

Original

1 IN THE HOUSE

BY MR. DUFFIELD

2 SUBSTITUTE FOR HOUSE BILL NO. 142

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For An Act entitled: "An Act Amending Sections 38-9-1,
7 38-9-3, 38-9-4, 38-9-12, Chapter 9,
8 ACLA 1949, and Section 38-9-2,
9 Chapter 9, ACLA 1949 as amended by
10 Chapter 58, SLA 1949, relating to
11 Absentee Voting."

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

13 Section 1. Section 38-9-1 ACLA 1949, is hereby amended
14 to read as follows:

15 Sec. 38-9-1. ABSENTEE VOTING AUTHORIZED. Any
16 elector of the Territory who believes that he will
17 be unavoidably absent from his home on election day,
18 whether within the Territory or not, and more than
19 two miles distant from the voting place in which he is
20 qualified to vote, may vote at any primary, special
21 or general election in the manner provided for in this
22 Article.

23 Section 2. Section 38-9-2, of Chapter 9, ACLA 1949,
24 as amended by Chapter 58, SLA 1949, is hereby amended to
25 read as follows:

26 Sec. 38-9-2. APPLICATION FOR OFFICIAL BALLOT:
27 WHEN AND WHERE TO BE MADE. (a) Any elector desiring to
28 vote under the provisions of this Article (Secs.
29 38-9-1 - 38-9-15 herein) may not more than (40) 90 days,

1 nor less than (2 DAYS) 1 day before such election,
2 apply in person (OR BY LETTER) to any Commissioner
3 of the recording district of which he is a resident
4 for an official ballot; provided, that such elector
5 abiding in any locality which is a distance of 5 miles
6 or more from the office of the Commissioner of the
7 recording district and who will upon election day be
8 more than two miles distant from the polling place at
9 which he is required to vote, may call upon the Post-
10 master of such locality for an official blank ballot
11 and envelopes as specified in Sec. 38-9-3 AOLA 1949, *as amended*
12 and such Postmasters are hereby authorized to issue the
13 ballots and envelopes to qualified persons and administer
14 the oath and execute the certificate as required, and
15 Commissioners are authorized and directed to supply
16 such Postmasters within their respective districts,
17 with the necessary official absentee ballots and en-
18 velopes out of those received by such Commissioners
19 from the Clerk of the Court.

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(b) When application for an absentee ballot is made by mail, the letter of application must be post-marked not less than ^{four} 30 days before such election, except as provided in Sec. 5 herein.

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(c) When any officer authorized to issue absentee ballots receives an application by mail, except as provided by Sec. 5 herein, the absentee ballot shall be immediately sent to the applicant by registered air mail, who, upon receipt of the ballot, shall go before any Postmaster, Notary Public, Officer of the Armed Services,

1 or other officer qualified to administer oaths, and
2 cast his ballot as provided in Secs. 38-9-3 and
3 38-9-4, Chapter 9, ACLA 1949. All ballots cast in
4 this manner shall be mailed to the Clerk of the District
5 Court in whose Judicial Division the elector resides,
6 not later than the day of the election for which the
7 ballot was issued. The date of mailing shall be
8 evidenced by postmark.

9 Section (2) 3. Any office authorized to issue absentee
10 ballots may issue such ballots not later than the day
11 of election either by mail, messenger or personally
12 to an applicant who may be less than two miles from
13 the polls on election day, if such application is
14 accompanied by a letter from a licensed physician
15 stating that the applicant will be unable to go to
16 the polls because of physical disability; provided,
17 that ballots cast at the elector's place of confinement
18 must be notarized as provided in Sec. 38-9-4, Chapter 9,
19 ACLA 1949, ^{as amended,} by any officer authorized to administer
20 oaths, ~~who is willing to go to the applicant's place of~~
21 confinement. Ballots so cast must be in the hands of
22 the Clerk of the District Court not later than election
23 day or mailed to him on said day. If mailed, ^{in an envelope} must be
24 postmarked not later than election day.

25 Section (3) 4. PROCEDURE FOR ABSENTEE VOTING THRU
26 POSTMASTERS. As to absentee voting before Postmasters as
27 above authorized, the procedure shall be the same as is
28 required under Secs. 38-9-3 to 38-9-5 inclusive ACLA 1949,
29 governing the casting of absentee ballots before Commissioners,

1 and the Postmasters officiating in the matter shall, (AT
2 LEAST 2 DAYS PRIOR TO THE DATE) not later than the day of
3 election, postmark and forward said ballots to the Clerk
4 of the District Court of the judicial division in which
5 his post-office is located.

6 Section 5. Section 38-9-3 ACLA 1949, is hereby
7 amended to read as follows:

8 Sec. 38-9-3. EXAMINATION OF APPLICANT: DELIVERY
9 OF BALLOT, ENVELOPES AND AFFIDAVIT TO ELECTOR. (a) The
10 Commissioner or other officer administering the oath
11 hereafter set forth shall make an examination of the
12 applicant touching his qualifications as an elector,
13 and if he is satisfied that such applicant is a duly
14 qualified elector in the precinct in which he claims
15 to be a resident, he shall remove and (KEEP THE NUMBERED
16 STUB) file with his unused ballots one of the numbered
17 stubs from an official blank ballot for such election,
18 leaving the other numbered stub-attached and deliver
19 the same unmarked to the elector either personally or
20 by ~~registered air mail~~ ^{most expeditious mail service, registered}
21 by ~~registered air mail~~. He shall also deliver to the
22 elector a small envelope that shall have upon it no
23 mark which may serve to identify it, or the ballot
24 within it and a large envelope upon which there shall
25 be printed the name and post office address of the Clerk
26 of the District Court of the division of which the
27 voter is a resident, and a blank affidavit in the
28 following form:

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(TERRITORY OF ALASKA)

(.....JUDICIAL DIVISION)

(.....RECORDING DISTRICT, SS)

Foreign country or United States of America.....

State or Territory of.....

County or Judicial Division.....

City or Precinct.....SS

(Strike out words that do not apply)

I,....., do solemnly swear that on the date
of the election to be held on.....day,....., 19....I
am a qualified elector of the.....voting precinct,
and that I have herein enclosed my ballot for such election,
duly marked, as required by law, in the presence of.....
United States Commissioner, or other officer administering
the oath, residing in (PRECINCT.....DIVISION, TERRITORY
OF ALASKA) City or Precinct.....County or Judicial
Division.....State or Territory of..... Foreign
Country or United States of America.....

(Signed).....

.....(Sex)

..... Home Address.

Subscribed and sworn to before me, ((A)) a United
~~States Commissioner~~ or other officer authorized to administer
oaths, in and for the (.....PRECINCT, TERRITORY OF
ALASKA OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS)
City or Precinct of.....County or Judicial Division
.....State or Territory of.....Foreign
Country or United States of America.....

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I hereby certify that the affiant has proven himself to be the person whom he represents himself to be; that I examined the ballot herein enclosed before the same was marked; that the affiant, in my presence, at the same time and place, marked said ballot but in such manner that neither I, nor any one else saw his vote; that he then folded, enclosed and sealed said ballot so marked, in a small envelope, and then enclosed and sealed said envelope in this envelope, (WHICH HE HANDED TO ME, SEALED,) which is to be forwarded (BY ME) to the Clerk of the District Court for the..... Judicial Division, Territory of Alaska. I am entitled by law to a fee of.....for the execution of this affidavit for which fee I will submit a voucher to the above-mentioned Clerk of the District Court.

(Signed).....
(UNITED STATES COMMISSIONER, OR OTHER OFFICER, AS THE CASE MAY BE, RESIDING IN.....RECORDING DISTRICT.....DIVISION, TERRITORY OF ALASKA)
U. S. Commissioner or other officer administering the oath in and for the City or Precinct..... County or Judicial Division..... State or Territory of..... Foreign country or United States of America.....

1 **(b) Vouchers for all fees authorized by law for**
2 **the execution and notarization of the affidavits here-**
3 **in provided shall be submitted to the Clerk of the**
4 **District Court in the judicial division wherein the**
5 **elector's voting place is situated not later than 30**
6 **days after election, for his approval and submission**
7 **to the proper agency for payment. Such expense shall**
8 **be considered an election expense and in no case shall**
9 **an elector be required to pay a fee for the execution**
10 **of the affidavit defined in (a) above.**

11 Section 6. Section 38-9-4 Chapter 9, ACLA 1949, is
12 hereby amended to read as follows:

13 Sec. 38-9-4 VOTER TO MARK AND ENCLOSE BALLOT:
14 SUBSCRIBING TO OATH; FORWARDING ENVELOPE TO COURT CLERK. (a)
15 Upon receiving such blank ballot and envelopes, the
16 voter shall proceed, in the presence of the Commissioner,
17 Postmaster or other officer qualified to administer
18 oaths, to mark the ballot in such manner that neither
19 the (COMMISSIONER) officer nor any one else can see
20 his vote; shall fold, enclose and seal the ballot in
21 the smaller envelope containing the ballot in the
22 larger envelope. The voter shall, with his own hand,
23 subscribe his name, sex and address to the oath printed
24 on the outside of the larger envelope, swear to the
25 same and deliver it to the (COMMISSIONER), officer
26 who shall, (AT LEAST 5 DAYS PRIOR TO SUCH GENERAL
27 ELECTION, FORWARD) not later than the day of such
28 election deliver the same personally to the clerk of
29 the District Court of the Judicial Division in which

1 (HIS) the elector's recording district is located;
2 or deposit same in any United States or foreign post-office
3 in which case the date of mailing shall be evidenced
4 by postmark.

5 (b) All applications or absentee ballots re-
6 ceived by Commissioners or Clerks of the District Courts
7 respectively, whether they meet the time requirements
8 as herein set forth or not, shall be filed for sub-
9 mission to the Canvassing Board, who shall canvass
10 both applications and ballots as prescribed in 38-9-9
11 herein. No postmarked envelope containing applications
12 or absentee ballots shall be destroyed and may only
13 be deemed valid or invalid by the unanimous consent
14 of the Canvassing Board at the time of canvassing of
15 absentee ballots.

16 Section 7. Section 38-9-12 Chapter 9, ACLA 1949, is
17 hereby amended to read as follows:

18 Section 38-9-12. CANVASS OF BALLOTS RECEIVED
19 AFTER MAKING OF FIRST CANVASS. When fully satisfied
20 that all absentee voters' ballots have been received
21 at his office, and not later than (SIXTY) thirty days
22 from date of said (GENERAL) election, the clerk of
23 the District Court shall give notice of a second and
24 final canvass of the absentee voters' ballots received
25 after the first canvass was made and the said judge
26 of the election shall make an official canvass of
27 the same in the same manner as herein prescribed for
28 the first canvass of absentee voters' ballots, and
29 shall make returns to the Territorial Canvassing Board.

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in the same manner and form as is provided for the first canvass; Provided, however, no such ballot shall be canvassed or counted unless received by the clerk of the District Court within (SIXTY) thirty days from the date of said (GENERAL) election. Each of said returns shall be tallied and counted by the Territorial Canvassing Board in the same manner as the returns of the judges of election for the several voting precincts.