

on H.B. 125 5021

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Notice

Filed on same April 16th 1910
Bulletin Letter ~ " 21st 1910.

State Question No. _____ Referendum Petition No. 12

WARNING

"It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter."



Petition for Referendum

To the Honorable C. N. Haskell, Governor of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, County of respectfully order that the House Bill No. 125, entitled "An Act to provide the time and manner of holding and conducting Elections; Repealing laws in conflict therewith," passed by the Second Legislature of the State of Oklahoma at the special session of said Legislature, and approved by the Governor of said State March 26, 1910, shall be referred to the people of the State of Oklahoma for their approval or rejection at the regular election to be held on the first Tuesday, succeeding the first Monday of November, A. D. 1910, or at any special election which the Governor of the State may call for such purpose or at which the same may be lawfully submitted, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma, and of the county of, my residence and postoffice are correctly written after my name.

The question we herewith submit to our fellow-voters is: Shall the following bill of the Legislature be vetoed?

HOUSE BILL No. 125

AN ACT To Provide the Time and Manner of Holding and Conducting Elections; Repealing Laws in Conflict Therewith.

Be It Enacted By the People of the State of Oklahoma:

Section 1. On the first Tuesday after the first Monday of November in each even numbered year a general election shall be held at which time there shall be elected representatives in congress, members of the legislature, and all state, district, county, township or precinct officers, whose terms as now provided by law will begin before the next succeeding general election.

Section 2. As soon as practicable after the passage and approval of this Act, the Governor shall, by and with the advice and consent of the Senate, appoint a state election board, to consist of three members, not more than two of whom shall belong to the same political party, to serve for, a term of two years and thereafter until their successors are appointed and qualified. The chairman of the managing committee of each of the two political parties having cast the largest number of votes in the last preceding general election, may at any time before said appointments are made, submit to the Governor the names of not less than five members of their respective political parties; and in making said appointments preference shall be given to the names so submitted. At the time of making said appointment, the Governor shall designate one member as chairman, and one as secretary. The members of said board shall take and subscribe the oath required by the constitution for other officers, which shall be filed in the office of the secretary of state. Each member of said board shall be a qualified elector of the State, at least twenty-five years of age and shall have resided in this state at least one year at the time of his appointment. Provided, that the present members of the State Election Board, and all the various county election boards, and the precinct inspectors, shall hold their respective offices until their successors are appointed and qualified under the provisions of this Act.

Section 3. They shall be furnished with an office at the capital while engaged in the performance of their duties. After having canvassed and certified the returns of any special or general election, they shall deliver the same, together with all other records of their office to the secretary of state, who shall receive and keep the same, subject to public inspection,

until required by the State election board in the performance of its duties. They shall have power to employ such stenographers and clerical help as may be necessary for the proper discharge of their duties, and fix their compensation.

Section 4. It shall be the duty of the State Election Board to receive, file and carefully preserve the applications of all candidates to be placed upon the ticket of any political party to be voted at a primary election and of all nonpartisan candidates; the declarations, statements and affidavits, required by law to be filed by candidates, of money expended or to be expended by them, or in their behalf; to prepare and distribute to the county election boards the ballots to be voted in each primary election for nomination of candidates for presidential electors, members of congress, state officers and district officers to be voted for in more than one county of the state, district judges and members of the legislature; to receive, canvass and certify the returns of primary elections for the nomination of such officers and to issue certificates of nomination to the persons entitled thereto; to prepare, cause to be printed and distributed to the county election boards, the ballots to be used in the general election, containing the names of all candidates nominated by the different political parties, and non-partisan candidates for such offices and to place therein, in addition to the names of such candidates, all questions referred to the people by the legislature or under the initiative and referendum powers reserved in the constitution; to prepare and distribute to the several county election boards, sample ballots for use in primary and general elections; to prepare and distribute to the county election boards, proper forms for certifying the returns of primary and general elections; to canvass and certify the returns of the election of all such officers and to certify the same to the Secretary of State.

Section 5. Whenever any special election shall be called for the purpose of electing any member of Congress, or of the Legislature, or for the purpose of referring to the people any question submitted by the Legislature, or under the initiative and referendum powers reserved by the people in the constitution, the State Election Board shall prepare and distribute the ballots therefor and receive and canvass the returns and perform all the other duties with reference to any such special election as are required by law to be performed by them in the case of general elections.

Section 6. In each year in which a general election is to be held, the Secretary of the State Election Board shall attend at the office of the board, beginning one hundred (100) days before the day fixed by law for the holding of the primary election and shall remain in attendance at said office until the returns of such general election shall have been canvassed, certified and delivered to the Secretary of State, as required by this Act. The

members of the State Election Board shall attend at the office of the board upon the call of the Secretary whenever required, for the purpose of appointing members of the county election boards; for the purpose of certifying names to be printed upon the ballot in any primary election; for the purpose of canvassing the returns of primary elections and certifying the names to be placed upon the ballot to be voted in the general election and for the purpose of canvassing the returns of the general election and for the purpose of certifying the same to the Secretary of State

Section 7. The Secretary of the State Election Board shall receive six (\$6.00) dollars per day for the time actually and necessarily expended in the performance of his duties, provided such Secretary shall not be allowed pay for exceeding six months time, for conducting the biennial primary and general elections. The members of the State Election Board other than the Secretary shall receive as compensation for their services, the sum of four (\$4.00) dollars per day and in addition thereto their actual and necessary traveling expenses and hotel bills. Provided said members shall not be allowed pay or expenses for more than forty days time in connection with the biennial primary and general elections of any one year.

Section 8. The State Election Board shall, as soon as possible after they are appointed and qualified, appoint a county election board for each organized county in this State, to consist of three members, not more than two of whom shall belong to the same political party. The chairman of the managing committee of each of the two political parties having cast the largest number of votes in the last preceding general state election may, at any time before said appointments are made, submit to the State Election Board the names of not less than five members of their respective political parties; and in making appointments, preference shall be given to the names so submitted. The members of said board shall serve for two years and thereafter until their successors are appointed and qualified. Each member of the county election board shall be a qualified elector of the county for which he is appointed. Each member of the county election board shall take and subscribe the oath required by the constitution for state officers which shall be filed in the office of the county clerk. They shall select one of their number as chairman and another as secretary, and shall keep a record of all their proceedings, which, when completed, shall be deposited in the office of the county clerk.

The members of the County Election Board shall receive three dollars per day for the time that they are actually engaged in the performance of their duties; provided, however, that in no event shall they be allowed pay for more than twenty days for each regular primary or general election held by them under the provisions of this Act, and not more than ten days pay for any special primary or other special election held by them under the provisions of this Act, and the Secretary of the board shall in addition

to said per diem, be allowed one hundred dollars per annum as compensation for keeping the records of the board.

Section 8 (a) The state election board shall canvass the returns of all primary elections required by law to be made to them and as soon as such canvass shall have been completed, and not later than twenty days after the date of such primary, they shall certify to the several county election boards the names of all candidates who have been nominated by any political party for any office, and who are entitled to have their names placed upon the ballots to be voted in said county at the next following election, together with the names of non-partisan candidates who have petitioned to have their names placed upon the ballots in the manner provided by law, and also all state questions and measures to be submitted to a vote of the people, as certified to them by the Secretary of State, to be voted upon in said election.

Section 9. It shall be the duty of the various county election boards to create, alter, divide or discontinue voting precincts as in their judgment is best and proper and to designate the polling place therein, and the Secretary of the board shall keep in a bound book a complete record of the boundary of each precinct, the name of the voting place therein, the number of votes cast and the date thereof.

All boundary lines outside of cities and incorporated towns shall follow section lines as nearly as practicable; but no precinct line shall cross the boundary line of any congressional, legislative or county commissioner's district, or of any municipal township.

All wards and townships shall be divided so that each voting precinct shall contain two hundred electors as near as may be and in no event shall a precinct contain more than two hundred and fifty electors.

Each precinct of a township or ward shall be numbered consecutively and all wards in cities and towns shall be designated as "first," "second," etc., "Where, according to the vote of the last general election, the need for new districts is shown, the several county election boards shall apportion their respective counties into voting precincts or create new precincts where needed as soon after the passage hereof as possible, provided, the same can be completed at least forty days before the general primary election to be held in 1910. Should new precincts be created hereunder, a notice, setting forth the boundary of precincts changed or altered and naming the polling places therein, shall be published in two issues of a newspaper printed within the precincts so created or changed or if no such paper then in some paper published or generally circulated in the county, and said county election board shall immediately, and before the time for registration, appoint election inspectors for all newly created precincts. If more than two hundred and fifty electors shall vote in any precinct at any general election, the county election board shall proceed, within sixty days thereafter, to divide such precinct so that each new precinct created shall contain two hundred voters as nearly as may be. The county election board shall give notice of the creation,

alteration, division or discontinuance of voting precincts by publishing their action in three issues of a weekly or in six issues of a daily newspaper of general circulation in the county. Upon the failure of the county election board to establish and divide precincts as herein provided, the same may be done by the State Election Board upon the verified petition of ten electors of the precinct affected; Provided, also, that any qualified elector may apply to the District Court for a writ of mandamus to compel the performance of the duty of the county election board as herein provided; Provided, further, that when any special election is called in territory, the boundaries of which do not conform to the precincts' lines as established by the county election board, such county election board shall establish special precincts within such territory to conform to the lines thereof and shall designate polling places therein; and where the regularly appointed precinct officers are disqualified by reason of non-residence within the limits of such special precincts they shall appoint special precinct officers for the purpose of such special election.

9. (a) The county election boards shall canvass the returns of all primary elections required by law to be made to them and shall determine the names of candidates who have been nominated by any political party for any county, city, town, township or municipal office within their respective counties, and also the names of all non-partisan candidates who have petitioned to have their names placed upon the ballots in the manner provided by law and shall record in a record book to be kept by them for that purpose, the result of such canvass and ascertainment, and shall cause said names to be placed upon the official ballots in the manner herein provided for.

Section 10. The County Election Board shall appoint an inspector of elections in each voting precinct, who shall be a qualified elector of his precinct, and a person of good understanding, who can write legibly. The precinct inspector shall take the oath required by the constitution, of other officers, which shall be filed in the office of the county election board.

Section 11. The precinct election board shall consist of the precinct inspector and two judges of election. Said judges of election shall possess the same qualifications as the precinct inspector and shall be selected, one from each of the two political parties which cast the largest number of votes in the State at the last preceding general election. Said judges of election shall be appointed on or before the day fixed for the beginning of the registration of electors in their voting precincts, and shall serve until the votes cast in the election for which they are appointed have been counted and certified as provided in this Act. The precinct committeemen of each of the two political parties having cast the largest number of votes in the state in the last preceding general election, may at any time before said appointments are made, submit to the precinct inspector the names of not less than five members of their respective political parties, and in making said appoint-

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ments, preference shall be given to the names so submitted. The judges of election shall take the oath provided in the constitution for other officers, which shall be filed in the office of the county election board.

Members of the precinct boards shall be allowed and paid three dollars per day for not exceeding two days for each election; and in addition to the compensation above mentioned, the inspector shall be allowed three dollars, plus five cents per mile for the distance one way traveled, for receiving the election supplies and the ballots from the county election board and three dollars plus five cents per mile for the distance one way traveled for delivering the official returns of each election. The precinct election board shall receive the compensation herein provided upon voucher issued by the county election board which shall be honored and allowed by the county commissioners out of any county funds available.

Section 12. The precinct election board, preceding any election, shall appoint four official counters, who shall be electors of the precinct, and who shall be good penman, and rapid in the use of figures. Such counters shall be equitably distributed from the various political parties, but in no event shall more than two of them be from any one party, unless it is impossible to find a capable man to represent the minority party. The clerk of the election, or the inspector, shall administer to them the oath prescribed herein for precinct election boards. At one o'clock P. M. and after the official counters have each cast their ballots and after they have been duly sworn as herein provided, the ballot box shall be unlocked after first having been well shaken to mix the ballots, the ballots shall be removed to a receptacle and the box shall be relocked and the balloting continued. The ballots removed from the box shall be delivered to the official counters, who shall immediately proceed with the official count. Two of the official counters, of different political parties, shall call from the ballots, the names of the candidates voted for, while the other two shall record the votes upon the tally sheets provided for that purpose, each one recording upon a different sheet at the same time. One of the counters who calls the number of votes, shall remove the ballots from the receptacle one at a time, as he completes the call. He shall then call first the name of the office, and next the name of the candidate voted for, and the other counter assisting in the calling shall scrutinize the ballot, at the time the call is being made, and not afterwards. He shall watch each name as called, and correct any error before the next name is called or recorded. He shall then receive and fold the counted ballot and string it upon the needle and thread provided for that purpose, while the other counter unfolds another ballot. The record of the vote shall be kept by the familiar method of a tally on every fifth vote. The official counters shall receive two dollars (\$2.00) for their services each election and they shall be paid as herein provided for the payment of precinct election boards. The official counters shall make no announce-

ment of the result of the vote during their progress, nor shall they, at any time during the count, give any intimation, by sign, word, or otherwise, as to how any vote stands. They shall not communicate with any person, after the count begins, until the polls close, except through the inspector; and such communication with the inspector shall not relate to the result of the count. While the count is proceeding, and until the polls close, the official counters shall be in private as much as possible, and no elector or other persons shall be allowed to approach within less than thirty feet of where such count is progressing, except electors engaged in casting their ballots. The official count must be conducted within the view of the officers of the election. Any violation of this Section shall upon conviction, subject the offender to a fine of not less than twenty-five nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty nor more than one hundred and twenty days.

Should the official counters complete the count of the ballots which are cast before one o'clock before the polls close, the boxes shall be unlocked as was done at one o'clock, and the ballots removed and counted as before.

When the callers announce a vote, the enumerators shall call the number aloud, keeping check on each other, and when the count is completed the two tally sheets shall be signed by the four counters.

Section 13. The State Election Board shall prepare and submit to the state board of public affairs, specifications for printing ballots and such other blank forms and supplies as may be necessary for use in the primary election and the state board of affairs shall immediately contract for printing the said ballots and other blank forms and supplies required by law to be furnished by the State Election Board. The ballots and supplies required to be furnished by the said board for use in the general primary election shall be delivered to the county election boards of the several counties at least fifteen days before the day of such primary. The State Election Board shall also prepare and submit to the State Board of Affairs specifications for printing ballots and such other blank forms and supplies as may be necessary for use in the general election and the state board of affairs shall immediately contract as provided by law for the printing of said ballots and the furnishing of all other blank forms and supplies required by law to be furnished by the State Election Board. The printing of all ballots, sample ballots and blank forms; both for use in the primary and general election shall be done under the immediate supervision of the Secretary of the State Election Board.

Section 14. The county election board shall contract for the printing of all ballots containing the county ticket and for the necessary poll books, tally sheets, envelopes, ink pads, stencils, voting booths, ballot boxes and other election supplies. The ballots containing the names of the candidates

of the different political parties for county and township officers to be used in the primary election, together with all other supplies necessary for use in such primary election shall be prepared by the county election board and delivered, together with the ballots and blank forms prepared by the state Election Board to the precinct inspectors not later than the Saturday next preceding the day of such primary election. The ballots containing the state ticket, state questions prepared by the State Board, together with all blank forms, prepared by them, and also the ballots containing the county and township tickets and all supplies necessary for use in the general election shall be delivered by the county election board to the precinct inspectors of the several precincts not later than the Wednesday next preceding the day of the general election. Should any precinct inspector fail to appear at the office of the county election board and receive the election supplies for his precinct within the time provided in this section, it shall be the duty of the county election board to cause the election supplies for any such precinct to be delivered forthwith by special messenger.

Section 15. The official ballot for the general election shall be arranged and printed so that the candidates of the various political parties will appear in column, a column being given to the nominee of each political party. A perpendicular line shall divide the column for the different political parties. The candidates of the Democratic party shall be printed in the first column; those of the Republican party in the second column and those of all other parties as the State Election Board may direct, giving preference to the party that polled the largest vote at the next preceding general election. The names of the candidates upon ballots prepared by the State Election Board shall appear thereon in each column for the different political parties in the following order:

First, candidate for Presidential Electors;

Second, candidates for officers of the Executive Department in the order named in the constitution or in the order in which such officers were created by the Legislature;

Third, Justice of the Supreme Court and of the Criminal Court of Appeals;

Fourth, Corporation Commissioner;

Fifth, District Judges;

Sixth, Members of Congress;

Seventh, State Senators;

Eighth, Members of the House of Representatives.

The names of the candidates upon ballots prepared by the county election board shall appear thereon in each column for the different political parties in the following order: First, in those counties having such court, the Judge of the Superior Court; second, the Judge of the County Court; third, County Attorney; fourth, Clerk of the District Court; fifth, Count

Clerk sixth, Sheriff; seventh, County Treasurer; eighth, Register of Deeds; ninth, County Surveyor; tenth, Superintendent of Public Instruction; eleventh, Public Weigher; twelfth, County Commissioner; thirteenth, Justice of the Peace; fourteenth, Constables; fifteenth, Township Officers and such other district officers as may now or hereafter be provided by law.

Section 16 Each political party shall have the right to select an emblem or device to be used, following its party name at the top of the column in which appear the names of its candidates upon the ballot, provided, however, that no party shall be allowed to use the Coat of Arms, or Seal of this State or of the United States, the National Flag, or any emblem common to the people at large. Until changed by resolution of a political party in State convention, or through its state central committee, the emblem of the Democratic party shall be a picture of a rooster; that of the Republican party the picture of an eagle; and that of the Socialistic party the picture of an open hand.

Section 17. The ballots prepared by the State Election Board shall be uniform in size and those prepared by the county election board shall be uniform size and printed upon paper of sufficient weight and thickness so that the printing upon the ballot cannot be distinguished from the back. The ballots prepared by the State Election Board shall be printed on tinted or colored paper of such color as may be selected by the State Election Board, and those prepared by the county Election Board shall be printed upon white paper. The ballots for use in the general election shall be put up in blocks of one hundred each.

Sample ballots shall be printed upon paper of some color different from that used in the ballots prepared by the State Election Board. The ballots shall be arranged in such form that at the top of the column for the nominees of each political party shall appear the party name and immediately below which shall appear the party emblem; underneath the emblem, without any dividing line shall appear a circle at least one-half inch in diameter; immediately above the column containing the names of the candidates of the different political parties shall be a black faced line, extending entirely across the ticket. In the column for each of the political parties shall then be printed, in black faced type, the names of the different officers arranged in the order provided in this Act. In each instance the name of the office shall be preceded by the word "For" Immediately under the name of each office in each column shall be placed the names of the party nominee of each party in its appropriate column for such office preceded by a square one-fourth of an inch in size. Underneath the name of the candidate for each office and before the name of the office to be placed on the ballot next thereafter in the order provided in this Act shall be placed a line in such manner as to separate the name of the office and the candidate therefor from the one next succeeding. Said ballot shall be arranged in substantially the following form:

DEMOCRATIC TICKET (Emblem) O	REPUBLICAN TICKET (Emblem) O	SOCIALIST TICKET (Emblem) O
FOR GOVERNOR <input type="checkbox"/> C. N. Haskell	FOR GOVERNOR <input type="checkbox"/> Frank Frantz	FOR GOVERNOR <input type="checkbox"/> John Doe
FOR LIEUTENANT GOVERNOR <input type="checkbox"/> Geo .W. Bellamy	FOR LIEUTENANT GOVERNOR <input type="checkbox"/> T. G. Turk	FOR LIEUTENANT GOVERNOR <input type="checkbox"/> Richard Roe

Section 18. Should a vacancy occur on the ticket of any political party after a lawful nomination for such vacant place shall have been made, the central committee of the political party upon whose ticket such vacancy occurs may, in writing, nominate a candidate to fill such vacancy. If the vacancy occurs on the state ticket, such nomination shall be made by the State Committee of the political party on whose ticket the vacancy occurs; if the vacancy should occur on a county or township ticket, the nomination shall be made by the County Committee of the political party on whose ticket the vacancy occurs; said nomination, if made by the State Committee of any political party, shall be filed with the State Election Board; if made by the County Committee of any political party, it shall be filed with the County Election Board. If such nominations are made too late to have the name of the candidate so nominated printed upon the ticket, the state or county election board, as the case may be, shall have the name of the candidate so nominated by the committee, printed upon as many stickers or general labels as there were ballots printed for each precinct within the territory in which the candidates for said office are to be voted for. Said stickers shall be no larger than sufficient to cover one name upon the ballot. They shall be delivered to the inspector of elections in each precinct in such territory. The precinct election board shall paste the stickers of the candidate so nominated over the name of the candidate for which it is substituted on all ballots used in said precinct. When a name is so pasted upon a voted ballot, it shall have the the same effect as if originally printed thereon. Provided also, that in case of an error in printing the name of any candidate upon any ballot the correct name may be substituted therefor in the same manner as above provided for substitute candidates.

Section 19. A blank poll book shall be furnished by the county election board to the precinct inspector for each precinct in the county at the same time the other election supplies are delivered to said inspector. Said poll book shall show on the outside cover thereof the number of the precinct, the name of the township or the number of the ward in the city or

towns as the case may be, in which it is to be used, the name of the county and the date of the election. On the first page shall be printed the blank oath to be subscribed and sworn to by the clerks of election before one of the members of the election board. As soon as the registration list shall have been revised and completed by the precinct board as provided in this Act, they shall transfer from the precinct registration list to the poll book a list in alphabetical order as near as may be of all the qualified electors registered in said precinct. To the left of the list of names so entered in the poll books shall be a space, separated from the said list of names by a perpendicular line, of sufficient width for the clerk of the election to write the word "Voted" after the name of each elector when his ballot shall have been deposited in the ballot boxes as provided in this Act. Beginning on a separate page, following the list of registered electors, the precinct election board shall prepare a list of the candidates voted upon for the different offices, grouping together the candidates for each office, leaving a sufficient space after the name of each candidate to write in words and figures the total number of votes received in said precinct by each. All questions referred to the people shall likewise be listed in like manner as the names of candidates. On the last page of the poll book shall be printed a certificate in the following form:

We, the undersigned inspector and judges of election hereby certify that the above and foregoing is a true and correct statement of the votes received by each of the several candidates for the different officer named voted for and also for and against each question submitted to a vote of the people at an election held in precinct number _____, township (or ward) _____, in county of _____ on the _____ day of _____ 191_____.

We further certify that the total number of votes cast in said precinct at said election was _____.

Precinct Inspector.

Judge of Election.

Judge of Election.

Section 20. It shall be the duty of the county election board in each county before each election, to provide for and secure in each precinct of the county, a suitable room in which to hold the election, and shall have placed therein a railing separating a part of the room to be occupied by the election board, from the remainder of the room, two ballot boxes, and at least two and not exceeding five booths or compartments in which the electors, screened from observation, shall mark the ballots; and as it becomes necessary to construct or procure new ballot boxes, such work shall be under

the direct supervision of the county election board and such boxes shall be constructed of zinc or metal and shall be fifteen inches by fifteen inches by eighteen inches in dimensions, one end of each box shall have a hood or lid of light material fitted to it. This lid shall have a small slit or opening in its center six inches long and one-fourth of an inch wide. It shall have spring locks, so different in pattern, that the key of one will not unlock the other.

Each booth shall contain a counter or shelf. The booth shall be so arranged and constructed that all the members of the election board can see whether or not more than one voter is in said booth at any one time; and the booths shall be made with light metal frames, covered with cloth and so constructed as to admit of being folded or collapsed readily, and transported and stored conveniently. The board shall provide for each precinct a chute or passage with railing, rope or wire on each side commencing fifty feet away and leading to the polling place.

In addition to the ballots for state and county tickets, sample ballots and poll boxes required by the provisions of this act, the County Election Board shall furnish to each precinct election inspector the necessary registration books, three ink pads, six composite or rubber tipped stencils for stamping ballots, two large needles and twine for stringing ballots, the necessary pens, pencils and writing fluids, and four large envelopes with gummed flaps so that they can be securely sealed, two of said envelopes shall be adjustable and sufficiently large to hold all the voted ballots for the state and county tickets. Across the face of one of them shall be printed in bold type the words "Voted Ballots, State Ticket." Across the face of the other shall be printed in bold type the words "Voted Ballots, County Ticket."

One envelope shall be of sufficient size to contain the poll books and tally sheets and shall have printed across the face in bold type, "Poll Book and Tally Sheets." The fourth envelope shall be sufficient in size to hold all of the mutilated ballots and shall have printed across the face in bold type the words, "Mutilated Ballots"

Section 21. The ballots, sample ballots and other supplies prepared by the State Election Board for both primary and general elections shall be so packed for shipment as to make a separate package or bundle of the ballots and supplies for each precinct in each county. Such ballots and supplies to be paid for by the State out of funds to be appropriated therefor. The ballots and supplies printed or supplied by the county election board, together with all expense incident to conducting the election, shall be paid by the county treasurer upon a warrant issued by the board of county commissioners which shall be issued when either precinct or county election boards have verified the statement of accounts relating thereto.

Section 22. Polls shall be opened in the forenoon at the hour of eight o'clock and shall be kept open continuously until the hour of six o'clock in

the afternoon; Provided, that in the cities of the first class the polls shall be opened at six o'clock in the forenoon and shall be kept open continuously until seven o'clock in the afternoon; Provided, however, that the polls may be closed at any time in any precinct when all of the registered electors in such precinct shall have voted.

Section 23. There shall be two ballot boxes used in each precinct at a general election, one for the ballots voted for the State ticket and one for the county ticket. The box for the state ticket shall be painted red to distinguish it from the box for the county ticket. Each box shall have two locks. Before the polls shall be open each box shall be entirely emptied of its contents in the presence of the election board, and then securely locked. One member of the precinct election board shall take the key to one lock and one member of the precinct election board of the opposite political party shall take the key to the other lock and the boxes shall remain locked until the counting begins.

Section 24. The polling place shall be enclosed and shall have a wire or rope chute leading at least fifty feet therefrom and while the voting is in progress, not more than five persons, beside the precinct election board, the clerks of election counters shall be allowed in the polling place at any one time. No other person shall remain within fifty feet of the same except for the purpose of offering his vote. The voters shall approach and enter the chute in the order in which they appear for the purpose of voting.

Section 25. At the opening of the polls, two members of the election board belonging to opposite political parties shall write their initials in ink on the lower left hand corner on the back of said ballots in their ordinary hand writing, without any distinguishing marks of any kind.

Section 26. When a voter shall have been admitted to the polling place, he shall announce his name to the clerk. If he is registered as a qualified elector of the precinct, one of the members of the election board shall hand him one ballot containing the state ticket, one ballot containing the county ticket, and a ballot or ballots containing each state question to be voted on at such election. The voter shall then, without leaving the room, go into any of the voting booths which may be unoccupied, and indicate the candidates for whom he desires to vote, by stamping in the square immediately preceding their names and indicate his preference upon any question submitted to a vote of the people by stamping in the square in front of the word "Yes" and "No" under such question or in such other manner as may be provided by law; Provided, however, that if the voter desires to vote for all or any of the candidates of one political party he may stamp in the circle underneath the device or emblem under which the names of the candidates of such political party are printed and the votes shall then

be counted for all the candidates under that device or emblem unless the square in front of the name of one or more candidates under another device or emblem shall also be stamped, in which case, the names of the candidates so stamped shall be counted and the names of the other candidates for the same office under the other device or emblem shall not be counted. Before leaving the booth or compartment, the voter shall fold his ballots separately so that no part of the printed matter of the ballot shall be exposed and on leaving the booth or compartment shall forthwith deliver the ballots to the inspector or to one of the members of the precinct election board, who shall forthwith, in the presence of the voter and of the election board, deposit the same in the respective boxes, the state ballot in the box containing the state ballots, and the county ballot in the box containing the county ballots; and the clerk shall thereupon write the word "voted" after the name of the voter on the poll list. After having voted the voter shall leave the room, but no person to whom a ballot has been delivered shall be permitted to leave the room without voting the ballot or returning it.

Section 26. (a) In all elections, any candidate shall have the right to have a challenger, if appointed by him in writing, stationed outside the enclosure, but in view of the entrance, and of the election officers, and said challenger shall have the right to question any elector, and to challenge his right to vote if he so desires, and when an elector is so challenged he must subscribe to the oath prescribed for challenged voters, or else he shall not be allowed to vote. No other person may remain within fifty feet of the same, except for the purpose of offering his vote, and voters shall approach and enter the chute in the order in which they appear for the purpose of voting. If any person desiring to vote shall be challenged by any one of the challengers, or by any member of the Election Board he shall stand aside and not be entitled to vote, unless he qualify himself by oath. Members of a Precinct Election Board who permit an elector to vote when he has been challenged by any authorized challenger, without first requiring said elector to swear to the affidavit aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars each, and may be confined in jail not to exceed six months.

Section 27. Any person who shall, by accident or mistake, spoil, mutilate or deface his ballot may, on returning the same to the precinct election board and satisfying them that such spoiling, defacing or mutilating was not intentional, receive another in place thereof and the mutilated ballot shall be destroyed by the inspector in the presence of the board.

Section 28. When any elector shall make oath that because of a physical disability or infirmity, or inability to speak and read the English language, he is unable to stamp his ballot, it shall be the duty of two members of the precinct election board of opposite political parties to give to such

elector such assistance as he requires, but in all such cases the elector must without any suggestion from such officers, or either of them, name the ticket or the candidates for which he desires to vote. Any election officer who deceives any such elector or causes him to vote for a party or candidate other than indicated by him, shall be deemed guilty of a misdemeanor.

Section 29. No mutilated ballots shall be deposited in the ballot box and if any mutilated ballots shall be found therein, they shall not be counted, except for the purpose of ascertaining the total number of votes cast in the precinct. All mutilated ballots shall be returned in the envelopes marked "Mutilated Ballots." The words "Mutilated Ballots" as used in this section shall mean any ballot upon which appears any defacement, mutilation or distinguishing mark by which it could be identified.

Section 30. The precinct election board shall commence counting the votes at one p. m., beginning with the state ticket. Provided that where counters have been appointed in any precinct under the terms of this Act, they shall conduct the count of the ballots, and shall begin the same at the hour of one p. m. They shall thoroughly shake the box containing the voted ballots, unlock the same and remove all the voted ballots therefrom to a receptacle and the box shall be relocked and the voting continued. One of the members of the precinct election board or one of the counters in precincts where such counters have been appointed shall call from the ballots the names of the candidates voted for and one of the clerks or counters, shall record the votes upon the tally sheets provided for that purpose. Each ballot, when counted, shall be strung upon a twine string, separate strings being used for state and county ballots. After the first lot of state ballots have been counted, then the box containing the county ballots shall be shaken, unlocked, the ballots removed and counted in the same manner. Each political party having candidates voted for in said precinct and each non-partisan candidate therein shall have the right to have a watcher present at all times while the ballots are being counted. After the first lot of state and county ballots have been counted, the boxes may be again reopened and the ballots removed and counted in like manner as in the first instance until all the votes cast in the precinct, have been counted. The precinct election board shall not make known to any person the result of the vote counted by them until after the polls shall close.

Section 31. When the count shall have been completed the election board shall fill out the spaces in the back of the poll book, showing in words and figures the total number of votes cast in the precinct for each candidate. When any state or local question shall be voted upon, in the precinct, they shall count the total number of votes cast in the precinct and fill out the certificate showing the total number of votes cast and shall sign the same. Triplicate copies of said certificates, showing the total number of

votes cast for the different candidates and upon each state question shall be filled out upon forms provided by the county election board for that purpose and one copy shall be delivered to each member of the precinct election board. The poll book, together with the tally sheets shall be sealed up in envelope marked "Poll Book and Tally Sheets." The voted ballots for the state ticket shall be sealed up in the envelope marked, "Voted Ballots, State Ticket." The voted ballots for the county ticket shall be sealed up in the envelope marked "Voted Ballots, County Ticket." The mutilated ballots shall be sealed up in the envelope marked "Mutilated Ballots." After all of the envelopes have been sealed, the members of the precinct election board shall endorse their names across the sealed flap on the back of the envelope. The four envelopes containing respectively the poll book and tally sheets, the voted ballots for the state and county tickets and the mutilated ballots, shall be, by the precinct inspector, delivered not later than the next succeeding day. Should any returns not be delivered until the second succeeding day the usual mileage compensation allowed for such delivery shall not be granted.

Section 32. The county election board shall convene at the office of the clerk by or before seven o'clock p. m. on the day of each election for the purpose of receiving the returns and shall remain in session until eleven o'clock of said evening and shall reconvene upon the next succeeding day at eight o'clock a. m. and remain in session from day to day thereafter until the returns of said election from all of the precincts in their county shall have been received. When said returns shall have been received, they shall open the envelope containing the poll book and tally sheets and shall list the result of the election for state officers and upon state questions as shown by said returns upon blanks prepared for that purpose by the State Election Board and they shall list the returns for the election of county and township officers, as shown by said returns, upon blanks prepared by themselves for that purpose. They shall certify to the State Election Board the result of the vote upon all candidates upon the state ticket and upon all state questions submitted to the people and such certificates shall be *prima facie* evidence of the correctness of such returns. When any state question shall be voted upon, they shall certify to the State Election Board the total number of votes cast in their county at such election and the number of votes cast for and against said question. They shall issue certificates of election to the candidates entitled thereto for all county or township officers. The county election board shall have no authority to open envelopes marked "Voted Ballots."

Section 33. The State Election Board shall canvass the returns of election from all counties upon the state ticket and of the votes upon all state questions as certified to them by the several county election boards and shall certify the result thereof to the Secretary of State, who shall trans-

mit the same to the legislature. They shall issue certificates of election to all members of the legislature, which certificates shall be *prima facie* evidence of the result of such election. When any state question is voted upon they shall certify to the Secretary of State the total number of votes cast in such election, and the number of votes cast for and against said question.

Section 34. Whenever a vacancy shall occur in the office of representative in congress, member of the state senate or house of representatives, the governor shall issue a proclamation calling an election to fill such vacancy, which shall be held not less than ten days from the date of such proclamation; Provided, however, that if such vacancy occur in the office of state senator or member of the house of representatives during a session of the legislature, when there is not sufficient time to fill such vacancy by election before the adjournment of the session the governor shall fill such vacancy by appointment and such appointee shall serve until the end of such legislative session and provided, further, that the person appointed to fill such vacancy shall be appointed from the same political party to which the senator or representative elected for the district belonged.

Section 35. No person shall vote at any general, special or primary election held in this state, or any subdivision thereof, without first having been registered as provided in this Act.

Section 36. Whenever the registration list for any precinct shall be made up, the same as revised before each such election, as provided in this Act, shall continue as the permanent registration list of such precinct for all elections thereafter held therein, and no name shall be added to or stricken from such registration list except in the manner provided by this Act. It shall remain in the custody of the precinct inspector and shall be subject to public inspection at all reasonable times.

Section 37. For the purpose of making a permanent registration list, each election inspector shall, within thirty (30) days before the first general primary election held in his precinct after the passage of this Act and continuing for five (5) days thereafter, canvass his precinct for the purpose of preparing and recording, a list of all the qualified electors therein in a registration book to be kept by him for that purpose. Said registration list shall show the name, age, color, place of birth, place of residence and post office address of each qualified elector of said precinct. Provided that any registered voter may upon demand receive from the registration officer of his voting precinct a certificate showing that he has been registered. The State Election Board shall prescribe the form of all registration certificates, the same shall be uniform throughout the State.

Section 38. After the permanent registration list shall have been made up for any precinct, at each succeeding primary and general election held therein the inspector of election shall, within thirty (30) days prior to such

election, canvass his precinct for one (1) day for the purpose of preparing a list of names of persons who have become qualified to vote in such precinct, to be added to said permanent registration list, and also for the purpose of making a list of the names of persons on said permanent registration list who have become disqualified to vote in said precinct to be stricken therefrom. The precinct inspector shall receive as compensation for his services as registration officer three dollars per day.

Section 39. On the Friday and Saturday, next preceding any state primary and general election, held in this state or in any sub-division thereof, the precinct election board shall sit between the hours of nine o'clock a. m. and eight o'clock p. m. of each of said days for the purpose of revising the registration lists as prepared and returned by the election inspector; said precinct board shall examine said registration lists and shall strike therefrom the names of all persons who have been improperly registered, or who having been properly registered shall have become disqualified for any cause to vote therein, and shall add thereto the names of all persons who are qualified to vote in said precinct and whose names have not been returned by said election inspector. For the purpose of determining the qualifications of any person to vote in said precinct, the precinct board and each of the members thereof shall have the power to administer oaths and examine under oath any witnesses who may offer to be sworn, concerning the qualifications of any person to register as an elector in such precinct, and may, if they deem necessary, require such examinations to be reduced to writing and subscribed and sworn to in their presence, in which case all such written statements, under oath, shall be preserved and as a part of the precinct registration record. No person shall be registered in any precinct who is not a qualified elector thereof. At least ten days before the time of the sitting of said precinct election board as herein provided, said board shall post in at least three conspicuous places within their precinct written notices naming the time and place at which they will sit during the said two days.

Section 40. No person shall be registered in any precinct who does not possess the qualifications of an elector prescribed by the Constitution. When the registration lists have been revised by the precinct election board it shall be arranged in alphabetical order as near as may be and shall show the name, age, color, place of birth, place of residence and post office address of persons qualified to vote in such precinct.

Section 41. After the permanent registration list shall be made up as provided by this Act such permanent registration list shall be the list for all special, municipal or primary elections held thereafter, provided, however, that if any person shall become a qualified elector in any precinct after any general election and prior to the holding of any special, municipal or primary election and shall satisfy the precinct election board that he has become so qualified to vote in said precinct since the last registra-

tion therein, they shall add the name of such elector to the poll list and shall permit him to vote in such special, primary or general election.

Section 42. Any judge or clerk of election desiring to be relieved from duty as such, shall apply to the precinct inspector for such relief, and the precinct inspector shall excuse him from service and appoint another in his place; provided, that such appointment shall be made from the list of names previous submitted from which such retiring judge or clerk was appointed.

Section 43. Any person not entitled to vote at any election in this State, who exercises that right and casts his vote, whether he be challenged or not, shall be guilty of a felony, and upon conviction shall be confined in the State prison not less than one year nor more than three years. Any person who procures a person to vote when such person is not entitled to vote, under the provisions of this Act, shall be deemed guilty of a like offense, and subject to a like penalty. In the prosecuting of one procuring the casting of any illegal vote, if it is shown that the accused insisted and persuaded or urged the party to vote, this shall be a presumption of guilt.

Section 44. Any person who makes a false affidavit under the provisions of this Act shall be guilty of false swearing, and upon conviction shall be confined in the state prison not less than one year nor more than three years, and any person encouraging or procuring the execution of such false affidavit shall be deemed guilty of a like offense and subjugated to a like penalty. In the prosecution of one charged with procuring another to swear falsely hereunder, if it is shown that the accused urged and insisted upon the party signing and swearing to the affidavit, this shall be a presumption of guilt.

Section 45. Should any election officer or other person remove any ballot, ballot box, tally sheet, stencil, pad, or any of the election supplies outside the enclosure in which the election is required to be held, or should any election officer or any other person have any of such supplies outside such enclosure, or should any election officer or other person tear down, mutilate, or injure any card of instructions posted under the provisions hereof, or destroy, mutilate, injure or appropriate any of the election supplies either while the same are in use or while stored, such offending party shall be fined not less than twenty-five nor more than five hundred dollars, and shall be confined in the county jail not less than thirty nor more than ninety days.

Section 46. No person shall be allowed to electioneer within fifty feet of any election booth or ballot box while an election is in progress, nor shall any person or persons be allowed to congregate or be within less than fifty feet of any election booth or ballot box while an election is in progress. No person shall, within the election enclosure, disclose to any officer or to

any other person how he voted, nor shall any elector expose his ballot to anyone. Anyone violating this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars.

Section 47. Any election inspector who fails to make a delivery of the election returns, to the county election board, who alters or changes any certificate, affidavit or writing of any kind, connected with said returns, or who opens the election box; or any envelopes, or mutilates or defaces any box or election returns while in his care in being transferred from or to the county election board, shall be deemed guilty of a felony, and upon conviction shall be confined in the state prison for not less than one nor more than six years.

Section 48. Every corporation, firm, association, or individual who, on election day, has an elector employed, or in its service, and every foreman, superintendent or other person in charge of employees shall grant each of said employees two hours of time during the period when the election is open in which to vote, and if such employee be in the country or at such distance from the voting place that more than two hours are required in which to attend such election, then he shall be allowed a sufficient time in which to cast his ballot, and such corporation, firm or association, individual, foreman, superintendent or other person in charge of such laborers, shall select the hours which such employees are to be allowed in which to attend such elections, and shall notify each of the employees which hours they are to have in which to vote, and any corporation, firm or association, individual, foreman or superintendent who fails to so notify such employees as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars for each elector whom they failed to so notify, and any individual with such electors employed, or foreman or superintendent, who fails to so notify such employee, shall in addition to said fine, be, upon conviction imprisoned in the county jail not less than two nor more than six months.

Section 49. No corporation chartered under the laws of this State, or foreign corporation admitted to do business in this state, shall contribute to any campaign fund of any political party of this state or to any other person for the benefit of such party or to its candidates nor shall they, through any agent, officer, representative, employee, attorney or any other person or persons, so contribute. Nor shall such corporations, except a banking corporation in this state, directly or through some other person, make any loan of money, or anything of value, or give or furnish any privilege, favor or other thing of value, to any political party, or to any representative of a political party or to any other person for it, or to any candidate upon the ticket of any political party.

Any agent, employee, representative, official, attorney, or any other person, who acts for a corporation in extending any of the benefits herein prohibited, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than one thousand dollars, and imprisoned in the county jail not less than thirty nor more than one hundred and twenty days; Provided, the provisions of this section shall apply to any non-partisan candidates.

Section 50. Any corporation, whether chartered under the laws of this State, or any other State or by Act of Congress, and which has been permitted to do business herein, which, through its officials, employees, agents, attorneys, representatives or some other person or in any other manner, directly or indirectly, influences or attempts to influence, by bribe, favor, promise, inducement, threat, intimidation, importuning or beseeching to control the vote of any employee or other person shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than five thousand dollars, and the person or persons so acting for such corporation in the violation of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than one thousand dollars and imprisoned in the county jail not less than sixty nor more than one hundred and twenty days.

Section 51. Any person who takes intoxicating liquors of any kind, character or quantity, to within one-half mile of any voting place, on an election day, or who gives or offers to another person, at any place, on such day, a drink of liquor, or of any of the drinks commonly known, and accepted as substitutes for whiskey or beer, or any person who shall attend an election or be upon the grounds near an election, in an intoxicated condition, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars, and confined in the county jail not less than one nor more than three months. Any person offending hereunder shall be forthwith arrested.

Section 52. Any person who interferes with an election, by noisy or riotous conduct, or in any otherwise, or who attempts to so interfere, or any person who refuses to obey any order of the election officers, given in the discharge of their duties, in keeping order about the voting place, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars for each offense, and such person shall be arrested at the time the offense is committed.

Section 53. Any person guilty of offering, giving or accepting a bribe, a reward, a benefit, or advantage, or anything of value, present or future, directly or indirectly, intended to influence the vote of the person to whom it is given or offered, shall be deemed guilty of a felony and upon conviction shall be

fined not less than one hundred nor more than one thousand dollars, and shall be confined in the state prison not less than one nor more than three years for each offense. Money or other thing of value, given or lent to be betted on the result of an election, or the promise thereof, or a bet with another that such other will vote a certain ticket or for a certain candidate, and the gift of such bet or a share therein, or the promise thereof, shall be deemed a bribe. Whoever shall receive money or other thing of value, to be so betted under such agreement, or whoever receives money or other thing of value, to be used for the purpose of procuring or influencing the vote of himself or another, shall be deemed to have been bribed.

Section 54. Any person convicted under the provisions of the foregoing section shall henceforth be excluded from holding any civil office in this state, and shall forever be deprived of his right of suffrage.

Section 55. No witness shall be excused from giving his testimony before any grand jury, inquisitorial, or trial court, upon the ground that such testimony would incriminate himself, but no such testimony shall be used against such witness at any time, or in any prosecution. Any person to whom a bribe or benefit has been given, who voluntarily discloses the evidence and the facts, to the proper authorities and procures a conviction, under section 53 of this act, of the person who gave the bribe or benefit, shall not be prosecuted of procuring a bribe.

Section 56. Any member of a precinct, county or state board, who refuses to execute a correct and proper certificate of nomination or of election, or who issues or executes or aids or abets, in issuing a false or fraudulent certificate, or who alters or changes any certificate in his possession, or care, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars and imprisoned in the county jail not less than one nor more than three months.

Section 57. Any person who shall offer or give to another any thing of value, to induce or cause such other person to withdraw from a political contest as a nominee at any election, shall be guilty of a felony, and upon conviction shall be imprisoned in the penitentiary for not less than one nor more than three years.

Section 58. Any person who shall solicit or accept from another anything of value for withdrawing from any political contest as a nominee for any office at any election, shall be guilty of a felony and upon conviction shall be imprisoned in the penitentiary for not less than one nor more than three years.

Section 59. If any person shall take or move from any place where they may lawfully be, under this Act, any ballots, ballot boxes, stamps or other election apparatus, or any person found to be in possession of such

ballot, stamps or apparatus except as an officer or custodian under this Act, or while in the polling place for the purpose of voting; or if any such custodian or official shall consent to or permit of any such ballots or stamps to be removed or carried away from the place where they may lawfully be by any person except a custodian under the authority of this Act, whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a period of not exceeding five years.

Section 60. Anyone guilty of defacing, mutilating, destroying or carrying away any of the election supplies, whether it be at the time the same is in use, or while it is stored, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars, and may be imprisoned in the county jail not less than ten nor more than thirty days.

Section 61. Any person who shall procure the name of himself or of any other person to be placed upon the registration list of any precinct, who is not a qualified elector of such precinct, or any person who shall make any false oath or affidavit to procure the registration of himself or any other person, or any person who shall make any false affidavit or oath as to his qualifications as an elector in order to vote in any election, or any person who shall vote in any election either under his own name or that of some other person who is not a qualified elector of the precinct in which such vote is cast, shall be guilty of a felony.

Section 62. Article 1, of Chapter 31, Session Laws State of Oklahoma 1907-08; entitled "An Act Providing for Conducting General Elections" etc., Approved May 29, 1908, and Article 1, of Chapter 16, Session Laws of the State of Oklahoma, 1909, entitled "An Act Relating to the Time, Manner and Means of Holding Elections," Approved March 27, 1909, and all laws and parts of laws in conflict herewith are hereby repealed.

BEN. F. WILSON

Speaker of the House of Representatives.

J C GRAHAM

President Pro Tempore of the Senate.

Approved Mch 26, 1910.

C. N. HASKELL,

Governor of the State of Oklahoma.

S T A T E O F O K L A H O M A

DEPARTMENT OF STATE.

Received from J. A. Harris of Wagoner, Oklahoma, and Fred L. Wenner, of Guthrie, Oklahoma, both citizens and legal voters of the State of Oklahoma, for filing in this office, notice of a Referendum requesting that House Bill Number One Hundred and Twenty-five, entitled an act to provide the time and manner of holding and conducting elections, repealing all laws in conflict therewith, & all be referred to the people of the State for their approval or rejection.

With this notice was also filed copy of a Referendum petition referring to said bill mentioned above.

Secretary of State.

S T A T E O F O K L A H O M A

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Secretary of State.

REPUBLICAN STATE CENTRAL COMMITTEE
OF OKLAHOMA

JAMES A. HARRIS, CHAIRMAN

Cuthrie, Oklahoma, April 18, 1910.

Hon. Will Cross,
Secretary of State,
Cuthrie, Oklahoma.

Dear Sir:

We have the honor to hand you herewith copy of Referendum Petition requesting that House Bill No. 125, entitled and Act "to provide the time, and manner of holding and conducting elections, repealing laws in conflict therewith", shall be referred to the people of the State for their approval or rejection, and you are respectfully requested to file the same and give it its appropriate number. The original petitions when signed, will be filed for further action.

Respectfully,

J. A. Harris
Fred W. Wanner

JAT-HRR.

Notice of
Filing on
Ref. Pet. # 12
By J. A. Harris
Fred J. Thomas

Filed Apr. 16 - 1910

REPUBLICAN STATE CENTRAL COMMITTEE
OF OKLAHOMA

JAMES A. HARRIS, CHAIRMAN

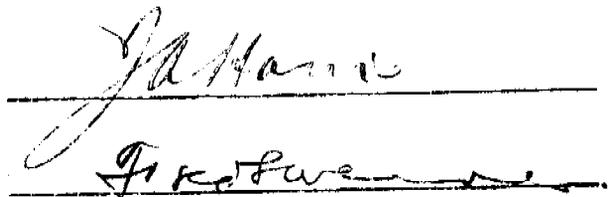
Murtree, Oklahoma, April 21, 1910.

Hon. Bill Cross,
Secretary of State,
Murtree, Oklahoma.

Sir:

I herewith transmit Ballot Title for Referendum
Petition No. 12; also a copy of said Referendum Peti-
tion No. 12.

Respectfully submitted,



J. A. Harris

STATE QUESTION NO. _____ REFERENCE PETITION NO. 12.

House Bill No. 125.

BALLOT TITLE.

A law prescribing the time and manner of conducting general elections, creates a State election Board appointed by the Governor, not more than two of same political party. Political organization may nominate persons for members of board but Governor not required to appoint them. Gives dominant party political control of elections. Requires registration in country precincts by inspectors of elections but prescribes no penalty for failing to register qualified electors or for making fraudulent registration lists. Places entire control of election and determining results in hands of political appointees, and repeals all existing laws relating to general elections.

Respectfully submitted,

J. A. Harris
J. W. [unclear]

Ex. 111
On Ref. Pet # 12
Filed by
J. A. Harris
Fred L. Spencer
Filed Apr. 24 1910

Guthrie, April 23, 1910.

Messrs. J. A. Harris, and
Fred L. Wenner,

Guthrie, Oklahoma.

Gentlemen:-

Your letter of the 21st enclosing
Ballot Title for Referendum Petition No. 12 and a copy
of said petition received. The Ballot Title you
propose is as follows:

"State Question No. _____ Referendum Petition No. 12.

House Bill No. 125.

BALLOT TITLE.

A law prescribing the time and manner of conduct-
ing general elections, creates a State election Board
appointed by the Governor, not more than two of the
same political party. Political organizations may
nominate persons for members of Board but Governor not
required to appoint them. Gives dominant party political
control of elections. Requires registration in country
precincts by inspectors of elections but prescribes no
penalty for failing to register qualified electors or for
making fraudulent registration lists. Places entire
control of election and determining results in hands
of political appointees, and repeals all existing
laws relating to general elections."

It cannot be accepted. It is not a true and
impartial statement; it is argumentative. The
Ballot Title which is prescribed is as follows:

"State Question No _____ Referendum Petition No. 12.

House Bill No. 125

Ballot Title.

A law prescribing the time and manner of conducting general elections, creates a State election Board appointed by the Governor, nor more than two of the same political party. Chairman of managing committee of each of the two political parties having cast largest number of votes in the last preceding general election may at any time submit to the Governor the names of not less than five members of their respective political parties. In making said appointment preference shall be given to the names so submitted, and repeals all existing laws relating to general elections."

The statement in your proposed Ballot Title, " Political organizations may nominate persons for members of board but Governor not required to appoint them" is purely argumentative, and must be rejected. Section 2 of the Act provides:

"The chairman of the managing committee of each of the two political parties having cast the largest number of votes in the last preceding general election, may at any time before said appointments are made, submit to the Governor the names of not less than five members of their respective political parties; and in making said appointments preference shall be given to the names so submitted."

I take it that the law does not mean that the Governor shall exercise an arbitrary power under said section, but must give the preference stated by the statutes. It is also to be noted that only those two political organizations which cast the largest number of votes in the last preceding general election have this right, and

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your Ballot title is inaccurate for that reason.

Your next statement that the law "gives dominant party political control of elections" is an argument whether it is true or untrue, and should not be put into a Ballot Title. It is not a statement of what the law does, but is meant to be a criticism of what the law does not do.

The next statement you make is that the law "requires registration in country precincts by inspectors of elections, but prescribes no penalty for failing to register qualified electors or for making fraudulent registration lists." This again is but an argument against the adoption of the law. It has its proper place in that provision of the law which allows an argument to be prepared by the Proponent and the Objectors (Sec. 11 of Art. 1, Chap. 14, Laws 1907-8) but it has no place in the Ballot Title.

Your next statement that the law "places the entire control of election and determining results in hands of political appointees," is, as the other statements, an argument proposed by you against the adoption of the law, and would have a proper place in its proper place, but is out of place in the Ballot Title.

The statement that the law "repeals all

---#4

all existing laws relating to general elections" is correct.

If you had desired other things to be stated you should have put them in such a way as a fair exercise of discretion would have left it possible to adopt them. I have put into the ballot title everything which you clearly stated in yours, and in addition such matter as seemed to me to be fairly necessatative.

Respectfully,

(CHAS WEST)

Attorney General.

Galler's letter.
on Ref. Pet. # 12

By Charles West
att'y Gen.

Filed

Apr 23-1910.

(TOP OF PAGE)

Honorable Bill Cross, Secretary of State, State of Oklahoma,
Honorable James A. Harris, party who filed said petition.

P R O T E S T
Referendum Petition No. 12

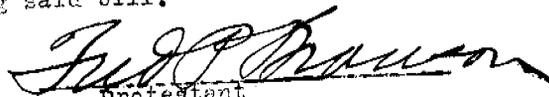
Comes Fred P. Branson a resident, legal voter and tax payer
of the State of Oklahoma, and protests against the sufficiency
of said petition and for cause of protest alleges and states:

First. That said petition does not comply with the statute
and laws of the state of Oklahoma governing the referendum of
acts of the legislature.

Second. That said petition was not filed within the time
required by law.

Third. That said petition does not contain a sufficient
number of signatures of legal voters of the State of Oklahoma.

Protestant therefore prays that the same be held insufficient
for the purpose of referring said bill.


Protestant

P R O T E S T

Referendum Petition No. 12

Sept. 13, 1910.

Hon. C. H. Haskell, Governor,

Oklahoma City, Okla.

My Dear Sir:

Pursuant to the provisions of Section 8 of Chapter 44 Session Laws of 1907-8, I have the honor to advise you that there was filed in the office of Secretary of State, on April 16, 1910, a Referendum Petition No. 12 referring House Bill No. 125. All acts to provide the time and manner holding and conducting elections; repealing laws in conflict therewith. And approved March 26, 1910. A copy of which said petition is hereto attached; and that said petition has been accepted and ballot title has been decided upon by the Attorney General as follows:

*State Question No. ____.

Referendum petition No. 12.

House Bill No. 125.

Ballot Title

A law prescribing the time and manner of conducting gen-

eral elections, creates a State election Board appointed by the Governor, nor more than two of the same political party. Chairman of managing committee of each of the two political parties having cast largest number of votes in the last preceding general election may at any time submit to the Governor the names of not less than five members of their respective political parties. In making said appointment preference shall be given to the names so submitted, and repeals all existing laws relating to general elections."

Respectfully submitted,

Assistant Secretary of State.

LM/TP

FRED P. BRANSON, MUSKOGEE
CHAIRMAN STATE CENTRAL COMMITTEE
DUKE STALLINGS, DURANT
SEC. TV STATE CENTRAL COM.

LUTHER HARRISON, WETUMKA
MANAGER PRESS BUREAU
J. D. LANKFORD, ATOKA
TREASURER

JOHN R. WILLIAMS, HOBART
CHAIRMAN CAMPAIGN COMMITTEE
W. R. SAMUEL, CHOTEAU
SECRETARY CAMPAIGN COM.

Oklahoma State Democratic Central Committee

Lee-Huckins Hotel

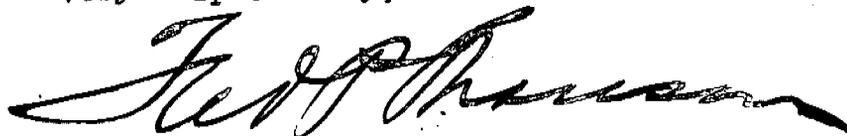
Oklahoma City, Oklahoma, Sept. 7, 1910.

Hon. Thomas P. Smith,
Secretary of State,
Oklahoma City.

Sir:

On or about the last of June, 1910, I filed objections to the sufficiency of the referendum petitions filed by Honorable James Harris, representing the Republican Committee, against the so called "Bryan Election Law" passed by the Extraordinary Session of the Legislature of 1910. I desire to withdraw these objections and have notified, in person, the representative of Mr. Harris, at Guthrie, that this request to withdraw has been filed. I respectfully ask that an order be entered allowing the withdrawal of these objections.

Very respectfully,



C

Copy to Guthrie.

FRED P. BRANSON, MUSKOGEE
CHAIRMAN STATE CENTRAL COMMITTEE
DUKE STALLINGS, DURANT
SEC'Y STATE CENTRAL COM.

LUTHER HARRISON, WETUMKA
MANAGER PRESS BUREAU
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Oklahoma State Democratic Central Committee

Lee-Hickins Hotel

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Very respectfully,



C

Copy to Guthrie.

Sept. 10, 1910.

Hon. Will Linn,
Secretary State Election Board,
Oklahoma City, Okla.

My dear Sir:

Herewith I am inclosing you copy of Referendum Petition No. 12 referring House Bill 125. An act to provide the time and manner holding and conducting elections and approved March 26, 1910. Also a correct copy of the ballot title as prepared by the Attorney General.

This petition has been filed in the regular legal way, notice having been given the Governor as provided for by law, and proclamation for an election on said Referendum Petition No. 12 has been called by him.

Respectfully submitted,

Assistant Secretary of State.

LM/TP

STATE QUESTION NO. 21

REFERENDUM PETITION NO. 12

The gist of the proposition is as follows:

A law* prescribing the time and manner of conducting general elections, creates a State Election Board, appointed by the Governor, not more than two of the same political party; Chairman of the managing committee of each of the two political parties having cast the largest number of votes in the last preceding general election may at any time submit to the Governor the names of not less than five members of their respective political parties. In making said appointments preference shall be given to the names so submitted.

Vote--Yes.....80,146

No.....106,459

ACT REJECTED. LAW SUSTAINED.

*House Bill No. 125, page 209, Session Laws 1910.