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ABSENT VOTERS

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Assembly Constitutional Amendment 1. Adds provision to Section 1 of the Constitution authorizing 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 providing for counting such votes by such methods as legislature may prescribe.

YES	
NO	

Assembly Constitutional Amendment No. 1—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.

Received by the assembly, the senate concurring. That the legislature of the State of California, at its regular session commencing on the eighth day of January, nineteen hundred seventeen, 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, 1914, 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 may be cast in the city, city and county, or town in which such voters respectively reside, and on a day subsequent to the day on which the official ballots for such election have been printed and prior to the date of such election; (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 to such officer as the legislature may designate in 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.

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

EXISTING PROVISIONS.

(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. [Amendment adopted October 10, 1911.]

ARGUMENT IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 1.

Assembly Constitutional Amendment No. 1, probably better known as the Absent Voter's Amendment, is merely an enabling act, the purpose of which is to make possible the better adoption of absent voting legislation. At the outset it should be distinctly understood that this proposition is unlike anything pertaining to absent voting which has ever been before the people. The adoption of this amendment will not create any machinery for taking the votes of absentees. Any such law is necessarily of such a technical nature that its terms should be carefully considered by the legislature.

As the constitution now reads, however, courts have held that any law permitting voters away from the precinct in which the voters reside and is registered is unconstitutional and void. Hence it is necessary, before any law seeking to assist the absent voter can become effective, to amend the constitution by statute in specific terms, the power to amend such an able, wise and safe laws as may be deemed essential.

