

A BILL

FOR AN ACT TO REPEAL CHAPTERS 2 AND 3, OF TITLE 5, OF THE CODE, RELATING TO REGISTRATION OF VOTERS AND ELECTIONS, AND TO ENACT A SUBSTITUTE THEREFOR, AND TO PROVIDE FOR A BOARD OF REGISTRATION AND THAT ALL VOTERS SHALL BE REGISTERED TO ENTITLE THEM TO VOTE AT ELECTIONS, AND TO PROVIDE THAT THERE SHALL BE THREE JUDGES AND CLERKS IN EACH PRECINCT, AND TO DEFINE THEIR DUTIES AND POWERS, AND TO PROVIDE RULES FOR ELECTION CONTESTS.

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

SECTION 1. That Chapter 2 and 3 of Title 5 of the Code of 1873, be and the same are hereby repealed and the following enacted in lieu thereof :

SEC. 2. There shall be in the year 1886, and prior to the general election in said year, and prior to each general election thereafter, a registration of all persons entitled to vote at such election.

SEC. 3. For the purpose of such registration there shall be in each voting precinct in the State a board of registration composed as follows: In all incorporated cities and towns, the city council, or the trustees of the town, as the case may be, shall appoint in each voting precinct therein, one suitable person from each of the two opposing political parties who cast the greatest number of votes at the then next preceding general election, to act as such board of registration, in the respective voting precincts. The persons so appointed shall be qualified voters in the precinct for which they act. In making such appointments the members of such council or board of trustees belonging to the respective parties entitled to representation shall have the right respectively to name the member of the board to be appointed from their respective parties. In townships not included in a city or town or in any part thereof the board of supervisors of the county shall in like manner appoint a like number of registers for each voting precinct in the county, who shall be qualified voters in the precinct for which they act.

SEC. 4. Each board shall be supplied in the manner hereinafter provided, with suitable books made so as to contain a list arranged alphabetically by their surnames, followed by the Christian names of all persons in each voting precinct who are entitled to vote at general elections under the constitution and laws of Iowa. In cities they shall be further arranged so as to show in appropriate columns the street and number of the residence of each voter.

SEC. 5. In making such registration for the year 1886 the respective boards shall have the
2 right to take from the office of the county auditor the poll book of the last preceding gen-
3 eral election containing the names of persons who voted at such election, and said board
4 shall, at least sixty days before the election for which they make such registration, enter
5 upon the books as furnished them, in alphabetical order, as hereinafter provided, the
6 names of voters residing in such precinct who voted at the last preceding election as
7 shown by said poll books. After the year 1886 said boards shall take the list of the last pre-
8 ceding registration from which to make the list of voters, instead of the poll books. In
9 making such registration the boards shall enter, in addition to the names so found upon
10 such lists, the names of all persons who are known to them to be qualified voters in the
11 several precincts, and shall omit from the registration all persons named on said lists who
12 have died or removed from such precincts since the date of the last election or registration.

SEC. 6. After having completed said registration as fully as can be done from such lists,
2 and from personal knowledge of the members, the boards shall cause copies of the same to
3 be made and published in the manner following, to-wit: In cities in which two or more
4 newspapers are published, the list of names so registered shall be published in two papers
5 of different politics, if such there be in said city, and a copy of said list shall be posted in
6 the city post-office in such manner as to be easily seen and read. A copy of such list shall
7 also be kept open for inspection in the office of the clerk of the council of such city. In in-
8 corporated towns such list shall be published in one newspaper, if there be one published
9 in said town, and said board shall post a copy of the same in the post-office in said town in
10 the manner above prescribed, and keep a copy open for inspection in the office of the mayor
11 of said town. In townships not included in any incorporated city or town the board shall
12 cause said lists to be published by posting three copies thereof in three public places in such
13 township, and one list shall be kept by the clerk of said township and be open for inspec-
14 tion. There shall be appended to each list so published, posted or kept for inspection a
15 notice to the effect that said board will meet for the correction of said lists on the first Mon-
16 day in September next preceding the day of election, stating the place where said meeting
17 will be held, which shall be, when practicable, the several places of voting in each precinct.

SEC. 7. When said board shall have met for the correction of errors in said lists they
2 shall proceed to hear evidence,

3 *First.* In relation to any persons whose names are contained in said lists as already
4 made and published, whose right to vote may be challenged by any registered voter of
5 such precinct; and when in the opinion of said board, any person so challenged is shown
6 to be not qualified to vote at the next succeeding election, his name shall be entered on
7 a list to be denominated "a list of rejected voters."

8 *Second.* Said board shall also hear evidence and determine whether other persons
9 whose names may be suggested and not contained in said lists, are qualified voters in

10 said precinct, and shall enter on said lists the names of such persons who may be found
11 qualified to vote at the next ensuing general election.

SEC. 8. For the purpose of determining who are qualified voters, when such fact shall
2 not be within the personal knowledge of said board, or when the person so offering to regis-
3 ter shall be challenged by any registered voter, the said board by one of its members shall
4 tender to such person so offering to register, the following oath or affirmation, which shall
5 be written or printed and signed by the person taking such oath, to-wit: " You do solemnly
6 swear (or affirm) that you will true answers make to such questions as shall be propounded
7 to you touching your qualification as a voter in this precinct at the next ensuing general (or
8 special) election herein." The answers so the questions propounded to such person shall be
9 taken down in writing in narrative form by the clerk of said board and shall be read over to
10 the affiant, and when corrected so as to state the facts as he claims them to be, shall be
11 signed by the affiant and preserved by the board. When the person so offering to register
12 claims to be a naturalized citizen he must produce a properly certified certificate of his nat-
13 uralization for the inspection of the board. If his said certificate of naturalization has
14 been lost or destroyed, such fact, together with a statement of the time, place, and name of
15 the court in which so naturalized, must be included in his sworn statement. Any person,
16 so offering to register, who shall produce a false or fraudulent certificate of naturalization
17 shall be deemed guilty of forgery, and upon conviction thereof punished accordingly.

SEC. 9. When said board is in session for the purpose of correcting said registration it
2 shall have present and open for inspection the original list of voters as theretofore made and
3 published by them. Persons offering to register in cities shall give to the board the name
4 of the street and the number of the house in which they reside, if there is such a number,
5 and if not, shall give a description of their place of residence and its location, which shall
6 be entered upon said list in appropriate columns as provided in section one of this act, and
7 upon their failure or refusal to furnish such information the board shall refuse to register
8 their names.

SEC. 10. After the board shall have completed the correction of said lists as above pro-
2 vided it shall adjourn for one week. In the meantime it shall cause notice to be given as
3 heretofore provided, stating the names of all persons whose names were contained in the
4 former lists who have been challenged as provided in section 6 of this act, and who have
5 not already appeared before the said board and been examinud as hereinbefore provided,
6 citing such persons to appear before it at its next adjourned meeting to show cause why
7 their names should not be stricken from said lists.

SEC. 11. Said adjourned meeting shall be held at the place where the meeting for the first
2 correction of registration was had, and the board shall then proceed to hear and determine
3 the objections to the voters so challenged, who may appear and be sworn and questioned in

4 the manner provided in section 7 of this act, and said board shall then decide upon the
5 qualifications of the persons so challenged and register or reject them as the facts may be
6 found to warrant.

SEC. 12. Within three days after said lists have been fully corrected, said board shall
2 make out four accurate and complete copies of the original and corrected list of voters reg-
3 istered in such precinct, and each copy thereof shall be duly certified by the board together
4 with the original list. Two copies of said certified lists shall be enclosed in a strong enve-
5 lope and sealed with sealing wax and there shall be indorsed on the back of the envelope
6 containing said two lists, the words, list of registered voters of (name or number of precinct)
7 in.....township,county, Iowa. And each member of the board shall
8 sign his name beneath such indorsement; said lists so indorsed shall be delivered to the
9 township clerk, or if in a city or town such lists shall be delivered to the clerk of such city
10 or town to be by such clerk safely kept and by such clerk delivered unopened to the judges
11 of election in such precinct to which such lists belong at the time of opening the polls at
12 the next succeeding general or special election for which such list was made, and the same
13 shall then be opened by the judges in the presence of each other and used at such election.
14 The registration board of each precinct shall enclose the original corrected list in an enve-
15 lope as prescribed herein for the lists for use at the polls and they shall indorse thereon the
16 word "original" and the same shall be filed with the county auditor, who shall safely keep
17 the same until disposed of as provided in this act for ballots after elections, unless such
18 board of registration shall request such original list for the purpose of issuing duplicate
19 copies thereof for the next succeeding election, which shall be lawful in the event the copies
20 delivered to the clerk entitled thereto, shall have been either tampered with, lost or de-
21 stroyed. And such clerk shall exhibit to such board the package held by him so sealed and
22 indorsed on the day next preceding the election at which such lists are to be used, and the
23 same shall be inspected by such board, and if they shall find that such lists has been tam-
24 pered with, they shall produce the certified copies retained by them and compare such lists,
25 and if they find any alterations have been made in the lists so deposited with such clerk,
26 the board shall thereupon certify the fact upon the envelope enclosing such list if the same
27 remains and if removed therefrom such certificate shall be indorsed upon such lists, and if
28 the board shall be unable to make other copies for use at such election from the original
29 list they shall produce for the use of the judges the certified copies retained by them, other-
30 wise each member of the board shall be entitled to retain a copy thereof. Any person found
31 guilty of altering, secreting or destroying, except as provided in this act, any list of voters
32 prepared under the provisions of this act shall be deemed guilty of a felony and shall be
33 punished accordingly.

SEC. 13. The Secretary of State shall prepare blank lists of registration in conformity to
2 this act, and shall furnish the same to the county auditors in suitable numbers for use in

3 their respective counties, and said county auditors shall furnish said lists to the registers in
4 their respective counties.

SEC. 14. After July 4th, 1886, no city of this State shall have attached to its jurisdiction
2 for the purpose of voting at any election known to the laws of the State of Iowa, any part
3 of a township or territory outside of the corporate limits of such city, and the voting pre-
4 cincts of such city for all elections now provided by law, whether township, city, county,
5 State, National or special, shall be the election precincts of such city as established by
6 ordinance. All territory of a township or townships in which such city may be situated,
7 and outside of the corporate limits of such city shall constitute one or more voting precincts
8 as may be ordered by the board of supervisors of the county, and in case it is divided into
9 two or more voting precincts the said board shall number or name the several precincts, and
10 cause the boundaries of each to be recorded in the minute book and notice thereof to be pub-
11 lished in some newspaper of general circulation in the county for three consecutive weeks,
12 at least once a week, the last publication to be made thirty days before the next ensuing
13 election. No person shall vote in any other precinct than that in which he resides at the
14 time.

SEC. 15. There shall be three judges of election in each precinct, who shall be appointed
2 by the board of supervisors at their meeting in September, there shall be three clerks of
3 election in each precinct, who shall be registered voters in such precinct, and who shall be
4 named by the judges of election upon the opening of the polls; provided that the township
5 trustees and the township clerk shall be judges and clerk of the election in the precincts in
6 which they respectively reside.

SEC. 16. If any judge does not attend in time, or refuses to be sworn, his place shall be
2 filled by an elector appointed by those who do attend; and if no judge is present at the
3 time for opening the polls, the electors present shall choose three qualified persons to act as
4 judges of election.

SEC. 17. If the clerks, or either of them, are not present at the opening of the polls, or,
2 being present refuse to be sworn, the judges of election shall fill their places from the
3 electors present.

SEC. 18. Before opening the polls each of the judges and clerks shall take the following
2 oath: I, A. B., do solemnly swear that I will impartially, and to the best of my knowledge
3 and ability, perform the duties of judge (or clerk) of this election, and will studiously
4 endeavor to prevent fraud, deceit and abuse in conducting the same. Any one of the
5 judges or clerks present may administer the oath to the others, and it shall be entered in
6 the poll books, subscribed by the person taking it, and certified by the officer administering
7 it.

SEC. 19. The polls shall be opened at nine o'clock in the forenoon, unless vacancies shall
2 have to be filled as above, in which case they are to be opened as soon thereafter as may be,
3 and they shall be kept open until six o'clock in the afternoon ; and if the judges deem it
-4 necessary for receiving the ballots of all the electors, they may keep them open till nine
5 o'clock in the evening. Proclamation thereof shall be made at the opening of the polls, and
6 half an hour before closing them.

SEC. 20. Any constable of the township who may be designated by the judges of election
2 is directed to attend at the place of election, and he is authorized and required to preserve
3 order and peace at and about the same ; and if no constable be in attendance the judges of
4 the election may appoint one or more specially, by writing, who shall have all the powers of
5 a regular constable.

SEC. 21. If any person conducts in a noisy, riotous or tumultuous manner at or about the
2 polls so as to disturb the election, or insults or abuses the judges or clerks of election, the
3 constable or any peace officer may forthwith arrest him and bring him before the judges,
4 and they, by a warrant under their hands, may commit him to the jail of the county for a
5 term not exceeding twenty-four hours ; but they shall permit him to vote.

SEC. 22. The board of supervisors shall provide for each precinct in the county, for the
2 purpose of elections, one box with lock and key. The county auditor shall prepare and
3 furnish to each precinct two poll-books, having each of them a sufficient column for the
4 names of the voters, a column for the number, and sufficient blank leaves to contain the
5 entries of the oaths, certificates and returns ; and also all books, blanks and materials neces-
6 sary to carry out the provisions of the chapter on registration of voters.

SEC. 23. The ballots shall designate the office for which the persons therein named are
2 voted for.

SEC. 24. The judges of election shall designate one of their number, and one of the clerks
2 to check on the lists of registration the name of every person voting, and the other two
3 clerks shall take down the names of the voters and number them in the order of voting,
4 beginning with the number one for the first voter and so on consecutively numbering the
5 name of each voter as recorded. No vote shall be received from any person whose name
6 does not appear on the register.

SEC. 25. Each voter shall hand his ballot folded to one of the judges of election, and
2 shall give his name in full. The judge receiving the ballot shall retain the same folded as
3 handed to him and repeat the name of the voter in full to the clerks; whereupon the voter's
4 name shall be checked on the registry, and the clerks keeping the list of voters shall write
5 the name of the voter on their lists and shall announce the number, which number shall be
6 placed upon the back of the ticket as folded, and the ballot shall then be deposited in the
7 ballot-box.

SEC. 26. Any person offering to vote whose name is on the registry may be challenged by
2 either of the judges, or by any elector ; and it shall be the duty of the judges to challenge
3 any person offering to vote whom he knows or suspects not to be duly qualified.

SEC. 27. When any person is so challenged the judges shall explain to him the qualifica-
2 tions of an elector, and may examine him as to his qualifications, and if the person insists
3 that he is qualified, and the challenge is not withdrawn, one of the judges shall tender
4 to him the following oath : " You do solemnly swear that you are a citizen of the United
5 States, that you are a resident of this precinct, that you are twenty-one years of age as you
6 verily believe, that you have been a resident of this county sixty days, and of this State six
7 months next preceding this election, and that you have not voted at this election." And if
8 he takes such oath his vote shall be received.

SEC. 28. When the poll is closed the judges shall proceed to canvass and ascertain the re-
2 sult of the election.

SEC. 29. The canvass shall be public, and shall commence by a comparison of the poll lists
2 from the beginning, and a correction of any errors which may be found therein until they
3 agree. If two or more ballots are found so folded together as to convince the judges that
4 they were cast as one, they shall not be counted, but they shall have the words " rejected as
5 double " written upon them, be folded together again and kept as herein directed.

SEC. 30. If at any stage of the canvass a ballot not stating for what office the person therein
2 named is voted for, is found in the box when officers of different kinds are to be elected, it
3 is to be rejected.

SEC. 31. If a ballot be found containing the names of more persons for an office than can
2 be elected to that office, and such ballot form an excess above the number voting, it shall be
3 rejected as to that office, the cause of rejection being indorsed thereon, and disposed of as
4 hereafter directed ; and if it does not form such excess, so many of the names first in order
5 as are required shall be counted.

SEC. 32. If the ballots for any officer are found to exceed the number of the voters in the
2 poll lists, that fact shall be certified with the number of the excess in the return, and if it
3 be found that the vote of the precinct where the error occurred would change the result in
4 relation to the county officer if the person elected were deprived of so many votes, then the
5 election shall be set aside as to him in the precinct where such error occurs and a new elec-
6 tion ordered therein, provided that no person or persons residing in another precinct at the
7 time of the general election shall be allowed to vote at such special election ; but if the error
8 occur in relation to a township officer, the trustees may order a new election, or not, in their
9 discretion. If the error be in relation to a district or State officer, the error and the number
10 of the excess are to be certified to the State canvassers, and if it be found that the error
11 would affect the result as above, a new vote shall be ordered in the precinct where the error

12 occurred, and the canvass be suspended until such new vote is taken and returned. When
13 there is a tie vote and such excess, there shall be a new election as above directed.

SEC. 33. A return in writing shall be made in each poll book setting forth in words
2 written at length, the whole number of ballots cast for each officer, except those rejected,
3 the name of each person voted for, and the number of votes given to each person for each
4 different office, which return shall be certified as correct, signed by the judges and attested
5 by the clerks. Such return shall be substantially as follows:

6 At an election held at the house of.....in... ..township, or in
7precinct of.....township, in.....county, State of Iowa, on the
8day of.....A. D.,there were.....ballots cast for the office of (governor) of which
9 A. B. had....votes.
10 C. D. had....votes.

11 (And in the same manner for any other officer.)

12 A true return.

L. M. }
N. O. } Judges of the election.
P. Q. }

16 Attest:

17 R. S. }
18 T. U. } Clerks of election.
19 W. V. }

SEC. 34. One of the poll books containing such return, with the register of election at-
2 tached thereto, in cases where such register is required by law, shall be delivered to the
3 township clerk, and be by him filed in his office. The other poll book, with its return, shall
4 be enclosed, sealed, superscribed, and delivered by one of the judges of election within two
5 days to the county auditor, who shall file the same in his office.

SEC. 35. In counting the ballots it shall be unlawful for any of the judges or clerks, or
2 any person present, to look at the number on the back of such ballot, or to compare the
3 same with the list of voters so as to ascertain who cast such ballot; and if, inadvertently,
4 any of said judges or clerks shall ascertain the number upon any ticket, and remember the
5 person who voted the same, it shall be unlawful for such person to make any disclosures in
6 relation thereto. Any willful violation of the provisions of this section shall be deemed
7 a misdemeanor, and punished as such.

SEC. 36. The ballots shall be carefully kept, together with the registration of voters, and
2 when the result is ascertained they shall be placed in an envelope and sealed with sealing
3 wax, and the judges of election shall write, or cause to be written thereon the following:
4tickets cast,.....precinct,.....township,.....county, at election
5 on.....A. D.....(properly filling the blanks so as to state the facts), and said

6 judges shall sign their names upon the back of such envelope, which shall be returned to
7 the county auditor and be by him safely and securely kept until the time is past for con-
8 testing the election of any officer voted for at such election, when the same shall be burned
9 by the county supervisors without breaking the seals, or in any manner opening said
10 envelope.

SEC. 37. In case of contest of the election of any officer voted for at said election, the
2 auditor, upon the order of the court or other tribunal charged with trying and determining
3 said contest, shall produce said ballots, sealed up as aforesaid, to said court or tribunal.
4 If any person voting at said election is proved to the satisfaction of said court or other tri-
5 bunal to have been an illegal voter at said election, and within the precinct wherein he
6 voted, the envelope containing the ballots of such precinct shall be opened by said court or
7 other tribunal, and the number of the ballot which such illegal voter cast shall be ascer-
8 tained by comparing the same with the number of the voters name upon said list of voters,
9 which shall for the purposes of such contest be conclusive evidence of the fact that said
10 voter cast said ballot so agreeing in number with the number of his name on said list.

SEC. 38. When such contest is ended the court or tribunal trying the same shall cause
2 the poll lists and ballots to be sealed up again and signed upon the back thereof and re-
3 turned to the county auditor, to be kept and disposed of as hereinbefore provided.