

## CHAPTER 88.

## AN ACT

[H. B. 112]

To amend Chapter 58 Session Laws of 1917 entitled "defining legal fences in the Territory of Alaska and the law of damages for trespass on lands legally fenced."

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. Chapter 58, Session Laws of 1917 are [is] hereby amended by adding the following:

Chap. 58,  
S.L.A. 1917,  
amended.

"Section 3. Any barbed wire fence so dilapidated as to be of no practical value as a fence, but which is a menace to live stock is hereby declared a public nuisance and may be abated by the court in proper proceeding instituted for that purpose."

Fence may be  
abated, when,  
how.

Approved April 29, 1931.

## CHAPTER 89.

## AN ACT

[S. B. 42]

To provide a method of voting for absentee electors, and to prescribe penalties for the violations of the provisions thereof.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. Any elector of the Territory who believes that he will be unavoidably absent from his home and more than 25 miles distant from the precinct in which he is qualified to vote may vote at any general election in the manner provided for in this Act.

Absentee elec-  
tor may vote  
at general elec-  
tion, if—

Section 2. Any elector desiring to vote under the provisions of this Act shall not more than 40 days, nor less than 5 days before such general election, appear in person before any Commissioner and ex-officio recorder of the judicial division in which he is an

Elector to apply  
to Commission-  
er for official  
ballot, when.

elector, and apply to such Commissioner for an official ballot.

Commissioner to satisfy himself that applicant is qualified elector.

Section 3. The Commissioner shall make an examination of the applicant touching his qualifications as an elector and if he is satisfied that such applicant is a duly qualified elector in the precinct in which he claims to be a resident, he shall remove and keep the numbered stubs from an official blank ballot for such election, and deliver the same unmarked to the elector. He shall also deliver to the elector a small envelope that shall have upon it no mark which may serve to identify it, or the ballot within it, with the voter, and a larger envelope upon which there shall be printed the name and postoffice address of the clerk of the District Court issuing the same, and a blank affidavit in the following form:

Procedure.

Territory of Alaska )
)
Judicial Division ) ss.
)
Recording District)

Form of affidavit.

I, \_\_\_\_\_, do solemnly swear that I am a citizen of the United States and am able to read and write the English language; that on the date of the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, I shall have been a resident of the Territory of Alaska for one year and of the \_\_\_\_\_ voting precinct for 30 days immediately preceding such general election, and that I have a legal right to vote therein; that I have herein enclosed my ballot for such election, duly marked, as required by law, in the presence of \_\_\_\_\_ the Commissioner and ex-officio recorder for the \_\_\_\_\_ Recording District, \_\_\_\_\_ Division, Territory of Alaska.

(Signed) \_\_\_\_\_
\_\_\_\_\_ (Sex)
\_\_\_\_\_ Address.

Subscribed and sworn before me, a Commissioner in and for the ..... Recording District, Territory of Alaska, and I hereby certify that the affiant has proven himself to be the person whom he represents himself to be; that I delivered to him the ballot herein enclosed and that the same was then unmarked; that the affiant, before me, at the same time and place, marked this 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 small envelope in this envelope, which he handed to me, sealed, to be forwarded by me to the clerk of the District Court for the ..... judicial division, Territory of Alaska.

Form of certificate.

(Signed) .....  
 Commissioner and Ex-officio Recorder of the .....  
 Recording District, .....  
 Division, Territory of Alaska.

Section 4. Upon receiving such blank ballot and envelopes, the voter shall proceed, in the presence of the Commissioner, to mark the ballot in such manner that neither the Commissioner nor any one else can see his vote; shall fold, enclose and seal the ballot in the smaller unmarked envelope, and then enclose and seal the smaller envelope containing the ballot in the larger envelope. The voter shall, with his own hand, subscribe his name, sex and address to the oath printed on the outside of the larger envelope, swear to the same and deliver it to the Commissioner, who shall, at least 5 days prior to such general election, forward the same to the clerk of the District Court of the Judicial Division in which his recording district is located.

Marking and disposal of ballot.

Commissioner to forward ballot to Clerk of Court, when—

Section 5. The Commissioner shall see to it that the elector has no opportunity to exhibit the ballot he has marked to any person, and if any ballot, after being marked, has been so exhibited to any person, the Com-

Ballot must be secret, or—

missioner shall destroy the legibility of the same and place it with the unused and marred ballots.

Marred  
ballots.

When a voter mars the ballot he may receive from the Commissioner a second ballot and, if necessary, a third ballot; but not more than three ballots shall be allowed and the marred ballots must be preserved by the Commissioner and placed with the unused ballots.

Clerk of Court  
to forward  
absentee voters'  
ballots to  
Commissioner.

Section 6. 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, 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, in a number equal to 20 per centum of the whole number of official ballots required in all of the voting precincts in such recording districts. Such ballots shall be forwarded so as to reach the several Commissioners at least 40 days prior to the general election. All unused and marred ballots, together with the numbered stubs that have been detached by the Commissioner, shall be returned to the clerk of the District Court upon the expiration of the time for absentee voting.

Clerk of Court  
to keep on file  
list of absentee  
voters.

Section 7. As soon as envelopes containing absentee voters' ballots are received, the clerk of the District Court shall make and keep on file a list of absentee voters, giving their names and voting precincts, which list shall at all times be open to public inspection.

Canvass of  
votes of ab-  
sentee voters.

Section 8. The clerk of the District Court shall appoint three judges of election to count and canvass the absentee voters' ballots cast in his judicial division, who shall possess the same qualifications and have the same powers and duties and shall receive the same compensation as judges of election for the several voting precincts.

Section 9. On the first Tuesday, after the second Monday in November following the general election, the judges of election shall meet in the office of the clerk of said court at 2 o'clock in the afternoon of said day, and shall count and canvass all absentee voters' ballots that have been received. Such canvass shall be conducted in the following manner:

Judges of election to count votes of absentee electors, when, where.

First: One of said judges shall read aloud from the affidavit on the outside of the larger envelope, one by one, the names of the voters and the voting precinct in which each claims to be a legal voter. If no challenge be made, and the affidavit be in proper form, the judges shall open the larger outside envelope in such a way as not to injure the seal or any way open the smaller inside envelope containing the ballot or deface the affidavit on the outside of the larger envelope and shall remove said smaller envelope containing the ballot and place same without any identifying mark in an empty box or receptacle.

Procedure in canvass of votes.

Second: After all the larger outside envelopes have been opened the judges of election shall preserve all the larger outside envelopes upon which the affidavit of the voter is printed, securely seal them in one package and deliver them to the clerk of the District Court who shall file and keep them for future use in case any question shall arise as to the validity of any of the votes.

Third: When all of the blank inside envelopes have been placed in the box or receptacle, such inside envelopes shall be thoroughly mixed so that it cannot be determined by whom any particular inside envelope was sealed or the ballot marked. The judges of election shall then open the small envelopes, remove the ballots and count the votes cast in the same manner as votes cast in an election precinct are counted.

Section 10. When the name and voting precinct of a voter is read by the judge of election any person may

In case of challenge of absentee voter's vote—

challenge the vote and the judges shall receive such evidence or testimony as they may prescribe, and if it be proven to their satisfaction that the person challenged was not entitled to vote in the precinct in which he claims to be a resident, or if the affidavit be not in proper form, the ballot shall be rejected and the larger envelope, with the seal unbroken, shall be returned to the voter by mail at the address given in the affidavit.

Judges of election to keep duplicate lists of absentee voters.

Section 11. The judges of election shall keep duplicate lists containing the names, sex, voting precincts and address of all the absentee voters whose ballots were canvassed by them and when the canvass is completed they shall execute a certificate of the result in duplicate, one of which shall be filed in the office of clerk of the District Court and the other forwarded to the Territorial Canvassing Board. Such certificate of result or return shall be made in the same manner and form as is required to be made by the judges of election appointed by the Commissioner, and shall state that the ballots so canvassed were all of the ballots of absentee voters that had been received by the clerk of the court of their judicial division at the time the canvass was made.

Certificate of result of canvass.

Canvass of absentee voters' votes received since first canvass.

Section 12. When fully satisfied that all absentee voters' ballots have been received at his office, and not later than sixty days from date of said general election, the clerk of the District Court shall give notice of a second and final canvass of the absentee voters' ballots received after the first canvass was made and the said judge of election shall make an official canvass of the same in the same manner as herein prescribed for the first canvass of absentee voters' ballots, and shall make returns to the Territorial Canvassing Board 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 days from the date of said general election. Each of said returns shall be tallied and

Proviso as to counting of ballots.

counted by the Territorial Canvassing Board in the same manner as the returns of the judges of election for the several voting precincts.

Section 13. At least three days prior to each canvass of absentee voters' ballots, the clerk of the District Court shall give notice of such canvass by posting notices in three or more public places in the town where his office is located, giving the date and hour when, and the place where, such canvass will be made.

Notice of canvass of absentee voters' votes to be posted.

Section 14. No person shall be allowed to vote under the provisions of this Act unless he or she can read and write the English language, and the elector's ability to read and write the English language may be determined by the Commissioner from whom the elector requests an absentee voter's ballot in the same manner as that qualification is determined by the judges of election in a voting precinct. When an elector requests an absentee voter's ballot from the Commissioner any other person may challenge his right to vote and when so challenged, no ballots shall be delivered to him unless the Commissioner is satisfied that he is a qualified voter in the precinct of which he claims to be a resident.

Elector's qualifications.

Challenge right of applicant for absentee voter's ballot.

Section 15. Any person who shall make or subscribe to the affidavit provided for in Section 3 of this Act without being a duly qualified elector, as therein stated, shall be guilty of perjury and punished accordingly.

Penalty for false affidavit.

Section 16. It shall be unlawful for a person who has deposited with a Commissioner an absentee voter's ballot as provided in this Act, to cast another vote in any place or manner at the same general election, and any person who has deposited an absentee voter's ballot with a Commissioner and thereafter votes in any precinct in the Territory at the same election or deposits with the same or any other Commissioner, another absentee voter's ballot, shall be guilty of a felony and shall be punished by a fine of not more than \$1,000.00

Penalty for absentee voter voting more than once.

or by imprisonment for not more than one year or by both such fine and imprisonment.

Act effective,  
when.

Section 17. This Act shall take effect upon its approval by the Congress of the United States.

Approved April 30, 1931.

## CHAPTER 90.

### AN ACT

[S. B. 51]

Providing for the installment and operation of a radio telephone system and making an appropriation therefor, and declaring an emergency.

*Be it enacted by the Legislature of the Territory of Alaska:*

Governor  
authorized es-  
tablish radio  
telephone sys-  
tem, etc., Sec-  
ond Division.

Section 1. The Governor of Alaska shall have authority to establish a radio telephone system connecting an appropriate station or stations now included in the Washington-Alaska Military Cable and Telegraph System with as many as practicable of the following communities in the Second Judicial Division of Alaska, viz., Marshall, Taylor and Haycock, to provide for the operation and maintenance of the same, to promulgate rules and regulations for the use of such telephone system, prescribe the fees to be charged for service and do whatever else is necessary for the successful operation of such system.

Fees to be cov-  
ered into Terri-  
torial treasury.

Section 2. All fees collected for the use of such telephone system shall be covered into the Treasury of the Territory, where it shall constitute a separate and distinct fund which shall at all times be at the disposal of the Governor for the purpose of paying expenses connected with the maintenance and operation of said telephone system. Such fund shall be disbursed in payment of vouchers approved by the Governor.