

CHAPTER 39.

AN ACT

(S. B. 18)

To provide for the holding of primary elections in the Territory of Alaska, to fix the time and manner of holding the same, to prescribe the qualifications of candidates to be nominated at such elections, to designate the manner of filing and authenticating their candidacy, and to repeal Chapter 48, of the Session Laws of Alaska, 1917, entitled, "An Act to provide for the holding of primary elections in the Territory of Alaska, to fix the time and manner of holding the same, to prescribe the qualifications of candidates to be nominated at such elections, and to designate the manner of filing and authenticating their candidacy, and for other purposes."

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

Section 1. That all candidates for the office of Delegate to Congress from Alaska, and all candidates for any other elective, territorial, or divisional office now or hereafter created by Act of Congress or the Legislature of the Territory of Alaska, shall, from and after the passage of this Act, be nominated by direct vote of the people in the following manner:

Direct primary for election of candidates for office

Each person desiring to become a candidate for any of the offices above enumerated shall, not less than sixty days before the date of the primary election at which such nominations are to be made, file a declaration of candidacy in the following form:

DECLARATION OF CANDIDACY.

I, _____, do hereby declare that I reside in the Town (or Precinct) of _____, Territory of Alaska, Judicial Division No. _____, and am a qualified elector therein; I am a member of the _____ party and intend to vote for a majority of the candidates of such party at the coming election.

Declaration of candidacy—form of

I hereby declare myself a candidate for nomination to the office of _____ to be made at the primary election to be held on the last Tuesday in April

in the year 19....., and hereby request that my name be printed upon the official primary ballot, as provided by law, as a candidate of the party.

I further declare that, if nominated and elected, I will qualify as and that I will support and abide by the principles enumerated by the party in its national platform and in its platform in this Territory adopted during the present year.

I accompany herewith the sum of \$....., the fee required by law of me for becoming such candidate.

Signed this day of 19.....

.....
Signature of Candidate.

Section 2. All declarations of candidacy shall be filed as follows:

1. For Delegate to Congress, Attorney General, and other elective Territorial offices, in the office of the Secretary of the Territory.

2. For members of the Legislature of the Territory of Alaska, Divisional Road Commissioner, or other divisional offices, in the office of the Clerk of the Court of the Division in which the candidate resides.

At the time of filing the declaration of candidacy for any office, each candidate shall pay a fee of one per cent. of the annual salary for such office, provided that officers who do not receive a stipulated salary shall pay a fee of Ten Dollars, and in no case shall the fee be more than forty (\$40.00) dollars. Said fees shall be paid to the Secretary of the Territory or the Clerk of the Court of the Division in which said candidate resides, and shall be covered into the territorial treasury.

It shall be the duty of the Secretary of the Territory to certify all declarations of candidacy for the office of Delegate to Congress and territorial offices to the Clerks of Courts for the respective Judicial Divisions of the Territory within ten days after the same are filed.

Where declarations of candidacy shall be filed

Fees for filing

Secretary of Territory to certify declarations, when

Section 3. That the first primary election provided for in this Act shall be held on the last Tuesday in April in the year 1920 and similarly in every second year thereafter.

Date when primary elections to be held

Section 4. That there shall be a separate and distinct ballot for each political party represented by a candidate. The ballots shall be prepared by the Clerks of the Court for their respective Divisions in general conformity with the provisions of law for the preparation of ballots for general elections. Across the head of each ballot shall be printed in large type the words "OFFICIAL PRIMARY BALLOT," and immediately following shall be printed in large type the name of the political party. The name of no candidate shall appear on more than one ballot and all names of candidates shall appear on the ballot prepared for the political party to which such candidates belong.

Separate ballots for each party and form thereof

No blank spaces shall be provided on any of such ballots for the writing in or pasting in of names, and no vote shall be cast or counted at a primary election for any person whose name is not printed upon the official primary ballot.

Section 5. That all the provisions of the laws of United States and the Territory of Alaska relating to the qualifications of voters and the notice and conduct of general elections, the counting of the ballots, and the preparation, transmission and canvassing of the returns, now in force or which may be hereafter enacted, shall govern the conduct of primary elections where applicable, except as hereinafter provided. It shall be the duty of all Clerks of the Court, United States Commissioners, City Councils, election judges, and other officials, to perform the same duties with reference to primary elections as are now or hereafter may be imposed upon them with reference to general elections, except as otherwise provided by this Act. All expenses of the primary election shall be paid by the Territorial

Qualifications of electors and conduct elections to be same as general elections

Treasurer upon vouchers approved by the Clerk of the Court of the Division in which the service is rendered, except as otherwise provided by this Act, and all charges and fees shall be the same as prescribed by law for the same expenses in general elections.

What names to be printed on official ballot

Section 6. That the name of no candidate for office or for committeeman, delegate or alternate, shall be printed upon the official ballot used in any primary election unless prior to the beginning of the period limited by law, a declaration of candidacy and certificate shall have been filed with the Secretary of the Territory or the Clerk of the District Court of the Judicial Division in which such candidate resides, as provided for in this Act.

Manner of conducting primary election

Section 7. That every person who is entitled to vote at general election shall be entitled to participate in the primary election.

The polls shall be open during the same hours and the balloting shall be done in the same manner, as nearly as practicable, as is now or may hereafter be provided by law for general election: Provided, however, that one ballot box shall be provided for each political party represented by ballots. Each elector shall have the right to receive the ballot only of the party for which he asks; he shall, if challenged, be required to subscribe to an oath or affirmation in the following form, otherwise he shall not be permitted to vote:

UNITED STATES OF AMERICA, }
TERRITORY OF ALASKA. } ss.

I,, do solemnly swear (or affirm) that I am of the age of twenty-one years or more, a citizen of the United States, and have been a resident of the Territory of Alaska for twelve consecutive months, and of the Precinct for thirty days, immediately preceding this election, and have not voted at this election. I am a member of the

..... political party and intend to vote for a majority of the candidates of such party at the coming general election.

Subscribed and sworn to before me this day of, 19.....

.....
Judge of Election.

Section 8. Every elector who offers to vote shall give his name, place of residence and party affiliation to the judges of election, one of whom shall then in an audible tone of voice announce the same, whereupon a challenge may be interposed in the manner provided by law. If no challenge be interposed or if the challenge oath be taken, one of the judges of election shall give him a ballot, at the same time calling to the other judges of election the number of such ballot.

Method of voting

It shall be the duty of the clerks of election to transcribe the name of the voter and his party affiliation in the duplicate registers. After marking the ballot, the voter shall hand it to one of the judges of election, who shall receive it, and it shall be by him deposited in the box for the proper political party.

Section 9. The election board at each polling place, as soon as the polls are closed, shall immediately publicly proceed to open the ballot boxes and count and canvass the votes cast, and they shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately carefully and securely seal up in one envelope one of the said duplicate certificates and one of the registers of voters, all the ballots cast, and all affidavits made, and mail such envelope, with said papers enclosed, at the nearest post-office, by registered mail if possible, duly addressed to the Clerk of the Court of the Division in which the polling place is situate, with the postage prepaid thereon.

Canvass of votes and certification

The other of said duplicate certificates and register of voters shall be retained by the judges of election and preserved by one of their number, designated by them for the purpose, for at least six months.

Names successful candidates to be on ballots at general election

Section 10. The name of the candidate receiving the highest number of votes for any office at such primary election by any political party shall be placed upon the official ballot provided for the general election, followed by the designation of the political party by which nominated, and in addition to the name of the candidates nominated at such primary election by the several political parties, the names of such other candidates as have filed nomination papers, as is now or may hereafter be required by law; Provided, that all such nominations must be filed on or prior to the date of the primary election.

Provision for candidates on ballots in case of disability, etc., of primary candidate

Section 11. No person shall be designated on the official ballot as having any party affiliation except those persons nominated by a political party at the primary election; Provided, that if any candidate nominated at a primary election shall die or otherwise become incapacitated from holding office for which he is nominated after the date of said primary election and prior to the time when the official ballots for the general election are required to be printed, the vacancy thereby caused may be filled by the political party by which such candidate was nominated at a territorial convention of such party, in case of a territorial office, and at a divisional convention of such party in case of a divisional office. Such convention, if territorial, shall be called by the chairman of the Territorial Committee of the party or, in case of his absence from the Territory, by any member thereof, and, if divisional, by the chairman of the Divisional Committee of the party desiring to nominate a candidate, and upon notice published for such length of time as the emergency necessitates in a newspaper of general circulation in

each Division in case of a territorial office, or in the Division where the vacancy occurs in case of a divisional office. The chairman and secretary of such convention shall certify, by telegraph or otherwise, to the Clerk of the Court of the Division where the vacancy occurs the name of the candidate so nominated and it shall be the duty of the Clerk of the Court to cause such name to be printed on the official ballot with the party designation of the political party by which nominated, in the same manner as provided by law in case of a nomination at the primary election.

In case the vacancy occurs within ten days prior to ^{ibid} the time within which official ballots are required by law to be printed for the general election, the Territorial Committee of the political party may select a candidate to fill the vacancy in case of a territorial office, and the Divisional Committee in case of a divisional office, and upon the certificate of the chairman of the Territorial Committee, or in case of his absence from the Territory, of any two members thereof, or upon the certificate of the chairman of the Divisional Committee, or in case of his absence from the Division, of any two members thereof, received by telegraph or otherwise the Clerk of the Court of the Division shall cause the name of the candidate so selected to be printed upon the official ballot, together with the designation of political party, as herein provided.

Section 12. As soon as possible after the receipt of the returns of the primary election, and not later than ^{Clerk of court to canvass returns} forty-five days thereafter, and as soon as the Clerk of the Court for his respective Division shall be satisfied that the vote of any missing precinct cannot alter the result of the primary election it shall be his duty to canvass the same publicly, and he shall thereupon, when said canvass is completed, make out in duplicate ^{To notify Secretary of Territory} a certificate of the result of said election in his division, specifying the whole number of votes, in words and figures, cast for each candidate and the number of

votes rejected, and shall mail one of the said duplicate certificates, by registered mail, to the Secretary of Alaska, at his place of residence, with the postage prepaid thereon. The Clerk of the Court shall also, as soon as the canvass is complete, telegraph the result of the election as to the nominations for territorial offices to the Secretary of the Territory, and the Secretary of the Territory in all cases where the certificate of the result does not arrive from the Clerk of the Court in due course of the mail, may accept such telegraphic information in lieu of such certificate of result and shall, on or before the 15th day of July following the primary election, certify to the Clerk of the Court of the different Divisions the names of all candidates who have been nominated for territorial offices.

Secretary to notify clerk of court of Territorial candidates nominated

Chapter 48, Session Laws of Alaska, 1917, repealed

Section 13. Chapter 48, of the Session Laws of Alaska, 1917, entitled, "An Act to provide for the holding of primary elections in the Territory of Alaska, to fix the time and manner of holding the same, to prescribe the qualifications of candidates to be nominated at such elections, and to define the manner of filing and authenticating their candidacy, and for other purposes," is hereby repealed.

Approved May 3, 1919.

CHAPTER 40. AN ACT

(H. B. 42)

Authorizing the Governor of Alaska to make all necessary certificates to entitle the Territory of Alaska to the grant of moneys for the benefit of State and Territorial colleges of agriculture and mechanical arts authorized by Acts of Congress approved August 30, 1890, and March 4, 1907, and declaring an emergency.

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

Governor to issue certificates required

Section 1. That the Governor of Alaska is hereby authorized to make all certificates required by law or the regulations of the Department of Agriculture or the Department of the Interior necessary to be made in