

IN THE SENATE

BY SENATOR BARR

SENATE BILL NO. 33

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act relating to absentee ballots; requiring the Clerk of the District Court to forward ballots and notices to postmasters in localities 5 miles or more from any U. S. Commissioner's office; amending Section 38-9-6, ACLA, 1949, Sec. 38-9-2 ACLA, 1949, as amended by Ch. 58, S.L.A., 1949, and Section 38-9-12, ACLA, 1949, as amended by Ch. 135, S.L.A., 1953."

and is amended by Ch. 135, S.L.A., 1953

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

Section 1. Section 38-9-6, Alaska Compiled Laws Annotated, 1949, is hereby amended to read as follows:

Section 38-9-6. CLERK OF COURT TO FORWARD ABSENTEE VOTERS' BALLOTS TO COMMISSIONERS AND POSTMASTERS; RETURN OF UNUSED AND MARRED BALLOTS. The clerk of the District Court shall prepare and forward to the Commissioner and ex-officio Recorder for each of the recording districts in his judicial division, and to all Postmasters authorized by law to administer oaths and execute the certificate required, when such Postmasters are located more than five miles from the nearest Commissioner's office, in a separate package or envelope marked, "Absentee Voters' Ballots", a separate set of official ballots for use by absentee voters, together with the necessary small envelopes and larger envelopes required by this Act, supplied to the Commissioners in a number (EQUAL

1 TO 20 PER CENTUM OF THE WHOLE NUMBER OF OFFICIAL BALLOTS  
2 REQUIRED IN ALL OF THE VOTING PRECINCTS IN SUCH RECORDING  
3 DISTRICTS,) estimated to fill all demands taking into con-  
4 sideration the number of votes cast during the previous  
5 general election and the number of absentee ballots forward-  
6 ed to the Postmasters in the immediate vicinity; and to the  
7 Postmasters a number equal to 20 per centum of the estimated  
8 number of voters served by each post office located more  
9 than five miles from a Commissioner's Office. Such ballots  
10 shall be forwarded so as to reach the several Commissioners  
11 and postmasters at least 40 days prior to the general elec-  
12 tion. All unused and marred ballots, together with the  
13 numbered stubs that have been detached by the Commissioner,  
14 shall be returned to the clerk of the District Court upon  
15 the expiration of the time for absentee voting. The Clerk  
16 shall also send to each such postmaster a large printed  
17 notice, or poster, stating that absentee ballots are avail-  
18 able and containing instructions for filling out such  
19 ballots.

20 Section 2. Subsection (a) of Section 38-9-2, Alaska Com-  
21 piled Laws Annotated, 1949, as amended, <sup>by Chapter 58, Session Laws of</sup> is hereby amended to  
22 read as follows:

23 APPLICATION FOR OFFICIAL BALLOT.

24 (a) Any elector desiring to vote under the provisions  
25 of this Article (Sections 38-9-1 to 38-9-16 herein) may,  
26 not more than <sup>40</sup>40 days nor less than 1 day before such elec-  
27 tion, apply in person, or by mail to any Commissioner of the  
28 recording district of which he is a resident for an offic-  
29 ial ballot; provided, that such elector abiding in any

*Chapter 58  
Section 2 of  
Alaska, 1949 and as amended by  
Session Laws of Alaska, 1953*

1 locality which is a distance of 5 miles or more from the  
2 office of <sup>THE</sup> a Commissioner (OF THE RECORDING DISTRICT) and  
3 who will upon election day be more than two miles distant  
4 from the polling place at which he is required to vote,  
5 may call in person upon the Postmaster of such locality  
6 for an official blank ballot and envelopes as specified  
7 in Section 38-9-3, ACLA, 1949, as amended, and such Post-  
8 masters are hereby authorized to issue the ballots and en-  
9 velopes to qualified persons and administer the oath and  
10 execute the certificate as required, ~~(releted)~~  
11 Section 3, Section 38-9-12, ACLA, 1949, as amended, is  
12 hereby amended to read as follows:

13 Section 38-9-12. CANVASS OF BALLOTS RECEIVED AFTER  
14 MAKING OF FIRST CANVASS.

15 (a) When fully satisfied that all absentee voters'  
16 ballots have been received at his office, and not later  
17 than thirty days from date of said election, the clerk of  
18 the District Court shall give notice of a second and final  
19 canvass of the absentee voters' ballots received after the  
20 first canvass was made and the said judge of the election  
21 shall make an official canvass of the same in the same  
22 manner as herein prescribed for the first canvass of  
23 absentee voters' ballots, and shall make returns to the  
24 Territorial Canvassing Board in the same manner and form as  
25 is provided for the first canvass; Provided, however, no  
26 such ballot shall be canvassed or counted unless received  
27 by the clerk of the District Court within thirty days from  
28 the date of said election. Each of said returns shall be  
29 tallied and counted by the Territorial Canvassing Board

Chapter 135, SCA 1953

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in the same manner as the returns of the judges of election for the several voting precincts.

(b) Any ballot cast by an absentee voter shall be void if:

(1) the voter fails to enclose his marked ballot within the small envelope provided, sealing it therein;

(2) the voter fails to properly execute the affidavit;

(3) the officer administering the oath fails to affix his signature, and, if a Commissioner or Notary Public, his seal;

(4) the ballot has not been delivered to the Clerk of the Court or to a Commissioner, within the time limit prescribed by this Act, or if mailed, does not bear a postmark dated within said time limit.

(c) No ballot shall be declared void because of any omission, act or negligence on the part of any certifying officer, government agent, or any other person, occurring after the voter has properly marked his ballot and complied with the requirements of this Act.

(d) When an elector improperly marks that portion of a ballot containing the names of candidates for one office, that portion only shall be considered void, and the balance of the ballot shall be counted.

Section 4. This Act shall be in full force and effect ninety days after final passage and approval.)