5/14/12 11:30 am.

(State Question No. 41—Initiative Petition No. 26.)

WARNING

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

(STATE QUESTION NO. 41—INITIATION NO. 26.)

To the Honorable Lee Cruce, Governor of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed law shall be submitted to the legal voters of the State of Oklahoma, for their approval or rejection at a special election, if such a proposal meets with your approval, to be held on the 6th day of August, 1912, at the time of the State-wide primary election, and each of the undersigned for himself says:

I have personally signed this petition; I am a legal voter of the State of Oklahoma, County of----------; and my residence and postoffice are correctly written after my name.

The time for filing this Petition expires ninety days from original filing.

The question we herewith submit to our fellow voters is: Shall the following bill be adopted?

A BILL

TO ESTABLISH A SYSTEM WHEREBY THE PEOPLE OF THE STATE OF OKLAHOMA SHALL DIRECTLY CHOOSE BETWEEN THE PARTY NOMINEES FOR THE UNITED STATES SENATE.

Be it enacted by the people of the State of Oklahoma:

That in order that we may directly choose between the party nominees for the United States Senate, we hereby direct that at each election where members of the Legislature are chosen there shall be placed on the ballot the names of the party nominees for the United States Senate, in such manner that each voter can readily express his choice—first choice and second choice.

Section 2. That the votes for United States Senator above provided for shall be counted, canvassed and returned by the regular boards of judges, clerks and officers as other votes for candidates are counted, canvassed and returned, and abstracts shall be made by the several county election boards and forwarded to the State Election Board. The State Election Board shall transmit duplicate abstracts of said returns, and the original returns if so requested, to the Legislature at its next session, one copy of which shall be addressed to the Senate and the other to the House of Representatives and one copy shall be delivered to the President of the Senate and the other to the Speaker of the House of Representatives, which officers shall open and lay the same before the separate houses when assembled to elect a Senator in Congress as required by law of Congress; and it shall be the duty of each house to declare the votes and announce the candidate for Senator having the majority of votes or the highest number of first and second choice votes, and thereupon the houses shall

proceed to the election of a Senator as required by the act of Congress and the Constitution of the United States.

Section 3. That the will of the majority of the people of the State who vote for a United States Senator shall be an instruction to the Senators and Representatives in the Legislature, in conformity with our right to instruct our representatives, reserved to us in the Ninth Amendment of the Federal Constitution. Furthermore, each party nominee for the Legislature and each candidate for the Legislature who files nomination papers shall file with the Secretary of the State Election Board one of the following statements duly signed and certified to by a Notary Public.

STATEMENT NUMBER ONE.

"I am a candidate for election to the Oklahoma Legislature and I pledge to the voters in my district and to the people of the State of Oklahoma that if I am elected I will during my term of office carry out the will of the people of Oklahoma concerning the election of Senator in Congress to represent them."

(Signature of Candidate.)

Where this statement is made there shall be printed on the ballot for use at the general election, opposite to or just below the candidate's name the following: "Pledged to vote for People's choice for United States Senator."

STATEMENT NUMBER TWO.

"I am a candidate for election to the Legislature and I hereby declare to the voters in my district and to the people of the State of Oklahoma that if I am elected I will, during my term of office, consider the vote of the people of Oklahoma as nothing more than a recommendation, which I shall be at liberty to wholly disregard if the reason for doing so seems to me to be sufficient."

(Signature of Candidate.)

Where this statement is made there shall be printed on the official ballot for use in the general election, opposite to or just below the candidate's name, the following: "Refuses to pledge to vote for People's choice for United States Senator."

Section 4. Preparatory to the primary election each candidate seeking nomination for the office of Senator or Representative in the Legislature may include in his petition to be filed with the Secretary of the State Election Board, one of the following statements, but if he does not do so the Secretary of the State Election Board shall not on that account refuse to file his petition.

STATEMENT NUMBER ONE.

"I am a candidate for election to the Oklahoma Legislature and I pledge to the voters in my district and to the people of the state of Oklahoma that if I am elected I will, during my term of office, carry out the will of the people of Oklahoma concerning the election of Senator in Congress to represent them."

(Signature of candidate.)

There shall be printed on the official direct primary election ballot, opposite to or just below such candidate's name, the following: "Pledged to vote for the People's choice for United States Senator."

STATEMENT NUMBER TWO.

"I am a candidate for election to the Legislature and I hereby declare to the voters in my district and to the people of the State of Oklahoma that if I am elected I will, during my term of office, consider the vote of the people of Oklahoma as nothing more than a recommendation, which I shall be at liberty to wholly disregard if the reason for doing so seems to me to be sufficient."

(Signature of Candidate.)

There shall be printed on the official direct primary election ballot, opposite to or just below such candidate's name, the following: "Refuses to pledge to vote for the People's choice for United States Senator."

Wherever a candidate for the Legislature shall refuse to sign Statement One or Two there shall be printed on the official direct primary ballot, opposite to or just below such candidate's name, the following: "Refuses to pledge to vote for the People's choice for United States Senator."

Section 5. The votes for United States Senator at the primary election shall be counted, canvassed and returned by the regular boards of judges, clerks and officers as other votes for candidates are counted, canvassed and returned, and abstracts shall be made by the several county election boards and forwarded to the State Election Board for summarization and announcement of results.

THE END.

Prepared and submitted by the State Federation of Democratic Precinct Clubs.

A. GRANT EVANS, Secretary, Oklahoma City.

STATE OF OKLAHOMA }
} SS
COUNTY OF OKLAHOMA }

IN THE MATTER OF STATE QUESTION #41

INITIATIVE PETITION #26.

BEFORE THE SECRETARY OF STATE, HON. BENJAMEN F. HARRISON

Charles T. Gibson, Protesting Plaintiff?	Heard by K.L.Fitzpatrick, Asst.Secretary of State.
vs	PROTEST
A. Grant Evans, Defendant	

Oklahoma City,Oklahoma,July third 1912.

APPEARANCES:

The Protestant appears in person and by his Attorney, J. W. Bartholomew.

Defendant appers in his own proper person.

J. T. Dickerson, representing himself as one of the petitioners by and with the consent of the attorney for the protestant, hereby enters his appearance:

THE PROTEST IS IN WORDS AND FIGURES FOLLOWING: to-wit:

"STATE OF OKLAHOMA
SS
"County of Oklahoma

IN THE MATTER OF STATE QUESTION NUMBER 41, INITIATIVE PETITION NUMBER 26.

BEFORE THE SECRETARY OF STATE, HON. BENJAMEN F. HARRISON.

"Charles T. Gibson,
Protesting Plaintiff.

"Charles T. Gibson, Protesting Plaintiff. vs A. Grant Evans, Defendant.	)	PROTEST.

TO THE HON. BENJAMEN F. HARRISON? SECRETARY OF THE STATE OF OKLAHOMA? AND A. GRANT EVANS: GREETING:

"You and each of you will take notice that I, Charles T. Gibson, a citizen and a legal voter of Coal County, Oklahoma, do hereby protest and object to the Initiative Petition filed by A. Grant Evans, in the office of the Secretary of the State of Oklahoma, on the 22nd day of June, 1912, which said Petition is entitled "A BILL" To establish a system whereby the people of the State of Oklahoma shall directly choose between the party nominees for the United States Senate;"

"As grounds for such protest, I allege and state;

"First:- That the said Initiative Petition filed as aforesaid is insufficient in form.

"Second:- That the said Initiative Petition filed as aforesaid is insufficient in substance.

"Third:- That the said Initiative Petition filed as aforesaid is insufficient in substance and form in this:

"That it does not contain the signatures of the number of qualified electors of the State of Oklahoma to initiative a measure as required by law.

"Fourth:- That the said Initative Petition filed as aforesaid is insufficient in form in this:-

"It does not comply with the provisions of our law in respect to "Warning" signers thereof of criminal liability.

"Fifth: That the said Initiative Petition filed as aforesaid is insufficient in form in this:-

"That it does not order the Bill sought to be initiated to be submitted at the next General Election, but requires the Governor to call a Special Election to be held on the 6th day of August, 1912, and at the time of the Primary Election.

"I further allege and state:-

"That attached to said Initiative Petition filed as aforesaid are about 1065 pamphlets carrying the purported signatures of about 20739 individuals.

"That 14 pamphlets attached and filed as foresaid do not show the County of which the purported signers are residents.

"That 2 pamphlets attached and filed as aforesaid do not show, by affidavit, the County of which the purported signers are residents.

"That 91 pamphlets attached and filed as aforesaid show that the purported signers reside in more than one County.

"That 99 pamphlets attached and filed as aforesaid show, by affidavits, more than one County as the residence of the purported signers.

"That 6 pamphlets attached and filed as aforesaid fail to show venue in the affidavit as to the qualification, etc., of the purported signers.

"Approximately 2500 signatures to the Petition do not correspond to the names sworn to in the affidavit as to the qualifications, etc., of the purported signers.

"Approximately 1500 purported signers of said pamphlets are not legal voters of the State of Oklahoma.

"Approximately 200 pamphlets attached to the Petition and filed as aforesaid did not have the name of the County filled in at the time it was signed, and the name of the County was inserted by some person, unknown to protestant, having custody of said pamphlets after they were signed by the alleged voters and after they had left the possession of the party verifying the pamphlets.

"Approximately 2500 signatures appearing on said petition were signed by parties other than the parties named.

"The said Pamphlets do not in any case give the name of the County of residence of the alleged signers.

"Wherefore, your Protestant, Charles T. Gibson, prays that a time be fixed by the Secretary of State for the purpose of hearing testimony and argument in support of this protest, and that process be issued to compel the attendance of witnesses and the production of such books, papers and records as may be necessary for the determination hereof.

"At such hearing the Protestant will demand that the Secretary of State, order, adjudge and decree that the said Initiative Petition filed as aforesaid is insufficient in form as required by law , illegal and invalid, and that the prayer of said Petition for Special Election be denied.

"You will govern yourselves accordingly,

(Signed) Charles T. Gibson,
Coalgate, Coal County, Okla,
Protestant.

By his Attorney,

J. W. Bartholomew,
#209 Zieglar Bldg,
Oklahoma City, Okla.

D E M U R R E R.

BY J. T. DICKINSON:

Comes now the Honorable J. T. Dickinson, representing himself as one of the petitioners, and demurs to the protest filed by Charles T. Gibson for the reason that said protest with the exception of the first of the grounds mentioned in the first paragraph, is insufficient, and does not represent any grounds upon which said protest could be based, or upon which the Secretary of State, has the power to hear and determine either in law or in fact.

That the only matters that could come up for consideration for the Secretary of State in this hearing is set forth in the protest and is:

First;- That said Initiative Petition filed as aforesaid is insufficient in form.

Therefore said petitioner prays that all said protest be stricken from the files with the exception of the first paragraph.

- - - - - - -

ARGUMENT AS TO FORM IS TAKEN UP BY THE COUNSEL FOR THE PARTIES HERETO.

BY THE SECRETARY:

Ruling on Demurrer is withheld for the present.

It is agreed that an adjournment until nine o'clock from the morning of July 5th shall be taken for the purpose of giving counsel an opportunity to present their proof and authorities in support of their contensions.

- - - - - - - -

JULY 5TH, 1812, NINE O'CLOCK A. M. THE FURTHER HEARING IN THIS CASE, IS RESUMED PURSUANT TO ADJOURNMENT OF JUDY 3RD, 1912 AND THE FOLLOWING PROCEEDINGS WERE HAD:

Comes now Fred S. Caldwell and enters his appearance as attorney for and on behalf of the defendant therein.

Argument of Counsel is heard on the proposition of whether State Question No. 41, Initiative Petition No. 26 can be held at a regular or special election, and citation of various authorities by counsel for the purpose is read:

BY THE SECRETARY:

M O T I O N

Comes now Fred S. Caldwell, Attorney for and on behalf of the petitioners and moves that the purported protest filed herein on July 1, 1912 be stricken from the files for the reason, and upon the ground that same is not verified, and supported in any manner by oath or verification by the protestant, or any other person or persons, and therefor raises no issue upon which a hearing may be had.

BY THE SECRETARY:

I hold that the protestant's objections to the petition as to form is over-ruled.

BY J. W. BARTHOLOMEW:

We except.

BY THE SECRETARY:

I will sustain Judge Caldwell's Motion to strike from the files for the reason the protest is not verified.

BY J. W. BARTHOLOMEW:

Exception saved.

STATE OF OKLAHOMA,)
) SS.
COUNTY OF OKLAHOMA.)

IN THE MATTER OF STATE QUESTION NUMBER 41, INITIATIVE PETITION NUMBER 26.

BEFORE THE SECRETARY OF STATE, HON. BENJAMIN F. HARRISON.

Charles T. Gibson, Protesting Plaintiff.	)	
vs	)	PROTEST.
A. Grant Evans, Defendant.	)	

TO THE HON. BENJAMIN F. HARRISON, SECRETARY OF THE STATE OF OKLAHOMA, AND A. GRANT EVANS: GREETING.

You and each of you will take notice that I, Charles T. Gibson, a citizen and a legal voter of Coal County, Oklahoma, do hereby protest and object to the Initiative Petition filed by A. Grant Evans, in the office of the Secretary of the State of Oklahoma, on the 22nd day of June, 1912, which said Petition is entitled " A BILL To establish a system whereby the people of the State of Oklahoma shall directly choose between the party nominees for the United States Senate;"

As grounds for such protest, I allege and state;

FIRST:- That the said Initiative Petition filed as aforesaid is insufficient in form.

SECOND:- That the said Initiative Petition filed as aforesaid is insufficient in substance.

THIRD:- That the said Initiative Petition filed as aforesaid is insufficient in substance and form in this;-

That it does not contain the signatures of the number of qualified electors of the State of Oklahoma to initiate a measure as required by law.

Fourth:- That the said Initiative Petition filed as aforesaid is insufficient in form in this:-

It does not comply with the provisions of our law in respect to "Warning" signers thereof of criminal liability.

Fifth:- That the said Initiative Petition filed as afore-

said is insufficient in form in this :-

That it does not order the Bill sought to be initiated to be submitted at the next General Election, but requests the Governor to call a Special Election to be held on the 6th day of August, 1912, and at the time of the Primary Election.

I further allege and state:-

That attached to said Initiative Petition filed as aforesaid are about 1065 pamphlets carrying the purported signatures of about 20739 individuals.

That 14 pamphlets attached and filed as aforesaid donot show the County of which the purported signers are residents.

That 2 pamphlets attached and filed as aforesaid do not show, by affidavit, the County of which the purported signers are residents.

That 91 pamphlets attached and filed as aforesaid show that the purported signers reside in more than one County.

That 99 pamphlets attached and filed as aforesaid show, by affidavits, more than one County as the residence of the purported signers.

That 6 pamphlets attached and filed as aforesaid fail to show venue in the affidavit as to the qualification,etc. of the purported signers.

Approximately 2500 signatures to the Petition do not correspond to the names sworn to in the affidavit as to the qualification, etc, of the purported signers.

Approximately 1500 purported signers of said pamphlets are not legal voters of the State of Oklahoma.

Approximately 200 pamphlets attached to the Petition and filed as aforesaid did not have the name of the County filled in at the time it was signed, and the name of the County was inserted by some person, unknown to protestant, having custody of said pamphlets after they were signed by the alleged voters and after they had left the possession of the party verifying the pamphlets.

Approximately 2500 signatures appearing on said petition were

signed by parties other than the parties named.

The said Pamphlets do not in any case give the name of the County of residence of the alleged signers.

WHEREFORE;-your Protestant, Charles T. Gibson, prays that a time be fixed by the Secretary of State for the purpose of hearing testimony and argument in support of this protest and that process be issued to compel the attendance of witnesses and the production of such books, papers and records as may be necessary for the determination hereof.

At such hearing the Protestant will demand that the Secretary of State, order, adjudge, and decree that the said Initiative Petition filed as aforesaid is insufficient in form as required by law, illegal, and invalid, and that the prayer of said Petition for special election be denied.

You will govern yourselves accordingly,

Charles T. Gibson

Coalgate, Coal County, Okla.
Protestant.

By his Attorney,

J. W. Bartholomew

209 Zieglar Bldg.

Oklahoma City, Okla.

STATE OF OKLAHOMA, UNITED STATES OF AMERICA.)ss.

IN THE MATTER OF STATE QUESTION No. 41, INITIATIVE PETITION NO. 26.

Before the Secretary of State, Honorable Benjamin F. Harrison.

Charles T. Gibson, Protesting Plaintiff,)
vs.)
A. Grant Evans, Defendant.)

JUDGMENT RENDERED BY THE SECRETARY OF STATE.

The hearing and argument in the above matter having been closed, the Secretary finds that the protest filed herein by Charles T. Gibson, and upon which this hearing is had, is not well taken in so far as objections are lodged against or raised to the form of said initiative petition No. 26, and that in form said initiative petition No. 26 substantially complies with and conforms to all the requirements of law and is in form sufficient; to all of which the protesting plaintiff excepts and his exception is allowed.

And the Secretary further finds that as to all other questions and matters stated and sought to be raised by said protest, the objection of the defendant on the ground that said protest is not supported by oath or affirmation is well taken and should be sustained; to all of which the protesting plaintiff excepts and his exception is allowed.

Wherefore, said protest is hereby denied and dismissed, and said initiative petition No. 26 is hereby sustained; to all of which the protesting plaintiff excepts and his exception is allowed.

Benjamin F Harrison
Secretary of State.

O. K. J. W. Bartholomew
Atty. for Protesting Plaintiff. by H. L. Fitzpatrick

O. K. J. J. Dickerson & Fred S. Caldwell, Asst Atty
Attorneys for Defendant.

Fifth July

2 3:30 a.m.

Corporation

at Page

Guy F Harrison

United States of America, }
State of Oklahoma. } SS.

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA.

IN THE MATTER OF STATE QUESTION NUMBER 41, INITIATIVE PETITION NUMBER 28.

Charles T. Gibson, - - - Plaintiff in Error, }
vs } NOTICE.
A. Grant Evans, - - - - -Defendant in Error. }

TO THE HONORABLE BENJAMIN F. HARRISON, SECRETARY OF THE STATE OF OKLAHOMA, AND A. GRANT EVANS: GREETING.

You and each of you are hereby notified that the plaintiff, Charles T. Gibson, appeals to the Supreme Court of the State of Oklahoma, from the judgment rendered in the above entitled cause by the Honorable Secretary of State on the 5th day of July, 1912.

A copy of the Petition in Error to be filed in said Supreme Court is hereunto attabhed.

You will govern yourselves accordingly.

Charles T. Gibson

I, Benjamin F. Harrison, Secretary of the State of Oklahoma, do hereby acknowledge receipt of copy of the above notice together with a copy of the Petition in Error to be filed in the Supreme Court of the State of Oklahoma, on this the 12th day of July, 1912. I hereby waive issuance and service of summons herein from the Supreme Court of the State of Oklahoma.

_____

Witness my hand and official seal at the City of Oklahoma, on the day and date last above written.

Benjamin F. Harrison
Secretary of the State of Oklahoma.
By Hugh L. Scarrell,
Asst.

United States of America,
State of Oklahoma. SS

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA.

IN THE MATTER OF STATE QUESTION NUMBER 41,
INITIATIVE PETITION NUMBER 26.

Charles T Gibson - - - Plaintiff in Error,
vs
A. Grant Evans - - - Defendant in Error.
) Petition in Error.

Comes now the plaintiff in error, Charles T Gibson, complaining of the defendant in error, A. Grant Evans, for that the said defendant in error, on the 5th day of July, 1912, before the Secretary of the State of Oklahoma recovered a judgment against this plaintiff in error by the consideration of the said Secretary of State in the Matter of State Question No. 41, Initiative Petition No. 26, then pending before the said Secretary of State, wherein this plaintiff in error was plaintiff and the said defendant in error was defendant.

The papers, documents, record and judgment in said proceedings filed or to be filed herein are hereby made a part of this Petition in Error, and the plaintiff in error says and avers that there is error in said record and proceedings in this, ~~[illegible]~~ to wit:

1st The Secretary of State erred in finding that the Petition filed herein substantially conforms to the requirements of the Statutes in such cases made and provided:

2nd The Secretary of State erred in sustaining the objections of the defendant to the protest filed herein, and in dismissing the Protest of the plaintiff in error:

3d The Secretary of State erred in rendering judgment against this plaintiff in error:

4th The judgment rendered herein in contrary to law and evidence.

Wherefore, premises considered, the plaintiff in error prays that the judgment so rendered and recovered against him may be reversed and that this Honorable Court may render such judgment, order or decree as the exigencies of the case may require.

Very respectfully submitted.

Charles T. Gibson
Plaintiff in Error.

June the 22, 1912.

Received of Mr. C. H. Armstrong, 1065 pamphlets of State Question No. 41, Iniative Petition No. 26, bearing 20,737 signatures.

Given under my official hand and seal of office on the day above written.

Secretary of State.

10: Am.

TO THE PUBLIC:

TAKE NOTICE that on June 22d, 1912, there was filed in the office of the Secretary of State a petition entitled "STATE QUESTION NO. 41, INITIATIVE PETITION NO. 26", with 20,739 signatures, a copy of which is as follows:

W. H. L. CAMPBELL, CLERK

SUPREME COURT STATE OF OKLAHOMA

OKLAHOMA CITY July 16, 1912.

RECEIVED of Benj. F. Harrison, Secretary of State, the papers in No. 4178, Chas. T. Gibson v. A. Grant Evans, being State Question No. 41, Initiative Petition No. 26.

W. H. L. Campbell, Clerk,

By F. N. Sturgeon
Deputy.

Office of the Clerk of the Supreme Court

Oklahoma City, Oklahoma

Chas. J. Gibson

Plaintiff in Error.

vs.

A. Grant Evans

Defendant in Error.

I hereby certify that on the 13 day of July 1912, there was filed in my office a petition in error and case made from transcript of the record of the Secretary of ~~Court of~~ State ~~County~~, cash deposit of $ 1500 and _____ summons in error, in the above entitled cause; that said case was duly entered on the docket, numbered 4178, and is pending in the Supreme Court, and that summons in error was issued herein on the _____ day of _____ 191____, to _____ County.

Witness my hand and the seal of said Court, at Oklahoma City, this 16 day of July 1912

W. H. L. Campbell, *Clerk,*

By J. N. Sturgeon *Deputy.*

STATE OF OKLAHOMA
LEGAL DEPARTMENT
OKLAHOMA CITY

CHARLES WEST, ATTORNEY GENERAL
EDWARD G. SPILMAN, ASSISTANT ATTORNEY GENERAL
WILLIAM C. REEVES, ASSISTANT ATTORNEY GENERAL
CHARLES L. MOORE, ASSISTANT ATTORNEY GENERAL
SMITH C. MATSON, ASSISTANT ATTORNEY GENERAL

ADDRESS ALL COMMUNICATIONS TO
"THE ATTORNEY GENERAL" AND
REFER TO INITIALS CW:PS

July 23,1912.

To the

Secretary of State.

Oklahoma City,

Sir:

We enclose herewith copy of a Ballot Title State Question No.41, Initiative Petition No.26, submitted by Prof.A.Grant Evans, which is adopted.

Yours very truly,

Chas. West

Attorney General.

BALLOT TITLE.

FOR BILL SUBMITTED AS

STATE Question No.41 Initiative Petition No.26.

A law providing a method by which the electors of the State of Oklahoma shall directly choose between the ~~two nominees~~ for the United States Senate, and requiring candidates for the State Legislature to indicate whether they will regard the vote of the people expressing such choice as a mandatory instruction or merely as a recommendation which may be disregarded by the candidate for any reasons which he may deem sufficient.

Submitted by A. Grant Evans,
#725-6 Amer. Nat'l. Bank Bldg.
Oklahoma City.

STATE OF OKLAHOMA
DEPARTMENT OF STATE
OKLAHOMA CITY

BENJAMIN F. HARRISON, SECRETARY
HUGH L. HARRELL, ASS'T SECRETARY

RECEIVED of W. H. L. Campbell, Clerk of the Supreme Court of the State of Oklahoma, papers in Case No. 4178, delivered to his office July 16, 1912, and described as follows:

Pamphlets with signatures, purporting to be Nos. 1 to 1065, inclusive.

One Protest.

One blank pamphlet (printed).

One Notice.

One typewritten copy of pamphlet.

One carbon copy of receipt issued to Armstrong.

One carbon copy of receipt issued to Benj. F.Harrison.

One brief record of hearing.

Dated this 26th day of July, 1912.

Secretary of State.

COPY.

July the 26, 1912.

To the Honorable Lee Cruce,

Governor of the State of Oklahoma,

Oklahoma City.

This is to certify that on June the 22d, 1912, there was filed in the office of the Secretary of State an Initiative Petition which is styled State Question No. 41, Initiative No. 26, having a ballot title--adopted by the Attorney General-- as follows: "A law providing a method by which the electors of the State of Oklahoma shall directly choose between the party nominess for the United States Senate, and requiring candidates for the State Legislature to indicate whether they will regard the vote of the people expressing such choice as a mandatory instruction or merely as a recommendation which may be disregarded by the candidate for any reasons which he may deem sufficient." Said petition has 20,739 signatures, being more than is required by law to initiate a peition. That a protest was filed against the sufficiency of said peition, which was over-ruled, and an appeal taken to the Supreme Court, which, on application of the protestant dismissed the case and ordered that all the papers in the case be returned to this office, Said order being complied with this the 26th day of July, 1912.

Given under my hand and seal of office this the 26th day of July, 1912.

Secretary of State.

STATE QUESTION NUMBER FORTY-ONE. INITIATIVE PETITION NO. 26

	Yes	No
Adair County	878	324
Alfalfa "	1793	417
Atoka "	955	134
Beaver "	859	105
Beckham "	2394	287
Blaine "	1779	280
Bryan "	3074	508
Caddo "	3374	498
Canadian "		
Carter "	2549	387
Cherokee "	1666	225
Choctaw "	1701	364
Cimarron "	378	60
Cleveland"	1960	302
Coal "	1754	367
Comanche "	3469	850
Craig "	1616	397
Creek "	1960	507
Custer "	2333	401
Delaware "	873	224
Dewey "	1230	165
Ellis "	1138	160
Garfield "	3090	494
Garvin "	2757	355
Grady "	3321	357
Grant "	1965	360
Greer "	2031	245
Harmon "	1294	163
Harper "	461	113
Haskell "	1890	294

	Yes	No
Hughes County	2449	384
Jackson "	2655	251
Jefferson "	1389	319
Johnston "	1797	267
Kay "	2823	490
Kingfisher "	1967	333
Kiowa "	2388	315
Le Flore "		
Latimer "	1067	171
Lincoln "	2849	501
Logan "	2279	473
Love "	980	137
McClain "	1648	229
McCurtain "	782	171
McIntosh "	1500	279
Major "	1333	248
Marshall "	1337	210
Mayes "		
Murray "	843	955
Muskogee "	4490	656
Noble "	1719	296
Nowata "	1218	255
Okfuskee "	1240	221
Oklahoma "	8587	1358
Okmulgee "	1699	302
Osage "	1935	387
Ottawa "	1508	399
Payne "	2107	309
Pawnee "	1314	223
Pittsburg "	1803	329
Pontotoc "	1692	257

		Yes	No.
Pottawatomie	County	4193	634
Pushmataha	"	935	242
Roger Mills	"	1259	192
Rogers	"	1207	335
Seminole	"	1915	304
Sequoyah	"	1584	246
Stephens	"	2428	290
Texas	"	1081	170
Tillman	"	2613	302
Tulsa	"	3036	445
Wagoner	"	961	286
Washington	"		
Washita	"	2120	254
Woods	"	1646	338
Woodward	"	923	154
Total		139,844	23,400
Majority			116,444

Total number of votes cast by the Democratic Party at the Primary Election, held in the State of Oklahoma, on the Sixth day of August A.D.1912, as shown by the records of said State Election Board.	125,092
Total number of votes cast by the Republican Party, at the Primary Election, held in the State of Oklahoma, on the Sixth day of August, A.D.1912, as shown by the records of said State Election Board.	40,881
Total number of votes cast by the Socialist Party, at the Primary Election, held in the State of Oklahoma, on the Sixth day of August, A.D.1912, as shown by the records of said State Election Board.	11,106
Total number of votes cast by the Prohibition Party, at the Primary Election, held in the State of Oklahoma, on the Sixth day of August, A.D.1912, as shown by the records of said State Election Board.	178
Total number of votes cast at the Primary Election, held in the State of Oklahoma on the Sixth day of August, A.D.1912, as shown by the records of said State Election Board,	177,257
Total number of votes cast for State Question number Forty-one, Initiative Petition Number 26, at the Primary Election held in the State of Oklahoma, on the Sixth day of August, A.D.1912, as shown by the records of said State Election Board,	139,844
Majority of votes given State Question Number Forty-one, Initiative Petition Number 26, at the Primary Election held in the State of Oklahoma, on the Sixth day of August, A.D.1912, as shown by the records of said State Election Board,	51,216

STATE ELECTION BOARD,)
) SS
STATE OF OKLAHOMA.)

Honorable Lee Cruce,

Governor of the State of Oklahoma.

Sir:-

I, Ben W. Riley, Secretary of the State Election Board, of the State of Oklahoma, hereby certify that the above and foregoing is a true and correct vote cast for and against State Question Number Forty-one, Initiative Petition Number 26, in the above counties in the State of Oklahoma, at the Primary Election held in said State of Oklahoma, on the Sixth day of August, A.D. 1912, and the true and correct total vote cast by the Democratic, Republican, Socialist and Prohibition Parties respectively, and a true and correct total vote of all votes cast at the Primary Election, held in the State of Oklahoma on the Sixth day of August, A.D. 1912, as shown by the official returns of the respective County Election Boards of the State of Oklahoma, as now appears of record in the office of the State Election Board of the State of Oklahoma.

IN TESTIMONY WHEREOF, I hereunto set my hand, and affix the official seal of office, this the twenty-third day of August, A.D. 1912.

Ben W Riley
Sec'y State Election Board.