

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

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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. March 9, 1916

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

Dear Sir:-

I herewith transmit to you an exact copy of State Question No. 80, Initiative Petition No. 53, with Ballot Title to the same. I ask that you file same in your office and take such further steps in the premises as may be required by law.

Very respectfully,

H. M. Sinclair
J. H. Progle

The Socialist Party of Oklahoma

H. M. SINCLAIR
Secretary

1111 North Broadway, Oklahoma City, Oklahoma

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State Question No.80.

INITIATIVE PETITION NO.53

BALLOT TITLE:

The gist of this proposition is:

That the legislature shall never pass any act with the emergency pertaining to the registration of electors; that the people through the initiative shall have the exclusive right to provide for registration of electors throughout state and incorporated cities or towns, creating office of registrar and designating city clerk as such registrar; providing for appointment of registrar where office of city clerk does not exist; providing penalties for a violation of this amendment, and specifically repealing "Senate Bill No.38" passed by Extraordinary Session of Fifth Legislature and all other laws inconsistent herewith.

March 9th, 1916.

Hon. S. P. Freeling,

Oklahoma, Oklahoma.

Dear Sir:

Following is a copy of the proposed ballot title of State Question No. 80, Initiative Petition No. 53, submitted for your approval:

"The gist of this proposition is: That the Legislature shall never pass any act with the emergency pertaining to the registration of electors; that the people through the initiative shall have the exclusive right to provide for registration of electors throughout state and incorporated cities or towns, registrar; providing for appointment of registrar where office of city clerk does not exist; providing penalties for a violation of this amendment, and specifically repealing "Senate Bill No. 38" passed by Extraordinary Session of Fifth Legislature and all other laws inconsistent herewith."

Yours very truly,

SECRETARY OF STATE.

JLL-P

S. P. FREELING
ATTORNEY GENERAL
JNO. B. HARRISON
R. E. WOOD
R. M. MILLAN
SMITH & MATSON
C. W. KING
J. L. HOWARD
BANKING DEPARTMENT
J. HAMILLY
SCHOOL LAND DEPARTMENT
ASSISTANT ATTORNEYS GENERAL

STATE OF OKLAHOMA
OFFICE OF THE
ATTORNEY GENERAL

OKLAHOMA CITY

PLEASE REFER TO INITIAL SPF-F

March 11, 1916.

In re State Question No. 80,
Initiative Petition No. 53.

Honorable J. L. Lyon,
Secretary of State,
Oklahoma City, Oklahoma.

Sir:

You are hereby notified in writing that the proposed ballot title for State Question No. 80, Initiative Petition No. 53, in my opinion is not entirely in harmony with the law, and I am enclosing herein ballot title for said State Question No. 80, Initiative Petition No. 53, which in my opinion is in legal form, in harmony with the law, and which you will substitute and use as a ballot title for said State Question No. 80, Initiative Petition No. 53, in the place of the one submitted.

Very truly,

S. P. Freeling
Attorney General.

INITIATIVE PROVISION NO. 33

STATE OF OKLAHOMA

Robert R. McCall

Director # 8209

Initiative Petition

6-3, General

By Attorney General

SECRETARY'S MEMORANDUM

OKLAHOMA CITY, STATE OF OKLAHOMA

Secretary's Office

This memorandum is filed for record this

11th of *March*

A. D. 1916 at *2:30* P. M.

Received at _____

Record No. _____

J. P. Johnson

Secretary of Sta

By _____

Faint, mostly illegible text of the memorandum body, appearing as bleed-through from the reverse side of the page.

March 14th, 1916.

Hon. Joe S. Morris,
Oklahoma, Oklahoma.

Dear Sir:

Following is a copy of Ballot Title to State
Question No. 30, Initiative Petition No. 53 as
approved by the Attorney General:

"The gist of the proposition is: To prevent legislature from passing any law concerning registration of electors, providing the initiative as the only method to enact such law; providing registration system in cities and towns, designating city or town clerk as registrar, naming his duties and compensation; providing penalties for violations by registrar; providing that any two members of any election board believing a citizen holds registration certificate to which he is not entitled and offers a false or fraudulent certificate of registration, shall without complaint or warrant arrest such citizen and deliver him to an officer; repealing Senate Bill No. 38."

Yours very truly,

SECRETARY OF STATE.

JLL-P

Oklahoma City, May 6, 1916

Received of H. M. Sinclair on petitions to State Question No 80, Initiative Petition No 53, the sum of Eighty-one Thousand Six Hundred and Thirteen (81,613) names, and same were made of record in this office on this date.

Done at the capital in Oklahoma City, State of Oklahoma, this Sixth day of May, A.D. , 1916 at 1:30 oclock P.M

J. L. Lyon
SECRETARY OF STATE

Receipts for Petitions
received from
K. M. Sinclair

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA

DATE: _____
TO: _____
FROM: _____
SUBJECT: _____

6th of May
A. D. 1916 at 1:30 P. M.

Revised by _____
at _____
at _____

[Handwritten signature]

[Handwritten signature]
C. M. Webb
Clerk

ARGUMENT AGAINST THE ADOPTION OF
STATE QUESTION NO. 80, INITIATIVE
PETITION NO. 53.

The gist of this proposition is to adopt a constitutional provision so as to prevent the Legislature from passing any law concerning registration of electors, and providing that the initiative, by means of petition from the people, shall be the only method or means by which a registration law may be enacted; providing registration system in cities and towns; designating city or town clerk as registrar, naming his duties and compensation; providing penalties for violations by registrar; providing that any two members of any election board, believing a citizen holds registration certificate to which he is not entitled and believing that he offers a false or fraudulent certificate of registration, shall, without complaint or warrant, arrest such citizen and deliver him to an officer; repealing Senate Bill No. 38, which is the law now providing for registration of voters.

This proposed socialist amendment to the Constitution of this state violates the federal constitution and renders our state government unrepresentative in form.

In *Kadderly v. Portland*, 44 Ore. 118, 74 Pac. 710, it is said:

"Under this amendment, (referring to the Initiative and Referendum) it is true, the people may exercise a legislative power, and may, in effect, veto or defeat bills passed and approved by the legislature and the Governor; but the legislative and executive departments are not destroyed, nor their powers or authority materially curtailed. Laws proposed and enacted by the people under the initiative clause of the amendment are subject to the same constitutional limitations as other statutes, and may be amended or repealed by the legislature at will."

For the reasons therein set forth the Oregon court held that the initiative and referendum did not violate the Federal Constitution or render the state government unrepresentative in form.

Section 7 of Article 5 of the Constitution of the State of Oklahoma provides as follows:

"The reservation of the powers of the initiative and referendum in this article shall not deprive the Legislature of the right to repeal any law, propose or pass any measure, which may be consistent with the Constitution of the State and the Constitution of the United States."

The members of the Constitutional Convention of Oklahoma had this decision of the Supreme Court of Oregon before them whilst framing the initiative and referendum provisions for the Constitution of this state, and, in order to make our state government republican in form, submitted said Section 7, which provides that the legislature shall have the power to repeal or amend any law adopted by means of the people through the initiative and which was approved by the people at the ballot box.

The socialists, in this proposed amendment, seek to nullify that provision. Had not this provision been placed in our State Constitution, the Attorney General of the United States would not have advised President Roosevelt that the Constitution of Oklahoma did not render our state government un-republican in form.

We cannot believe that the members of the republican party can be induced by socialist propaganda to support the proposed constitutional provision which is violative of the federal Constitution, because, perchance, some of them may be opposed to a registration law that extends to every precinct.

A written Constitution with fixed limitations as to the exercise of governmental powers and through and under which the protection of life, liberty and property and an equal opportunity in the pursuit of happiness and in industrial activities is to be afforded every individual, is essential to the perpetuity of popular government.

Further, the proposed socialist constitutional amendment violates the fundamental principles of liberty and human rights, wherein it provides that any two members of an election board, believing that a citizen holds a registration

certificate to which he is not entitled or believing that a citizen offers a false or fraudulent certificate of registration, shall, without complaint or warrant, arrest such citizen and deliver him to an officer and forthwith report the matter to the County Attorney to the end that the matter may be dealt with according to law. Such authorization enables with impunity any two members of an election board to intimidate voters. Under that constitutional grant, it would be within the power of any two members of the election boards to have the jails on election day filled with persons who offered to vote, although on the next day such voters would be discharged on the ground that they had not violated the law. Such election officials could hide behind said socialist constitutional provision under the plea that they believed that the registration certificate was false or fraudulent, or that such citizen was not entitled to hold same, and therefore they were authorized to arrest such citizen or citizens and deliver them over to the custody of the law. Why not authorize them in all cases where they had doubts to segregate such registration certificate for proper determination as to whether the same was false or fraudulent or the party was entitled to hold same so that there might be a proper and orderly adjudication of the matter in accordance with the safeguards of the law that have existed through the whole history of our government since 1776?

This emphasizes the danger of placing legislative matters in a constitution. *Legislative Constitutional* Such provisions as prove to be wrong, dangerous, or unwise, cannot be changed by the legislature, howsoever necessary it may be for such change to be made.

The socialist party is revolutionary. It don't believe in a government of law, and its propoganda is destructive of a fixed and certain law and a government under

a written Constitution with fixed limitations to protect minorities against the fury of the majority. Matters of legislative detail should not in this way be carved into a written Constitution, but left so that the legislature could amend or repeal same if experience should render same advisable.

The noise made by the socialist leaders would indicate that a registration law providing for the registration of voters in every precinct of the state is something of an innovation. Such is not borne out by the record. In forty states a general registration of voters is required in every precinct. Twenty-seven of these states being republican and thirteen democratic, are as follows:

Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, Illinois and Washington.

INITIATIVE AND REFERENDUM NECESSITATES
GENERAL REGISTRATION.

The following states have adopted the initiative and referendum:

South Dakota, Oregon, Washington, California, Nevada, Arizona, Montana, Utah, Colorado, North Dakota, Oklahoma, Ohio, Missouri, Nebraska, Arkansas, Mississippi and Maine. In all of these states in which the initiative and referendum has been adopted general registration in every precinct is required, except in Ohio, Missouri, Nebraska and Arkansas. In the states of Arizona, California, Washington, Montana, Colorado, Utah, North Dakota, Mississippi and Maine, where the initiative and referendum has been

