

has an interest, upon written demand therefor filed with or made a part of his answer.

Statutes
re-enacted.

Section 9. Sections 22-2-9, 22-2-10, 22-2-12, 22-2-13, 22-2-14, 22-2-15 and 22-2-17 ACLA 1949, are reenacted to read as they are printed in the Alaska Compiled Laws Annotated 1949, except that wherever the word "Treasurer" is used in those sections it shall be taken to mean the "Land Commissioner" of the Territory. The provisions of these sections are extended to and incorporated into this Act as though fully set forth herein, with the exception of any portions thereof which may be found to be inapplicable.

Disposal of land
by Land
Commissioner.

Section 10. The Board of Administration may authorize the Land Commissioner to sell, lease or otherwise administer all property to which the Territory may obtain title under the provisions of this Act. Proceeds derived from such sales, leases or administration shall be remitted to the Treasurer and by him deposited into the general fund of the Territorial Treasury.

Approved March 30, 1953.

CHAPTER 135

AN ACT

[S. H. B. 142]

Amending Sections 38-9-1, 38-9-3, 38-9-4, 38-9-12. Chapter 9, ACLA 1949, and Section 38-9-2, Chapter 9, ACLA 1949 as amended by Chapter 58, SLA 1949, relating to Absentee Voting.

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

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

Absentee voting
authorized.

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, whether within the Territory or not, and more than two miles distant from the voting place in which he is qualified to vote, 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, as amended by Chapter 58, SLA 1949, is hereby amended to read as follows:

Sec. 38-9-2. APPLICATION FOR OFFICIAL BALLOT: WHEN AND WHERE TO BE MADE. (a) Any elector desiring to vote under the provisions of this Article (Secs. 38-9-1—38-9-16 herein) may not more than 90 days nor less than 1 day before such election, apply in person to any Commissioner of the recording district of which he is a resident for an official ballot; provided, that such elector abiding in any locality which is a distance of 5 miles or more from the office of the Commissioner of the recording district and who will upon election day be more than two miles distant from the polling place at which he is required to vote, may call upon the Postmaster of such locality for an official blank ballot and envelopes as specified in Sec. 38-9-3 ACLA 1949, as amended, and such Postmasters are hereby authorized to issue the ballots and envelopes to qualified persons and administer the oath and execute the certificate as required, and Commissioners are authorized and directed to supply such Postmasters within their respective districts, with the necessary official absentee ballots and envelopes out of those received by such Commissioners from the Clerk of the Court.

Application for
absentee ballot.

Postmasters may
issue ballots.

Application
by mail.

(b) When application for an absentee ballot is made by mail, the letter of application must be postmarked not more than ninety days nor less than four days before such election, except as provided in Sec. 3 herein.

Procedure for
casting absentee
ballot by mail.

(c) When any officer authorized to issue absentee ballots receives an application by mail, except as provided by Sec. 3 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, or other officer qualified to administer oaths, and cast his ballot as provided in Secs. 38-9-3 and 38-9-4, Chapter 9, ACLA 1949. All ballots cast in this manner shall be mailed to the Clerk of the District Court in whose Judicial Division the elector resides, not later than the day of the election for which the ballot was issued. The date of mailing shall be evidenced by postmark.

Physically
disabled electors
may cast
absentee ballot.

Section 3. Any office authorized to issue absentee ballots may issue such ballots not later than the day of election either by mail, messenger or personally to an applicant who may be less than two miles from the polls on election day, if such application is accompanied by a letter from a licensed physician stating that the applicant will be unable to go to the polls because of physical disability; provided, that ballots cast at the elector's place of confinement must be notarized as provided in Sec. 38-9-4, Chapter 9, ACLA 1949, as amended, by any officer authorized to administer oaths. Ballots so cast must be in the hands of the Clerk of the District Court not later than elec-

Physician's
statement.

tion day or mailed to him on said day. If mailed, the envelope must be postmarked not later than election day.

Section 4. PROCEDURE FOR ABSENTEE VOTING THROUGH POSTMASTERS. As to absentee voting before Postmasters as above authorized, the procedure shall be the same as is required under Secs. 38-9-3 to 38-9-5 inclusive ACLA 1949, governing the casting of absentee ballots before Commissioners, and the Postmasters officiating in the matter shall, not later than the day of election, postmark and forward said ballots to the Clerk of the District Court of the judicial division in which his post-office is located.

Absentee voting through Postmasters.

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

Sec. 38-9-3 EXAMINATION OF APPLICANT: DELIVERY OF BALLOT, ENVELOPES AND AFFIDAVIT TO ELECTOR. (a)

Examination of applicant.

The Commissioner or other officer administering the oath hereafter set forth 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 file with his unused ballots one of the numbered stubs from an official blank ballot for such election, leaving the other numbered stub attached and deliver the same unmarked to the elector either personally or by most expeditious mail service, registered. 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 and a large envelope upon which there shall be printed the name and post office address

Delivery of ballot.

Envelopes.

of the Clerk of the District Court of the division of which the voter is a resident, and a blank affidavit in the following form:

Affidavit of
elector.

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

State or Territory of

County or Judicial Division

City or PrecinctSS

(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 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 United States Commissioner or other officer authorized to administer oaths, in and for the City or Precinct of County or Judicial Division State or Territory of Foreign Country or United States of America.....

Certificate of
officer.

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 is to be forwarded to the Clerk of the District Court for theJudicial 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)
 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

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

Fees; deemed an
 election expense.

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

Sec. 38-9-4. VOTER TO MARK AND ENCLOSE BALLOT: SUBSCRIBING TO OATH: FORWARDING ENVELOPE TO COURT CLERK. (a) Upon receiving such blank ballot and envelopes, the voter shall proceed, in the presence of the Commissioner, Postmaster, or other officer qualified to administer oaths, to mark the ballot in such manner that neither the officer nor any one else can see his vote; shall fold, enclose and seal the ballot in 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 officer who shall, not later than the day of such election deliver the same personally to the clerk of the District Court of the Judicial Division in which the elector's recording district is located; or deposit same in any United States or foreign post-office in which case the date of mailing shall be evidenced by postmark.

Marking ballot.

Delivery by officer.

(b) All applications or absentee ballots received by Commissioners or Clerks of the District Courts respectively, whether they meet the time requirements as herein set forth or not, shall be filed for submission to the Canvassing Board, who shall canvass both applications and ballots as prescribed in 38-9-9 herein. No postmarked envelope containing applications or absentee ballots shall be destroyed and may only be deemed valid or invalid by the unanimous consent of the Canvassing Board at the time of canvassing of absentee ballots.

Submission of ballots to Canvassing Board.

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

Section 38-9-12. CANVASS OF BALLOTS RECEIVED AFTER MAKING OF FIRST CANVASS. When fully satisfied that all absentee voters' ballots have been received at his office, and not later than thirty days from date of said 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 the 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 thirty days from the date of said 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.

Second and
final canvass.

Approved March 30, 1953.

CHAPTER 136

AN ACT

[H. B. 145]

To appropriate the sum of \$6,000.00 for expenses of the Office of the Highway Engineer for the biennium ending March 31, 1953; and declaring an emergency.

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

Section 1. The sum of \$6,000.00 or so much thereof as may be found necessary, is hereby appropriated out of any moneys in the Territorial Treasury not other-