

1922

## ABSENT VOTERS

Follow this and additional works at: [http://repository.uchastings.edu/ca\\_ballot\\_props](http://repository.uchastings.edu/ca_ballot_props)

---

### Recommended Citation

ABSENT VOTERS California Proposition 22 (1922).  
[http://repository.uchastings.edu/ca\\_ballot\\_props/172](http://repository.uchastings.edu/ca_ballot_props/172)

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact [marcusc@uchastings.edu](mailto:marcusc@uchastings.edu).

to article four of the constitution to be numbered twenty-five a and to read as follows:

**PROPOSED AMENDMENT.**

Sec. 25a. The legislature shall not pass any special or local laws creating irrigation, reclamation, drainage or flood control districts but shall provide for the organization and government of such districts by general law.

**ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 36.**

By section 6 of article II, the legislature is now forbidden by special act to create corporations for municipal purposes. Originally the legislature could create by special acts cities and towns, but the liability to the abuse of this power and the time taken upon such matters to the exclusion of important legislation led very early in our history to the prohibition of the creation of such corporations by special act.

Originally, irrigation, reclamation and similar districts were not often created and no occasion until recently has arisen for prohibiting the creation of such districts by special legislation. Within the past few years, every session of the legislature has been called upon to create by special acts (or to enact special legislation with regard to) such districts, and it is very evident that the same argument which justified the prohibition of the creation of cities by special acts applies equally to these semi-municipal bodies. There is even greater danger of abuse because of the greater variety of circumstances that may arise in connection with these districts, and there would appear to be no argument against the requirement of the enactment of uniform laws under which the people residing in these districts and charged with their support, familiar with the circumstances, could themselves determine upon the organization of such districts, without interference by the legislature. The effect of this amendment will be to compel the legislature to enact such general laws as will be sufficiently flexible to permit the people residing in any locality requiring the organization of such districts themselves to provide for and determine upon the organization.

J. L. G. IRWIN,  
State Senator Thirty-second District.  
L. L. DENNETT,  
State Senator Twelfth District.

**ARGUMENT AGAINST SENATE CONSTITUTIONAL AMENDMENT NO. 36.**

There is no necessity for this constitutional amendment and it can serve no useful purpose. If adopted, neither the legislature nor the people themselves, through the initiative power, will be

able to establish any irrigation, reclamation, drainage or flood control district except by a law applicable to all parts of the state. No matter how urgent the need for such a district in some part of the state and no matter what special circumstances arise making desirable the passage of a special act creating such a district, the legislature and the people themselves would be rendered powerless to act by the adoption of this amendment, except by the tedious process of another constitutional amendment.

California has a very extensive area and includes a great many communities with a very great variety of conditions as to sources of water supply, drainage facilities, crop possibilities, etc. It is impossible that any one can foresee what legislation may become desirable for the best development of our several communities and it is entirely improbable that such a variety of conditions can always be met by general laws.

We already have many reclamation, drainage and flood control districts created by special acts. In fact most of the reclamation districts of the state have been either established or validated by special acts. The Los Angeles County Flood Control District was created by special act. None of these districts could have been established except by general law had the proposed amendment been a part of the constitution, and doubtless some of the districts would either have never been established or established at a later date had it been necessary to overcome the opposition to general laws affecting all communities of the state.

California has much undeveloped land and whenever the drainage or irrigation of any such land can be brought about by the establishment of a district by special act, such an act should be passed and no constitutional bar should be set up.

This amendment, if adopted, would make our constitution, already too restrictive, still more restrictive. It is fundamental that a constitution should be limited to general principles and should neither contain detailed statutory provisions nor restrict beyond a necessary minimum the power of the legislature to legislate upon any subject. It is generally conceded that the constitution of California, unlike the constitution of the United States, violates both of these fundamental principles. Our effort, therefore, should be to simplify our state constitution by removing restrictions rather than to make it worse by imposing still more restrictions upon the legislature.

Vote "No" on this amendment.

L. D. BOWNETT,  
Member of Assembly 1909-11-13.  
Attorney for State Water Commission  
1916-21.

**ABSENT VOTERS.** Assembly Constitutional Amendment 13, amending Section 1 of Article II of Constitution. Adds to present section proviso authorizing legislative provision permitting registered voters, absent from their voting precincts at any primary or general election because of occupation requiring travel or federal or state military or naval service, to vote in home precinct prior to election, or at any municipality within this state on election day, or at any place if engaged in such service, all votes cast elsewhere than in home precinct to be received by county clerk of home precinct within two weeks of election.

YES
NO

Assembly Constitutional Amendment No. 13—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 third day of January, one thousand nine hundred twenty-one, 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 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 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, 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; or (b) may be cast in the city, city and county or 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, 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; provided, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county clerk of the county, in which the voter is registered, within two weeks of the election, in which such ballots are to be counted.

#### EXISTING PROVISIONS.

Section one, article two, proposed to be amended, now reads as follows:  
(Provisions proposed to be changed 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. 13.

It is significant that California is of record as being extremely conservative in the matter of permitting voters who are compelled by virtue of their callings to be absent from their home precinct to vote at other places. Propositions similar to Assembly Constitutional Amendment No. 13 have three times been defeated by the people. It is even more significant, however, that each time the defeat has been by a decidedly decreased majority. This majority dwindled from approximately 150,000 in 1914 to approximately 60,000 in 1918 and approximately 15,000 in 1920, showing a greatly increased sentiment in favor of the principle of "Absent Voting." This is due in part no doubt to the success of the plan in other states, and in part to the growth in the proportionate number of people whom our increasingly complex social and industrial life compels to be absent from home on election day, particularly traveling men, railroad men, soldiers and sailors.

The strongest objection which was raised at the last election to the proposition as then submitted, was that it would have been impossible to know when an election was complete, as ballots from absent voters might come in for an indefinite period after the date of election. Assembly Constitutional Amendment No. 13 has been expressly drafted to meet this objection. It will be noted that there has been added at the end a clause which requires that all ballots from absent voters must be in the hands of the county clerk of the county in which they are to be counted not less than TWO WEEKS from the date of the election. This added safeguard will definitely terminate the election. It will also mean that ballots can not be received from such distant points that there will be occasion for fraud such as was practiced in connection with the British Columbia elections during the Great War. Seldom does it happen that the official canvass of the election is held within two weeks of the election, consequently the adoption of Assembly Constitutional Amendment No. 13 would not delay the final determination of an election at all.

With the inclusion of the safeguard of the time limit, it would seem that California should be glad to adopt a reasonable law, permitting large numbers of persons, variously estimated at from forty to sixty thousand, to vote who are now denied the ballot. Approximately three-fifths of the states now have similar legislation. It would therefore seem that California should be ready to accept this progressive principle, applied with adequate safeguards, and enable the legislature to work out the details of the plan which will bring the government closer to a considerable number of our most intelligent citizens.

CLIFTON E. BROOKS,  
Assemblyman Thirty-seventh District.  
OSCAR C. PARKINSON,  
Assemblyman Twentieth District.