

Original

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Withdrawn

IN THE HOUSE

BY MR. DUFFIELD

HOUSE BILL NO. 142

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act Amending Sections 38-9-1,
38-9-2, 39-9-3, 38-9-4, 38-9-12,
Chapter 9, ACLA 1949, relating to
Absentee Voting."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Section 38-9-1 ACLA 1949, to be amended to read
as follows:

Sec. 38-9-1. ABSENTEE VOTING AUTHORIZED. Any elector
of the Territory who believes that he will be unavoidably
absent from his home on election day, and more than two
miles distant from the voting place in which he is qualified
to vote, whether within the Territory or not, and any elec-
tor who is within his or her voting precinct being other-
wise qualified to vote but is physically unable to travel
to his or her voting place, may vote at any primary, special
or general election in the manner provided for in this
Article.

Section 2. Section 38-9-2, of Chapter 9 ACLA 1949, is
hereby amended to read as follows:

Sec. 38-9-2. APPLICATION FOR OFFICIAL BALLOT. Any
elector desiring to vote under the provisions of this
Article (38-9-1 - 38-9-16 herein) shall not more than forty
(40) days, nor less than two (2) days before such election,
apply in person or by letter to any Commissioner of the

1 recording district of which he is a resident for an official
2 ballet. Provided that application by letter must be post-
3 marked not less than ten days before election, and the bal-
4 lot to be valid must be mailed to the Clerk of the District
5 Court in the Judicial Division wherein the elector resides
6 not later than two days before such election, and must be so
7 postmarked.

8 Section 3. Section 38-9-3, of Chapter 9, MCLA 1949, is
9 hereby amended to read as follows:

10 Sec. 38-9-3. EXAMINATION OF APPLICANT: DELIVERY OF
11 BALLOT, ENVELOPES AND AFFIDAVIT TO ELECTOR:

12 (a) When application is made in person before a
13 U. S. Commissioner, the Commissioner shall make an exam-
14 ination of the applicant touching his qualifications as an
15 elector, and if he is satisfied that such applicant is a
16 duly qualified elector in the precinct in which he claims to
17 be a resident, he shall remove and (KEEP THE NUMBERED STUB,
18 FROM AN OFFICIAL BLANK BALLOT FOR SUCH ELECTION, AND DELIVER
19 THE SAME UNMARKED TO THE ELECTOR EITHER PERSONALLY OR BY
20 REGISTERED MAIL.) file with his unused ballots one of the
21 numbered stubs from an official blank ballot for such
22 election leaving the other stub attached and personally
23 deliver the ballot unmarked to the elector. He shall also
24 deliver to the elector a small envelope that shall have upon
25 it no mark which may serve to identify it, or the ballot with-
26 in it and a large envelope upon which there shall be printed
27 the name and post office address of the clerk of the District
28 Court of the Division of which the voter is a resident, and
29 a blank affidavit in the following form:

30 H.B.No. _____

- 2 -

31 _____, in my presence, at the same time and place, marked said
32 ballot but in such manner that neither I, nor any one else saw

33 H.B.No. _____

- 3 -

1 (TERRITORY OF ALASKA,)
2 (.....JUDICIAL DIVISION)
3 (..... RECORDING DISTRICT, SS)
4 State or Territory of
5 County or Judicial Division
6 City or Precinct..... SS

7 I,, do solemnly swear that on the date
8 of the election to be held onday,, 19.... I
9 am a qualified elector of thevoting precinct, and
10 that I have herein enclosed my ballot for such election, duly
11 marked, as required by law, in the presence of
12 United States Commissioner, or other officer administering the
13 oath, residing in (PRECINCT..... DIVISION, TERRITORY OF
14 ALASKA) city or precinct County or Judicial Division
15 State or Territory of

16 (Signed)
17(Sex)
18Home Address.

19 Subscribed and sworn to before me, ((A)) a United
20 States Commissioner or other officer authorized to administer
21 oaths, in and for the (.....PRECINCT, TERRITORY OF ALASKA
22 OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.) City or Pre-
23 inct of County or Judicial Division.....
24 State or Territory of

25 I hereby certify that the affiant has proven himself
26 to be the person whom he represents himself to be; that I examined
27 the ballot herein enclosed before the same was marked; that the
28 affiant, in my presence, at the same time and place, marked said
29 ballot but in such manner that neither I, nor any one else saw

H.B.No. _____

1 his vote; that he then folded, enclosed and sealed said ballot so
2 marked, in a small envelope, and then enclosed and sealed said
3 envelope in this envelope, which he handed to me, sealed, to be
4 forwarded by me to the Clerk of the District Court for the.....
5 Judicial Division, Territory of Alaska.

6 (Signed).....
7 (UNITED STATES COMMISSIONER, OR OTHER
8 OFFICER, AS THE CASE MAY BE, RESIDING
9 INRECORDING DISTRICT.....
10DIVISION, TERRITORY OF
11 ALASKA)
12 U. S. Commissioner or other Adminis-
13 tering Officer in and for the
14 City of Precinct.....
15 County or Judicial Division.....
16 State or Territory of

17 Vouchers for all fees authorized by law for the execu-
18 tion and notarization of the affidavits herein provided
19 shall be submitted to the Clerk of the District Court where-
20 in the elector's voting place is situated for his approval
21 and submission to the proper agency for payment. Such ex-
22 pense shall be considered an election expense and in no
23 case shall an elector be required to pay a notary fee for
24 voting.

25 (b) When application is made by letter from an
26 elector who expects to be more than two miles distant from
27 his voting place on election day, and the letter of applic-
28 ation shows a postmark dated not less than ten days prior
29 to the date of the election for which the ballot is to be
30 issued, the Commissioner shall immediately send to the

1 applicant by registered air-mail an official blank ballot
2 for such election with the envelopes prescribed herein, and
3 a printed copy of Secs. 38-1-1 through 38-9-4 herein. Upon
4 receipt of said material the applicant shall take the same
5 before any officer or postmaster qualified to administer
6 oaths who shall proceed as set forth in (a) above, except
7 that the numbered stub removed from the ballot shall be
8 presented to the elector who shall, after he or she has voted,
9 deposit it in the large envelope with the small sealed en-
10 velope containing the ballot. After the elector has voted
11 and the officer has administered the oath, the officer shall
12 not less than two days prior to the election for which the
13 ballot was issued, mail the ballot to the Clerk of the Dis-
14 trict Court. The date of mailing shall be evidenced by
15 postmark.

16 (c) When application is made by an elector sit-
17 uated within his or her voting precinct who is physically
18 unable to travel to his or her voting place, the application
19 shall state the elector's incapacity and shall be valid,
20 providing it is postmarked or received by the Commissioner
21 not less than five days prior to the election for which the
22 ballot is to be issued. The Commissioner shall immediately
23 send the ballot by registered mail to the elector. The
24 elector must be examined by a Notary Public or other officer
25 qualified to administer oaths, as in Section 38-9-3 herein,
26 who is willing to go to the elector's place of confinement,
27 and the elector must cast his ballot as provided in Section
28 38-9-4 herein. The officer must mail the ballot to the Clerk
29 of the District Court not less than one day prior to the date

1 of election. The post-mark shall be evidence of the time
2 of mailing.

3 (d) All applications or absentee ballots received
4 by Commissioners or Clerks of the District Courts respect-
5 ively, whether they meet the time requirements as herein
6 set forth or not, shall be filed for submission to the Can-
7 vassing Board, who shall canvass both applications and
8 ballots as prescribed in 38-9-9 herein. No postmarked
9 envelopes containing applications or absentee ballots shall
10 be destroyed and may only be deemed valid or invalid by the
11 unanimous consent of the Canvassing Board at the time of
12 canvassing of absentee ballots.

13 Section 4. Section 38-9-4, Chapter 9, ACLA, is hereby
14 amended to read as follows:

15 Section 38-9-4. VOTER TO MARK AND ENCLOSE BALLOT: SUB-
16 SCRIBING TO OATH: FORWARDING ENVELOPE TO COURT CLERK. Upon
17 receiving such blank ballot and envelopes, the voter shall
18 proceed, in the presence of the Commissioner, Postmaster or
19 other officer qualified to administer oaths, to mark the
20 ballot in such manner that neither the (COMMISSIONER) officer
21 nor any one else can see his vote; shall fold, enclose and
22 seal the ballot in the smaller unmarked envelope, and then
23 enclose and seal the smaller envelope containing the ballot
24 in the larger envelope. The voter shall, with his own hand,
25 subscribe his name, sex and address to the oath printed on
26 the outside of the larger envelope, swear to the same and
27 deliver it to the (COMMISSIONER), officer who shall, at
28 least (5) 2 days prior to such (GENERAL) election, forward
29 the same to the clerk of the District Court of the Judicial

1 Division in which (HIS) the elector's recording district
2 is located.

3 Section 5. Section 38-9-12 of Chapter 9, ACLA 1949, is
4 hereby amended to read as follows:

5 Section 38-9-12. CANVASS OF BALLOTS RECEIVED AFTER
6 MAKING OF FIRST CANVASS. When fully satisfied that all
7 absentee voters' ballots have been received at his office,
8 and not later than (SIXTY) thirty days from date of said
9 general election, the clerk of the District Court shall
10 give notice of a second and final canvass of the absentee
11 voters' ballots received after the first canvass was made
12 and the said judge of the election shall make an official
13 canvass of the same in the same manner as herein prescribed
14 for the first canvass of absentee voters' ballots, and shall
15 make returns to the Territorial Canvassing Board in the same
16 manner and form as is provided for the first canvass; Pro-
17 vided, however, no such ballot shall be canvassed or counted
18 unless received by the clerk of the District Court within
19 (SIXTY) thirty days from the date of said general election.
20 Each of said returns shall be tallied and counted by the
21 Territorial Canvassing Board in the same manner as the
22 returns of the judges of election for the several voting
23 precincts.
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