

## W A R N I N G

"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."

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(Twenty names only allowed on a petition of this nature.)

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## INITIATIVE PETITION

To the HONORABLE RAYMOND GARY  
Governor of the State of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed amendment to the Constitution of the State of Oklahoma shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next election held throughout the State, or at a special election ordered for the express purpose of making such reference, as provided in Section 3 of Article V of the Constitution of the State of Oklahoma, or if denied said constitutional right, at some future election held throughout the State at which same may be submitted, and each for himself says:

I have personally signed this Petition: I am a legal voter of the State of Oklahoma; my residence and post office address are correctly written after my name.

The time for filing this Petition expires ninety days from September 19, 1955.

The question we herewith submit to our fellow voters is: Shall the following proposed amendment to the Constitution of the State of Oklahoma be adopted.

## T I T L E

AN ACT RELATING TO CERTAIN ALCOHOLIC BEVERAGES; AUTHORIZING COUNTY OPTION; PROVIDING FOR ELECTIONS IN COUNTIES TO PROHIBIT OR PERMIT MANUFACTURE, SALE OR OTHER DISTRIBUTION; PROVIDING PROCEDURE; FIXING PENALTIES.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. Reference may be made to this Act as the "County Option Law."

As used in this Act the following terms, unless the context otherwise indicates, shall have the following meanings:

(a) "Beverage" or "beverages" shall mean and include any beverage containing more than one-half of one per cent ( $\frac{1}{2}$  of 1%) of alcohol by volume and not more than three and two-tenths per cent (3.2%) of alcohol by weight.

(b) "Person" includes the singular and plural number, and shall mean and include a natural person, estate or trust, association, co-partnership or corporation.

(c) "Election" means an election held for the purpose of a vote of the people of a county as to the prohibition or permission of the manufacture, sale, barter, furnishing or transporting of such beverages in said county.

SECTION 2. Upon application by written petition filed with the county clerk of any county in this State, signed by a number of legal voters in such county equal to fifteen per cent (15%) of the total number of votes cast at the last general election for the state office receiving the highest number of votes at such election in such county, it shall be the duty of the Board of County Commissioners of said county, at the next regular meeting of said board, after twenty (20) days from the filing of the petition, to make an order directing a special election to be held in said county on a day not less than forty (40) nor more than sixty days after the making of such order, for the purpose of submitting to the legal voters of said county the proposition whether the beverages described in Section 1 of this Act may be manufactured, sold, bartered, given away or otherwise furnished, or transported, or received, in such county.

Such order shall be in substantially the following form:



signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, county, post office address and residence correctly and that each signer is a legal voter of the State of Oklahoma and County of \_\_\_\_\_.

(Signature and post office of affiant)

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, A.D., 19\_\_.

(Signature and title of the officer before whom the oath is made, and his post office address)

SECTION 6. Each petition when filed with the county clerk shall be stamped with the date of filing and shall not be used as a basis for the calling of any election after the first election called pursuant thereto. No person signing a petition shall be permitted to withdraw his name or have it taken from such petition after same shall have been filed as aforesaid. Provided, that any name proven not to be the signature of the person purporting to sign the same and any name proven not to be that of a legal voter of said county shall not be counted as a petitioner.

SECTION 7. The election shall not be held on the same day that a primary or general election is held in said county nor within thirty (30) days next preceding or following such primary or general election. No election shall be held pursuant to this Act in the same county oftener than once in every two (2) years.

SECTION 8. When an order has been made by the Board of County Commissioners for the holding of an election, it shall be the duty of the county clerk to cause a copy of said order to be published once a week for three (3) consecutive weeks in some weekly or daily newspaper published and of general circulation in said county, the first of said publications being not less than twenty (20) days prior to the date of such election. If there be no such newspaper published in the county, or the proprietor of such newspaper refuses to publish said advertisement, notice shall be given by posting a copy of such order in not less than five (5) conspicuous places in each precinct of the county at least twenty (20) days prior to the date of said election. Proof of said publication or posting shall be filed with the county clerk.

SECTION 9. The proposition to be voted upon shall be stated on the ballot without emblems and two spaces left upon the right side of same, one for votes favoring the proposition to be designated by the word, "yes" and one for votes opposing it to be designated by the word, "no". The elector shall designate his vote by a cross mark placed opposite the said yes or no. Whenever at the time of the election beverages are being legally sold in the county, the form of the proposition shall be thus stated:

Shall the County Option Law be adopted in \_\_\_\_\_ County?  
Name

YES

NO

Whenever at the time of the election the County Option Law is in effect in the county, the form of the proposition shall be thus stated:

Shall the County Option Law be abandoned  
and no longer in effect in \_\_\_\_\_ County?  
Name

YES

NO

SECTION 10. The election, including the canvass and counting of the ballots, shall be held in accordance with the provisions of the general election laws of the State, and the duties of all officers pertaining thereto shall devolve upon and shall be performed by each of them in relation to said election the same as in general elections, except as same may be modified by or inconsistent with the terms of this Act.

The cost of the election shall be borne by the county and allowed and paid in the same manner as costs and expenses of general elections.

SECTION 11. Any act or deed denounced as an offense by the general laws

of the State concerning general elections shall also be an offense in elections held under the provisions of this Act and shall be punished in the same manner as is provided for punishment of similar offenses by the general laws. Not more than sixty (60) and not less than thirty (30) days prior to an election any group of citizens or committee, which in good faith advocates or opposes the proposition to be submitted, may file with the secretary of the county election board a petition asking that such petitioners be recognized as the committee entitled to appoint challengers and watchers to act as such at the various polling places throughout the county. If more than one group or committee claim the right to such recognition as representing the respective opponents by filing such petition, the county election board shall promptly decide and publicly announce which committee is entitled to nominate such challengers and watchers. Such decision, however, shall not be final, but any aggrieved party may institute proceedings in the county court, and upon hearing the county judge shall determine which of such committees shall be recognized.

SECTION 12. The respective committees advocating or opposing the proposition may name and appoint a person to act as challenger and a person to act as watcher at said election at each or any of the precincts in said county; said challengers and watchers to be commissioned in writing by such committees, and to perform the duties and exercise the powers and be governed by the laws relating to challengers and watchers at general elections.

SECTION 13. The respective groups or committees mentioned in the preceding sections may, within the time and in the manner provided by statute with reference to candidates for county office in general elections, contest the announced results of said election. Such contest shall be heard and determined in the manner provided by statute with reference to such contests for county office.

SECTION 14. Upon each day that an election is held under the provisions of this Act, it shall be unlawful to sell, barter, give away, or otherwise furnish such beverages within the county in which such election is held.

SECTION 15. Whenever a majority of the votes cast at an election shall be in favor of the adoption of the County Option Law in said county, said law shall be in full force and effect from and after the expiration of thirty (30) days from the date of said election.

SECTION 16. Whenever a majority of the votes cast at an election in favor of the discontinuance of the County Option Law in such county, said law having been previously in effect therein, said law shall cease to operate in said county at the expiration of thirty (30) days from the date of said election.

SECTION 17. Whenever the provisions of this Act have become effective in any county through adoption by a majority vote of the legal and duly registered voters of such county, it shall be unlawful for any person to manufacture, sell, barter, give away, procure for, or otherwise furnish to another, or to keep for sale, barter, distribution or otherwise furnishing, directly or indirectly, in such county, any of the beverages in this Act described. It shall further be unlawful for any person to transport any of such beverages in said county, except in course of continuous transportation from a point beyond the limits of said county, where the manufacture and sale of said beverages may be legal, to a point beyond the limits of said county where such sale may also be lawful. No license for the manufacture or sale of such beverages in such county shall be issued.

SECTION 18. It shall further be unlawful for any person representing either the buyer or seller to distribute, solicit or receive contracts, proposals or orders for the purchase, sale or delivery in such county of any of such beverages.

SECTION 19. It shall be unlawful for any person in such county to receive or accept any such beverage from a common carrier, or from any other person who has transported such beverage into such county.

SECTION 20. Any person knowingly or intentionally, renting, hiring, letting, lending, leasing or permitting the use of or using any automobile or other motor vehicle, used in hauling the same, for the purpose of unlawfully manufacturing, selling, transporting or possessing beverages in violation of this Act, shall be guilty of maintaining a public nuisance and of a violation of this Act. Any property so used shall become forfeited to the State of Oklahoma, and an action to declare such forfeiture may be instituted in the name of the State of Oklahoma on relation of the county attorney or the Attorney General. Upon a judgment of forfeiture, the court shall direct the sheriff to sell the property.

Said sale shall be had in the same manner as sales under execution. The sheriff shall pay first out of the proceeds of said sale, after deducting costs of sale, any valid bona fide recorded lien on the property so sold. The court shall have power, in its discretion, to order a sale subject to said lien or liens. No lien on any property so sold shall be paid unless recorded prior to the committing of said nuisance, except upon proof by the lienor that he had no knowledge of such illegal use of such property.

SECTION 21. Whenever the prohibitory provisions of this Act have been adopted in any county, the provisions of the prohibitory liquor laws of the State of Oklahoma and penalties therein provided shall, in the absence of a specific provision of this Act, be equally applicable in said county to the manufacture, sale, barter, distribution, or other furnishing or transporting of the beverages in this Act described.

(THE END)



MAC Q. WILLIAMSON  
ATTORNEY GENERAL

STATE OF OKLAHOMA  
OFFICE OF THE ATTORNEY GENERAL  
OKLAHOMA CITY

October 23, 1957

Honorable Andy Anderson  
Secretary of State  
State Capitol  
Oklahoma City, Oklahoma

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O. S. 1951 § 9, he has examined the proposed ballot title of State Question No. 376, Initiative Petition No. 259, which, together with a copy of said petition, was delivered to him on October 22, 1957, by George Miller, Jr., attorney for the proponents of said petition, and from said examination the Attorney General finds that said ballot title is not in legal form and in harmony with the law. Therefore, pursuant to the authority and duty imposed upon the Attorney General, the following is submitted as the proposed ballot title for said measure, same being in legal form and in harmony with the law:

BALLOT TITLE

INITIATIVE PETITION NO. 259

STATE QUESTION NO. 376

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

Authorizing county option as to prohibition, as hereinafter set forth, of beverages containing more than one-half of one percent of alcohol by volume and not more than three and two-tenths percent of alcohol by weight; providing for elections in counties of this State to prohibit or permit manufacture, sale, barter, giving away, furnishing, receiving and/or transporting of such beverages; providing procedure for such elections; and fixing penalties for violations in counties adopting said prohibition,

be approved by the people?

Hon. Andy Anderson

10-23-57

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: : YES  
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SHALL THE PROPOSED AMENDMENT BE APPROVED?

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: : NO.  
.....

Yours very truly

FOR THE ATTORNEY GENERAL

*Fred Hansen*

Fred Hansen  
First Assistant Attorney General

PH:LW

APPROVED BY ATTORNEY GENERAL 10-23-1957  
OH