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CONSTITUTION

OF THE

State of Iowa.

with History and Amendments

WE, THE PEOPLE OF

the main channel of the Mississippi River, East of the middle of the mouth of the Missouri River, thence up the middle of the said Missouri River, to a Northern boundary line of the State as defined by the constitution of that State, crosses the said middle of the Missouri River; thence Westward to a Northern boundary line of the State of Missouri.



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CONSTITUTION

OF THE *State of Iowa.*

with History and Amendments

WE, THE PEOPLE OF

*Beginning in the middle of the main channel of the Mis-
sissippi River, at a point due East of the middle of the mouth of
the main channel of the Des Moines River, thence up the mid-
dle of the main channel of the said Des Moines River, to a
point on said river where the Northern boundary line of the
State of Missouri— as established by the constitution of that
state adopted June 12th. 1820— crosses the said middle of the
main channel of the said Des Moines River; thence Westward
by along the said Northern boundary line of the State of Mis-
souri, as established at the time
of said line intersects the middle*



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Dear Friend:

As Secretary of State, I am responsible for preserving and protecting the state's most important document—the Iowa Constitution. Each year, I receive many requests from Iowans like yourself who are interested in the history and amendments to our state's Constitution. This brochure has been designed to provide that information.

Inside you will find a complete reprint of the original Constitution as well as the history of its drafting and recent restoration. I hope that the information presented will deepen your appreciation of the value the Constitution holds for our state.

Finally, I would like to invite you to visit the restored Iowa Constitution in my office at the Iowa Statehouse.

Best Regards,

A handwritten signature in black ink that reads "Elaine Baxter". The signature is written in a cursive style with a large, stylized "E" and "B".

Elaine Baxter
Secretary of State



THE DRAFTING OF IOWA'S CONSTITUTION

By Steven C. Cross, Secretary of the Senate, Iowa General Assembly, 1975-1978

Iowa has had three constitutional conventions — all held in Iowa City. The first was in 1844. The constitution drafted then was later rejected in a popular vote. The second constitution, drafted in 1846, was the instrument by which Iowa became a state. A later convention was held in 1857 which drafted the document still used today (although much amended).

Each of the conventions had central disputes which were the subject of debate. Unfortunately, as the records of the 1844 and 1846 conventions are fragmentary, the full extent of the discussions is unknown.

In 1787 the founding fathers of the U.S. looked to European governments and political philosophers in drafting the federal constitution. Yet the result was the creation of a government largely new and unrecognizable from the models the drafters knew. When Iowa's drafters met, they had as models the federal constitution and the constitutions of previously admitted states plus the numerous territorial governments established by Congress. The evidence indicates that the drafters of Iowa's constitutions did indeed use the wealth of prior constitution drafting to arrive at the documents. In their broad outlines, all state constitutions follow the basic three-branch form of government found in the federal constitution. Unlike the drafters of the U.S. Constitution, the Iowa drafters were not trying to create a new form of government but only a variation of the existing form which would be relevant to Iowa's experience.

The immediate source of detail for Iowa's first constitution was the Organic Act for the Wisconsin Territory of which Iowa was part immediately prior to statehood.

The "Organic Act" was a law passed by Congress which was, in practical effect, the "constitution" for territories not yet admitted as states. Congress followed the pattern of the U.S. Constitution in creating the Organic Act. The Organic Act for the Territory of Wisconsin provided for a three-branch government — legislative, executive, and judicial — and a "Bill of Rights." The executive power was vested in the governor who was not elected but was appointed by the president. The governor would be considered a strong executive because he possessed an absolute veto over acts of the legislature. The only additional executive office was that of "Secretary." That office is the predecessor of the secretary of state. The secretary's duty was to "record and preserve" the acts and proceedings of the governor and legislature.

The legislative branch consisted of the governor and a bicameral legislature consisting of a "Council" and "House of Representatives." The actual inclusion of the governor in the legislative branch somewhat blurred the distinctions between the branches of government. The governor's role, however, was limited to the negative role of his veto power. The legislature was vested with general legislative power without limitation on the subject areas of legislation. However, in addition to the governor, the U.S. Congress also held a veto power over territorial legislation. The judicial branch consisted of a three-member Supreme Court and three district courts. The justices of the Supreme Court were also appointed by the president.

The key dispute in 1844 was the size of the prospective state itself. The convention proposed boundaries which encompassed not only the present-day state of Iowa but also virtually all of the present state of Minnesota, south of Minneapolis and St. Paul. When Congress received Iowa's proposed constitution, they modified the boundaries to include, generally, only the eastern half of the boundaries as proposed by the drafters of Iowa's constitution. When this constitution was voted on in 1845 by the residents of Iowa, it was rejected because of the boundary question. This rejection delayed Iowa's admission. After the rejection of the 1844 constitution, the movement continued for another convention.

The 1846 convention essentially kept the same document as in 1844 except that the boundaries were changed to those familiar today. These boundaries were the result of a compromise reached during the period following the 1844 convention.

Both the 1844 and 1846 documents had one feature that is interesting as a historical curiosity. Both of them prohibited banks in Iowa. The "banks" which were prohibited were the then frequently existing "banks of issue." These banks printed and issued notes which were similar in appearance and use to our paper currency today. These

banks were numerous in the early 1800s and were often wildcat operations. When one of these banks closed, those who held notes issued by that bank suffered a significant financial loss. Another kind of bank, a "bank of deposit," was not prohibited.

The 1857 constitution was drafted because of the soon perceived problems with the 1846 document. This convention, however, continued to follow a similar governmental structure as provided for in the earlier documents.

The three Iowa constitutions all had a "Bill of Rights" clearly modeled after the first 10 amendments to the U.S. Constitution.

The 1857 constitution provided for three branches and expressly prohibited any branch from exercising a function of the other. This explicit separation of powers is a difference from the federal constitution which keeps the branches separate but does not explicitly say that they are separate. As in earlier documents, the Senate and House were again given broad powers — few subjects of legislation were prohibited. The 1857 document, however, did include more prohibited subjects of legislation than did the constitution of 1846.

The governor could veto legislation, but his veto was to be limited, not absolute. The 1846 document allowed an override upon the vote of two-thirds of those members of the legislature present and voting. The veto in the 1857 constitution required a two-thirds vote of the entire membership of the legislature and thus was harder to override than the veto in the 1846 constitution. The veto provision was also modified to give the governor additional time to consider his action on bills delivered to him in the three calendar days just prior to final adjournment.

From 1846 to 1857, the Executive Article was changed somewhat in form but not really in substance. The governor was declared to have the "supreme executive power," but there is otherwise little in the document which sets out exactly the nature of his executive power. The fact that the powers of the governor were undelineated by the constitution indicates that those who drafted it envisioned the governor as a weak officer performing routine duties. Indeed, the weakness of the office was accepted by governors who were not full-time executives and often spent time attending to other than governmental activities. A great deal of the power of the governor today resulted from subsequent statutory enactment and a somewhat related increase in prestige.

The 1857 constitution also added a lieutenant governor, but — like the Vice President in the United States Constitution — this officer has little other power than to preside over the Senate.

From 1846 to 1857, the judicial branch also remained largely unchanged. The 1857 document provided for the direct election of judges. Under the previous constitution, judges were elected by a joint vote of both houses of the General Assembly. One unusual feature of the 1857 constitution was that the office of attorney general was attached to the judicial branch of government rather than the executive branch where the office exists in most other states.

In the course of the 1857 convention there were many arguments over matters which may not be guessed by looking at the mere words of the document.

One such issue was that of race. (The time of the convention was, of course, just prior to the Civil War when the Republican Party was on the rise.) There were lengthy debates at the convention as to whether blacks could vote, join the militia, testify in court, and so on. In 1857, those who favored restricting most rights of blacks won, although the issue of whether blacks could vote was submitted to the people as a referendum. In the referendum, the extension of the franchise to blacks was defeated. Reflecting the temper of post-Civil War times, Iowa voters approved a constitutional amendment giving the ballot to black males in 1868.

The new constitution was drafted over 39 days in February and March 1857. It was narrowly approved at a referendum in August and went into effect by proclamation of the governor on September 3, 1857.

Since that time Iowa's Constitution has been amended 42 times but the basic document still remains. It is now one of the older state constitutions in America still in force.

CONSTITUTION OF THE STATE OF IOWA

Preamble. WE THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows:

Boundaries. Beginning in the middle of the main channel of the Mississippi River, at a point due East of the middle of the mouth of the main channel of the Des Moines River, thence up the middle of the main channel of the said Des Moines River, to a point on said river where the Northern boundary line of the state of Missouri—as established by the constitution of that State—adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines River; thence Westwardly along the said Northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri River; thence up the middle of the main channel of the said Missouri River to a point opposite the middle of the main channel of the Big Sioux River, according to Nicollett's Map; thence up the main channel of the said Big Sioux River, according to the said map, until it is intersected by the parallel of forty three degrees and thirty minutes North latitude; thence East along said parallel of forty three degrees and thirty minutes until said parallel intersects the middle of the main channel of the Mississippi River; thence down the middle of the main channel of said Mississippi River to the place of beginning.

See boundary compromise agreements at the end of Volume III of the Code

ARTICLE I. — Bill of Rights

Rights of persons. Section 1. All men are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Political power. Section 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

Religion. Section 3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry.

Religious test—witnesses. Section 4. No religious test shall be required as a qualification for any office, or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not qualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

Dueling. Section 5. Any citizen of this State who may hereafter be engaged, either directly, or indirectly, in a duel, either as principal, or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State.

Laws uniform. Section 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

Liberty of speech and press. Section 7. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libellous was true, and was

published with good motives and for justifiable ends, the party shall be acquitted.

Personal security—searches and seizures. Section 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Right of trial by jury—due process of law. Section 9. The right of trial by jury shall remain inviolate; but the General Assembly may authorize trial by jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

See also R.Cr.P. 16, 20(2), 48; R.C.P. 177, 178, 268

Rights of persons accused. Section 10. In all criminal prosecutions, and in cases involving the life, or liberty of an individual the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and, to have the assistance of counsel.

See §602.1601 of the Code

When indictment necessary. Section 11. All offences less than felony and in which the punishment does not exceed a fine of One hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offence, unless on presentment or indictment by a grand jury,* except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

*As to indictment and the number of grand jurors, see Amendment [9], R.Cr.P. 3.4

For civil jurisdiction of Justice of Peace, see Art. XI, §1; but see 64GA. chapter 1124. Magistrate jurisdiction, §602.6405 of the Code

Twice tried—bail. Section 12. No person shall after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable, by sufficient sureties, except for capital offences where the proof is evident, or the presumption great.

Habeas corpus. Section 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion, or invasion the public safety may require it.

Military. Section 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

Quartering soldiers. Section 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Treason. Section 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

Bail—punishments. Section 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

Eminent domain. Section 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.*

*See Amendment [13]

Imprisonment for debt. Section 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a militia fine in time of peace.

Right of assemblage—petition. Section 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives and to petition for a redress of grievances.

Attainder—ex post facto law—obligation of contract. Section 21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Resident aliens. Section 22. Foreigners who are, or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession,

enjoyment and descent of property, as native born citizens.

Slavery—penal servitude. Section 23. There shall be no slavery in this State; nor shall there be involuntary servitude, unless for the punishment of crime.

Agricultural leases. Section 24. No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a longer period than twenty years.

Rights reserved. Section 25. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

An additional section (section 26) was added to article I by the amendment of 1882. The supreme court, however, in the case of Koehler v. Hill, 60 Iowa 543, on April 21, 1883, held that, owing to certain irregularities, the amendment did not become a part of the Constitution. [Prohibition of intoxicating liquors]

ARTICLE II. — Right of Suffrage

Electors. Section 1. [Every (white)* male citizen of the United States, of the age of twenty one years, who shall have been a resident of this State six months next preceding the election, and of the County in which he claims his vote sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorised by law.]***

*The above section was amended in 1868 by striking the word "white" from the first line thereof. See Amendment [1]

For qualifications of electors, see also Amendments 19 and 26, U.S. Constitution
A proposal to strike the word "male" was defeated in 1916

**In 1970, this section was repealed and a substitute adopted in lieu thereof. See Amendment [30]

Privileged from arrest. Section 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

From military duty. Section 3. No elector shall be obliged to perform military duty on the day of election, except in time of war, or public danger.

Persons in military service. Section 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place, or station within this State.

Disqualified persons. Section 5. No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

Ballot. Section 6. All elections by the people shall be by ballot.

General election. Section 7. See Amendments [7], [11] and [14]

See §39.1 of the Code

ARTICLE III. — Of the Distribution of Powers

Departments of government. Section 1. The powers of the government of Iowa shall be divided into three separate departments—the Legislative, the Executive, and the Judicial: and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

Legislative Department.

General Assembly. Section 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives: and the style of every law shall be, "Be it enacted by the General Assembly of the State of Iowa."

Sessions. Section 2. [The sessions of the General Assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the Governor of the State shall, in the meantime, convene the General Assembly by proclamation.]*

*In 1968 this section was repealed and a substitute adopted in lieu thereof. See Amendments [24] and [36]
Special sessions, Art. IV, §11 and Amendment [36]

Representatives. Section 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, [on the second Tuesday in October,* except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November;]* and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

*For provisions relative to the time of holding the general election, see Amendment [14]; See also §39.1 of the Code

Qualifications. Section 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, be a [free white] [male]*

citizen of the United States, and shall have been an inhabitant of this State one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the County, or District he may have been chosen to represent.

*For amendments striking "free white" and "male", see Amendments [6] and [15]

Senators—qualifications. Section 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

Number and classification. Section 6. [The number of Senators shall not be less than one third, nor more than one half the representative body; and shall be so classified by lot, that one class, being as nearly one half as possible, shall be elected every two years. When the number of Senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.]*

*In 1968 this section was repealed and a substitute adopted in lieu thereof. See Amendment [26]

Officers—elections determined. Section 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

Quorum. Section 8. A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Authority of the houses. Section 9. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

Protest—record of vote. Section 10. Every member of the General Assembly shall have the liberty to dissent from, or protest against any Act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any of any two members present, be entered on the journals.

Privileged from arrest. Section 11. Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

Vacancies. Section 12. When vacancies occur in either house, the Governor or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

Doors open! Section 13. The doors of each house shall be open, except on such occasions, as, in the opinion of the house, may require secrecy.

Adjournments. Section 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Bills. Section 15. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

Executive approval—veto. Section 16. Every bill which shall have passed the General Assembly, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to re-consider it; if, after such re-consideration, it again pass both houses, by yeas and nays, by a majority of two thirds of the members of each house, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State, within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof.*

Statutory provisions, §3.4, 3.5 of the Code

*In 1968 an additional paragraph was added to this section: See Amendment [27]

Passage of bills. Section 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays be entered on the journal.

Receipts and expenditures. Section 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the General Assembly.

Statutory provisions, §14.10(5) of the Code

Impeachment. Section 19. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

Officers subject to impeachment—judgment. Section 20. The Governor, Judges of the Supreme and District Courts, and other State officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

Members not appointed to office. Section 21. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

Disqualification. Section 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly: but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

Failure to account. Section 23. No person who may hereafter be a collector or holder of public monies, shall have a seat in either House of the General Assembly, or be eligible to hold any office of trust or profit in this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

Appropriations. Section 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Compensation of members. Section 25. *[Each member of the first General Assembly under this Constitution, shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled, in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation, as fixed by law for the regular session, and none other.]**

Statutory provisions, §2.10 to 2.14 of the Code

*In 1968 this section was repealed and a substitute adopted in lieu thereof: See Amendment [28]

Time laws to take effect. Section 26. No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the *fourth** day of July next after the passage thereof. Laws passed at a special session, shall take effect ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in the newspapers in the State.**

Supplementary provisions, §3.7 et seq. of the Code

*For provision changing effective date, see Amendment [23]

**In 1986 this section was repealed and a substitute adopted in lieu thereof: See Amendment [40]

Divorce. Section 27. No divorce shall be granted by the General Assembly.

Lotteries. Section 28. *[No lottery shall be authorized by this State; nor shall the sale of lottery tickets be allowed.]**

*This section repealed by Amendment [34]

Acts—one subject—expressed in title. Section 29. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as

shall not be expressed in the title.

Local or special laws—general and uniform—boundaries of counties. Section 30. The General Assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes for State, County, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Laws uniform, see Art. I, §6

Extra compensation—payment of claims—appropriations for local or private purposes. Section 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor, shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local, or private purposes, unless such appropriation, compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

See §3.14 of the Code

Oath of members. Section 32. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator, (or Representative, as the case may be,) according to the best of my ability." And members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

Census. Section 33. *[The General Assembly shall, in the years One thousand eight hundred and fifty nine, One thousand eight hundred and sixty three, One thousand eight hundred and sixty five, One thousand eight hundred and sixty seven, One thousand eight hundred and sixty nine, and One thousand eight hundred and seventy five, and every ten years thereafter, cause an enumeration to be made of all the [white]* inhabitants of the State.]***

*The above section was amended in 1868 by striking the word "white" therefrom: See Amendment [2]

**This section repealed by Amendment [17]

Senators—number—method of apportionment. Section 34. *[The number of senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties, according to the number of [white]* inhabitants in each.]***

*The above section has been amended three times: in 1868 it was amended by striking the word "white" therefrom: See Amend [3]

**In 1904 this section was repealed and a substitute adopted in lieu thereof. See Amendment [12]; Also [16]; See also Amendment [26]

Senators—representatives—number—apportionment—districts. Section 35. *[The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the State, according to the number of [white]* inhabitants in each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one representative; and any one county containing in addition to the ratio fixed by law, one half of that number, or more, shall be entitled to one additional representative. No floating district shall hereafter be formed.]***

*The above section has been amended twice. In 1868 it was amended by striking the word "white" therefrom: See Amendment [4]

**In 1904 this section was repealed and a substitute adopted in lieu thereof: See Amendment [12]; See also Amendment [26]

Ratio of representation. Section 36. *[At its first session under this Constitution, and at every subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a representative.]**

*In 1904 this section was repealed and a substitute adopted in lieu thereof: See Amendment [12]; See also Amendment [26]

Districts. Section 37. *[When a congressional, senatorial or representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.]**

See Amendment [12]

*In 1968 this section was repealed and a substitute adopted in lieu thereof: See Amendment [26]

Elections by general assembly. Section 38. In all elections by the General Assembly, the members thereof shall vote viva voce and the votes shall be entered on the journal.

Municipal home rule. Section 38A.

Amendment [25]

Legislative districts. Section 39.

Amendment [29]

Counties home rule. Section 39A.

Amendment [37]

Administrative rules. Section 40.

Amendment [38]

ARTICLE IV. — Executive Department

Governor. Section 1. The Supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

Election and term. Section 2. *[The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.]**

*In 1972 this section was repealed and a substitute adopted in lieu thereof: See Amendment [32]; See also Amendment [41]

Lieutenant governor—returns of elections. Section 3. *[There shall be a Lieutenant Governor, who shall hold his office two years, and be elected at the same time as the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.]**

For statutory provisions, see §50.35 of the Code

*In 1972 this section was repealed and a substitute adopted in lieu thereof: See Amendment [32]; See also Amendment [41]

Election by general assembly. Section 4. *[The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be declared duly elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of said persons Governor, or Lieutenant Governor, as the case may be.]**

See Amendment [19] relating to death or failure to qualify

*In 1988 this section was repealed and a substitute adopted in lieu thereof: See Amendment [41]

Contested elections. Section 5. *[Contested elections for Governor, or Lieutenant Governor, shall be determined by the General Assembly in such manner as may be prescribed by law.]**

*In 1988 this section was repealed and a substitute adopted in lieu thereof: See Amendment [41]

Eligibility. Section 6. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have been a citizen of the United States, and a resident of the State, two years next preceding the election, and attained the age of thirty years at the time of said election.

Commander in chief. Section 7. The Governor shall be commander in chief of the militia, the army, and navy of this State.

Duties of governor. Section 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties

of their respective offices.

Duty as to state accounts, §79.8 of the Code

Execution of laws. Section 9. He shall take care that the laws are faithfully executed.

Vacancies. Section 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

Convening general assembly. Section 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

See Amendment of 1974 No. 2 [36]

Message. Section 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient.

Adjournment. Section 13. In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly.

Disqualification. Section 14. No person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor, or Lieutenant Governor, except as hereinafter expressly provided.

Terms—compensation of lieutenant governor. Section 15. *[The official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant Governor, while acting as Governor, shall receive the same pay as provided for Governor; and while presiding in the Senate, shall receive as compensation therefor, the same mileage and double the per diem pay provided for a Senator, and none other.]**

See §2.10 of the Code

*In 1972 this section was repealed and a substitute adopted in lieu thereof: See Amendment [32]; See also Amendment [42]

Pardons—reprieves—commutations. Section 16. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reasons therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Lieutenant governor to act as governor. Section 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

President of senate. Section 18. *[The Lieutenant Governor shall be President of the Senate, but shall only vote when the Senate is equally divided, and in case of his absence, or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President pro tempore.]**

*In 1988 this section was repealed and a substitute adopted in lieu thereof: See Amendment [42]

Vacancies. Section 19. *[If the Lieutenant Governor, while acting as Governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the President pro tempore of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.]**

*In 1952 this section was repealed and a substitute adopted in lieu thereof: See Amendment [20]; See also Amendment [42]

Seal of state. Section 20. There shall be a seal of this State, which shall be kept

by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

See chapter 1A of the Code for a description of the Great Seal of Iowa

Grants and commissions. Section 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Secretary—auditor—treasurer. Section 22. [A Secretary of State, Auditor of State and Treasurer of State, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified; and perform such duties as may be required by law.]*

*In 1972 this section was repealed and a substitute adopted in lieu thereof: See Amendment [32]

ARTICLE V. — Judicial Department

Courts. Section 1. The Judicial power shall be vested in a Supreme Court, District Courts, and such other Courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

Court of appeals, §602.5101 of the Code

Supreme court. Section 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold Court.

But see sec. 10 following; see also §602.4101 of the Code

Election of judges—term. Section 3. [The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their Court at such time and place as the General Assembly may prescribe. The Judges of the Supreme Court so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge holding the shortest term of office under such classification, shall be Chief Justice of the Court, during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each Judge of the Supreme Court shall be six years, and until his successor shall have been elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State, during the term for which they shall have been elected.]*

*In 1962 this section was repealed: See Amendment [21]

Jurisdiction of supreme court. Section 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General Assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the State.*

See §602.4102, 602.4201, 602.4202, 624.2 of the Code

*This section was amended in 1962: See Amendment [21]

District court and judge. Section 5. [The District Court shall consist of a single Judge, who shall be elected by the qualified electors of the District in which he resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of Judge of the Supreme Court, during the term for which he was elected.]*

*In 1962 this section was repealed: See Amendment [21]; See also Amendment [21(1)]

Jurisdiction of district court. Section 6. The District Court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law.

Statutory provision, §602.6101 of the Code

Conservators of the peace. Section 7. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.

Style of process. Section 8. The style of all process shall be, "The State of Iowa", and all prosecutions shall be conducted in the name and by the authority of the same.

Salaries. Section 9. [The salary of each Judge of the Supreme Court shall be two thousand dollars per annum; and that of each District Judge, one thousand six hundred dollars per annum, until the year Eighteen hundred and Sixty; after which time, they shall severally receive such compensation as the General Assembly may, by law, prescribe; which compensation shall not be increased or diminished during the term for which they shall have been elected.]*

*In 1962 this section was repealed: See Amendment [21]

Judicial districts—supreme court. Section 10. The state shall be divided into eleven judicial districts; and after the year eighteen hundred and sixty, the general assembly may re-organize the judicial districts and increase or diminish the number of districts, or the number of judges of the said court, and may increase the number of judges of the supreme court; but such increase or diminution shall not be more than one district, or one judge of either court, at any one session; and no re-organization of the districts, or diminution of the number of judges, shall have the effect of removing a judge from office. Such re-organization of the districts, or any change in the boundaries thereof, or increase or diminution of the number of judges, shall take place every four years thereafter, if necessary, and at no other time.*

*Much of this section apparently superseded by Amendment [8]

Judges—when chosen. Section 11. [The Judges of the Supreme and District Courts shall be chosen at the general election; and the term of office of each Judge shall commence on the first day of January next, after his election.]*

*In 1962 this section was repealed: See Amendment [21]

Attorney general. Section 12. [The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.]*

*In 1972 this section was repealed and a substitute adopted in lieu thereof: See Amendment [32]

District attorney. Section 13. [The qualified electors of each judicial district shall, at the time of the election of District Judge, elect a District Attorney, who shall be a resident of the district for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.]*

*In 1884 this section was repealed and a substitute adopted in lieu thereof: See Amendment [10]. In 1970 this substitute was repealed: See Amendment [31]

System of court practice. Section 14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the Courts of this State.

For provisions relative to the grand jury, see Amendment [9]

Vacancies in courts. Section 15. Amendment [21].

State and district nominating commissions. Section 16. Amendment [21].

Terms—judicial elections. Section 17. Amendment [21].

Salaries—qualifications—retirements. Section 18. Amendment [21].

Retirement and discipline of judges. Section 19. Amendment [33].

ARTICLE VI. — Militia

Composition—training. Section 1. The militia of this State shall be composed of all able-bodied [white]* male citizens, between the ages of eighteen and forty five years, except such as are or may hereafter be exempted by the laws of the United States, or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

*The above section was amended in 1868 by striking the word "white" therefrom: See Amendment [5]

Exemption. Section 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace: Provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

Officers. Section 3. All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

ARTICLE VII. — State Debts

Credit not to be loaned. Section 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

Limitation. Section 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Losses to school funds. Section 3. All losses to the permanent, School, or University fund of this State, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State, in favor of the respective fund, sustaining the loss, upon which not less than six percent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

War debts. Section 4. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Contracting debt—submission to the people. Section 5. Except the debts herein before specified in this article, no debt shall be hereafter contracted by, or on behalf of this State, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one news paper in each County, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

For statutory provisions, see §6.1 to 6.9 of the Code

Legislature may repeal. Section 6. The Legislature may, at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may, at any time, forbid the contracting of any further debt, or liability under such law; but the tax imposed by such law, in proportion to the debt or liability, which may have been contracted in pursuance thereof, shall remain in force and be irrevocable, and be annually collected, until the principal and interest are fully paid.

Tax imposed distinctly stated. Section 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Motor vehicle fees and fuel taxes. Section 8.

Amendment [18]

ARTICLE VIII. — Corporations

How created. Section 1. No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

Taxation of corporations. Section 2. The property of all corporations for pecuniary profit, shall be subject to taxation, the same as that of individuals.

State not to be a stockholder. Section 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the State.

Municipal corporations. Section 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

Banking associations. Section 5. No Act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto shall take effect, or in any manner be in force, until the same shall have been submitted separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the Act, and shall have been approved by a majority of all the electors voting for and against it at such election.

State bank. Section 6. Subject to the provisions of the foregoing section, the General Assembly may also provide for the establishment of a State Bank with branches.*

*Sections 6 to 11, apply to banks of issue only. See 63 Iowa 11, also 220 Iowa 794 and 221 Iowa 102

Specie basis. Section 7. If a State Bank be established, it shall be founded on

an actual specie basis, and the branches shall be mutually responsible for each others liabilities upon all notes, bills, and other issues intended for circulation as money.

General banking law. Section 8. If a general Banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest paying stocks of States in good credit and standing, to be rated at ten per cent below their average value in the City of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of said stocks, to the amount of ten per cent on the dollar, the bank or banks owning such stock shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer, and to whom.

Stockholders' responsibility. Section 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held for all of its liabilities, accruing while he or she remains such stockholder.

Bills—holders preferred. Section 10. In case of the insolvency of any banking institution, the bill-holders shall have a preference over its other creditors.

Specie payments—suspension. Section 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.

Amendment or repeal of laws—exclusive privileges. Section 12. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two thirds of each branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

Analogous provision, §491.39 of the Code

ARTICLE IX. — Education and School Lands

1st Education*

See note at the end of this 1st division

Board of education. Section 1. *The educational interest of the State, including Common Schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the Lieutenant Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.*

Eligibility. Section 2. *No person shall be eligible as a member of said Board who shall not have attained the age of twenty five years, and shall have been one year a citizen of the State.*

Election of members. Section 3. *One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years; and one half of the Board shall be chosen every two years thereafter.*

First session. Section 4. *The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December, after their election; after which the General Assembly may fix the time and place of meeting.*

Limitation of sessions. Section 5. *The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two thirds of the Board, the Governor may order a special session.*

Secretary. Section 6. *The Board of Education shall appoint a Secretary, who shall be the executive officer of the Board, and perform such duties as may be imposed upon him by the Board, and the laws of the State. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.*

Rules and regulations. Section 7. *All rules and regulations made by the Board shall be published and distributed to the several Counties, Townships, and School Districts, as may be provided for by the Board, and when so made, published and*

distributed, they shall have the force and effect of law.

Power to legislate. Section 8. *The Board of Education shall have full power and authority to legislate and make all needful rules and regulations in relation to Common Schools, and other education institutions, but are instituted, to receive aid from the School or University fund of this State: but all acts, rules, and regulations of said Board may be altered, amended or repealed by the General Assembly; and when so altered, amended, or repealed they shall not be re-enacted by the Board of Education.*

Governor ex officio a member. Section 9. *The Governor of the State shall be, ex officio, a member of said Board.*

Expenses. Section 10. *The board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the General Assembly.*

State university. Section 11. *The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that Institution and no other.*

See Laws of the Board of Education, Act 10, December 25, 1858, which provides for the management of the state University by a Board of Trustees appointed by the Board of Education. See also sec. 2 of 2nd. division of this Article

Common schools. Section 12. *The Board of Education shall provide for the education of all the youths of the State, through a system of Common Schools and such school shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school as aforesaid may be deprived of their portion of the school fund.*

Compensation. Section 13. *The members of the Board of Education shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly.*

Quorum—style of acts. Section 14. *A majority of the Board shall constitute a quorum for the transaction of business; but no rule, regulation, or law, for the government of Common Schools or other educational institutions, shall pass without the concurrence of a majority of all the members of the Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be, "Be it enacted by the Board of Education of the State of Iowa."*

Board may be abolished.* Section 15. *At any time after the year One thousand eight hundred and sixty three, the General Assembly shall have power to abolish or re-organize said Board of Education, and provide for the educational interest of the State in any other manner that to them shall seem best and proper.*

*The board of education was abolished in 1864 by 10GA, ch 52, §1. For statutory provisions, see chs 256 and 262 of the Code

2nd School Funds and School Lands

Control—management. Section 1. *The educational and school funds and lands, shall be under the control and management of the General Assembly of this State.*

Permanent fund. Section 2. *The University lands, and the proceeds thereof, and all monies belonging to said fund shall be a permanent fund for the sole use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.*

Perpetual support fund. Section 3. *The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which may have been or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such percent as has been or may hereafter be granted by Congress, on the sale of lands in this State, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of Common schools throughout the State.*

Fines—how appropriated. Section 4. *[The money which may have been or shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several Counties for any breach of the penal laws,*

*shall be exclusively applied, in the several Counties in which such money is paid, or fine collected, among the several school districts of said Counties, in proportion to the number of youths subject to enumeration in such districts, to the support of Common Schools, or the establishment of libraries, as the Board of Education shall, from time to time provide.]**

*This section repealed by Amendment [35]

Proceeds of lands. Section 5. *The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any person or persons, to this State, for the use of the University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.*

Agents of school funds. Section 6. *The financial agents of the school funds shall be the same, that by law, receive and control the State and county revenue for other civil purposes, under such regulations as may be provided by law.*

Distribution. Section 7. *[The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.]**

*In 1984 this section was repealed: See Amendment [39]

ARTICLE X. — Amendments to the Constitution

How proposed—submission. Section 1. *Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this State.*

For statutory provisions, see §6.1 to 6.11, and 49.43 to 49.50 of the Code

More than one amendment. Section 2. *If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.*

Convention. Section 3. *[At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may, by law, provide, the question, "Shall there be a Convention to revise the Constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.]**

*In 1964 this section was repealed and a substitute adopted in lieu thereof: See Amendment [22]

ARTICLE XI. — Miscellaneous

Justice of peace—jurisdiction. Section 1. *The jurisdiction of Justices of the Peace shall extend to all civil cases, (except cases in chancery, and cases where the question of title to real estate may arise,) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.*

Nonindictable misdemeanors, jurisdiction, Art. I, §11

[The office of Justice of Peace has been abolished by 64GA, chapter 1124.]

Counties. Section 2. No new County shall be hereafter created containing less than four hundred and thirty two square miles; nor shall the territory of any organized county be reduced below that area; except the County of Worth, and the counties west of it, along the Northern boundary of this State, may be organized without additional territory.

Indebtedness of political or municipal corporations. Section 3. No county, or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount, in the aggregate, exceeding five per centum on the value of the taxable property within such county or corporation — to be ascertained by the last State and county tax lists, previous to the incurring of such indebtedness.

Statutory limitation, §346.24 of the Code

See 64 GA, ch 1088

Boundaries of state. Section 4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

See boundary compromise agreements at the end of Volume III of the Code

Oath of office. Section 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

See §63.10 of the Code

How vacancies filled. Section 6. In all cases of election to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall hold until the next general election, and until their successors are elected and qualified.

Land grants located. Section 7. The General Assembly shall not locate any of the public lands, which have been, or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant, so exempted, shall not exceed three hundred and twenty acres.

Seat of government established—state university. Section 8. The seat of Government is hereby permanently established, as now fixed by law, at the City of Des Moines, in the County of Polk; and the State University, at Iowa City, in the County of Johnson.

See 5 GA, ch 72

ARTICLE XII. — Schedule

Supreme law—constitutionality of acts. Section 1. This Constitution shall be the supreme law of the State, and any law inconsistent therewith, shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

Laws in force. Section 2. All laws now in force and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

Proceedings not affected. Section 3. All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as now provided by law; and all offences, misdemeanors, and crimes that may have been committed before the taking effect of this Constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been, had not this Constitution been made.

Fines inure to the state. Section 4. [All fines, penalties, or forfeitures due, or to become due, or accruing to the State, or to any County therein, or to the school fund, shall inure to the State, county, or school fund, in the manner prescribed by law.]*

*This section repealed by Amendment [35]

Bonds in force. Section 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

First election for governor and lieutenant governor. Section 6. The first election under this Constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty seven, at which time the electors of the State shall elect the Governor and Lieutenant Governor. There shall also be elected at such election, the successors of such State Senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday

of December One thousand eight hundred and fifty six.

First election of officers. Section 7. The first election for Secretary, Auditor, and Treasurer of State, Attorney General, District Judges, Members of the Board of Education, District Attorneys, members of Congress and such State officers as shall be elected at the April election, in the year One thousand eight hundred and fifty seven, (except the Superintendent of Public Instruction,) and such county officers as were elected at the August election, in the year One thousand eight hundred and fifty-six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, One thousand eight hundred and fifty-eight: *Provided*, That the time for which any District Judge or other State or County officer elected at the April election in the year One thousand eight hundred and fifty eight, shall not extend beyond the time fixed for filling like offices at the October election in the year one thousand eight hundred and fifty eight.

For judges of supreme court. Section 8. The first election for Judges of the Supreme Court, and such County officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October in the year One thousand eight hundred and fifty-nine.

General assembly—first session. Section 9. The first regular session of the General Assembly shall be held in the year One thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

Senators. Section 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty nine, at which time their successors shall be elected as may be prescribed by law.

Offices not vacated. Section 11. Every person elected by popular vote, by vote of the General Assembly, or who may hold office by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed, to any such office, before the taking effect of this constitution, (except as in this Constitution otherwise provided,) shall continue in office until the term for which such person has been or may be elected or appointed shall expire: but no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.

Judicial districts. Section 12. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the General Assembly, in accordance with the provisions of this Constitution.

Submission of constitution. Section 13. This Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, "New Constitution - Yes." Those against the Constitution, "New Constitution - No." The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for in the canvass of State officers. And if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

Proposition to strike out the word "white". Section 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "White" from the article on the Right of Suffrage, shall be separately submitted to the electors of this State for adoption or rejection in manner following — Namely:

A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box; and those given for the adoption of such proposition shall have the words, "Shall the word 'White' be stricken out of the Article on the Right of Suffrage? Yes." And those given against the proposition shall have the words, "Shall the word 'White' be stricken out of the Article on the Right of Suffrage? No." And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this Constitution, then said word "White" shall be stricken from said Article and be no part thereof.

This proposition failed to be adopted but see Amendment [1]

Mills county. Section 15. Until otherwise directed by law, the County of Mills shall be in and a part of the sixth Judicial District of this State.

Sec. 16. For provisions relative to biennial election, see Amendment [11]; See also Amendment [14]

Done in Convention at Iowa City, this fifth day of March in the year of our Lord One thousand eight hundred and fifty seven, and of the Independence of the United States of America, the eighty first.

In testimony whereof we have hereunto subscribed our names.

TIMOTHY DAY	JOHN EDWARDS
SHELDON G. WINCHESTER	J. C. TRAER
DAVID BUNKER	JAMES F. WILSON
D. P. PALMER	AMOS HARRIS
GEORGE W. ELLS	JOHN T. CLARK
J. C. HALL	SQUIRE AYERS
JOHN H. PETERS	HARVEY J. SKIFF
WILLIAM A. WARREN	J. A. PARVIN
HOSEA W. GRAY	W. PENN CLARKE
ROBERT GOWER	JEREMIAH HOLLINGSWORTH
H. D. GIBSON	WILLIAM PATTERSON
THOMAS SEELY	DANIEL W. PRICE
A. H. MARVIN	ALPHEUS SCOTT
J. H. EMERSON	GEORGE GILLASPY
RUFUS L. B. CLARKE	EDWARD JOHNSTONE
JAMES A. YOUNG	AYLETT R. COTTON
DANIEL H. SOLOMON	FRANCIS SPRINGER, <i>President</i>
M. W. ROBINSON	Attest:
LEWIS TODHUNTER	THOMAS J. SAUNDERS, <i>Secretary</i>
	ELLSWORTH N. BATES, <i>Asst. Secretary</i>

PROCLAMATION

Whereas an instrument known as the "New Constitution of the State of Iowa" adopted by the constitutional convention of said State on the fifth day of March A.D. 1857 was submitted to the qualified electors of said State at the annual election held on Monday the third day of August 1857 for their approval or rejection.

And whereas an official canvass of the votes cast at said election shows that there were Forty thousand three hundred and eleven votes cast for the adoption of said Constitution and Thirty eight thousand six hundred and eighty-one votes were cast against its adoption, leaving a majority of sixteen hundred and thirty votes in favor of its adoption.

Now therefore I, JAMES W. GRIMES, Governor of said State, by virtue of the authority conferred upon me, hereby declare that said New Constitution to be adopted, and declare it to be the supreme law of the State of Iowa.

In the testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa.

L.S. Done at Iowa City this Third day of September A.D. 1857 of the Independence of the United States the eighty second and of the State of Iowa the eleventh.

JAMES W. GRIMES

By the Governor.

Elijah Sells,

Secretary of State.

AMENDMENTS TO THE CONSTITUTION OF IOWA

Amendments of 1868

- [1] 1st Strike the word "white," from Section 1 of Article II thereof; [Electors]
- [2] 2d. Strike the word "white," from Section 33 of Article III thereof; [Census]
- [3] 3d. Strike the word "white," from Section 34 of Article III thereof; [Senators]
- [4] 4th Strike the word "white," from Section 35 of Article III thereof; [Apportionment]
- [5] 5th Strike the word "white," from Section 1 of Article VI thereof; [Militia]

The first of these amendments was submitted to the electorate with the Constitution in 1857 but was defeated.

Amendment of 1880

- [6] Strike out the words "free white" from the third line of Section four (4) of Article three (III) of said Constitution, relating to the legislative department.

Amendments of 1884

- [7] **General election.** [*Amendment 1. The general election for State, District County and Township officers shall be held on the Tuesday next after the first Monday in November.*]*

*The above amendment, published as section 7 of Article II was repealed by Amendment [14]

- [8] **Judicial districts.** Amendment 2. At any regular session of the General Assembly the State may be divided into the necessary Judicial Districts for District Court purposes, or the said Districts may be reorganized and the number of the Districts and the Judges of said Courts increased or diminished; but no reorganization of the Districts or diminution of the Judges shall have the effect of removing a Judge from office.

See section 10 of Article V

- [9] **Grand jury.** Amendment 3. The Grand Jury may consist of any number of members not less than five, nor more than fifteen, as the General Assembly may by law provide, or the General Assembly may provide for holding persons to answer for any criminal offense without the intervention of a Grand Jury.

See section 11 of Article I

- [10] Amendment 4. That Section 13 of Article V of the Constitution be stricken therefrom, and the following adopted as such Section.

County attorney. SECTION 13. [*The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter elect a County Attorney, who shall be a resident of the county for which he is elected, and shall hold his office for two years, and until his successor shall have been elected and qualified.*]*

*In 1970 this section was repealed: See Amendment [31]

Amendments of 1904

- [11] Amendment 1. Add as Section 16, to Article XII of the Constitution, the following:
General election. SECTION 16. [*The first general election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November in the year one thousand nine hundred and six, and general elections shall be held biennially thereafter. In the year one thousand nine hundred and six there shall be elected a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney general, two judges of the supreme court, the successors of the judges of the district court whose terms of office expire on December 31st, one thousand nine hundred and six, state senators who would otherwise be chosen in the year one thousand nine hundred and five, and members of the house of representatives. The terms of office of the judges of the supreme court which would otherwise expire on December 31st, in odd numbered years, and all other elective state, county and township officers whose terms of office would otherwise expire in January in the year one thousand nine hundred and six, and members of the general assembly whose successors would otherwise be chosen at the general election in the year one thousand nine hundred and five, are hereby extended one year and until their successors are elected and qualified. The terms of offices of senators whose successors would otherwise be chosen in the year one thousand nine hundred and seven are hereby extended one year and until their successors are*

elected and qualified. The general assembly shall make such changes in the law governing the time of election and term of office of all other elective officers as shall be necessary to make the time of their election and terms of office conform to this amendment, and shall provide which of the judges of the supreme court shall serve as chief justice. The general assembly shall meet in regular session on the second Monday in January, in the year one thousand nine hundred and six, and also on the second Monday in January in the year one thousand nine hundred and seven, and biennially thereafter.]*

Practically the same amendment as the above was ratified in 1900, but the supreme court, in the case of State ex rel. Bailey v. Brookhart, 113 Iowa 250, held that said amendment was not proposed and adopted as required by the constitution, and did not become a part thereof

*The above amendment of 1904 has apparently been superseded by Amendment [14]

- [12] Amendment 2.* That Sections thirty-four (34) thirty-five (35) and thirty-six (36) of Article (III) of the Constitution of the State of Iowa, be repealed and the following be adopted in lieu thereof.

Senators—number—method of apportionment. SECTION 34. [The Senate shall be composed of fifty members to be elected from the several senatorial districts, established by law and at the next session of the general assembly held following the taking of the state and national census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census.]*

*In 1968 this section was repealed and a substitute adopted in lieu thereof. See Amendment [26]

**See Amendment [16]; also Art. III, sec. 6

Representatives—number—apportionment. SECTION 35. [The House of Representatives shall consist of not more than one hundred and eight members. The Ratio of representation shall be determined by dividing the whole number of the population of the state as shown by the last preceding state or national census, by the whole number of counties then existing or organized, but each county shall constitute one representative district and be entitled to one representative, but each county having a population in excess of the ratio number, as herein provided of three fifths or more of such ratio number shall be entitled to one additional representative, but said addition shall extend only to the nine counties having the greatest population.]*

*In 1968 this section was repealed and a substitute adopted in lieu thereof. See Amendment [26]

Ratio of representation. SECTION 36. [The General Assembly shall, at the first regular session held following the adoption of this amendment, and at each succeeding regular session held next after the taking of such census, fix the ratio of representation, and apportion the additional representatives, as herein before required.]*

*In 1968 this section was repealed and a substitute adopted in lieu thereof. See Amendment [26]

Amendment of 1908

- [13] That there be added to Section eighteen (18) of Article one (I) of the Constitution of the State of Iowa, the following:

Drainage ditches and levees. The General Assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agricultural, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The General Assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation.

Amendment of 1916

- [14] To repeal Section seven (7) of Article two (II) of the Constitution of Iowa and to adopt in lieu thereof the following, to-wit:

General election. SECTION 7. The general election for state, district county and township officers in the year 1916 shall be held in the same month and on the same day as that fixed by the laws of the United States for the election of presidential electors, or of president and vice-president of the United States; and thereafter such election shall be held at such time as the general assembly may by law provide.

The above amendment repealed Amendment [7], which was published as section 7 of Article II: See also Amendment [11]

For statutory provisions, see §39.1 of the Code

In 1916 a proposed amendment to extend the election franchise to women was defeated by the people

In 1917 a second proposed prohibition amendment was defeated by the people

In 1919 a second proposed amendment to enfranchise women was nullified by a procedural defect in failure to publish

Amendment of 1926

- [15] Strike out the word "male" from Section four (4) of Article three (III) of said constitution, relating to the legislative department.

Amendment of 1928*

- [16] [That the period (.) at the end of said section thirty-four (34) of Article three (III) of the Constitution of the state of Iowa be stricken and the following inserted: ", but no county shall be entitled to more than one (1) senator."]**

See Art. III, sec. 6

*The above amendment was repealed by Amendment [26]

**Applicable to Amendment [12]

Amendment of 1936

- [17] Amend Article three (III) by repealing Section thirty-three (33) relating to the state census.

Amendment of 1942

- [18] That Article Seven (VII) of the Constitution of the State of Iowa be amended by adding thereto, as Section eight (8) thereof, the following:

Motor vehicle fees and fuel taxes. SECTION 8. All motor vehicle registration fees and licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.

Amendments of 1952

- [19] Amendment 1. Section four (4) of Article IV of the Constitution of Iowa is amended by adding thereto the following:

Death of governor—elect or failure to qualify. [If upon the completion of the canvass of votes for Governor and Lieutenant Governor by the General Assembly, it shall appear that the person who received the highest number of votes for Governor has since died, resigned, is unable to qualify, fails to qualify, or for any other reason is unable to assume the duties of the office of Governor for the ensuing term, the powers and duties of the office shall devolve upon the person who received the highest number of votes for Lieutenant Governor until the disability is removed and, upon inauguration, he shall assume the powers and duties of Governor.]*

*In 1988 this section was repealed and a substitute adopted in lieu thereof. See Amendment [41]

- [20] Amendment 2. Section nineteen (19) of Article IV of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Gubernatorial succession. SECTION 19. [If there be a vacancy in the office of Governor and the Lieutenant Governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of Governor, the President pro tempore of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President pro tempore of the Senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of Governor the same shall devolve upon the Speaker of the House of Representatives; and if the Speaker of the House of Representatives, for any of the above causes, shall be incapable of performing the duties of the office of Governor, the Justices of the Supreme Court shall convene the General Assembly by proclamation and the General Assembly shall organize by the election of a President pro tempore by the Senate and a Speaker by the House of Representatives. The General Assembly shall thereupon immediately proceed to the election of a Governor and Lieutenant Governor in joint convention.]*

Practically the same amendments were proposed in 1947 but nullified by a procedural defect in 1949 by failure to publish before the election

*In 1988 this section was repealed and a substitute adopted in lieu thereof. See Amendment [42]

Amendment of 1962

- [21] Article Five (V) is amended in the following manner:
1. Section four (4) is amended by striking from lines eight (8) and nine (9) of such section the words, "exercise of supervisory" and inserting in lieu thereof the words, "shall exercise a supervisory and administrative".
 2. Sections three (3), five (5), nine (9) and eleven (11) are repealed.
 3. The following sections are added thereto:
Vacancies in courts. SECTION 15. Vacancies in the Supreme Court and District Court shall be filled by appointment by the Governor from lists of nominees submitted by the appropriate judicial nominating commission. Three nominees shall be submitted for each Supreme Court vacancy, and two nominees shall be submitted for each District Court vacancy. If the Governor fails for thirty days to make the appointment, it shall be made from such nominees by the Chief Justice of the Supreme Court.
State and district nominating commissions. SECTION 16. There shall be a State Judicial Nominating Commission. Such commission shall make nominations to fill vacancies in the Supreme Court. Until July 4, 1973, and thereafter unless otherwise provided by law, the State Judicial Nominating Commission shall be composed and selected as follows: There shall be not less than three nor more than eight appointive members, as provided by law, and an equal number of elective members on such Commission, all of whom shall be electors of the state. The appointive members shall be appointed by the Governor subject to confirmation by the Senate. The elective members shall be elected by the resident members of the bar of the state. The judge of the Supreme Court who is senior in length of service on said Court, other than the Chief Justice, shall also be a member of such Commission and shall be its chairman.
There shall be a District Judicial Nominating Commission in each judicial district of the state. Such commissions shall make nominations to fill vacancies in the District Court within their respective districts. Until July 4, 1973, and thereafter unless otherwise provided by law, District Judicial Nominating Commissions shall be composed and selected as follows: There shall be not less than three nor more than six appointive members, as provided by law, and an equal number of elective members on each such commission, all of whom shall be electors of the district. The appointive members shall be appointed by the Governor. The elective members shall be elected by the resident members of the bar of the district. The district judge of such district who is senior in length of service shall also be a member of such commission and shall be its chairman.
Due consideration shall be given to area representation in the appointment and election of Judicial Nominating Commission members. Appointive and elective members of Judicial Nominating Commissions shall serve for six year terms, shall be ineligible for a second six year term on the same commission, shall hold no office of profit of the United States or of the state during their terms, shall be chosen without reference to political affiliation, and shall have such other qualifications as may be prescribed by law. As near as may be, the terms of one-third of such members shall expire every two years.
Terms—judicial elections. SECTION 17. Members of all courts shall have such tenure in office as may be fixed by law, but terms of Supreme Court Judges shall be not less than eight years and terms of District Court Judges shall be not less than six years. Judges shall serve for one year after appointment and until the first day of January following the next judicial election after the expiration of such year. They shall at such judicial election stand for retention in office on a separate ballot which shall submit the question of whether such judge shall be retained in office for the tenure prescribed for such office and when such tenure is a term of years, on their request, they shall, at the judicial election next before the end of each term, stand again for retention on such ballot. Present Supreme Court and District Court Judges, at the expiration of their respective terms, may be retained in office in like manner for the tenure prescribed for such office. The General Assembly shall prescribe the time for holding judicial elections.
Salaries—qualifications—retirement. SECTION 18. Judges of the Supreme Court and District Court shall receive salaries from the state, shall be members of the bar of the state and shall have such other qualifications as may be prescribed by law. Judges of the Supreme Court and District Court shall be ineligible to any other office of the state while serving on said court and for two years thereafter, except that District Judges shall be eligible to the office of Supreme Court Judge. Other judicial officers shall be selected in such manner and shall have such tenure,

compensation and other qualification as may be fixed by law. The General Assembly shall prescribe mandatory retirement for Judges of the Supreme Court and District Court at a specified age and shall provide for adequate retirement compensation. Retired judges may be subject to special assignment to temporary judicial duties by the Supreme Court, as provided by law.

Amendment of 1964

- [22] Section three (3) of Article ten (X) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:
Constitutional convention. SECTION 3. At the general election to be held in the year one thousand nine hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may, by law, provide, the question, "Shall there be a Convention to revise the Constitution, and propose amendment or amendments to same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention, and for submitting the results of said Convention to the people, in such manner and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state. If two or more amendments shall be submitted at the same time, they shall be submitted in such a manner that electors may vote for or against each such amendment separately.

Amendment of 1966

- [23] Section twenty-six (26) of Article III is amended by striking from line four (4) the word "Fourth" and inserting in lieu thereof the word "first".

Amendments of 1968

- [24] Amendment 1. Section two (2) of Article three (III) of the Constitution of the State of Iowa is hereby repealed and the following adopted in lieu thereof:
Annual sessions of General Assembly. SECTION 2. [*The General Assembly shall meet in session on the second Monday of January of each year. The Governor of the state may convene the General Assembly by proclamation in the interim.*]*
*In 1974 this section was repealed and a substitute adopted: See Amendment [36]
- [25] Amendment 2. Article three (III), legislative department. Constitution of the State of Iowa is hereby amended by adding the following new section:
Municipal home rule. SECTION 38A. Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the General Assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the General Assembly.
The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state.
- [26] Amendment 3. Section six (6) of Article three (III) section thirty-four (34) of Article three (III) and the 1904 and 1928 amendments thereto, sections thirty-five (35) and thirty-six (36) of Article three (III) and the 1904 amendment to each such section, and section thirty-seven (37) of Article three (III) are hereby repealed and the following adopted in lieu thereof:
Senators—number and classification. SECTION 6. The number of senators shall total not more than one-half the membership of the house of representatives. Senators shall be classified so that as nearly as possible one-half of the members of the senate shall be elected every two years.
Senate and House of Representatives—limitation. SECTION 34. The senate shall be composed of not more than fifty and the house of representatives of not more than one hundred members. Senators and representatives shall be elected from districts established by law. Each district so established shall be of compact and contiguous territory. The state shall be apportioned into senatorial and representative districts on the basis of population. The General Assembly may provide by law for factors in addition to population, not in conflict with the Constitution of the United States, which may be considered in the apportioning of senatorial districts. No law

so adopted shall permit the establishment of senatorial districts whereby a majority of the members of the senate shall represent less than forty percent of the population of the state as shown by the most recent United States decennial census.

Senators and representatives—number and districts. SECTION 35. The General Assembly shall in 1971 and in each year immediately following the United States decennial census determine the number of senators and representatives to be elected to the General Assembly and establish senatorial and representative districts. The General Assembly shall complete the apportionment prior to September 1 of the year so required. If the apportionment fails to become law prior to September 15 of such year, the Supreme Court shall cause the state to be apportioned into senatorial and representative districts to comply with the requirements of the Constitution prior to December 31 of such year. The reapportioning authority shall, where necessary in establishing senatorial districts, shorten the term of any senator prior to completion of the term. Any senator whose term is so terminated shall not be compensated for the uncompleted part of the term.

Review by Supreme Court. SECTION 36. Upon verified application by any qualified elector, the Supreme Court shall review an apportionment plan adopted by the General Assembly which has been enacted into law. Should the Supreme Court determine such plan does not comply with the requirements of the Constitution, the court shall within ninety days adopt or cause to be adopted an apportionment plan which shall so comply. The Supreme Court shall have original jurisdiction of all litigation questioning the apportionment of the General Assembly or any apportionment plan adopted by the General Assembly.

Congressional districts. SECTION 37. When a congressional district is composed of two or more counties it shall not be entirely separated by a county belonging to another district and no county shall be divided in forming a congressional district.

- [27] Amendment 4. Section sixteen (16) of article three (III) of the Constitution of the State of Iowa is hereby amended by adding the following new paragraph at the end thereof.

Item veto by Governor. The Governor may approve appropriation bills in whole or in part, and may disapprove any item of an appropriation bill; and the part approved shall become a law. Any item of an appropriation bill disapproved by the Governor shall be returned, with his objections, to the house in which it originated, or shall be deposited by him in the office of the Secretary of State in the case of an appropriation bill submitted to the Governor for his approval during the last three days of a session for the General Assembly, and the procedure in each case shall be the same as provided for other bills. Any such item of an appropriation bill may be enacted into law notwithstanding the Governor's objections, in the same manner as provided for other bills.

- [28] Amendment 5. Section twenty-five (25) of Article three (III) of the Constitution of the State of Iowa is hereby repealed and the following adopted in lieu thereof:

Compensation and expenses of General Assembly. SECTION 25. Each member of the General Assembly shall receive such compensation and allowances for expenses as shall be fixed by law but no General Assembly shall have the power to increase compensation and allowances effective prior to the convening of the next General Assembly following the session in which any increase is adopted.

Amendments of 1970

- [29] Amendment 1. Article three (III) of the Constitution of the State of Iowa is hereby amended by adding thereto the following new section:

Legislative districts. SECTION 39. In establishing senatorial and representative districts, the state shall be divided into as many senatorial districts as there are members of the senate and into as many representative districts as there are members of the house of representatives. One senator shall be elected from each senatorial district and one representative shall be elected from each representative district.

- [30] Amendment 2. Section one (1) of Article two (II) of the Constitution, as amended in 1868, is hereby repealed and the following is hereby adopted in lieu thereof:

Electors. SECTION 1. Every citizen of the United States of the age of twenty-one years, who shall have been a resident of this state for such period of time as shall be provided by law and of the county in which he claims his vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are now or hereafter may be authorized by law. The General Assembly may provide by law for different periods of residence in order to vote for various officers

or in order to vote in various elections. The required periods of residence shall not exceed six months in this state and sixty days in the county.

See Amendments 19 and 26 to U.S. Constitution

- [31] Amendment 3. Section thirteen (13) of Article five (V) of the Constitution of the State of Iowa as amended by Amendment 4 of the Amendments of 1884 is hereby repealed. [County Attorney].

Amendments of 1972

- [32] Amendment 1. Section two (2) of Article four (IV) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Election and term [governor]. SECTION 2. [*The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office for four years from the time of his installation, and until his successor is elected and qualifies.*]*

*In 1988 this section was repealed and a substitute adopted in lieu thereof: See Amendment [41]

Section three (3) of Article four (IV) of the Constitution of the State of Iowa is hereby repealed and the following adopted in lieu thereof:

Lieutenant governor—returns of elections. SECTION 3. [*There shall be a Lieutenant Governor who shall hold his office for the same term, and be elected at the same time as the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.*]*

*In 1988 this section was repealed and a substitute adopted in lieu thereof: See Amendment [41]

Section fifteen (15) of Article four (IV) of the Constitution of the State of Iowa is hereby repealed and the following adopted in lieu thereof:

Terms—compensation of lieutenant governor. SECTION 15. [*The official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualify. The Lieutenant Governor, while acting as Governor, shall receive the same compensation as provided for Governor; and while presiding in the Senate, and between sessions such compensation and expenses as provided by law.*]*

*In 1988 this section was repealed and a substitute adopted in lieu thereof: See Amendment [42]

Section twenty-two (22) of Article four (IV) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Secretary—auditor—treasurer. SECTION 22. A Secretary of State, an Auditor of State and a Treasurer of State shall be elected by the qualified electors at the same time that the governor is elected and for a four-year term commencing on the first day of January next after their election, and they shall perform such duties as may be provided by law.

Section twelve (12) of Article five (V) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Attorney general. SECTION 12. The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be four years, and until his successor is elected and qualifies.

- [33] Amendment 2. Article five (V), Constitution of the State of Iowa, is hereby amended by adding thereto the following new section:

Retirement and discipline of judges. SECTION 19. In addition to the legislative power of impeachment of judges as set forth in Article three (III), sections nineteen (19) and twenty (20) of the Constitution, the Supreme Court shall have power to retire judges for disability and to discipline or remove them for good cause, upon application by a commission on judicial qualifications. The General Assembly shall provide by law for the implementation of this section.

- [34] Amendment 3. Section twenty-eight (28) of Article three (III) of the Constitution of the State of Iowa is hereby repealed. [Lottery prohibition].

Amendments of 1974

- [35] Amendment 1. Section four (4), subdivision two (2), entitled "School Funds and School Lands," of Article nine (IX) of the Constitution of the State of Iowa is hereby repealed.

Section four (4) of Article twelve (XII) of the Constitution of the State of Iowa

is hereby repealed.

- [36] Amendment 2. Section two (2) of Article three (III) of the Constitution of the State of Iowa, as amended by amendment number one (1) of the Amendments of 1968 to the Constitution of the State of Iowa, is repealed and the following adopted in lieu thereof:

The General Assembly shall meet in session on the second Monday of January of each year. Upon the written request to the presiding officer of each House of the General Assembly by two thirds of the members of each House, the General Assembly shall convene in special session. The Governor of the state may convene the General Assembly by proclamation in the interim.

Amendment of 1978

- [37] Article three (III), legislative department, Constitution of the State of Iowa is hereby amended by adding the following new section:

Counties Home Rule. SECTION 39A. Counties or joint county-municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The general assembly may provide for the creation and dissolution of joint county-municipal corporation governments. The general assembly may provide for the establishment of charters in county or joint county-municipal corporation governments.

If the power or authority of a county conflicts with the power and authority of a municipal corporation, the power and authority exercised by a municipal corporation shall prevail within its jurisdiction.

The proposition or rule of law that a county or joint county-municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Amendments of 1984

- [38] Amendment 1. Article three (III), legislative department, Constitution of the State of Iowa, is amended by adding the following new section:

Legislative veto of administrative rules. SECTION 40. The general assembly may nullify an adopted administrative rule of a state agency by the passage of a resolution by a majority of all of the members of each house of the general assembly.

- [39] Amendment 2. Section 7, subsection 2 entitled "School Funds and School Lands", of Article IX of the Constitution of the State of Iowa is repealed.

Amendments of 1986

- [40] Section 26 of Article III of the Constitution of Iowa, as amended by the Amendment of 1966, is repealed and the following adopted in lieu thereof:

An act of the General Assembly passed at a regular session of a General Assembly shall take effect on July 1 following its passage unless a different effective date is stated in an act of the General Assembly. An act passed at a special session of a General Assembly shall take effect ninety days after adjournment of the special session unless a different effective date is stated in an act of the General Assembly. The general assembly may establish by law a procedure for giving notice of the contents of acts of immediate importance which become law.

Amendments of 1988

- [41] Amendment 1. Section two (2) of Article four (IV) of the Constitution of the State of Iowa, as amended by amendment number one (1) of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SECTION 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

Section three (3) of Article four (IV) of the Constitution of the State of Iowa, as amended by amendment number one (1) of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SECTION 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every elections for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

Section four (4) of Article four (IV) of the Constitution of the State of Iowa, as amended by amendment number one (1) of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SECTION 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

Section five (5) of Article four (IV) of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SECTION 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

- [42] Amendment 2. Section fifteen (15) of Article four (IV) of the Constitution of the State of Iowa, as amended by amendment number one (1) of the Amendments of 1972, is repealed beginning with the second Monday in January, 1991, and the following adopted in lieu thereof:

SECTION 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

Section eighteen (18) of Article four (IV) of the Constitution of the State of Iowa is repealed beginning with the second Monday in January, 1991, and the following adopted in lieu thereof:

SECTION 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

Section nineteen (19) of Article four (IV) of the Constitution of the State of Iowa, as amended by amendment number two (2) of the Amendments of 1952, is repealed beginning with the second Monday in January, 1991, and the following adopted in lieu thereof:

SECTION 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the

supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

SAVING OUR HERITAGE: RESTORATION OF IOWA'S CONSTITUTION

By Barbara J. Dewey, assistant to the university librarian, University of Iowa

The story of the restoration of Iowa's Constitution of 1857 began in January of 1987, when newly elected Secretary of State Elaine Baxter took office. It is a responsibility of the secretary of state to keep and maintain the Iowa Constitution. Secretary of State Baxter was concerned about the condition of the Constitution and, upon taking office, resolved to have the document restored and preserved for future generations.

In order to further preserve the 130-year-old document, Secretary of State Baxter began working with the staff at the Iowa State Historical Society in Iowa City. After negotiating with the University of Iowa and the Historical Society, the Society's conservator was chosen to restore the Constitution. Unfortunately, shortly after project was started, the conservator left Iowa for a job in another state.

After the restoration project was suspended, an article appeared in the *Des Moines Register* detailing the condition of the Constitution and the wishes of the secretary of state to find another conservator in Iowa to do the work. Several Iowans called Secretary of State Baxter's office to inform her about William Anthony, a conservator and bookbinder at the University of Iowa Conservation Lab.

The Constitution Returns to Iowa City

Sheila Creth, university librarian, was very enthusiastic about the possibility of restoring the Constitution in the conservation lab in Iowa City. While the university began developing a contract for services, Secretary of State Baxter secured funds from the State Legislature which authorized Iowa Lottery money to complete the project.

On April 29, 1988, Secretary of State Baxter hand delivered the Constitution to William Anthony at the University of Iowa Conservation Lab. The Constitution remained under the care of William Anthony and the University of Iowa during the three months of the restoration.

The Conservation Process

In the lab, William Anthony studied the Constitution to determine the extent of repair necessary. Conservation Lab apprentices were able to observe the entire process, although Anthony did all the work himself.

Anthony discovered that the people who first wrote and bound the Constitution used no special papers or methods and that it was a very ordinary book for the period. Anthony also discovered that the greatest damage to the Constitution came from a nineteenth century rebinding in which a very acidic animal glue was used and was absorbed into the paper. An important preliminary task was to test the ink to make sure it would not fade during the cleaning process.

After planning the treatment schedule for the Constitution, Anthony began by dismantling the book and pulling the pages apart. Each page was dry cleaned and washed in distilled water. The pages were then placed in magnesium bicarbonate to neutralize the acidic paper. The pages were mended using a Japanese paper called Kozo, made by Timothy Barrett - another master craftsman at the University of Iowa. Once all of the pages were mended, sewing holes were made on each page, the pages were sewn into sections and then sewn together to form one block. The leather cover was restored and a new spine was made to match the original leather.

William Anthony also created a facsimile of the Constitution. The facsimile was designed so that Iowans can study the Constitution more closely without risk of damaging the original document.

The final phase of the project was to develop a secure, environmentally-safe and attractive display case. Anthony designed a case using special UV3 plexiglass which filters out harmful ultraviolet rays. A metal tray, filled with silica gel to absorb moisture and reduce humidity, was built into the display case. Finally, Anthony lined the case with Irish linen creating a pleasant, complementary environment for the Constitution.

Creating Public Awareness

The University of Iowa Libraries received a grant from the Iowa Humanities Board to help produce a documentary video describing the restoration process. The program, *Conserving the Constitution of the State of Iowa*, is a 13-minute video cassette version that includes history on the writing of the document, a general description of the Conservation Lab, the delivery of the Constitution from Des Moines to Iowa City, and a summary of each step of the conservation process.

Sheila Creth wanted to create awareness of the importance of conservation activities at the University of Iowa. With the help of University President, Hunter Rawlings III, Creth arranged to have a ceremony commemorating the restoration of the Constitution. The ceremony was held at the Old Capitol in Iowa City where the Constitution was signed on March 5, 1857. Governor Terry E. Branstad, Secretary of State Elaine Baxter, President Hunter Rawlings, and Sheila Creth participated in the ceremony. At the ceremony Secretary of State Baxter outlined the importance of the project to all Iowans. Special recognition was given to William Anthony for his outstanding restoration work.

Restoration of the Iowa Constitution is complete. The awareness and appreciation for the special talents of William Anthony and the University of Iowa Libraries Conservation Lab is heartfelt by all of the people involved in the restoration project. Since the ceremony, many requests have been received to purchase or borrow the video program, and libraries and historical societies in Iowa and around the country have shown a keen interest in the restoration of the Iowa Constitution. As a state institution, the University of Iowa Libraries is proud to contribute so directly to the heritage of Iowa and in turn has benefited tremendously from the opportunity to communicate directly with the people of Iowa about the importance of conservation efforts in their state.

The Constitution is on permanent display in the Office of the Secretary of State, located on the first floor of the Statehouse, in Des Moines.

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Beginning in the middle
Mississippi River, at a point due
the main channel of the Osage
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State of Missouri, as established
State adopted June 12th, 1820
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