

STATE QUESTION NO. 78—INITIATIVE PETITION

NO. 51.

**Argument for the Adoption of the Proposed
Constitutional Amendment Known as
"THE FAIR ELECTION LAW."**

Number of voting precincts in Oklahoma in 1914.....	2,550
Number of precincts carried by the Republicans.....	1,034
Number of precincts carried by the Democrats.....	937
Number of precincts carried by the Socialists.....	502
Number of precincts showing a tie vote.....	53
Number of precincts failing to report the vote cast..	24
Number of precincts showing Socialists second party	420

Did the Republican party have representation on the various election boards? **NO.**

Did the Socialist party have any representation? **NO.**

Did the Democrats of the State have any representation? **NO.**

Were the people of the State represented? **NO.**

Who did have representation? **THE WILLIAMS MACHINE.**

How is this possible? Because the present election law gives the Governor the power to name all of the election officers.

Is such a law democratic? **NO.**

Is it fair to the people? **NO.**

Do you believe in fair representation to all parties and to all of the people of this State? Do you believe in **FAIR ELECTIONS?**

IF YOU DO, THEN REPEAL THE PRESENT ONE MAN MACHINE LAW AND VOTE FOR THE CONSTITUTIONAL AMENDMENT KNOWN AS "THE FAIR ELECTION LAW," and which will be submitted as **STATE QUESTION NO. 78, INITIATIVE PETITION NO. 51.**

Relative Strength of Parties.

Of the 2,550 precincts in the State the Democratic party carried but 937. In 1,613 precincts the Democratic party was a minority party, and yet absolutely dominated and controlled the entire election machinery in all these precincts.

In 922 precincts, which is more than a third of all the precincts in the State, the Socialist party was either first or second party, and yet was not entitled to representation on any election board in the State.

Under the Present Law—

The Governor **appoints** the State Election Board.

The State Election Board appoints every County Election Board.

The County Election Board **appoints** every Precinct Election Board.

The Governor has the power to remove any election official at will.

An invisible wire runs from the Governor's office into every voting precinct of the State, and thus controls **EVERY** vote in the State.

Under the Present Law—

The Republican party is entitled to representation on EVERY election board. The intent and spirit of the law is to have the Republican member selected by the Republican party. In practice this is not done, but a Republican member is selected that is satisfactory to the Governor's machine. By this means the Republican party is denied representation on the election boards. The Democratic party, or that part of it that is in harmony with the Williams machine, is the only organization that secures representation. Yes, not representation only, but DOMINEERING CONTROL over the entire election machinery.

Under the Present Law—

The making of the returns of all elections is in the hands of the Williams machine. This is true of the primary, as well as of the general elections. Through this power a practice has developed to hold back the returns of such precincts and counties as will vitally affect the results of such election. This is done for the purpose of knowing beforehand the number of votes that will be necessary to perpetuate the rule of the machine.

To abolish the present "ONE-MAN" and "ONE-MACHINE" election law, the people of the State have initiated a constitutional amendment known as

The Fair Election Law

Under the Fair Election Law—

The parties that will be recognized as entitled to representation on ALL election boards will be the three leading parties of the State. This means the Democratic, Republican and Socialist parties.

Every election board in the State will consist of three members, one from each of these parties.

Each of the political parties through its respective State chairman names the elector that is to represent that party on the State Election Board. The Secretary of State shall then ratify the choice of such parties by appointing the man named. **He has no power to appoint otherwise.**

The members of the County Election Board are selected by each political party through their respective county chairman, and the electors so selected shall immediately be appointed by the Secretary of State.

The members of the Precinct Election Board are selected in like manner by each political party through their respective county chairmen, and the electors so selected shall be immediately appointed by the county clerk of such county.

Under the Fair Election Law—

The counting of the ballot is safeguarded.

The Democratic member of the Precinct Election Board appoints one counter.

The Republican member appoints one counter.

The Socialist member appoints one counter.

The fourth counter shall be agreed upon by the board or a majority thereof. Thus each party is entitled to at least one of the four (4) counters.

Under the Fair Election Law—

Any member, counter, employee or appointee of any

Average Vote

1900	815
1902	1,963
1904	4,443
1906	4,042
1908	21,779
1910	24,707
1912	41,424
1914	52,963

27.8 per cent. gain over
1912

114 per cent. gain over
1910

P. O. Box 276

Phone Wal. 1079

The Socialist Party of Oklahoma

OFFICE OF
H. M. SINCLAIR
Secretary-Treasurer

Rooms 414-15-16-17, Scott Thompson Building

Oklahoma City, Okla.

Initiative Petition No 51, State Question No 78.

BALLOT TITLE.

The gist of the proposition is: That each of the three leading political parties as shown by the vote ~~xxx~~ last cast for governor, shall have one member each on the State, County and Precinct Election Boards; providing that members of said boards shall be appointed by chairman of said political parties; members of State Board to be appointed by State Chairman; members of County and Precinct Boards to be appointed by County Chairmen; providing that State Election Boards shall canvass state returns; when Board shall assume duties of office; compensation of members of Board; and penalties for violation of election laws.

* * * * *

The foregoing Ballot Title is submitted by H M Sinclair, Secretary-Treasurer of the Socialist Party of Oklahoma, this 15th day of July, 1915.



Secretary-Treasurer Socialist Party
of Oklahoma.

Average Vote

1900	815
1902	1,963
1904	4,443
1906	4,042
1908	21,779
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27.8 per cent. gain over
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The Socialist Party of Oklahoma

OFFICE OF
H. M. SINCLAIR
Secretary-Treasurer

Rooms 414-15-16-17, Scott Thompson Building

Oklahoma City, Okla.

July 15th, 1915.

Hon. J. L. Lyon,

Secretary of State,

Oklahoma City, Oklahoma.

Dear Sir:-

I herewith transmit to you an exact copy of Initiative Petition No 51, State Question No 78, with ballot title for the same.

I ask that you file the same in your office, and take such further steps in the premises as may be required by law.

Very respectfully,

Secretary-Treasurer Socialist Party of Okla.

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA

Secretary's Office
This instrument was filed for record this

16 day of July
A. D., 1915 at 12 o'clock A. M.

Recorded in _____ at page _____
Corporator

Record No. _____ at page _____

J. W. Brown

Secretary of State

By *J. W. Brown*

4-16-15

127000

S. P. FREELING
ATTORNEY GENERAL
JNO. B. HARRISON
J. H. MILEY
R. E. WOOD
R. MC MILLAN
SMITH C. MATSON
ASSISTANT ATTORNEYS GENERAL

STATE OF OKLAHOMA
OFFICE OF THE
ATTORNEY GENERAL

OKLAHOMA CITY July 19, 1915

PLEASE REFER TO INITIALS SCM-jw

In re:

Ballot Title,
Initiative Petition No. 51,
State Question No. 78.

To The

Secretary of State.

Sir:

On the 16th instant, this office received a letter from Mr. H. M. Sinclair, Secretary-Treasurer of the Socialist Party of Oklahoma, enclosing a copy of State Question No. 78, Initiative Petition No. 51, with a proposed ballot title therefor as follows:

"Initiative Petition No. 51, State Question No. 78.

Ballot Title.

The gist of the proposition is: That each of the three leading political parties as shown by the vote last cast for governor, shall have one member each on the state, county, and precinct election boards; providing that members of said boards shall be appointed by Chairmen of said political parties; members of state board to be appointed by State chairman; members of county and precinct boards to be appointed by county chairmen; providing that state election boards shall canvass state returns; when boards shall assume duties of office; compensation of members of board; and penalties for violation of election laws."

Which ballot title is rejected by the attorney general and the following ballot title is substituted therefor:

S. P. FREELING
ATTORNEY GENERAL
JNO. B. HARRISON
J. H. MILEY
R. E. WOOD
R. MC MILLAN
SMITH C. MATSON
ASSISTANT ATTORNEYS GENERAL

STATE OF OKLAHOMA
OFFICE OF THE
ATTORNEY GENERAL

OKLAHOMA CITY

PLEASE REFER TO INITIALS _____

Secretary of State, 2

"State Question No. 78, Initiative Petition No. 51.

Ballot Title.

Amends Article 3, Constitution, by adding sections abolishing all existing election boards and providing for state election board of three electors selected one each by state chairman of each of three political parties casting greatest number of votes for Governor at last preceding general election; similar county and precinct boards selected by county chairmen; majority of members of each board constituting quorum, and may make temporary appointments to vacancies; provides for canvassing of returns; compensation of members of boards; penalties for violation of election laws; and gives state boards power to make rules and regulations. Operative immediately on adoption."

Very truly,

For The Attorney General,

Smith C. Matson
Assistant Attorney General.

OB-st

*Received in office of Secretary of State
this the 19th day of July 1915 at 4:50 P.M.
Johnson
Secretary of the State
of Oklahoma*

STATE OF OKLAHOMA
DEPARTMENT OF STATE
OKLAHOMA CITY

J. L. LYON
SECRETARY

CHAS. MCSCAFFERTY
ASST. SECRETARY

July 30th, 1915.

RECEIVED of J. L. Lyon, Secretary of State,
certification of Ballot Title as filed by the
Attorney General on State Question No. 78, In-
itiative Petition No. 51.

Joe S. Morris

SECRETARY OF STATE ELECTION BOARD.

September 13th, 1915.

To his Excellency the Governor of Oklahoma,

Hon. R. L. Williams,

City;

Dear Sir:

In re Initiative Petition No. 51, State Question No. 78, this will notify you that same has been accepted in this office showing 64,037 petitioners, and that ballot title prepared by the Attorney General on July 19th, 1915 has been accepted by H. M. Sinclair and P. G. Nagle, petitioners, in writing and filed in this office September 11th, 1915.

Yours very truly,

SECRETARY OF STATE.

JLL-P

AVERAGE VOTE

1900.....	815
1902.....	1963
1904.....	4443
1906.....	4042
1908.....	21779
1910.....	24707
1912.....	41424
1914.....	52963

27.8 per cent. gain over 1912
114 per cent. gain over 1910

P. O. BOX 777



PHONE W. 1079

The Socialist Party of Oklahoma

Office of
H. M. SINCLAIR
Secretary-Treasurer

Rooms 414-15-16-17 Scott Thompson Building

OKLAHOMA CITY, OKLA.

Hon. J. E. Lyon,
Secretary of State,
Oklahoma City, Okla.

April 21st., 1916.

Dear Sir:

We herewith submit twenty five copies of an Argument prepared by us as a Committee representing the Petitioners, which you will file, publish and distribute, as provided by law, as The Argument on the part of the Petitioners in State Question No. 78 Initiative Petition No. 51.

Very respectfully,

J. Luther Langston

John Hagel

Charles T. Gibson

L. D. Gillespie

Fred W. Holt

H. M. Sinclair

P. S. Nagle

The Committee.

April 21st, 1916.

To Honorable J. Luther Langston, John Hagel,
Chas. T. Gibson, L. D. Gillispie, Fred
W. Holt, H. M. Sinclair and P. S. Nagle,
being Committee submitting argument on
State Question No. 78, Initiative Petition
No. 51.

Gentlemen:

I hereby receipt for this argument twenty-five in number, and would advise that up to date I have not received from the Hon. R. L. Williams, Governor any proclamation calling for the election on the above stated question and for that reason it will be impossible for me to have printed in the pamphlet for distribution to the electors of the state as provided for in Senate Bill No. 40.

This argument will be filed in this office and retained until such time as proclamation may be issued for the election on the above stated question.

Yours very truly,

SECRETARY OF STATE.

JLL O

ARGUMENT AGAINST THE ADOPTION
OF STATE QUESTION NO. 78, INITIATIVE
PETITION NO. 51.

The argument filed by certain socialist leaders in support of state question No. 78, initiative petition No. 51, in all respects from beginning to end is misleading. Reference to same as "a fair election law" is a misnomer. It should be more properly referred to as an amendment, when adopted, to subject the people of the state to partisan machine manipulation and rule.

Regardless of whether the party elevated to power by the people receives a majority or plurality of votes cast at such election, the amendment proposed provides for a state election board of three members, selected one each by state chairmen of the three political parties in the state casting greatest number of votes for Governor in such election.

Similar county and precinct election boards are to be appointed by county chairmen of such political parties. Majority of members of each board is to constitute a quorum and make temporary appointments to fill vacancies in such boards. The Secretary of State is to be ex-officio Secretary of such election board and County Clerk ex-officio Secretary of County Election Board. Each member of any election board, whether State or County, is subject to removal by respective party chairmen at any time without any reason given therefor.

The State Election Board created by this provision is authorized to make all rules and regulations to govern boards thereby created, not inconsistent with said provision, for the purpose of carrying out and making effective the terms of said provision and the election laws of the state.

The State Election Board is required by said provision to adopt a uniform and convenient system of poll books, tally sheets, certificates, affidavits, oaths, envelopes, bags and

other election blanks and supplies required by election laws, and consistent with said provision, and when so adopted, same is to be used by the several precinct election boards.

This constitutional amendment provides for the several state, county and precinct election boards without any member of such board, or any person appointing any member of such board, being voted for by the people at any election or appointed by any officer elected by the people, and places the elections of the state, counties and precincts in ^{the} hands of state and county chairmen of the two minority parties --mark you, not in the hands of the people constituting the two minority parties, but in the hands of the state and county chairmen of the two minority parties --and without any provision having been made as to how such chairmen must be selected.

Let such constitutional provision be adopted and you lay the foundation for building party machines and creating party bosses and absolutely placing every particle of election machinery under absolute control of state and county chairmen of the two minority parties.

When the people elect state officers, such officers go into office under sanction of an oath to carry out commands of the people as expressed by law. If this proposed socialist amendment is adopted, then the state officers, when elected, would be required to administer and enforce every statute of the state, except that relating to elections, that power being reserved to the state and county chairmen of the two minority parties who had not been entrusted to exercise governmental power by the people. By means of subterfuge and under guise of a so-called "fair election law" they seek to carve out a

machine plan by which the minority may rule and not the majority, and the state government be rendered unrepublican in form.

Mr. Madison defines a republican form of government as:

"A government which derives all its powers, directly or indirectly, from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of society, and not from any inconsiderable proportion or a favored class of it."

Obviously, the kind of government contemplated by this socialist amendment would render the state government unrepublican in form. Members of the state and county election boards would not derive their power directly or indirectly from the great body of the people, but from the chairmen of two political parties, and the chairmen of the two minority parties could not be said under this view "to derive their powers from the great body of the people". This amendment contemplates a minority government and not a government by a majority as to election matters. A republican form of government contemplates the protection of the minority in the administration of government, but not that the minority, by artifice and subterfuge, through party representation, should rule and control.

Under the existing election laws the state election board is composed of three members, two of whom are appointed by the Governor with the consent and concurrence of the State Senate, the third member being the Secretary of the State Senate. The members of the State Senate are elected by the people. The Governor is elected by the people. The Governor appoints, with the consent and concurrence of the Senate, two members of the State Election Board, but they cannot be members of the same political party. The other member of the State Election Board, who is Secretary of the Senate, is elected by the State Senate.

Which comes nearer representing the whole people and constituting a republican form of government, this or the socialist plan presented in this proposed amendment? Everybody is familiar as to how party chairmen are selected. Only a very small per cent of the party as a rule, participate in the selection of state or county chairmen.

The State Election Board as now constituted is as follows: E. Dunlap, Ardmore, Democrat; Harry Beeler, Checotah, Republican, and member of the Republican State Central Committee; Joe S. Morris, of Hooker, Secretary of the State Senate.

(Session Laws 1910-11, Chap. 106, p. 224; Session Laws, 1913, Chap. 157, p. 315.)

The county election board as constituted at this time under existing law is composed of three members. One member of the county election board, who acts as its Secretary, is appointed by the State Election Board. The two political parties receiving the largest number of votes at the last general election each name one member of the county election board.

Under ruling of Attorney General of this state, the selection of members of the county board by political parties must be made by county central committee of such party. When the County Central Committee in session selects such person, he then and there becomes a member of such county election board. (Session Laws 1910-11, Chap. 106, Sec. 3, p. 225.) Such county election board is required to select election boards in each precinct to consist of three qualified electors thereof, provision also being made for selection of four counters to be equitably distributed between the political parties.

In Rogers vs Reynolds, 43 Okla. 528, the Supreme Court of this state held that the statutory provision for equitable distribution of counters between the organized

political parties, not exceeding four, was binding, and that where the election board had failed to make such distribution in the selection of counters, the district court had jurisdiction to require the same to be done.

Under the laws as they now exist, there is a complete plan and system for the holding of fair and honest elections in every precinct and municipality and county, at the same time providing for the participation of party organizations in the holding of these elections, so far as necessary to preserve the integrity and purity of such election, and at the same time preserving a republican form of government. For instance, a republican is selected by a majority of members of Republican County Central Committee, for every county election board. The democratic party has two representatives on such board. The democratic party, which is the party in power, is responsible for the holding of these elections, and should have control of the board in order to execute its trust. The republican party, through its representative, is there as a witness to every act. In other words, this minority representation from the next strongest party is as a safe-guard to prevent wrong or fraud. As to precinct board, if there are not over four political parties, each party, under the law, will have a counter, because four counters are provided for and under holding of the Supreme Court it is mandatory for the precinct board to distribute these counters among the political parties. In addition, in every precinct, there is minority representation on every board.

By this proposed constitutional amendment under the guise of a so-called "fair election law" it would be possible for the State Election Board to prescribe the form and color of the ballot. They may prescribe a white ballot for the Prohibitionists; a yellow ballot for the Republicans; a red ballot

for the Socialists; a blue ballot for the Democrats; and a green ballot for the Progressives.

Under the election laws as they now exist, whoever wilfully mutilates a ballot or falsifies a return or trifles with a ballot box, or commits any irregularity in the holding of an election, is guilty of a felony and subject to imprisonment in the penitentiary. (Session Laws, 1913, Chap. 157.)

There is no demand founded upon fact or reason for the adoption of this proposed amendment. It attempts to turn the elections over to state and county bosses of the socialist party and any other minority political party which may combine with them. Whenever the vicious state and county bosses of the republican party come into power by means of the votes of the ignorant negro, then you would have an exemplification of what is possible to be accomplished with such a combination with the Socialist state and county bosses, under this so-called "fair election law".

The party in power has given to this state an exemplification of an honest business government, faithfully administered.

Attention is called specifically to mis-statements of facts in argument filed by certain socialist leaders.

In 1914, in general election, 1302 precincts returned plurality for democratic state ticket; 625 precincts for republicans; and 534 precincts for socialists. At all of these 2461 precincts, which included every precinct in the state, either republican or socialist party or both had representatives on precinct election board and among counters and watchers.

Why the necessity to carve into the Constitution this proposed constitutional amendment with its detail of legislation, which time may prove unwise and which, in such event, the

legislature cannot change or amend?

Our elections are safeguarded against fraud by every reasonable precaution. Traffic in votes cannot exist by ballots prepared outside the polls. With secret ballots no voter can be intimidated; with registration and ballots numbered repeaters cannot be used, or disqualified persons voted by election crooks. With six certificates of tabulated voting from every precinct so distributed that alteration is impossible without detection; with every candidate and every political party entitled to appoint a watcher to insure every vote to be counted as cast and correctly tabulated and returned, fraud can be perpetrated only in case of collusion on the part of the watchers, counters, inspectors, clerks and judges of the different political parties. Election frauds under the existing law is impossible without the person perpetrating the same being detected. The cry of fraud is usually the result of disappointment from defeated candidates or from the distorted minds of persons who have reached the conclusion that there is nothing good in society or government.

A few anarchists are continually seeking to blight our institutions, slander our public officials, and traduce the name of the state.

This argument is especially submitted for the consideration of the men who believe in organized government, and who, when the conditions make it necessary, will respond to the call of country to defend the flag and preserve our institutions, civilization, and stand for the God of our fathers. This amendment should be rejected.

Respectfully submitted,

Chas F. Bennett, Senator and member
of ~~legislative~~ committee

