unqualified on the grounds that he is not
46 twenty-one years of age, the judges or one of them shall put the following question:
47 Are you twenty-one years of age to the best of your knowledge and belief?

48 The judges of election or one of them shall put all such other questions to the person
49 challenged, under the respective heads aforesaid as may be necessary to test his quali-
50 fications as an elector at that election, and in determining the residence of a person of-
51 fering to vote they shall be governed by the following rules so far as the same may be
52 applicable.

53 1. That place shall be considered the residence of a person in which his habitation is
54 fixed, and to which, whenever he is absent, he has the intention of returning.

55 2. A person shall not be considered to have lost his residence who leaves his home,
56 and goes into another State, for temporary purposes merely, with the intentions of re-
57 turning.

58 3. A person shall not be considered to have gained a residence in any county of this
59 State, into which he comes for temporary purposes merely, without the intention of
60 making such county his home.

61 4. The place where the family of a married man resides shall be considered and held
62 to be his place of residence.

63 5. If a person remove to another State with an intention to make it his permanent
64 residence, he shall be considered to have lost his residence in this State.

65 6. If any person remove to another State, with an intention of remaining there an
66 indefinite time and as a place of present residence, he shall be considered to have lost
67 his residence in this State, notwithstanding he may entertain an intention of return-
68 ing at some future period.

69 7. The mere intention to acquire a new residence, without the fact of removal, shall
70 avail nothing ; neither shall the fact of removal without the intention.

71 8. If a person go into another State, and while there exercise the right of a citizen
72 by voting, he shall be considered to have lost his residence in this State.

73 9. All questions of the right to vote shall be heard and determined by the judges of
74 election.

75 If a person challenged refuse to answer fully any question put to him, as provided in this
76 section the judges shall reject his vote.

SEC. 11. That section 620 of the Code is hereby repealed and the following enacted in lieu
2 thereof.

3 Sec. 620. If the challenge be not withdrawn after the person offering to vote has an-
4 swered the questions put to him as aforesaid, one of the judges of election shall tender
5 to him the following oath : " You do solemnly swear that you are a citizen of the
6 United States, that you are a resident of this precinct, that you are twenty-one years of
7 age as you verily believe, that you have been a resident of this county sixty days, and of
8 this State six months next preceding this electon and that you have not voted at this
9 election." If any person refuse to take the oath so tendered, his vote shall be rejected.
10 And after such oath has been taken, the judges shall nevertheless refuse to permit such
11 person to vote if satisfied from record evidence, on the testimony adduced before them,
12 that he is not a legal voter; and they may administer the necessary oaths to all witnesses
13 brought before them to testify to the qualifications of a person offering to vote. When-
14 ever the vote of any person is received after he has taken the oath prescribed in this
15 section, the clerks of election shall write on the poll-books at the end of such persons
16 name the word " sworn."

SEC. 12. That section 621 of the Code be and the same is hereby repealed and the follow-
2 ing enacted in lieu thereof :

3 Sec. 621. All ballots shall consist of plain white paper with the name or names writ-
4 ten, or of plain white news printing paper, not more than two and one-half nor less than
5 two and one fourth inches wide, with the name or names printed in black ink, and with
6 a blank space of not less than one-fourth of an inch after each name on said ballot, and
7 without any mark or device by which one ticket may be distinguished from another, ex-

8 cept the names at the head of each ticket; and it shall be unlawful to print for distribu-
9 tion at the polls, to furnish to any elector, or to vote any ballot other than such as
10 herein prescribed; and when a ballot with a certain designated heading contains,
11 printed thereon in place of another, a name not found on the regular ballot having such
12 heading, such name shall be regarded by the judges as having been placed thereon for
13 the purpose of fraud, and the ballot shall not be counted for the name so found; *pro-*
14 *vided*, however, that any name may be corrected, erased, or written in pencil mark or ink
15 on the face of the printed ballot.

SEC. 13. That section 630 of the Code be and the same is hereby repealed, and the follow-
2 ing enacted in lieu thereof :

3 Sec. 630. When the results of the election is ascertained, the judges shall place all
4 the ballots including those rejected, together with one of the tally lists, in the envelope
5 provided for that purpose, and carefully seal up and stamp the same with the seal pro-
6 vided for that purpose, and shall designate one of their number to take and safely keep
7 said seal until the next election; and shall deliver said package of ballots to the town-
8 ship clerk, who shall safely keep the same for a period of six months, and at the expira-
9 tion of that time shall destroy the same by burning, without the package having been
10 previously opened; *Provided*, that in case a contest of election shall be pending at such
11 time, in which such ballots may be required as evidence, the same shall not be destroyed
12 until such contest is finally determined, and he shall not allow any person to have or
13 inspect such package in any manner whatever, unless they shall be required as evidence
14 in case of contest as before said, and in such case he shall only deliver them to the
15 court having jurisdiction of such contest.