

REEL 1

FOLDER NO.

100

Tom

September 28, 1955

Honorable B. Frank Heintzleman
Governor of Alaska
Juneau, Alaska

Re: Interpretation of Election Results
(Chapter 46 SLA 1955)(38-5-1 ACIA
1949, et seq.)

Dear Governor Heintzleman:

This is in reply to your letter of September 2, 1955, wherein you request an opinion as to what action, if any, is necessary to fill the remaining seat of Delegate in the Ninth Election District to the Constitutional Convention.

When the Twenty-second Legislature passed Chapter 46, authorizing the holding of a Constitutional Convention, the Ninth Election District was apportioned four delegate seats of the total number of fifty-five allowed. Thereafter, at the special election held on September 13, 1955, only four "candidates", including that of Territorial Senator Howard Lyng, appeared on the ballot to fill these four available seats. The untimely death of Senator Lyng followed the election and gave rise to the question asked herein.

Although the preferable answer would be to advise that an immediate special election should be held, there is no clear authority to do this in Chapter 46. Section 5 thereof empowers the Governor to hold a special election on September 13, 1955, "substantially in the manner fixed by the law governing the legislature in general elections in Alaska." (Underlining added.) It does not provide, however, for any other election. Nor do the laws governing legislators in "general elections" incorporate those provisions relative to "special election" found in the Alaska Code. Accordingly,

Special elections to fill vacancies in the offices of Delegates to Congress, or Territorial Senator or Representative might under a separate Chapter in the Alaska Code; see 38-5-1 ACIA 1949, et seq.

I am reluctantly of the opinion that Chapter 46 does not allow a special election for the purpose of electing a candidate to fill the vacancy in the Ninth District. Compare 18 Am. Jur., 181, Elections, Section 5.

In seeking an alternative method of filling the fourth seat in the Ninth District, two sections are to be given attention. Section 9 reads:

"If any delegate from any election district shall die...or otherwise become disqualified from serving, or if a vacancy occurs for any reason whatever, the vacancy shall be filled by the candidate not theretofore certified as elected who received the next highest number of votes amongst the candidates in the election district in which the vacancy occurred." 2/

Section 12 reads:

"The candidate or candidates receiving the greatest number of votes in the election district for which nominated shall be deemed elected for that district, and the Governor of Alaska shall issue to them certificates of election in the manner otherwise prescribed by law for persons elected to the Legislature of Alaska."

2/ This section is in derogation of the general law expressed in 29 C.J.S. 353, Elections, Sec. 243, which reads:

"It is a fundamental idea in all republican forms of government that no one can be declared elected and no measure can be declared carried, unless he or it receives a majority or a plurality of the legal votes cast in the election. Accordingly, the general rule is that the fact that a plurality or a majority of the votes are cast for an ineligible candidate at a popular election does not entitle the candidate receiving the next highest number of votes to be declared elected. In such case the electors have failed to make a choice...."

And compare Boon v. Boon, 17 S. W. 575; Sheets v. Spidel, 56 N.E. 872; 133 A.L.R. 319, 331.

These sections raise the question:

Is there a candidate who has received the "greatest" or "highest" number of votes in the Ninth Election District who is eligible to receive a certificate of election from the Governor?

Mr. William Leivers, Clerk of the District Court, who supervised the election on September 13, 1955, advises me that as of September 23, 1955, the following persons received "write-in" votes in the District involved: 3/

<u>Name</u>	<u>Votes</u>
M. J. Walsh	3
D. Arthur Johnson	2
Frank A. Degan	2
Percy Ipalook	2
Clinton Tray	1

3/ Section 11 sets forth what shall be included on the ballot. This section does not make provisions for write-in votes; nor does any other Section in Chapter 46. However, under the authority vested in the Governor to conduct this special election "substantially in the manner fixed by the laws governing the election of legislators in general elections in Alaska...." (Section 5), the official ballot was drafted in conformity with Section 38-5-4 ACIA 1949 (which Section primarily concerns itself with ballot forms for general elections rather than substantive law), and included "black lines, equal in number to the candidates to be elected to office, upon which the voter may write the names of persons for whom he desires to vote, and whose names are not printed upon the official ballot."

The following instruction was included on the ballot:

"If the name of a candidate for whom you desire to vote does not appear on the ballot insert with pencil in blank space."

In most states the insertion of names of "candidates" upon the ballot is permitted and it is not necessary that a voter cast his ballot solely for persons qualified as "candidates". Cf. *Boyer v. Boyer*, 31 S.E. (2d) 898. However, such "write-in" provisions are generally expressed in clear and unambiguous language in a State Constitution or statute.

Guy R. Elam	1
W. McIver	1
William Cameron	1
Richard Thomas	1
William Angell	1
A. R. Ferguson	1
B. B. Moxe	1
McCarthy	1
L. E. Oet	1
L. Dunbar	1
Rusty Hurlin	1

I am informed that several of the persons receiving "write-in" votes took no active part to forward their election. They were not "candidates" within the definition generally attributed to that word, in that they did not seek or aspire to be elected to the Constitutional Convention. But a "candidate" has also been defined as being a person who "is put forward for election, whether with or against his own will," McCament v. Olcott, 156 P. 1034, 1036, or as "one put forward by others for an office". Lacombe v. Laborde, 61 So. 518, 521; 29 C.J.S. 19, Elections, Section 1 (j) (1). In any event I do not regard this as an issue of importance, in that of paramount concern is the question of whether it is essential to comply with certain conditions precedent found in Chapter 46.

It is to be observed that the authors of Chapter 46 required certain formalities to be complied with by all candidates. Among the prerequisites is that found in Section 6 which decrees that "candidates" for the office of Delegate shall be nominated in the manner set forth therein. Section 7 requires that the "nominating petition" of the candidate be signed by a certain number of supporters who will pledge themselves to "vote for the person named in such petition". Each supporter is limited in the number of candidates he may endorse. After the necessary number of signatures have been placed on a nominating petition and before it is filed with the Clerk of the Court, an acceptance must be made by the candidate including, among other things, that he "consents to enter as a candidate at the ensuing special election" and that "he agrees to take office and serve as a delegate from the election district in which he is nominated" if elected.

Herein lies the true question of law and, unfortunately, no clear delineation exists identifying what is the majority rule which would serve as an answer.

That the authorities differ is self-evident when the cases are reviewed. It has been held that where a statute makes nomination a qualification for office, a voter can not write-in the name of a person who was not so nominated. ^{4/} See Whitney v. Skinner, 241 S.W. 350; People ex rel. Angel v. Smith, 43 N.W. (2d) 871; Maddox v. City of Middlesboro, 251 S.W. 201, and compare Adair v. McBreath, 145 S.E. 841; Payne v. Gentry, 90 So. 104; Bartness v. Hendricks, 91 So. 68; 65 A. 576; Dupre v. St. Jacques, 153 A. 240; Boyes v. White, 21 Times L. R. (Eng.). In the latter case the nomination of a person receiving the highest number of votes for councilor in a borough was void by statute because he had not given a written consent to the nomination. The election was declared no contest and the person receiving the next highest vote was also denied a certificate of election.

In State ex rel Glorioso v. Board of Supervisors for Parish of Jefferson, 198 S. 773, the only candidate for membership on the school board, whose name appeared on the ballot, died the day before the election. A local citizen, receiving the largest number of "write-in" votes, sought to have herself declared elected. The Appellate Court reversed a lower Court's opinion substantiating her contention. The Upper Court acknowledged that "write-in" votes were authorized, but found that the failure to file a statement, containing the candidate's correct name, together with her consent to be voted for the office (compare Section 8 of Chapter 46) was fatal to her being the successful electee. The Court observed that to acknowledge write-ins under the circumstances would not produce a democratic result and that even though she had received 100 votes, this did not necessarily mean that she was the choice of the majority of the voters of the district. The Court commented:

"It merely shows that her friends were a little more prompt than were others to realize the political possibilities of the situation and to organize in her behalf. While the record does not show the total number of persons who voted in

^{4/} In some jurisdictions it is the rule that the legislature may, by statute, prohibit the voting for a candidate whose name is not upon the official ballot, and that, where such a law has been enacted, the writing in of the name of a candidate and the erasure of the name of his opponent can not be counted as a vote for the person whose name is so written in, notwithstanding the voter's intent which may be clear. See 18 Am. Jur., Elections, page 307, Section 191.

the district, it does appear that many times the number of votes which (the relatrix) claims to have received were cast for the dead former candidate...and had the voters had sufficient time to consider the situation and had they had the opportunity to vote for others, it is possible that a majority may have voted for some person other than (the relatrix). Of course it is true that she, in a legal election, might herself have been overwhelmingly elected, but the mere fact that she received some votes under the circumstances shown does not itself indicate that she was the choice of the majority."

In Whitney v. Skinner (Supra) the Court held that where nomination is a qualification for office, a voter can not write in the name of a candidate who was not so nominated. And see: People ex rel. Angel v. Smith, 43 N.W. (2d) 871; Anderson v. Cook, 130 P.2d 278; 143 A.L.R. 987; 29 C.J.S. 263, Elections, Section 180.

However, the opposing view that a person receiving the plurality of write-in votes, although not nominated, is entitled to office, is equally supported as is illustrated in 29 C.J.S. 124, Elections, Section 90, wherein it is stated:

"In the absence of constitutional or statutory provision to the contrary, prior nomination of a candidate for public office is not essential to the validity of his election, the mere fact that he has not been nominated ordinarily not being regarded as rendering him ineligible to office, or precluding the electors from voting for him or invalidating votes so cast. This is so notwithstanding the existence of a statute requiring that candidates who wish to have their names placed on the ballots as nominees shall first be nominated." 5/

5/ If Sections 6, 7 and 8 of Chapter 46 are to be regarded as mandatory then a "statutory provision to the contrary" exists.

In a number of states it has been held that a provision for blank spaces on the ballot, in which voters may write in the names of candidates other than those printed thereon, is a sufficient provision for independent candidacies. Under such circumstances no preliminary nomination is necessary. See Spreckles v. Graham, 228 P. 1040; State ex rel. Harris v. Belote, 143 So. 381; Cole v. Tucker, 41 N.E. 551; Brown V. Election Comrs. 140 N.W. 542.

It may be reasoned that the prerequisites of Sections 6, 7 and 8 of Chapter 46 are solely for those persons desiring the privilege of having their names printed upon the ballot and is in no way designed to prohibit the voters of the opportunity to cast their vote for such other person as they deem fit. This would be particularly true where spaces have been provided upon the ballot expressly for that purpose.

It is disturbing to observe the great disparity between the number of votes cast in favor of those persons receiving write-in votes and the total number of votes cast over-all in the Ninth Election District. However, in view of the split of authority existing, I believe it would be unfair to refuse to certify that person receiving the highest number of "write-in" votes in the Ninth Election District, especially since the Convention has the prerogative of rendering the final judgment as to which persons will be qualified to sit as delegates under Section 13 which reads in part:

"The Convention shall be the judge of the qualifications of its members, their election, or appointment."

In conclusion, it is my recommendation that you issue a certificate of election to that person receiving the highest number of write-in votes in the Ninth Election District.

Very truly yours,

J. GERALD WILLIAMS
Attorney General

By:

Henry J. Camaret
Assistant Attorney General

HJC/rar

ELECTION DISTRICT NO. 1. - Ketchikan and Hyder Recording Districts.

	<u>Votes</u>	<u>Elected</u>
Reagan, Ray R.	292	
Smith, W. O. (BO).		410

ELECTION DISTRICT NO. 2. - Wrangell and Petersburg Recording Districts.

Lee, Eldor R.		249
Strand, Erling	225	

ELECTION DISTRICT NO. 3 - Sitka Recording District.

Christianson, Warren C.	83	
Knight, William W.		246
Mitrovitch, M. S. (Duke)	89	
Van Horn, Fred N.	128	

ELECTION DISTRICT NO. 4 - Juneau Recording District.

McDowell, Bert F.	643	
Vander Leest, H. R.		720

ELECTION DISTRICT NO. 5 - Haines and Skagway Recording Districts.

Gregg, Tresham D. (Ted) Jr.	101	
King, Leonard Hugh		155

ELECTION DISTRICT NO. 6 - First Judicial Division.

Boddy, A. W.	513	
Bolay, Albert W.	245	
Brandes, Fred E. Jr.	712	
Clausen, Carroll	809	
Gray, Douglas		1443
Hope, Andrew	1303	
Jackson, William C.	648	
Johnson, Frank G.	1192	
Kederick, Bob	784	
MacKinnon, J.S. (Skip) Jr.	1258	
Nolan, James		1954
Parker, Lauris S. (Larry)	1019	
Peratrovich, Frank		1565
Peter, Richard L.	853	
Riley, Burke		1622
Robertson, R.E. (Bob)		1360
Savikko, Walter A.	888	
Seaman, Cledamae Camnock	293	
Simpson, Belle G.	801	
Stewart, B.D.		1374
Sweeney, Dora M.		1807

ELECTION DISTRICT NO. 7 - Cape Nome and Wade Hampton Recording Districts.

Degnan, Frank A.	105	
Johnson, Arthur D.	233	
Laws, W.W. (Chief)		357
O'Connor, Paul C. S.J.	148	
von der Heydt, James A.	161	

ELECTION DISTRICT NO. 9 - Second Judicial Division

Londborg, Maynard D.		881
Lyng, Howard (deceased)	987	
McNees, John A.		888
Reader, Peter L.		913

ELECTION DISTRICT NO. 10 - Cordova and McCarthy Recording District.

Rosswog, John H.		189
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ELECTION DISTRICT NO. 11 - Valdez and Chitina Recording Districts.

Anritter, John W.	48	
Harris, Thomas C.		49
Moore, Mrs. Inez E.	44	
White, John E.	23	

ELECTION DISTRICT NO. 12 - Seward and Whittier Recording Districts

Metcalf, Irwin L. "Irv"		158
Urie, Sol J.	146	

ELECTION DISTRICT NO. 13 - Kenai, Homer and Seldovia Recording Districts.

Gregoire, Harry E.	124	
Huey, John A.	61	
Kilcher, Yule F.		163
Nelson, N. Talmage	69	
Smith, Don E.	74	

ELECTION DISTRICT NO. 14 - Kodiak and Aleutian Islands Recording Districts.

Hinckel, Jack		340
MacNiece, Wallace G.	203	

ELECTION DISTRICT NO. 15 - Anchorage Recording District.

Hilscher, Herb		1669
Paal, Victor E.	867	

ELECTION DISTRICT NO. 16 - Palmer, Wasilla, and Talkeetna Recording District.

Hitchcock, Ben	128	
Hurley, James J.		196
Snodgrass, Milton D.	80	

ELECTION DISTRICT NO. 17 - Iliamna, Kvichak, and Bristol Bay Recording Districts.

Emberg, Truman C.		250
Moore, Denton R.	119	

ELECTION DISTRICT NO. 18 - Third Judicial Division.

Awes, Dorothy J.		1687
Boyko, Edgar Paul	1633	
Brown, Harold F.	658	
Brown, Herbert E.	1277	
Buckalew, Seaborn J., Jr.		1854
Clark, Jesse M.	1147	
Cruthers, William S.	1435	
Davis, Edward V.		2129
Egan, William A.		2022
Encelewski, Mr. Marion A.	398	
Engbreth, Arthur L.	1669	

Fischer, Mrs. E.A. (Helen)		1914
Fischer, Victor		2035
Frey, James D.	451	
Gerardy, F. (Jerry)	804	
Haik, Vernon E.	1177	
Harris, Frank W.	737	
Hellenthal, John S.		2287
Hong, Joseph S.	1605	
Johnson, Dr. A. Holmes	1520	
Jones, George R.	1358	
Kendall, Mrs. Mae	1083	
Kerby, Elizabeth (Betty)	1027	
Lannen, H. J.	868	
LeFevre, John S.	958	
Lightwood, Milton H., Jr.	725	
McFarland, Mrs. Robert E.	897	
McLaughlin, George M.		2696
McLean, Daniels W.	682	
McSmith, William	1535	
Marston, M.R. (ColMuktuk)		2321
Martin, Laron P.	631	
Mears, Betty	1458	
Parks, Cloyce	754	
Poulsen, Chris		1735
Rivers, Victor C.		2574
Simon, Charles L.	390	
Sorensen, Frank (Swede)	1151	
Steeby, Carl H.	378	
Tatro, Reese	849	
Walters, Dorothy Tyner	1624	
Wharton, Thomas A.	686	
White, Barrie M., Jr.		1759
Wilson, T. Stanton	1241	

ELECTION DISTRICT NO. 19 - Bethel, Kuskokwim, Mt. McKinley, Innoko, Nulato, Nenana, Hot Springs, Rampart and Fort Gibbon Recording Districts.

Coghill, John B.		573
Hall, Clyde	241	

ELECTION DISTRICT NO. 20 - Fairbanks Recording District.

Coonjohn, E. Johnny	470	
Gardner, Lee S.	559	
Doogan, James P.		677
Weinberg, Louis A.	599	

ELECTION DISTRICT NO. 21 - Fourth Judicial Division.

Barr, Frank		1740
Beck, Dudley	644	
Bogges, William V.	783	
Boswell, John C.		1155
Caine, Ralph L.	232	
Cathcart, Wallace, Jr.	546	
Clasby, Charles J.	1103	
Collins, E. B.		1188
Cooper, George D.		1151
Douglas, Claude C.	299	
Eidem, Zelda M.	496	
Gordon, Margaret E.	657	
Griffith, Constance F.	246	
Hollist, Lynn O.	464	
Holm, John	733	
Hoopes, Robert	640	
Johnson, Maurice T.		1159

Jones, Eugene	467	
Kniffen, Darrell (Duke)	351	
Koponen, Niilo Emil	392	
Lubking, Caroline	338	
McNabb, George B., Jr.	974	
McNealy, Robert J.		1246
Meath, Lawrence W.	570	
Nerland, Leslie		2128
Potter, Ben F.	402	
Ringstad, Sylvia	994	
Rusing, E. J.	750	
Silides, George C.	351	
Solka, Paul, Jr.	837	
Tilly, Gray S.	478	
Vandermeer, Jack	310	
Wien, Ada B.		1670
Young, Frank P.	769	

ELECTION DISTRICT NO. 22 - Territory of Alaska at Large

Armstrong, R. Rolland		4257
Bailey, Eben Gordon	2171	
Beltz, William E.	3874	
Coffey, Edward D.	3881	
DeBruyn, Jerome L.	575	
Gillam, Byron A.	4079	
Gordon, William J., Jr.	3951	
Greuel, Richard J. (Dick)	3781	
Hermann, Mildred R.		5527
Keating, Clarence P., Jr.	2082	
Linck, Alaska S.	3731	
McCutcheon, Steve		4890
Nordale, Katherine D.		5223
Paul, William L.	3518	
Rivers, Ralph J.		7005
Sheldon, Robert E.	3746	
Stabler, Howard E.	3140	
Stephens, Hadley	1197	
Stuart, Alice	2616	
Sundborg, George		4354
Taylor, Warren A.		4453
Van Housen, J. H.	1813	
Weir, John M.	2298	

NOTE: TOTALS TO October 7, 1955.

Name	Residence	District No.
W. O. (Bo) Smith	3104 Tongass Ave Ketchikan	1
Ray R. Reagan	343 Main St. Ketchikan	
Erling Strand	Box 505 Petersburg	2
Eldor R. Lee	Box 251 Petersburg	
Warren C. Christianson	Box 4 Sitka	3
William W. Knight	Sitka	
M. S. (Duke) Mitrovich	Box 238 Sitka	
Fred N. Van Horn	Box 558 Sawmill Creek Sitka	
Bert F. McDowell	707 Main St Juneau	4
H. R. Vander Leest	127 W. 7th St. Juneau	
Leonard Hugh King	Box 146 Haines	5
Tresham D. (Ted) Gregg, Jr.	Port Chilkoot Haines, Alaska	
Douglas Gray	4th D. St. Douglas	6
Fred E. Brandes, Jr.	341 Upland Ketchikan	
Bob Kedrick	Box 1991 Juneau	
Albert W. Bolay	1103 Mendenhall Apts. Juneau	
William C. (Doc) Jackson	Box 365 Juneau	
A. W. Boddy	939 W. 10th St. Juneau	
Dora M. Sweeney	517 No. Franklin St Juneau	
Lauri S. (Larry) Parker	320 Tlingit Drive Juneau	
Burke Riley	Box 133 Haines	
J. S. (Skip) MacKinnon, Jr.	933 C. St. Juneau	

Name	Residence	District No.
Richard L. Peter	413 W. 10th St. Juneau	
Belle G. Simpson	Mendenhall Apts. Juneau	
R. E. (Bob) Robertson	709 Gold St. Juneau	
Cledamae Cammock Seaman	Senate Apt. No. 201 Juneau	
Andrew Hope	Box 652 Sitka	
B. D. Stewart	Box 377 Sitka	
Frank G. Johnson	Box 128 Kake	
James Nolan	Wrangell	
Walter A. Savikko	Box 2372 Ketchikan	
Carroll Clausen	Petersburg	
Frank Feratovich	Box 27 Klawock	

Name	Residence	District No.
Paul C. O'Connor, S. J.	St. Marys	7
James A. von der Heydt	Box 156 Nome	
W. W. (Chief) Laws	Box 57 Nome	
Arthur D. Johnson	Unalakleet	
John M. Cross	Kotzebue	8
Frank A. Degnan	Nome	7
Peter L. Reader	Nome	9
John A. McNees	Box 239 Belmont Pt.	
Maynard D. Londborg	Unalakleet	
Howard Lyng	Box 221 Nome	



Name	Residence	District No.
John H. Rosswog	Box 400 Cordova	10
Thomas C. Harris	Box 205 Valdez	11
Mrs. Inez E. Moore	606 Broadway Valdez	
John W. Anritter	Valdez	
John E. White	Mile 166 Glen Highway Palmer	
Sol J. Urie	406 Washington St Seward	12
Irwon L. "Irv" Metcalf	Box 54 Seward	
N. Talmadge Nelson	Box 168 Kenai	13
Don E. Smith	Box 125 Homer	
John A. Huey	Box 31 Ninilchik	
Harry E. Gregoire	Homer	
Yule F. Kilcher	Box 100 Homer	
Wallace G. MacNiece	Cold Bay	14
Jack Hinckle	Box 536 Kodiak	
Victor A. Paal	1420-11th Ave Anchorage	15
Herb Hilcher	Box 846 Anchorage	
Wendell P. Kay	1550 "H" St. Anchorage	
James J. Hurley	Box C Bodenberg Loop Rd. Palmer	16
Ben Hitchcock	Caribou Creek Palmer	
Milton D. Snodgrass	Box 894 Palmer	
Truman C. Emberg	Dillingham	17
Denton R. Moore	Kokhanok Bay Illiamna	

Name	Residence	District No.
Vernon E. Haik	Mile 20 Glen Highway Star Route Anchorage	18
Mrs. E. A. (Helen) Fischer	304 E. 9th Anchorage	
Frank (Swede) Sorensen	Star Route Wasilla	
Victor C. Rivers	McKinley Apt No. 4 Anchorage	
Victor Fischer	1601 F. St. Anchorage	
Frank W. Harris	2610 Crestwood Anchorage	
Chris Poulsen	710-16th St. Anchorage	
Barrie M. White, Jr.	1555 E. St Anchorage	
Dorothy Tyner Walters	Box 796 Seward	
Edward V. Davis	546-10th. Anchorage	
William S. Cruthers	303 Bragaw St. Mountain View	
Mrs. Mae Kendall	3000 East 18th St. Anchorage	
Joseph S. Hong	1107-I St. Anchorage	
William McSmith	746 F. Anchorage	
Reese Tatro	Mile 23 Glen Highway Anchorage	
M. R. (Col. Muktuk) Marston	Box 325 Spenard	
James D. Frey	Star Route Palmer	
Cloyce Parks	Box 2085 Anchorage (Chugiak)	
Carl H. Steeby	Mile 21 Glenn Highway	
Milton H. Lightwood, Jr.	Box 3523 Spenard	
John S. Hellenthal	611-15th St. Anchorage	
Edgar Paul Boyko	4th. & Denali St. Anchorage	

William A. Egan	Box 146 Valdez	18
Betty Mears	P. O. Box 1813 Palmer	
Laron P. Martin	Box 519 Anchorage	
John S. LeFevre	Box 540 Cordova	
F. (Jerry) Gerardy	521-8th Ave Anchorage	
Mrs. Marion A. Encelewski	Box 28 Ninilchik	
Mrs. Robert E. McFarland	Turnigain Arms No. 3 Anchorage	
Dorothy J. Awes	Box 1418 Anchorage	
Harold F. Brown	500 East 13th Anchorage	
H. J. Lannen	Box 434 Cordova	
Elizabeth (Betty) Kerby	1418 Latouche Anchorage	
Thomas A. Wharton	Eureka Drive-Spenard Anchorage	
Arthur L. Engebret	1146 "S" St. Anchorage	
Herbert E. Brown	Junction Inn Mile 130 Richardson Highway - Gakona	
Jesse Clark	1361 Hollywood Anchorage	
George W. McLaughlin	521 Third Ave Anchorage	
T. Stanton Wilson	423-4th Ave Anchorage	
Dr. A. Holmes Johnson	Box A-1025 Kodiak	
Daniels W. McLean	526 M. St Anchorage	
Charles L. Simon	1566 "F" St. Anchorage	
Seaborn J. Buckalew, Jr.	408 D. St. Anchorage	

Name	Residence	District No.
Clyde Hall	Bethel	19
John B. Coghill	Box 521 Nenana	
E. Johnny Coonjohn	Box 628 Fairbanks	20
James P. Doogan	Box 2075 Fairbanks	
Lee S. Gardner	Box 396 Fairbanks	
Louis A. Weinberg	Box 32 Totem Park College	
Frank Barr	1101 Gillam Way Fairbanks	21
Dudley Beck	629 $\frac{1}{2}$ - 1st. Ave Fairbanks	
William V. Boggess	1114 Sunset Drive Fairbanks	
John C. Boswell	507 Illinois St Fairbanks	
Ralph L. Caine	Box 1448 Fairbanks	
Wallace Cathcart, Jr.	810 Northward Bldg. Fairbanks	
Charles J. Clasby	803 Pioneer Ave Fairbanks	
E. B. Collins	Box 1368 Fairbanks	
George D. Cooper	Box 37 Fairbanks	
Claude C. Douglas	Box 601 Fairbanks	
Zelda M. Eidem	Box 264 College	
Margaret E. Gordon	Box 1917 Fairbanks	
Constance F. Griffith	Box 231 College	
Lynn O. Hollist	Chena Road College	
John Holm	Box 1196 Fairbanks	
Robert Hoopes	543-8th Ave Fairbanks	

Name	Residence	District No.
Maurice T. Johnson	1337 6th Ave Fairbanks	21
Eugene Jones	Box 1629 Fairbanks	
Darrell (Duke) Kniffen	Box 1956 Fairbanks	
Niilo Emil Koponen	Box 883 Fairbanks	
Caroline Lubling	514-2nd St. Fairbanks	
George B. McNabb, Jr.	Box 682 Fairbanks	
Robert J. McNealy	Box 1912 Fairbanks	
Lawrence W. Meath	529 Fifth Ave Fairbanks	
Leslie Nerland	542-4th Ave. Fairbanks	
Ben F. Potter	1502 Turner St. Fairbanks	
Sylvia Ringstad	Box 604 Fairbanks	
E. J. Rusing	316-10th Ave Fairbanks	
George C. Silides	1041 Gilmore St. Fairbanks	
Paul Solka, Jr.	621-10th Ave Fairbanks	
Gray S. Tilly	912 Kellum St Fairbanks	
Jonathan Vandermeer	809 Andrew St Fairbanks	
Ada B. Wien	902 Lathrop St. Fairbanks	
Frank P. Young	Box 1288 Fairbanks	

Name	Residence	District No.
George Sundborg	610 W. 9th St. Juneau	22
Mildred R. Hermann	214 W. 8th St. Juneau	
John M. Weir	Box 12 Ketchikan	
R. Rolland Armstrong	214-4th Ave Juneau	
William L. Paul	426 Main St. Juneau	
Katherine D. Nordale	315-5th St. Juneau	
Howard D. Stabler	MacKinnon Apts. Juneau	

SECOND-DIVISION

William E. Beltz	Box 455 Nome
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THIRD-DIVISION

Eben Gordon Bailey	Taylor & Glen Highway Mountain View
Edward Edward D. Coffey	1546 Hillcrest Lane Anchorage
J. H. Van Housen	Box 1999 Anchorage
Hadley Stephens	236 S. Glenn St Mountain View
Steve Mc Cutcheon	2106 W. Alder Circle Anchorage
Clarence F. Keating, Jr.	2401 Denali Blvd Spenard
Jerome L. DeBruyn	351 Ina St Fairbanks

FOURTH-DIVISION

<u>Name</u>	<u>Residence</u>	<u>District No.</u>
Byron A. Gillam	1229 S. Cushman St Fairbanks	22
William J. Gordon, Jr.	903 Kellum St Fairbanks	
Richard J. (Dick) Greuel	321 Brandt Ave Fairbanks	
Alaska S. Linck	Box 1932 Fairbanks	
Ralph J. Rivers	Box 1951 Fairbanks	
Robert E. Sheldon	1007-2nd. Fairbanks	
Alice Stuart	545-1st St. Fairbanks	
Warren A. Taylor	524 $\frac{1}{2}$ Third Ave Fairbanks	

Calendar No. 269

84TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 264

RELATING TO A CONSTITUTIONAL CONVENTION IN ALASKA

MAY 3 (legislative day, MAY 2), 1955.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany S. 1633]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1633) relating to a constitutional convention in Alaska, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF MEASURE

Enactment of S. 1633 would permit members of the Legislature of Alaska to be candidates for election and serve as delegates to a constitutional convention. Alaskan legislators now are prohibited from holding such office by the 1912 Organic Act (48 U. S. C. 82).

A constitutional convention has been called by the popularly elected Territorial legislature for November of 1955. However, the Territorial law provides that candidates must complete their filing by May 10, 1955.

Therefore, if the convention is to have the benefit of the services of men qualified by experience to serve as delegates, prompt approval of S. 1633 is necessary.

The committee is informed that prohibitions such as that in the 1912 act have been usual in Territorial organic acts, and that waivers, such as provided by S. 1633, to permit experienced legislators to serve on constitutional conventions have been the rule, also. Such a waiver was granted by the 81st Congress in the case of Hawaii (63 Stat. 926).

In view of the time limitation, the committee recommends prompt action by the Senate in approving S. 1633.

REPORTS OF EXECUTIVE AGENCIES

■ The favorable report of the Department of the Interior on the House measure identical to S. 1633 is set forth below.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 19, 1955.

Hon. CLAIR ENGLE,
*Committee on Interior and Insular Affairs,
House of Representatives, Washington 25, D. C.*

MY DEAR MR. ENGLE: You have requested a report from this Department on H. R. 5166, a bill relating to a constitutional convention in Alaska.

The Organic Act of the Territory of Alaska, approved August 24, 1912 (48 U. S. C., sec. 82), provides:

"No member of the legislature shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected and for one year after the expiration of such term."

H. R. 5166 would, if enacted, authorize any member of the legislature, notwithstanding the above provision of the Organic Act, to be a candidate for election as a delegate in the formation of a constitutional convention and, if elected, would authorize him to serve at such a convention.

In the event a constitutional convention is formed and held, it is our view that members of the Territorial legislature should not be precluded from participating in such convention. Accordingly, we recommend enactment of this bill.

Since I am informed that there is a particular urgency for the submission of the views of the Department, this report has not been cleared through the Bureau of the Budget and, therefore, no commitment can be made concerning the relationship of the views expressed herein to the program of the President.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

84TH CONGRESS
1ST SESSION

H. R. 5166

A BILL

Relating to a constitutional convention in
Alaska.

By Mr. BARTLETT

MARCH 23, 1955

Referred to the Committee on Interior and Insular
Affairs

*Remain open -
Remained that nominations*

PROPOSED BUDGET FOR TECHNICAL ADVISERS
TO THE CONSTITUTIONAL CONVENTION

1. Regular Staff of Alaska Statehood Committee

This staff consists of Thomas B. Stewart, Executive Officer, and his immediate office staff. Not separately budgeted.

\$ -0-

2. PAS Staff

The full-time services during the convention of Joseph J. Melkup, PAS staff member, and the part-time services of John D. Corcoran, Field Supervisor, are included in the PAS contract and not separately budgeted

-0-

3. Personnel from Territorial Agencies

It is anticipated that arrangements can be made with the Office of the Governor and the Legislative Council, respectively, for approximately the full time services of George Rogers and Jack McKay. Reimbursement would probably be required for travel and per diem.

Travel (2RT each, Juneau, Fairbanks)
Per Diem (60 days each, \$12/day)

215.00
1440.00

4. Outside Consultants

It is proposed that commitments be made immediately for two-weeks visits of four of the following nine persons:

Weldon Cooper
Don Larson
Frederick Guild
Hugh Bone
John Ebbert
Herb Wiltsee
Ernest Bartley
William Miller
Dayton McKean

For budgeting purposes, the following assumptions are made:

Honorarium \$100 per day
Subsistence 20 per day
Travel Average 350

Total for four consultants

6520.00

Grand Total

\$8175.00

CHAMBER OF COMMERCE

NORTHWARD BUILDING
FAIRBANKS, ALASKA

Member: U.S. CHAMBER OF COMMERCE
ALASKA CHAMBER OF COMMERCE
PACIFIC NORTHWEST TRADE ASS'N

August 23, 1955

REPORT

HOSPITALITY COMMITTEE FOR CONSTITUTIONAL CONVENTION

1. Chairman of Housing - Glenn Willacy

Making a survey of housing: hotel rooms, rooms in private homes, apartments available, houses, etc. Survey has been made by questionnaires in the News-Miner, explanations of television and radio stations, and has been followed up with letters to each hotel, motel, apartment house, etc. requesting a listing of accommodations that will be available for the convention. Space is to be reserved until October 15. After that time, if reservations have not been definitely confirmed in writing, accommodations need not be held.

After the election of delegates on September 13, a list of housing available will be sent to each elected delegate with the request that they make reservations before October 15. These requests will be handled through the Chamber of Commerce office. List of housing available will include such information as - type of accommodation, number of rooms, private or share bath, furnished, etc.

2. Chairman of Transportation - Vic Hart

Preparing a list of cab companies available in Fairbanks. List of rates. These will be printed in a brochure.

Collecting information regarding buses - from various parts of the city. Schedules and rates will be printed in brochure.

Has requested and obtained permission from the City Council for 'guest parking' for delegates cars. This means that a sticker will be on the windshield of all delegates cars so that they may park anywhere outside of Loading Zones or driveways without using meters.

3. Chairman of Entertainment - John Titus

Arrange for Welcoming Dinner and Reception.

Arrange for Tea for women delegates and wives of delegates.

Arrange for tour of the City of Fairbanks.

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3. Entertainment (Contd.)

Co-ordinate with Ladd Field and Eielson for possible tours and other entertainment.

Handle Calendar of Social Events being planned by organizations of Fairbanks and the University of Alaska as well as the Military in order to avoid conflicts as to dates.

4. Publicity - Kay Kennedy and Val Greuel

Handle radio and news publicity stories.

Arrange for identification tags for delegates, wives and families.

Provide stickers for Courtesy Parking.

5. Services - Fanny Johnston

Compile list of all services in Fairbanks such as - laundries, nurseries, florists, baby sitters, beauty shops, available rentals of baby furniture, et cetera.

List of-Doctors and Dentists.

-Restaurants and Theatres.

-Organizations and dates of meetings.

-Garages available for servicing and storage.

-Public stenographers

All the above information will be published in brochure.

6. Mimeographing - Mischa Bigovich

Mimeographing list of housing available and letters to delegates.

Obtaining information re typewriters, mimeographs, etc., still available for rental and the availability of supplies such as paper, notebooks, stencils, etc. This information to be submitted to Mr. Tom Stewart.

Assisting with compilation of material to be printed in brochure.

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7. Brochure - Tom Roberts

Organizing and handling of brochure which will contain all necessary information as listed above for the convenience of the delegates, as well as a map of Fairbanks showing points of interest. It will also contain a calendar of social events as received at presstime. Brochure will list all delegates and will be a souvenir of Alaska's historic Constitutional Convention. No advertising will be in brochure other than a listing of businesses.

The following accommodations are available for Constitutional Convention Delegates:

HOTELS

ALASKAN INN -- 4th & Lacey Streets

Twin-Duo-beds; private bath; \$8.00 per day, \$49.00 per week.

FAIRBANKS HOTEL -- 517 Third Avenue

4 rooms with double bed; private bath; \$8.18 per day for one person, \$9.18 per day for two.

1 single bed with private bath; \$8.18 per day.

2 single beds with connecting bath; \$7.14 per room per day.

1 double bed with connecting bath; \$8.18 per day.

1 single bed with bath adjoining above room; \$7.14 per day.

Room with three beds and private bath; \$12.24 per day.

FIFTH AVENUE HOTEL -- 637 Fifth Avenue

Twin beds and couch with connecting bath; \$10.00 per day.

Double beds and couch with connecting bath; \$10.00 per day.

Twin beds and private bath; \$10.00 per day.

Double bed and private bath; \$10.00 per day.

2 twin beds with connecting bath; \$10.00 per day.

Twin beds with private bath; \$10.00 per day.

Double bed with connecting bath; \$10.00 per day.

Two bedroom unit -- double bed in one room and single bed in the other; private bath; \$10.00 per room per day.

NU ARTIC HOTEL -- 409 First Avenue

Single rooms; share bath; \$4.00 per day, \$20.00 per week.

Double rooms; share bath; \$5.00 per day, \$25.00 per week.

Twin bedrooms; share bath; \$6.00 per day, \$30.00 per week.

STEEL HOTEL -- 545 First Avenue

Double rooms with private bath; \$6.00 per day, \$35.00 per week or \$100.00 per month for two persons; \$5.00 per day, \$30.00 per week or \$100.00 per month for one person.

APARTMENTS

CASA BLANCA -- 17th & Cushman

1 room efficiency apartments; laundry facilities; shower in every room; double beds; \$110.00 and \$125.00 per month.

APARTMENTS (continued)

TAMARAC INN -- 239 Charles Street

- 3 efficiency apartments; laundry facilities; kitchenettes; head bolt heaters; share bath; \$50.00 and \$60.00 per week.
- 2 one-bedroom apartments; laundry facilities; kitchenettes; head bolt heaters; share bath; \$75.00 per week.

MOTELS

NORTHAVERN CABINS -- College Road

- 1 room with two double beds; share bath; \$5.00 per day, \$25.00 per week or \$90.00 per month.
- 5 rooms with double beds and a single bed; share bath; \$5.00 per day, \$25.00 per week or \$90.00 per month.
- 1 room with double beds and bunk beds; share bath; \$5.00 per day, \$25.00 per week or \$90.00 per month.
- 3 rooms with double beds; share bath; \$5.00 per day, \$25.00 per week or \$90.00 per month.

Each room listed above has its own heating stove and all cooking facilities are furnished. No maid service.

PRIVATE HOMES

- 3 room basement apartment with bath and kitchen, suitable for one or two males; double and twin beds; \$5.00 per day, \$30.00 per week or \$110.00 per month (50% more for two persons).
- 1 room with single bed; share bath; \$18.00 per week (breakfast would be provided at additional charge).
- 2 rooms with single beds; share bath; \$15.00 per week.
- 1 room with either single, double or twin beds; share bath; \$30.00 per week for one person, \$50.00 per week for two persons (breakfast would be provided at additional charge).
- Room with twin beds and adjoining bath; \$10.00 per day, \$30.00 per week or \$200.00 per month.
- 5 small rooms with single bed; share bath; \$4.00 per day, \$25.00 per week.
- 1 large front bedroom with double bed; \$5.00 per day, \$25.00 per week.
- 2 sleeping rooms -- 1 single bed; share bath; \$80.00 per month.
1 double bed; share bath; \$80.00 per month.
- 1 room with single bed; share bath; \$4.00 per day.

Linens and maid service are provided with all accommodations unless otherwise stated.

James Hutchison

Your questionnaire to convention delegates is impertinent interference with deliberations of ~~sovereign~~^a sovereign, democratically chosen body whose decisions must be derived in tradition of American legislative process. Your efforts to get delegates committed in advance and your failure to distinguish between items properly constitutional in nature and those appropriate for later legislative consideration raise questions concerning your motives, ^{and your source of income.} You may quote me.

This was among papers relating to the Convention in the files of the Alaska Statehood Committee, author unknown. Possibly a rough draft of a telegram from R. Atwood, Chairman, Alaska Statehood Committee. The addressee is an AP reporter who formerly was assigned to the reporting of sessions of the Alaska Legislature during several sessions before and including the 1955 session. (Name is misspelled. Think it is Hutchison) or Hutchison)