

April 4, 1951.
Passed on File.

Senate File 501
By COMMITTEE ON MILITARY AFFAIRS.

Passed Senate, Date

Vote: Ayes..... **Nays**.....

Passed House, Date

Vote: Ayes..... **Nays**.....

Approved.....

A BILL FOR

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
2 to the primary and general elections to be held in the state of
3 Iowa in June and November respectively in the year 1952. This
4 Act is designed to facilitate the voting in said elections by
5 qualified electors of the state of Iowa who are serving in the
6 armed forces of the United States, irrespective of what part of
7 the world they may be serving in, and to that end special
8 provision is made in this Act advancing the date for filing
9 candidacies in primaries, time of printing ballots, methods of
10 casting ballots, and other changes. It is hereby declared that
11 any changes made by this Act in the election laws of the state
12 are not by way of permanent amendment to existing statutes, but
13 shall be effective only as to said primary and general elections
14 to be held in the year 1952.

1 Sec. 2. Notwithstanding the provisions of section forty-

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

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

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

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

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

1 Sec. 5. Notwithstanding the provisions of section forty-
2 three point twenty-two (43.22), Code 1950, as to the time for
3 certification of candidacies by the secretary of state to each
4 county auditor, the secretary of state shall, in the year 1952,
5 make the certificates provided for in said section forty-three
6 point twenty-two (43.22), Code 1950, at least seventy (70)

7 days before the primary election.

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

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

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

1 Sec. 9. In the year 1952, notwithstanding the provisions
2 of section forty-four point four (44.4), Code 1950, as to the
3 time for filing objections, objections which are required to

4 be filed with the secretary of state shall be filed with the
5 secretary of state not less than seventy-five (75) days before
6 the date of election, and such objections as are required to
7 be filed with other officers shall be filed with such other
8 officers not less than sixty-five (65) days before the day of
9 election; in case of nominations made to fill vacancies occurring
10 after said eighty (80) or seventy (70) days, as the case may be,
11 objections shall be filed within three (3) days after the filing
12 of the certificate, provided such vacancies shall be filled not
13 later than seventy-five (75) days prior to the election in the
14 case of offices, certificate for which is required to be filed
15 in the office of the secretary of state, and not later than
16 sixty-five (65) days prior to the election in case of offices,
17 certificate for which is required to be filed in the office of
18 the county auditor.

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

1 Sec. 11. Notwithstanding the provisions of subsections
2 one (1) and two (2) of section forty-four point fourteen (44.14),
3 Code 1950, as to the time of filing certificates, such

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

1 Sec. 12. Nominations made under the provisions of chapter
2 forty-five (45), Code 1950, in the year 1952, shall be subject
3 to the provisions of sections eight (8) to eleven (11), both
4 inclusive, of this Act.

1 Sec. 13. The term "Armed Forces of the United States",
2 as used in this Act shall mean the army, navy, marine corps,
3 and air force of the United States.

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

1 Sec. 15. The provisions of sections fifty-three point two
2 (53.2), fifty-three point four (53.4) and fifty-three point
3 five (53.5), Code 1950, shall not apply in connection with the

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

1 Sec. 16. Request in writing for ballot for the primary
2 election and for the general election in the year 1952 may
3 be made by any member of the armed forces of the United States
4 who is or will be a qualified voter on the day of the election
5 at which said ballot is to be cast, at any time prior to either
6 of said elections, the request stating for which election the
7 request is made. In the case of the general election such
8 request may likewise be made, not more than seventy (70) days
9 before said election, for and on behalf of a voter in the armed

10 forces of the United States by a spouse, parent, adult brother,
11 adult sister, or adult child of any such voter, residing in the
12 county of said voter's residence, provided that any such request
13 made by other than the voter may be required to be made on forms
14 prescribed by the Iowa servicemen's ballot commission.

15 A request shall show the residence (including street
16 address, if any) of the voter, the age of the voter, and
17 length of residence in the city, town or township, county and
18 state, and shall designate the address to which the ballot is
19 to be sent, and in the case of the primary election, the party
20 affiliation of such voter. Such request shall be made to the
21 county auditor of the county of the voter's residence, provided
22 that if the request is made by the voter to any elective state,
23 city, town or county official, the said official shall forward
24 it to the county auditor of the county of the voter's residence,
25 and such request so forwarded shall have the same force and
26 effect as if made direct to the county auditor by the voter.

27 The county auditor shall immediately on the fifty-fifth
28 (55) day prior to the particular election transmit ballots to
29 the voter by mail or otherwise, postage prepaid, as
30 may be directed by the Iowa servicemen's ballot commission,
31 requests for which are in his hands at that time, and thereafter
32 so transmit ballots immediately upon receipt of requests for
33 same. A request for ballot for the primary election which
34 does not state the party affiliation of the voter making the
35 request shall be void and of no effect. A request which does

36 not show that the person for whom ballot is requested will be
37 a qualified voter in the precinct in which said ballot is to
38 be cast on the day of the election for which the ballot is
39 requested, shall not be honored; provided that a request which
40 states the age and the city or town, including street address,
41 if any, or township, and county wherein the voter resides, and
42 which shows a sufficient period of residence, shall be sufficient
43 to show that he is such a qualified voter. A request by the
44 voter containing substantially the information required herein
45 shall be sufficient.

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

1 Sec. 17. The county auditor of each county shall establish
2 and maintain a record of all requests for ballots which are
3 made, and of all ballots transmitted, and the manner of
4 transmittal, from and received in his office under the provisions
5 of this Act. In the event more than one request for absent
6 voter's ballot for a particular election shall be made to the
7 county auditor by or on behalf of a voter in the armed forces

8 of the United States, the request first received shall be honored,
9 except that if one of the requests is made by the voter himself,
10 and a request on his behalf has not been previously honored,
11 such request of the voter shall be honored in preference to
12 a request made on his behalf by another. Not more than one
13 ballot shall be transmitted by the county auditor to any voter
14 for a particular election. In the event the county auditor
15 shall receive more than one absent voter's ballot, provided
16 for by this act, from or purporting to be from any one voter
17 for a particular election, all of said ballots so received
18 from or purporting to be from such voter shall be null and void,
19 and the county auditor shall not deliver any of said ballots
20 to the judges of election, but shall retain them in his office,
21 and preserve them for the period and under the conditions
22 provided for in sections fifty point twelve (50.12) to fifty
23 point fifteen (50.15), Code 1950, inclusive.

1 Sec. 18. Notwithstanding the provision as to time found
2 in section fifty-three point eleven (53.11), Code 1950, in the
3 year 1952 any disqualified voter in the armed forces of the
4 United States may personally appear in the office of the county
5 auditor of the county of his residence and there vote an
6 absent voter's ballot at any time not earlier than fifty-five
7 (55) days before the primary or general election, as the case
8 may be.

1 Sec. 19. The ballots and envelopes used in connection with
2 voting by absent voter's ballot by voters who are members of the

3 armed forces of the United States, shall have stamped or printed
4 on them the words "Serviceman's Ballot" and a designation
5 of the election at which said ballot is to be cast, either
6 "Primary Election" or "General Election", as the case may be.

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

1 Sec. 21. There is hereby created for the year 1952 the
2 "Iowa Servicemen's Ballot Commission", which shall be composed
3 of the secretary of state, who is the state official charged
4 with the conduct and supervision of elections and who shall be
5 chairman of the commission, and four other members who shall
6 be appointed in the following manner, to wit: On or before
7 January 15, 1952, the respective chairmen of the state central
8 committees of the two political parties which cast the largest
9 and second largest number of votes for governor at the next
10 preceding general election, as shown by the records in the
11 office of the secretary of state, shall each designate two
12 members, qualified electors of the state of Iowa, from his
13 political party for membership on said commission and notify

14 the governor thereof in writing; the governor shall immediately
15 upon receipt of such notification appoint said persons so
16 designated as members of the commission and issue his commission
17 of appointment therefor; in the event either of said state
18 chairmen shall fail to so make such designation and notification
19 of either or both of said designates within said ten (10) days,
20 the governor shall immediately thereafter make the appointment
21 thereto from the membership of the political party of the
22 chairman failing to make such designation and notification and
23 issue his commission of appointment therefor. The commissioners
24 appointed shall qualify by subscribing the oath provided in
25 section sixty-three point ten (63.10), Code 1950. The members
26 of the commission shall be reimbursed their actual expenses in
27 the performance of their duties, but shall receive no compensation
28 for their services.

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

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

4 2. To prescribe and direct the preparation of specially
5 printed ballots, envelopes and other papers of different size
6 and weight to be used in connection with absent voting by voters
7 in the armed forces of the United States, if, in the discretion
8 of the commission, it shall determine that such a special ballot
9 and other papers will facilitate voting by such voters;
10 provided that the content of any such specially printed matter

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

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

29 4. To arrange for special transportation of ballots either
30 in cooperation with the government of the United States
31 through any authorized instrumentality thereof or otherwise,
32 and to that end the commission is empowered to direct the county
33 auditors of the several counties of the state to send ballots
34 to voters in the armed forces of the United States other than
35 in the usual course of mail;

36 5. To employ such clerical assistance as it may require
37 in carrying out its functions, to purchase and requisition
38 any office supplies it may require, and certify for payment
39 the expenses of carrying out its functions;

40 6. To call upon any department or division of the state
41 government for information and assistance in connection with
42 carrying out the provisions of this Act;

43 7. To cooperate with any authorized departments, agencies
44 and instrumentalities of the government of the United States
45 in effecting the intent and purposes of this Act.

1 Sec. 23. In order to establish uniformity in size, weight
2 and other characteristics of the ballot and facilitate its
3 distribution and return, the state printing board shall upon
4 direction of the "Iowa Servicemen's Ballot Commission" purchase
5 any material needed for any special ballots, envelopes and
6 other printed matter, and sell any such materials to the
7 several counties of the state at cost plus handling and
8 transportation costs.

9 There is hereby appropriated to the state printing board
10 from the general fund of the state such sums as may be
11 necessary to purchase any materials provided for herein. The
12 proceeds from sale of such materials to counties shall be
13 turned into the general fund of the state upon receipt of
14 same by the state printing board.

1 Sec. 24. In the event the government of the United States

2 or any branch, department, agency or other instrumentality
3 thereof shall make provision for sending of any voting matter
4 provided for in this Act through the mails postage free, or
5 otherwise, the election officials of the state of Iowa and of
6 the several counties of the state are authorized to make use
7 thereof under the direction of the Iowa servicemen's commission.

1 Sec. 25. The provisions of this Act as to absent voting
2 shall apply only to absent voters in the armed forces of the
3 United States. The provisions of chapter fifty-three (53), Code
4 1950, shall apply to all other qualified voters not members
5 of the armed forces of the United States, unaffected by any
6 provision of sections three (3) to twelve (12), both inclusive,
7 of this Act.

1 Sec. 26. There is hereby appropriated to the Iowa service-
2 men's ballot commission from the general fund of the state
3 such sums as are necessary for it to pay its expenses and per-
4 form its functions under this Act. Warrants shall be drawn by
5 the comptroller upon certification by the chairman of the
6 commission, or in the event of his inability or unavailability
7 to act, by three members of the commission.

1 Sec. 27. This Act shall be liberally construed in order
2 to provide means and opportunity for qualified voters of the
3 state of Iowa serving in the armed forces of the United States
4 to vote at the primary and general elections in the year 1952.

1 Sec. 28. The provision or provisions of this Act which

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