MESSAGE TO SPECIAL SESSION OF FIFTIETH  
GENERAL ASSEMBLY  
By GOVERNOR BOURKE B. HICKENLOOPER  
January 26, 1944  
11:00 a. m.

Mr. President,  
Mr. Speaker,  
The Honorable Members of the General Assembly:

On December 28, 1943, I issued a proclamation convening your honorable body in Extraordinary Session on this date and you have convened in response thereto. The Constitution and the laws of the State of Iowa provide that there shall be a regular session of the legislature each two years beginning in January following the general election in November, but provision is made for special meetings when emergency matters of vital interest and necessity occur. Our laws further provide that when such special or emergency sessions are deemed necessary by the executive, he shall state to the legislature, when it is assembled, the purpose for which the call was issued. I do that now and state to you that the purpose for which this extraordinary or special session of the 50th General Assembly was convened by me is the necessity, in my opinion, of altering our election laws so that our citizens who are qualified voters in the armed forces of our country may be given every reasonable opportunity to vote in the primary and in the general election of 1944; and for the enactment of such necessary legislation as will accomplish this purpose and make any reasonably necessary or proper changes in our laws regarding elections as may facilitate or contribute to the accomplishment of this purpose.

Under existing law, with respect to absent voters and the casting of their ballots, there is but a twenty day period prior to any election, during which the absent voter must request an application for ballot, receive such application, return it to the county auditor, receive a ballot from the auditor, vote and return it to the auditor. Heretofore, this time has been found sufficient for ordinary use by absent voters within the territorial limits of the 48 states and is still ample within this country. Manifestly, however, with thousands of our citizens in remote parts of the world, this length of time is not sufficient for them to vote from overseas by absent voter’s ballot.

There is no question involved as to the right of the voter in the armed forces to vote regardless of where he may be, but the question involved is one of opportunity and time within which he may exercise this right. Any legislation touching this right should be extended to all persons in the armed forces without any attempt to differentiate between those within the United States and those in foreign lands; because, with the rapidity of movement and uncertainty of location, there is no assurance that any of such voters may remain for any length of time either within or without our territorial limits.

There has been much discussion in recent weeks concerning action by the national congress in connection with such voting. At no time in such discussion has there appeared any serious or feasible program under which the absent voter in the armed forces could be provided with any opportunity to vote for other than presidential and vice presidential electors and for members of the congress. No feasible or practical suggestion has been offered in connection with such national action that would in any way offer any opportunity for those who are defending their homes, their states as well as their nation, to register any opinion or cast any ballot with reference to the local county or state offices in their home counties and home states.

The Constitution of the United States places the power and the duty of providing for and regulating elections for national and state office primarily and in some instances exclusively with the legislatures of the respective states.

The first paragraph of section four, or article one of the Federal Constitution provides as follows:

“The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.”

The first two paragraphs of section one of article two of the Federal Constitution with respect to the president and vice president and their election are as follows:

“The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected as follows:

“Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.”

These two sections of the federal constitution provide the basis for the very serious doubt that exists as to the ability or the right of the national congress to enact such legislation. By the same provisions, however, it does clearly and affirmatively appear that the responsibility and the obligation does rest upon the legislatures of the various states to provide for and protect the franchise of its citizens. It is because of this responsibility and obligation and under the existing circumstances in which our laws, adequate for normal peace-time service, are not adequate under these war-time conditions for the exercise of the franchise by members of our armed forces, especially in foreign lands, that I believe it to be the duty of the legislature to meet these responsibilities fully and promptly. May I add that, through letters and personal conversation with most of you heretofore, and especially since the date of the call for this session, I am convinced that you are unanimously of the opinion that this is a duty and an obligation to be met and performed.

With regard to the method of voting and the necessary steps to be taken I have, of course, given some thought, and I have asked the Attorney General’s office do some research. Whatever help or benefit may derive therefrom is available to you, not with the idea that any conclusions reached are final but rather from the standpoint of impartial research and opinion as to certain probable requirements in legislation to accomplish this purpose generally.

Based upon this thought and research, there are several factors that should be taken into consideration in connection with any legislation that may be enacted.

The right to vote being a fundamental principle of our system, the opportunity to vote at both the primary and the general election should be preserved to the greatest reasonable extent. It certainly is fundamental, under our party system of government, that the citizen shall have a right to choose his party and have a voice in the selection of his party candidates for office as well as the right to exercise his personal opinion in voting for officeholders in the general election.

In order that absent voters in remote places can have an opportunity to receive and return their ballots, it will be necessary to lengthen the time prior to each election during which such ballots may be forwarded and received. The newspapers indicate that it is the opinion of the war and navy departments that a minimum of 45 days is required, and I recommend that this time be increased by at least ten more days. Such lengthening of time will necessitate an earlier filing date for filing nomination papers by candidates and suggests that it will be necessary that primary candidates file their required nomination papers for county offices approximately 70 days prior to the primaries and for state and national offices at approximately 80 days prior to the primaries. This should occasion no hardship under the circumstances.

Care should be exercised so that technicalities of registration of absent voters in the armed forces be eliminated as far as possible, to facilitate voting.

The request for ballot on the part of the voter in the armed forces should be simplified, and, while I believe that the voter himself should make the request for ballot in the primaries because of the necessity for declaration of party affiliation, however, in the general election, adult members of his family should also be permitted to make application in his behalf if they or he so desire.

It also seems desirable that a voting or ballot commission be established for the purposes of the elections this year, and I recommend that such commission be established. It should have adequate, proper and uncontrolled representation from each of the two major parties in the state and such commission should have discretionary authority with respect to establishing uniformity in size, weight, and other matters in connection with the ballot. It should be authorized to make reasonable adjustments and provisions in connection with the transmittal of ballots, in keeping with any future regulations of the federal government, that may be helpful in connection with such absent voting.

There are, of course, many other items to be considered, but they are, largely, incidental, necessary alterations having to do with the mechanics of the legislation rather than the principle.

I recommend that the legislation herein contemplated be of a temporary nature, so far as this extraordinary session is concerned. It may be desirable, later, to make more permanent provision with respect to future elections, but any such permanent changes should be considered maturely by a regular session of the legislature, benefiting, no doubt, from the experience gained from temporary enactments.

An extraordinary session of the General Assembly is, of necessity, an emergency session. It is hastily called because of emergency demands. As a rule, no comprehensive planning has been made for its action, other than the needs of the particular emergency justifying its call.

Such a session should, therefore, be most cautious with respect to considering or enacting permanent alterations or changes in established and operating statutes.

I know that you are busy people, and that you each have a multitude of duties in your own businesses and occupations, increased many times by the war effort, shortage of help and plans for greater individual and community effort for this year. I realize fully that you had little opportunity to make plans to come here and that it is a distinct effort on the part of each of you and a serious hardship for many. However, again may I say, and I am certain you agree, the importance of providing and protecting the opportunity of voting for our armed forces is one of the fundamental obligations of our state and of our citizens. Liberty has been preserved through the protection of the ballot—it is the bulwark of self-determination and our defense against autocracy. No more potent duty is placed upon public officials than to maintain that right to its greatest extent.

Your sons, your brothers, your loved ones are today fighting the greatest battle for the survival and future of freedom that the world has ever known. Your sisters and daughters are taking their parts. We, likewise, must meet the duties of home and society in this battle of freedom.

The state of Iowa is assuming its full share of responsibility in this war effort. With over 250,000 of our citizens in the armed forces, we are well above the national average in this field of the war. Our leadership in the purchase of bonds, in the production of food, in contribution to the various services, indicates that there is a deep appreciation of our responsibilities and a willingness to discharge them fully. The state legislature is the only body that can give the members of our armed forces the full opportunity to exercise all of their major rights of franchise, and we, as a state, would be derelict in our duty if we did not assume and discharge this responsibility, placed upon us by the federal constitution and gladly accepted by us. Our sons and daughters are citizens of our state as well as of the United States, and any voting opportunities that limit them to voting only for national officials would be a piece-meal approach to the discharge of the obligations we owe them and but partial recognition of the rights for which they are fighting.

Our citizens have a vital interest in their county officers and county government and in their state officers and state government as well as in national offices and national government. To limit their voting opportunities to national offices only would be to assume that there are no offices and there is no government worthy of consideration other than national. I do not agree with such an assumption or such philosophy.

May I assure you of my full confidence in your judgment in connection with the enactment of proper legislation on this subject and I offer every cooperation in connection with the action of this legislature to accomplish this purpose.