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ABSENT VOTERS

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ABSENT VOTERS. Assembly Constitutional Amendment 10 adding proviso to Section 1, Article II of Constitution. Authorizes legislative provision permitting registered voters, absent from their voting precincts at any primary or general election because of occupation requiring travel or military or naval service other than in United States regular army or navy, to vote in home precinct prior to election, or in any municipality within state on election day, and those in such service wherever in United States at least fifty thereof are stationed on election day; and provides for counting such votes by such methods as Legislature may prescribe.

YES

NO

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article two thereof, relating to the right of suffrage.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the sixth day of January, 1919, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section one of article two of the constitution of this state be amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident in the state one year next preceding the election, and of the county in which he or she claims or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; provided, further, that the legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are regularly required to travel about the state and who, by such affidavit as the legislature may prescribe, show that they will be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the military or naval service of the United States or of the state other than in the regular army or navy of the United States, may be absent from their respective precincts on the day on which any primary or general election is held; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the legislature may see fit to make; (b) may be cast in the city, city and county town within this state in which such voters may be on the day on which such election is held, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe

to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such military or naval service, may be cast at any place within the United States where not less than fifty such soldiers or sailors are stationed, on the day on which such election is held, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the legislature may prescribe.

EXISTING PROVISIONS.

Section one, article two, proposed to be amended, now reads as follows:

(Provisions proposed to be repealed are printed in italics.)

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who *now has* the right to vote, nor to any person who *shall be* sixty years of age and upwards *at the time this amendment shall take effect.*

ARGUMENT IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 10.

This may properly be designated as the absent voter's amendment. It is an enabling act, to make possible the enactment by the Legislature of laws providing for the taking of the votes of those absent from home on election day. Its adoption will not create any machinery for taking such votes, but will pave the way. Such laws are necessarily of such a technical nature that their terms should be carefully considered by the Legislature.

The object of this article will be to explain the scheme in general terms rather than to argue for its adoption.

As the Constitution now reads, our courts have held that any law permitting voting away from the precinct in which the voter resides and is registered is unconstitutional and void; hence it is necessary, before any steps seeking to assist the absent voter can become effective, to

amend the Constitution by granting, in specific terms, the power to enact such suitable, wise and safe laws as may be deemed essential.

It has come to pass, with the exactions and complexities of our modern civilization, that thousands of voters are engaged in occupations which require them to travel regularly and, because of enforced absence from home on election day, are deprived of their vote. Aside from those engaged in the military service, railway employees and commercial travelers are conspicuous examples, but anyone, whose occupation requires regular traveling, would benefit by laws permitting him to vote wherever he might be.

Absent voting, as here contemplated, would be safeguarded from fraud by very strict provisions as to identification and procedure. Every voter availing himself of such privileges would be required to make affidavit as to the truth of his statements, and severe penalties for the violation of this oath would be attached. That which is here contemplated is either the well known certificate plan, whereby the voter secures from the county clerk, or the registrar of voters, in advance of election day, an identification certificate and an official ballot which enables him to vote wherever he may be in the state on election day, or an alternative plan whereby the voter would be permitted to vote in advance of election day at the office of the custodian of the official ballots. For the military a different plan is commonly used, and consists in sending election commissioners to the encampment where fifty or more citizen soldiers or sailors are found, and taking their votes there on election day.

It may not be amiss to say that the principal objection to absent voting comes from county clerks and registrars of voters who apparently do not want to undertake the added responsibility such laws would cast upon them.

Some twenty-seven states have laws similar to that which is here contemplated, and California, with its progressive principles, generous impulses and intense patriotism should not be a laggard.

THOMAS L. AMBROSE,

Assemblyman Sixty-sixth District.

ARGUMENT AGAINST ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 10.

Except for two inconsequential changes this proposition is identical with Assembly Constitutional Amendment No. 1 voted upon in 1918. At that time the idea of providing for absent voting was rejected by the decisive vote of 189,845 for and 252,287 against. A similar proposition submitted in 1914 was defeated by a vote of 244,835 to 390,333.

It would seem that this proposition has already been thoroughly considered and as thoroughly rejected by the people.

Since it is practically identical with the one defeated in 1918 it would be well to consider some of the reasons then advanced in favor. It was urged that it was "mere enabling act." This phrase is apt to be for the purpose of distracting the voter's attention and to indicate that the real responsibility must rest with the legislature. If the principle is right the people should say so in unmistakable terms and leave to the legislature the work of merely enacting the details. If the principle is wrong it should be rejected at the polls as has been done.

At the close of the argument in favor of the proposition in 1918 there appears this sentence: "For the military a different plan is generally used and consists in sending election commissioners to the encampment where 50 or more soldiers or sailors are found and taking their votes at the encampment on election day." The use of the word "encampment" is not justified by anything found in the text of the proposed amendment. As a matter of fact it would apply not only in continental United States but might also apply to the Philippine Islands, Porto Rico, Guam, Canal Zone, etc. It might even be construed to apply to any vessel floating the United States flag, whether a naval vessel or not, having on board 50 or more men of the armed forces of the United States.

When votes are taken in such remote places no human ingenuity can devise sufficient safeguards to protect the ballot. This is clearly shown by the report of the British Columbia Commission appointed "for the purpose of investigating the overseas votes in connection with the British Columbia Prohibition Act" during the Great War.

The "official" returns showed that 8493 votes were cast, practically all against prohibition. The Commission found that more than 55 per cent of these votes were fraudulent. In 58 instances ballots were cast in the names of men killed or missing at the date of balloting; 698 men appear as voting twice; 52 men appear as voting 3 or 4 times; 651 men are shown as having voted in England when the records show they were in France at the time; 227 men were recorded as voting at places in England different from places at which stationed; 1266 votes were cast in the names of men who can not be traced anywhere in Canadian military records. Wholesale fraud was participated in. Men voted openly without any attempt at secrecy.

It is scarcely conceivable that anyone who believes in the purity of elections would permit sentiment to erect machinery for taking ballots under conditions which offer so great an inducement to fraud. CLIFTON E. BROOKS,

Assemblyman Thirty-seventh District.

18 EXEMPTING ORPHANAGES FROM TAXATION. Assembly Constitutional Amendment 40 adding Section 1½a to Article XIII of Constitution. Exempts from taxation all buildings and so much real property connected therewith as may be required for the occupation of institutions sheltering more than twenty orphan or half-orphan children receiving state aid, but provides that no building, or real or personal property, so used which may be rented and the rent received by the owner thereof shall be exempt from taxation.

YES

NO

Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California to amend the constitution of said state by adding to article thirteen thereof a new section to be numbered

bered one and one-half a, relative to revenue and taxation.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the