

House Joint Resolution No. 11.

Joint Resolution

Proposing an Amendment to the Constitution of the State of Oklahoma.

Be it Resolved by the Legislature of the State of Oklahoma, That the following amendment to the Constitution of the State of Oklahoma be and the same is hereby proposed and shall be submitted to a vote of the People under Articles Five and Twenty-four of the Constitution of the State of Oklahoma; and an Act entitled "An Act to Provide for Carrying into effect the Initiative and Referendum Powers reserved by the People in Article Five and Eighteen of the Constitution of the State of Oklahoma, to regulate elections thereunder and to punish violations of this Act," approved April sixteenth, Nineteen Hundred, Eight. Article Twenty-one of the Constitution of the State of Oklahoma shall be and the same is hereby amended by adding thereto the following:

Sec. 2: The permanent capital shall be at such place within the State as the people may, at any time select by a majority of the votes cast on the question at any election wherein the question is submitted, either by petition of the people under the initiative, or by act of the legislature, and until said permanent location is made the temporary location shall be such as may be provided by law.

~~James H. Murray~~
Speaker of the House of Representatives.

Geo. W. Bellamy

President of the Senate.

Approved May 27th 1908

~~Ed. B. C. C. C.~~
The Governor of the State of Oklahoma.

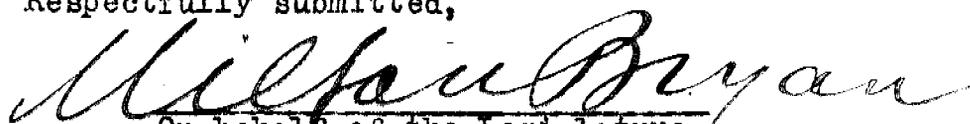
ARGUMENT SUBMITTED FOR THE MEASURE BY MILTON BRYAN, ON
BEHALF OF THE LEGISLATURE:

State Question---Referendum Number Three (3), Proposed by the legislature, is a proposed amendment to the constitution by making an additional provision there-to for the permanent location of the state capital by the people of the state, and is made necessary by the unwarranted act of congress in placing in the Enabling Act a provision that the capital of the state should be temporarily at Guthrie until after the year 1913, and should not be permanently located until after said date, which provision the framers of the state constitution were obliged to accept under fear of the refusal of the President to approve the constitution and admit the state into the Union upon the pretended grounds that it did not comply with the provisions of the Enabling Act. This is a restriction never before imposed upon a state as a condition to its admission into the Union, and while the people of Oklahoma were powerless to resist this arbitrary exercise of power upon the part of the federal congress, they felt its injustice, and the first state legislature has initiated this amendment in order that this unjust restriction shall be removed and the people of Oklahoma enabled to manage and control their own internal affairs, and be, in fact, "upon an equal footing with the other states of the Union." Not only is it a manifest injustice upon the people of this state to be deprived of the right enjoyed by the people of every other state in

the American Union, that of locating their own state capital, but a heavy and unnecessary expense is entailed upon the tax payers of Oklahoma in being compelled to pay exorbitant rates of rent for the housing of their state officers for such a period of years, and a great inconvenience imposed in having those officers scattered throughout the city of the temporary capital. Why should not the citizens of Oklahoma enjoy the same rights and privileges in this respect as the citizens of the other forty-five states of the American Union? The framers of the constitution were wise and patriotic enough to submit to this arbitrary interference with our rights, which they were powerless to remove or avoid, and which would then have endangered our chances of admission as a state, but we are now in a position to make this constitutional provision with perfect safety.

Certainly every citizen of Oklahoma desires that this unjust restriction upon the exercise of our rights of sovereignty shall be removed, and will gladly vote for the constitutional provision proposed.

Respectfully submitted,


On behalf of the Legislature.

UNITED STATES OF AMERICA, |
STATE OF OKLAHOMA, | SS.

OFFICIAL CANVASS OF THE VOTE GIVEN ON STATE QUESTION NO. 3.

Now, on this, the 3rd day of December, 1908, and at the office of the Secretary of the State of Oklahoma, in the city of Guthrie, and State of Oklahoma, I, Bill Cross, Secretary of State, do, in the presence of His Excellency, C. N. Haskell, Governor of the State of Oklahoma, canvass the vote cast upon State Question No. 3, the official title of said State Question No. 3 being as follows:

BALLOT TITLE.

State Question number Three (3) is a proposed amendment to the constitution, drafted by Milton Bryan, providing that the permanent capital may be located at any time by a majority vote of the electors of the State voting on the question, and is intended to supersede the force and effect of a provision in the Enabling Act prohibiting the location of the capital until after the year 1913.

Proposed amendment to the State Constitution to become Section 2 of Article XXI, providing for the location of the capital of the State.

Shall it be adopted?

YES.

NO

The said question was submitted according to law to the people of the State of Oklahoma at the election held on November 3, 1908 in the State of Oklahoma and the returns of the votes cast therein and thereon as returned and certified to me by the County Clerks of the various counties of the State of Oklahoma show as follows:

Total number of electors voting at such election,	192,285.
Total number of electors voting yes,	120,352.
Total number of electors voting No,	71,933.
Majority in favor of said proposition,	48,419.

IN TESTIMONY HEREOF, I, Bill Cross, Secretary of State have affixed my hand and the Seal of this office on the day and date first above written.

Bill Cross
Secretary of State.
By Leo Meyer
Assistant Secretary of State.

I, C. N. Haskell, Governor of the State of Oklahoma, do hereby certify that the above and foregoing returns were, by the Secretary of State Canvassed in my presence and on the date and in the manner aforesaid.

C. N. Haskell
Governor.

December 3, 1908.

the names of the... Secretary of State... I. C. H. Bennett, Governor of the State of Oklahoma, do

Yours faithfully, Secretary of State

Secretary of State

These are the names...

These are the names...

In testimony whereof...

Witness my hand and seal... Secretary of State

There:

The names of the...

*State Question
No. 3.
Causes of Vote
Proclamation of
Governor*

no 370

Am

STATE OF OKLAHOMA
EXECUTIVE DEPARTMENT

Proclamation

WHEREAS, at the general election held on the third day of November, A.D. 1908, there was submitted to the qualified electors of the State of Oklahoma, State Question Number Three as follows:

STATE QUESTION NO. 3

SAMPLE BALLOT.
Official Referendum Ballot to be used on Tuesday, the third day of November, 1908, issued by order of the Legislature.

BALLOT TITLE.

State Question Number Three (3), is a proposed amendment to the Constitution, drafted by Milton Bryan, providing that the permanent capital may be located at any time by a majority vote of the electors of the State voting on the question, and is intended to supersede the force and effect of a provision in the Enabling Act prohibiting the location of the capital until after the year 1913.
Proposed amendment to the State Constitution to become Section 2 of Article XXI, providing for the location of the capital of the State.
Shall it be adopted?

YES

NO

WHEREAS, the vote on said State Question Number Three has been counted and returned to the Secretary of State and by him canvassed in the manner provided by law; and,

WHEREAS, it appears from said canvass that the total number of electors voting "yes" on said question were One hundred and twenty thousand, three hundred and fifty-two (120,352) and that the total number of electors voting "No" on said question were Seventy one thousand nine hundred and thirty-three (71,933), and that the total number of electors voting in said election for all candidates and upon all questions were Two Hundred and fifty thousand and twenty-two (250,022).

NOW, THEREFORE, I, C. N. Haskell, Governor of the State of Oklahoma, by virtue of the authority vested in me by law, do hereby declare and proclaim that the said State Question Number Three having failed to receive a majority of all the votes cast in said election was lost.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the Great State of Oklahoma to be hereunto affixed, this the thirty-first day of December, A.D. 1908.

C. N. Haskell
Governor.

ATTEST:

Bill Cross
Secretary of State.

~~36813~~ No. 370

Proclamation -

H. Proc. # 3 -

Reg. Proc. # 3 -

Following track
of election -

File of Dec. 3, 1908

Recorded in Ex. Rec. No 10,
at page No. 147
Thompson & Harrison
copy of state

Date of Recording! _____

Oct 6, 1914

(Note: This instrument
was erroneously filed
and may possibly
be in the
file of
Oct 7th)

Voted on Nov. 3rd 1908.

OFFICIAL PAMPHLET OF
STATE QUESTIONS

Numbers One, Two, Three and Four, referred to the General Election on the third day of November, 1908, by order of the Legislature; also State Question Number Five, referred to the said General Election on said date by order of Initiative Petition Number One.

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Question No. 1.	Yes. 105,392	No. 121,573	Majority No. 16,181
" " 2	" 114,394	" 83,888	" Yes. 30,506
" " 3	" 120,352	" 71,933	" " 48,419
" " 4	" 117,441	" 75,792	" " 41,649
" " 5	" 96,745	" 110,840	" No. 14,095

These returns do not include Cimarron County as that county failed to get their returns canvassed.

State Question No. 3

Legislative Referendum No. 3

*Submitted by House Joint Resolution No. 11, page 779, Session Laws 1907-08.
The gist of the proposition is as follows:*

The people of the State may at any time select a Capitol location by a majority of the votes cast on the question at any election wherein the question has been submitted.
Shall the Amendment be adopted?

Vote: Yes 120,352
No 71,933

Necessary to carry 124,398

Amendment Rejected