

**JK**

1963

.05A3

1913

UC-NRLF

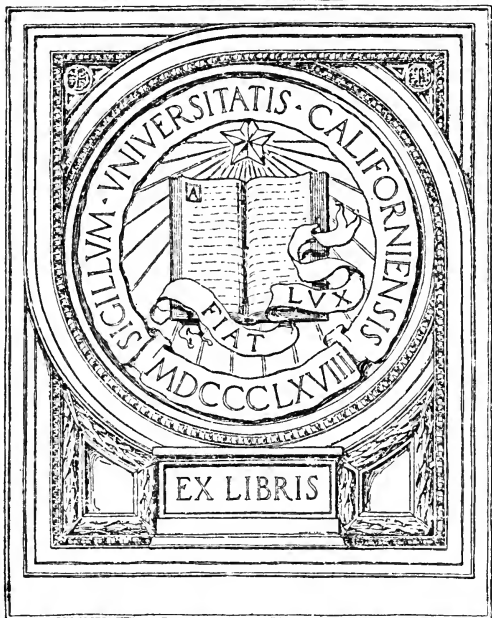


⌘B 22 072

UC 08626

GIFT OF

*Oklahoma - Election Bd.*



EX LIBRIS

GIFT  
NOV 5 1914

Primary and General  
**ELECTION LAWS**

OF THE

State of Oklahoma

---

---

Authorized by the  
**STATE ELECTION BOARD**

---

---

BEN W. RILEY, Chairman

E. A. HAINES

JOE S. MORRIS, Secretary

JK 1963  
05A3  
1913

TO VVVV  
AIBDOLLAO

## Grandfather Clause

Section 4a. No person shall be registered as an elector of this State, or be allowed to vote in any election held herein, unless he be able to read and write any section of the Constitution of the State of Oklahoma; but no person who was, on January 1st, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such Constitution.

Precinct election inspectors having in charge the registration of electors shall enforce the provisions of this section at the time of registration, provided registration be required. Should registration be dispensed with, the provisions of this section shall be enforced by the precinct election officers when electors apply for ballots to vote. (Amendment, initiated by the people and adopted at an election held August 2, 1910. The Governor's Proclamation, announcing the result, was issued October 6, 1910.)

# House Joint Resolution No. 3

**R**ATIFYING a proposed amendment to the Constitution of the United States for the election of United States Senators by the people of the several states.

**Be it Resolved by the Legislature of the State of Oklahoma:**

That the joint resolution which passed the House of Representatives on April thirteenth, 1911, and passed the Senate on June twelfth, 1911, proposing an amendment to the Constitution of the United States providing that Senators shall be elected by the people of the several states, is hereby ratified as follows:

That in lieu of the first paragraph of "Section Three, Article One," of the Constitution of the United States, and in lieu of so much of "Paragraph Two" of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have qualifications requisite for electors of the most numerous branch of the State Legislatures."

When vacancies happen in the representation of any State in the Senate, the executive authority of such shall issue writs of election to fill such vacancies;"

"Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct."

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Passed the House of Representatives February 12, 1913.

Passed the Senate February 24, 1913.

Approved March 5, 1913.

# A Bill

TO BE ENTITLED AN ACT RELATING TO PRIMARY AND GENERAL ELECTIONS, PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF, AND CONSOLIDATING THE OFFICES OF SECRETARY OF THE STATE ELECTION BOARD, AND SECRETARY OF THE STATE SENATE, AND REPEALING CERTAIN SECTIONS OF THE EXISTING LAW.

Be it Enacted by the People of the State of Oklahoma:

Section 1. A State Election Board is hereby created to consist of three qualified electors, not more than two of whom shall belong to the same political party. The Secretary of the State Senate shall be the Secretary of the State Election Board, and shall at the convening of each session of the Legislature, be elected by a majority of the members elected to and constituting the State Senate, and shall hold said office until the next regular session of the Legislature, or until his successor is elected and qualified. The Secretary of the Senate shall take and subscribe the constitutional oath of office and shall give bond to the State in the sum of Five Thousand Dollars for the faithful discharge of the duties of such office. In case of a vacancy in the office of Secretary of the State Election Board during such time as the Senate may not be in session the President Pro Tempore, of the State Senate, shall appoint his successor, who shall serve until his successor shall be elected as provided herein, at the next regular or special session of the Legislature or State Senate. The Board shall choose its own Chairman, and said Board shall exercise such powers, perform such duties and receive such compensation as is provided in this act.

Section 2. The members of the County Election Board that have heretofore been appointed shall hold office until July 1, 1913, when their term of office shall expire, and the State Election Board created by this act shall proceed immediately to appoint county election boards in the various counties of this State.

Section 3. The Secretary of the Senate shall be Chief Clerk of the Senate during the regular and extraordinary sessions of the Legislature, and at extraordinary sessions of the Senate, and shall perform such duties therein as may be required by the Senate, in-

cluding the publication of the permanent Senate journal, and the Session Laws.

Section 4. The State Central Committee of the two political parties casting the highest number of votes at the last general election for state officers shall have the privilege of selecting and presenting to the Governor, during the first thirty days after the passage of this Act, the name of as many as five electors, from which said committee may request the Governor to name one which shall be the representation to be accorded to its part upon said election board, and every two years thereafter such State Central Committee shall have the privilege of selecting and presenting to the Governor such list of five electors for the purpose aforesaid; provided, such lists be presented to the Governor not later than ten days after the second Monday of January, 1915, and each two years thereafter. When the State Central Committee of a political party so submits a list of electors, the Governor may select one which shall be the representation allowed such political party, from such list. Such appointment shall be made one each from the two dominant political parties by and with the advice and consent of the Senate. If any political party fails or refuse, to submit a list of nominees as herein provided, the Governor, may, notwithstanding such failure or refusal, appoint a representative of such party to membership upon the State Election Board. The State Election Board shall always consist of three members.

Section 5. The members of the State Election Board except the Secretary shall receive as compensation for their services, the sum of six dollars per day each and actual hotel and traveling expenses; provided, that the per diem herein provided for shall only be allowed for days actually engaged in the duties of the office, and in going to and from the place of meeting; and provided, further, that in no case shall a member of the board, except the secretary, be allowed compensation for more than fifty days each year, or one hundred days during the term. The Secretary shall receive as compensation for his services the sum of Twenty-one Hundred Dollars per annum, to be paid monthly. He shall supervise the making and caring for the record of the office in addition to such other duties as may be imposed upon him by the Board. The State Election Board shall maintain an office at the State Capitol continuously with the Secretary in charge.

Section 6. Section 1, 2, and 2a, Ch. 106, Session Laws, 1911, is hereby repealed.

Section 7. The State Election Board shall have the authority to remove at any time any member of the County Election Board, and the County Election Board shall have authority to remove at any time any member of the Precinct Election Board; said authority to be exercised at the will of said Election Board or said County Election Board respectively.



Section 8. The inspector of each precinct shall return and deliver to the Secretary of the County Election Board the ballot box within forty-eight hours after the closing of the polls at any general election or primary nominating election.

Section 9. **Definition of Party**—A political party is an affiliation of electors representing any political organization which, at the next general election preceding, polled for President or Governor at least five per centum of the entire vote cast for either of said respective officers, or any such political organization which may have polled at least ten per centum of the vote of as many as three other States at the last election held in such States. Such political parties shall nominate their candidates as all other political parties and be governed by laws regulating the same. And such political party shall in no way use or conflict with the name of other political parties in the State. When such political parties fail to receive at two general elections following each other ten per centum of the vote cast for the party receiving the highest number of votes, it ceases to be a party. At the primary election held in August, Nineteen Hundred Fourteen, any party which has a national recognition as a party shall be recognized as a political party in Oklahoma.

Section 10. **Persons Qualified to Vote in Primary**—All persons who are qualified electors in this State or who may become such at the first election following such primary, may vote in any primary election; provided, that no person shall assist in the nomination of more than one political party. Provided, every person who is known to be a member of any political party seeking to make nominations at said election the election officers shall permit such elector to assist in the nomination of candidates for such party. Any elector not known to the Judges, or known by them to have previously affiliated with some party other than that in which he now desires to participate in the selection of candidates, or who may be challenged, as to party affiliations, shall be permitted to vote with such party only upon taking an oath that he is in good faith a member of the political party whose candidates he now seeks to assist in nominating, and with which he may be registered, or that it is his intention to support the nominees of the party in which he desires to participate at the coming regular election. Such affidavits shall be substantially in the following form:

"State of Oklahoma, .....County, SS.

I, .....the undersigned, do solemnly swear, (or affirm) that I am in good faith a member of the..... party whose candidates I now seek to assist in nominating.

.....  
Subscribed and sworn to before me this.....day of.....  
.....191....

.....  
"Precinct Election Inspector."

State of Oklahoma, County of....., SS.

I, the undersigned, do solemnly swear (or affirm) that I desire to affiliate with the .....party, and that it is my intention to support the nominees of the said party in which I now desire to participate at the.....election 191.....

.....  
Subscribed and sworn to before me this.....day of.....  
.....19.....

.....  
"Precinct Election Inspector."

Section 11. The contract for the printing of all primary election ballots, whether state, district, city or county, shall provide that the names of all candidates for each of the various offices shall be so arranged and printed thereon, so that each name will appear at the head of the list of candidates for each office on said ballots on the total number of ballots an equal number of times with each other name, and each name shall appear second on said ballot for each said office an equal number of times with each other name, and likewise, third and fourth to the end that the name of each candidate shall appear on said ballot in such position as will insure said candidate an equal opportunity with each other candidate; and the Election Board shall cause said primary election ballots, arranged as provided herein, to be printed in such numbers, as is provided by law, and shall cause said ballots, so arranged and printed, to be distributed among the various precincts so as to carry out the intent of this section.

Section 12. **Penalty for Official Misconduct**—If any Inspector, Judges, or Clerk of any general or primary election, or other officers or persons on whom any duty is enjoined by law, shall be guilty of any wilfull neglect of duty, or of any corrupt conduct in the discharge of same, such Judge, Inspector, Clerk, Officer or other person, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year, or more than five years, or by imprisonment in the county jail not less than three months nor more than one year.

Section 13. **Stealing Ballot Box and Other Frauds, by Persons or Election Officers**—Any person or members of any committee, or watcher, or any inspector, clerk, judge, or other officer of any general or primary election who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing or unlawfully removing or securing or detaining the whole or any part of any ballot box, or any record, primary poll book, tally sheet, or any copy thereof, oath, return, or any other paper or document, provided for by the laws of this State, or who shall fraudulently make an entry, erasure, or alteration therein, except as allowed and directed by the laws of this State, or who permits any other person to do so, shall, upon conviction thereof, be punished by imprisonment in the penitentiary not less than one year, nor more than five years, or by im-

prisonment in the county jail not less than three months nor more than one year.

**Section 14. Penalty to Deface Ballots, Tally-Sheets or Ballot Box**—Whoever wilfully and wrongfully shall take or carry away from the place where it has been deposited for safe keeping, or deface, mutilate, or change any general or primary ballot, tally sheet or ballot box, or any name or figure therein or thereon, shall, upon conviction thereof, be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year.

**Section 15. Offense for False Returns or Canvass**—If any person whose duty it is to canvass the returns or to make or tabulate a statement who shall be deemed guilty of fraud, corruption or misbehavior, or of violating any of the laws of this State in canvassing the returns or making tabulated statement thereof or issuing false certificates, he shall, upon conviction thereof, be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year.

**Section 16. Repeating and Illegal Voting—Penalties**—Whoever votes more than once at any general or primary election, or offers to vote after having once voted at such general or primary election, or knowing that he is not a qualified elector at a general or primary election, wilfully votes at such general or primary election, shall, on conviction thereof, be fined in the sum not exceeding one thousand dollars, or be imprisoned in the county jail not exceeding one year, or both such fine and imprisonment, in the discretion of the court, and disfranchised for ten years.

**Section 17. Violation of Duty by State or County Election Board.**—Any member of the State or County Election Board of a general or primary election who shall wilfully violate any of the provisions of law relating to canvassing the results of any election shall be punished by imprisonment in the penitentiary not less than one year nor more than three years.

**Section 18. Changing Elector's Ballot.**—Whoever fraudulently and deceitfully changes the vote or ballot of any elector, by which such elector shall be prevented from voting such ballot, or for such person as he intended, shall be punished by imprisonment not exceeding six months, or by a fine not exceeding one hundred dollars.

**Section 19. Penalty for Disclosing How an Elector Votes.**—Any election officer who shall disclose how any elector may have voted, unless upon a trial in a court of competent jurisdiction he may be so required, shall be fined not less than ten nor more than one hundred dollars.

**Section 20. Unlawful Acts in General and Primary Elections.**—If any person in any manner disturbs the orderly proceedings of

any such general or primary election or intimidates or in any manner attempts to intimidate or deter from voting, or imposes, or attempts to impose, any duly authorized voter, a ticket or ballot other than it appears on its face to be, such person, or persons, shall be fined not less than ten dollars or be imprisoned for not more than three months.

Section 21. **Destroying Ballots.**—Whoever on any day between the commencement of any general or primary election and the close of and canvass thereof, by the officers, fraudulently destroys any of the ballots given and received at said election, or takes away or abstracts from any ballot box any of the ballots so given or received, or puts into such box any ballots except such as are properly voted by the electors, or in any manner wilfully intermingles with the ballots which shall have been voted by the electors, any other ballots or tickets, which shall not have been duly received by the election officers during the election, shall be punished by imprisonment in the State prison not less than one year nor more than three years.

Section 22. **False Swearing to Elector's Qualifications.**—Whoever is guilty of wilfull and corrupt false swearing, or affirming, where interrogated as to his qualification as an elector, at any general or primary election, or when his testimony may be required in any contested election, or whoever wilfully and corruptly procures another person to swear or affirm falsely as aforesaid, shall be guilty of a felony.

Section 23. **Casting Illegal Ballot.**—Whoever casts knowingly an illegal vote at any primary or general election in this State, held according to law, shall be guilty of a felony, and be disfranchised for ten years.

Section 24. **Election Precincts.**—The election precincts provided by the Oklahoma State Election Law and the inspectors, judges, clerks and blanks and supplies at the polling places provided by said law shall be the same for the primary nominating elections, and it shall be the duty of the inspectors, judges and clerks so provided to act as such at all primary nominating elections; provided, it shall be the duty of the various county election boards to create, alter, divide or discontinue voting precincts as in their judgment is best and proper, under the limitations of number of voters now provided by law for each precinct, and the Secretary of such board shall keep in a bound book a complete record of the boundary of each precinct, the name of the voting place therein, the number of votes cast and the date thereof. All boundary lines outside cities and incorporated towns shall follow section lines as nearly as practicable, but no precinct line shall cross the boundary line of any congressional, legislative or commissioners district; provided, that the territory of the voting precinct may extend beyond the boundary

lines of incorporated towns or cities, if the County Election Board deems it advisable.

**Section 25. Election Certificates.**—At any primary or general election when the callers announce the vote the enumerators shall call the number aloud, keeping check on each other, and when the count is completed the two tally sheets shall be signed by the four counters. The four counters shall then fill out the certificates in the back of the book of ballots without detaching it from said back, and they shall also make out at least five duplicates of such certificates. Each certificate shall have only the total of each candidate's votes, and that shall be written with pen and ink, in words and figures. Each certificate shall be signed by each of the four counters and sworn to before the inspector of elections and when properly certified and sworn to shall be prima facie evidence of the correctness of the precinct vote. One of said certificates so signed and sworn to shall be kept by the Inspector of Elections, one shall be filed with the County Clerk, of the County at the time the ballot boxes are returned and delivered to the County Election Board, and such certified copy shall become a permanent public record in the office of the County Clerk, and shall not be removed therefrom. And within one hour after the count is completed the Election Inspector shall cause one copy of such certificate to be posted in a public place immediately outside of the polls for public inspection and the other two copies shall constitute the returns.

Any person who shall deface, or remove the certificate posted as provided in this section within twenty-four hours thereafter, or any officer who knowingly fails, neglects or refuses to comply with the provisions of this section, shall, upon conviction thereof be punished by imprisonment in the penitentiary not less than one year nor more than five years, or imprisonment in the county jail not less than three months nor more than one year.

Passed the House of Representatives, April 9, 1913.

Passed the Senate April 17, 1913.

Received by the Governor April 25, 1913.

Received in the office of Secretary of State, with no action thereon by the Governor, at 4:10 o'clock p. m., May 1, 1913.

# PRIMARY ELECTION LAWS

## OF THE

### STATE OF OKLAHOMA

#### ARTICLE I.

##### OFFICES FOR WHICH NOMINATIONS ARE TO BE MADE.

**Section 1. Nomination by Primary—Non-partisan Candidates.**—Political parties in this state shall select or nominate their respective candidates for the various state, district, county, township and precinct offices by a primary election as herein provided for and no candidate's name shall be printed upon the official ballot for any general or special election at which all or any of the state, district, county, township or precinct officers are to be elected unless such candidate shall have been nominated as herein specified; provided, that this provision shall not exclude the right of non-partisan candidates to have their names printed upon such official ballots as hereinafter provided for. (L. 1909 Ch. 16, Art. IV, Sec. 1, took effect March 25th, 1909, C. L. 1909, Sec. 3266.)

**Section 2. Time of Holding Biennial Primary Election. Time of Holding Special Elections to Fill Vacancy.**—The first Tuesday in the month of August of each and every even numbered year, beginning with the year nineteen hundred eight, shall be the biennial primary election day at which times each and every political party entitled and intending to make nominations for the next general election shall nominate their candidates for all elective offices and positions enumerated in section one of this Act, to be filled at such general election, and including United States senators: Provided, the nominations for any special election, held for the purpose of filling a vacancy in any office or offices caused by death, resignation or removal, may be made by delegate convention, if, in the judgment of the state election board, the time is too short in which to hold a primary election, or the cost of holding the same would be excessive or unnecessarily burdensome: Provided, that if special primary elections are held to fill vacancies in the Legislature, they shall be held on a day fixed by the Governor by proclamation, which proclamation shall be issued fifteen days before the day of such special primary election.

**Section 3. Appointment of Inspectors, Judges and Clerks;**

**Designation of Voting Places.**—The voting place in each precinct or ward, and the inspector, judges and clerks shall be designated and selected and advertised in the same manner as provided by law for general elections, and all provisions of the general election laws not inconsistent with this act, shall govern such primary election. (L. 1907-08, Ch. 31, Art. 2, Sec. 3. Took effect May 29, 1908. C. L. 1909, Sec. 3268.)

**Section 4. Ballots—Specifications.**—The names of candidates of the several political parties shall be printed upon separate ballots and of different color. No party emblem or device shall appear thereon, and no elector shall be permitted to vote for the nominations of candidates of more than one party in any primary election. The ballots for primary elections shall be printed by the county election boards as nearly in conformity with the provisions of the general election law as may be. (L. 1909, Ch. 16, Art. 4, Sec. 4. Took effect March 25, 1909, S. B. No. 5.)

**Section 5. Sample Ballots.**—No sample ballots shall be used during or before primary elections, except they be exact duplicates of the regular ballots for such election. They shall be printed at the time the regular ballots are printed for such election, and shall be upon paper of a color different from that used for the regular ballots: Provided, that such sample ballots shall have printed upon their face, and at the top, in letters at least one-half inch high, the words, "Sample Ballots." Such sample ballots shall not have a stub attached. (L. 1909, Ch. 16, Art. 4, Sec. 4-A. S. B. No. 5.)

**Section 6. Election Supplies to be Furnished as in General Elections.**—Each ward and voting precinct shall be provided with ballot boxes, ballots, poll books, tally sheets, blanks for returns, oaths and all necessary election supplies by the same officers in the same way, and all expenses of such primary election borne and paid in the same manner as is now or may hereafter be provided by law for general elections.

**Section 7. Ballot Boxes to be Opened, Exposed to the Public and Locked Before Polls Open—Watcher.**—It shall be the duty of the inspectors and judges of election immediately before the opening of the polls to open the ballot boxes in the presence of the people there assembled and to turn said ballot boxes upside down so as to empty them of anything they might contain and then to lock them securely, after which they shall not be reopened again until they shall be opened for the purpose of counting the ballots therein, and each political party shall have the right to place one of its members at the polls as watcher during the whole time of receiving and counting the ballots, who shall be selected by the committeeman of such party in such ward or voting precinct. (L. 1907-08, Ch. 31, Art. 2, Sec. 10. Took effect May 29, 1908, C. L. 1909, Sec. 3277.)

**Section 8. Petitions of Candidates.**—Any person desiring to

become a candidate before primary elections for a political party nomination shall petition the proper officials as hereinafter provided, to have his name so printed upon such political party ticket and this provision shall apply to non-partisan candidates. Such petition shall be filed as hereinafter provided and shall be signed by the candidate; it shall give his place of residence, his postoffice address and shall name the party before which he desires to become a candidate and the date of the election. All nominating petitions for presidential electors, United States senators, representatives in congress, state officers, members of the senate and house of representatives, district judges, and for all other offices for which the electors of the entire state or sub-division thereof greater than a county, are entitled to vote shall be filed with the secretary of the state election board. All nominating petitions for county and township officers or offices for which the electors of a sub-division of a county are entitled to vote, shall be filed with the secretary of the county election board. (Laws 1909, Ch. 16, Art. 4, Sec. 5, S. B. No. 5.)

**Section 9. Nominating Petitions—When Filed of Non-Partisan candidate.**—Nominating petitions required by this Act to be filed with the secretary of the state election board shall be filed not more than one hundred days, nor less than forty days before the day fixed by law for the primary election: Provided, that in a special primary election, called by the proclamation of the Governor, nominating petitions may be filed not less than ten days before the day fixed by such proclamation for such special primary election nominating petitions required by this Act to be filed with the secretary of the county election board shall be filed not more than ninety days nor less than thirty days before the day fixed by law for the primary election. The name of a non-partisan candidate shall not be printed upon the official ballot for the general election, unless a nominating petition in conformity with the provisions of this Act shall have been filed for such candidate, with the proper election board, within the time prescribed by this section for the filing of nominating petitions.

**Section 10. Notice of Offices for Which Candidates Are to Be Nominated; Duty of Secretary of State Election Board; Duty of County Election Board; of Precinct Election Inspector.**—At least fifty days before the time of holding such regular primary election, the secretary of the state election board shall prepare and transmit to the secretary of each county election board, a notice, in writing, designating the offices for which candidates are to be nominated at such primary. Upon receipt of such notice the secretary of the county election board shall within ten days after he has received said notice from the secretary of the state election board, mail written notices to the inspector of elections, in the various precincts in which he shall state the names of all offices for which nominees are by law to be chosen at such precinct, specifying the polling



places, the date of such primary, and the hours of opening and closing the polls. Within ten days after the precinct election inspector has received said notice from the secretary of the county election board, he shall post in at least three conspicuous places in his precinct, a notice specifying the polling places and date of said primary election, with the hours of its opening and closing and the names of all county and township offices, including party precinct committeemen for which the several political parties shall nominate candidates. All official notices calling county elections shall specify that the same shall be for the nomination of candidates by all political parties. (L. 1907-8, Ch. 31, Art. 2, Sec. 13. Took effect May 29, 1908, C. L. 1909, Sec. 3280.)

**Section 11. Method of Voting and Making Returns.**—No ballot shall be given an elector for the purpose of voting until the name of the elector has been entered upon the poll book and the method of voting shall be the same as in other elections. Returns of primary elections shall be made in the manner provided by the general election laws. (L. 1909, Ch. 16, Art. 4, Sec. 7, S. B. No. 5.)

**Section 12. Canvass and Return the Same as in General Election.**—The ballots shall be counted and return made in such primary election as is now or may hereafter be by law provided for general elections and such primary elections shall in all respects conform to the laws governing general elections, except as herein otherwise provided, and all provisions of the laws governing general elections not in conflict with this Act are hereby made applicable and put in force herewith. (L. 1907-8, Ch. 31, Art. 2, Sec. 18. Took effect May 29th, 1908, C. L. Sec. 3285, 1909.)

**Section 13. Official Counters—Duties.**—Official counters shall be chosen as in general elections and shall perform the duties imposed in general elections; they shall make and sign a statement giving the names of the persons voted for, the office for which each sought the nomination, and the number of votes received by each, fully certifying the results of such election such certificates shall become a part of the official returns of such primary election. At the close of any precinct count the official counters shall give a certificate of the vote cast in the precinct for all candidates of a political party to some person authorized in writing, by the chairman of the county central committee, of such political party, or in case such person is not present, to any person who is known to be of the same political faith of such party. The returns shall be made as in general elections to the county election board. When such board has completed its tabulation of the precinct returns the person having received the highest number of votes for any office in the political party before which he was declared a candidate, shall be declared the nominee for such office, and be given a certificate of nomination for the same, which shall entitle him to have his name

placed on the official ballot at the ensuing election as the nominee of such party for office. (L. 1909, Ch. 16, Sec. 20, S. B. No. 5.)

**Section 14. Recount of Ballots.**—Any candidate in a primary election may challenge the correctness of the announced result thereof by filing with the county election board, whose duty it is to canvass the returns in such race, a verified statement setting forth a state of facts which if true would change the result in his favor thereupon it shall be the duty of such board to inspect and count the ballots questioned by such candidate within ten days after he has filed his affidavit. Such board shall, upon the conclusion of such recount, proceed to certify the result. (L. 1909, Ch. 16, Art. 4, Sec. 21, S. B. No. 5.)

**Section 15. Voter to Have Assistance in Making His Ballot; Duty of Judges.**—If any qualified voter, who cannot read or write or is physically disabled, asks for assistance in marking his ballot, two of the judges, who shall not belong to the same political party, shall go into the booth with him and shall mark his ballot as he directs; and any judge who shall attempt to electioneer with such voter or try to influence his vote, or shall mark the same contrary to the directions of such voter, shall be guilty of a misdemeanor. (L. 1907-08, Ch. 31, Art. 2, Sec. 22. Took effect May 29th, 1908. C. L. 1909, Sec. 3289.)

**Section 16. Offense and Penalties.**—Every act declared to be an offense by the general election law, shall be such under this act, and any person found guilty of such offense shall be subject to the penalties prescribed by such election law. (L. 1909, Ch. 16, Art. 4, Sec. 23, S. B. No. 5.)

**Section 17. Candidates in General Election Shall Comply With This Article.**—No person shall be allowed to become a candidate in any general election unless he shall have complied fully and completely with the provisions of this article. (S. L. 1907-08, Ch. 31, Art. 2, Sec. 25. Took effect May 29, 1908, C. L. 1909, Sec. 3291.)

**Section 18. Campaign Expenses; Names and Addresses of Persons Through Whom Expended.**—Candidates before any primary election, for all offices for which the voters of more than a county have the right to vote, shall file with the secretary of the state election board, the name of each and every individual, with their post office address, by, or through whom he has expended, or purposes to expend money in defraying the expenses of his campaign. Candidates for office within the borders of a county shall file such names with the secretary of the county election board. Should any candidate determine not to authorize or appoint, any such person or persons, to expend money, or other things of value, for him, in or during his campaign, he shall, instead of filing such names, notify such election board that he has not, and will not authorize any person to so act for him, but that he will in person, account for all the money, or other things of value, expended in the interests of his candidacy.

Such list of names, or such information in lieu thereof, shall be attached to, and accompany every such candidate's formal application to have his name printed upon the official primary election ballot, or shall have it filed with such secretary, if before the state board in due time before the date fixed herein for the delivery of the official copy of the ballot to the printer; and, in case it shall be filed with the county election board, it shall be done before the day on which such board shall forward its report of candidates for such primary election, to the secretary of the state board. Should any candidate fail to file such names or information by the dates herein specified, the county election board shall not certify such candidates name to the state election board, and said board shall not cause or allow to be printed upon the official ballots, the name of any candidates who has not filed such list or information.

**Section 19. Statement of Campaign Expenses, When and Where Filed; Blank Form for Same to Be Furnished by Secretary of State Election Board; Form**—Within ten days after any primary election, all candidates therein shall prepare a carefully itemized statement, setting forth each item in detail, with the cost thereof, showing a full and complete record of his expenditures of money or other things of value, including promises to pay money, or other things of value, as well as all treats, presents, or favors which cost money, or other thing of value, either present or future, which expenditures, treats, promises, presents, or rewards were intended for the purpose of aiding or advancing in any way, the opportunities of such candidate or which would have or be likely to have that result. Along with such report each candidate shall file a like report in detail, of each of the persons named by him as the ones authorized to expend the money, or other things of value; also, he shall, at the time, file such report from any person who may have expended funds for such candidate, although the name of such other person was not upon the authorized list of agents as filed by such candidate. Such report, if for candidates for state offices, or for subdivisions of the state, greater than a county, shall be filed with the secretary of the state board, if for a county, or the territory within a county, with the secretary of the county election board. Such report shall be prepared on blank forms, and a sufficient number thereof shall be mailed to each candidate for his own use, as well as for the use of his agents, or friends, who expended money, or other things of value for him. The secretary of the state election board shall forward a sufficient supply of such blanks to the secretary of the county election boards for the use of all candidates whose duty it is to report to the county board. Such blank reports shall be printed by the order of the state election board, and shall be in the nature of an affidavit, and shall be in form as follows: STATE OF OKLAHOMA, COUNTY OF.....

I, ....., who was a candidate for the

nomination as the-----party's candidate for-----  
in the primary election held on August-----, 19----, do solemnly  
swear that the itemized statement hereunto attached, contains each  
and every item of money or other thing of value, which I paid or  
expended, or which I promise to pay, or expend, inclusive of all  
treats, presents, favors, or other things which cost money, or for  
which I have obligated myself to pay, for the purpose of aiding  
or advancing my candidacy, directly or indirectly, it includes all  
such money, or other things of value, which were paid by me  
through other persons, and no person had been authorized to ex-  
pend money for me, or to pay out, or expend anything of value,  
as above enumerated, whose itemized report is not attached hereto,  
I know of absolutely no expenditures, within the contemplation,  
spirit or meaning of this Act which was made for the purpose of di-  
rectly, or indirectly influencing, or aiding or advancing my interest  
as a candidate, which is not included either in this report, or that of  
those accompanying it, and I believe no such expenditures have been  
made, except as herein reported.

This-----day of-----, 19----

Subscribed and sworn to before me on this the-----day  
of-----, 19----

Said report must be subscribed and sworn to by the candidate  
before some one authorized to administer oaths. (L. 1907-08, Ch.  
31, Art. 2, Sec. 27. Took effect May 29, 1908. C. L. 1909, Sec.  
3293.)

**Section 20. Penalty for Failure to File Statement of Expenses.**  
Should any candidate who has received the nomination of any po-  
litical party, fail or refuse, to file a full and complete detailed re-  
port, as above specified, the state or county election board whose  
duty it is to issue to such nominee his certificate of nomination,  
shall withhold such certificate, and refuse to issue the same until  
such reports are filed. Any candidate who failed to receive a  
nomination, and who refused, or fails, to file such report, shall be  
deemed guilty of a misdemeanor, and upon conviction, shall be fined,  
not less than twenty-five nor more than five hundred dollars. (L.  
1907-08, Ch. 31, Art. 2, Sec. 28. Took effect May 29, 1908. C. L.  
1909, Sec. 3294.)

**Section 21. Candidates Receiving Nominations to File Names  
and Addresses of Persons Authorized to Expend Money, With Whom;  
Penalty for Failure.** Candidates who have received a political party's  
nomination for any office for which the names must be certified by  
the county election board to the state board, shall file with said  
county board; and all candidates who have received a political  
party's nomination for any office for which the name must be cer-  
tified to said election board, shall file with the secretary of said  
board, the names and postoffice addresses of each and every person  
authorized by him to expend money, or other thing of value in his

behalf or a statement to the effect that no person is so authorized as required of candidates before the primary election, shall not have his name printed upon the official ballot. (L. 1907-08, Ch. 31, Art. 2, Sec. 20. Took effect May 29th, 1908, C. L. 1909, Sec. 3295.)

**Section 22. Reports, Custody and Access.** All reports required hereunder shall remain in the hands of the secretary with whom they are filed and shall be subject to inspection or publication at any time. (L. 1909, Ch. 16, Art. 4, Sec. 23, S. B. No. 5. Took effect March 25, 1909.)

**Section 23. Campaign Committee of Candidate to File Names of Candidates for Which It Acted; Form of Report; by Whom Signed; and What It Shall State.** Each campaign committee which manages an individual candidate's campaign, before a primary, or in a general election, and each of said committee which manages the campaign for a political party in a general election shall within ten days after said election, file with the secretary of the election board, with which the names of the candidates for which such committee acted, a full and complete report of all money or other things of value which came into such committee's hands or which was expended by it.

The form of said report shall be prepared by the state election board, and shall be in form the same as required for candidates except that it shall be altered to conform to the needs of a committee, instead of an individual. Such report shall be signed by the chairman and secretary of each committee, and also by the treasurer thereof, if there be a treasurer; and such report shall state whether there is a treasurer or not, and shall also state that there was not any other person who expended money or other things of value for it; if there was, it shall give the name and the postoffice address of such other person, and shall attach in addition to the itemized statement which said committee is hereby required to file, a like statement from such other person. Any chairman, secretary-treasurer, or other person who fails and refuses to sign and swear to such report, as provided herein, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five, nor more than five hundred dollars, and confined in the county jail not less than three, nor more than twelve months. (L. 1907-08, Ch. 31, Art. 2, Sec. 32. Took effect May 29th, 1908. C. L. 1909, Sec. 3297.)

**Section 25. Limitation of Amounts of Expenditures in Primary Campaign.** Candidates before primary election held under the provisions of this Act shall be limited in the amount of expenditures for said primary to the following respective amounts:

Candidates for nomination for United States Senator or Governor, an amount not exceeding.....\$3,000.00  
Candidates for nomination for any office in which electors of the entire state shall vote, an amount not exceeding. 1,500.00

Candidates for nomination for supreme judge, an amount not exceeding - - - - -	1,000.00
Candidates for nomination for Congress, an amount not exceeding - - - - -	800.00
Candidates for nomination for district judge, an amount not exceeding - - - - -	500.00
Candidates for state senator, an amount not exceeding-----	250.00
Candidates for nomination for representative to the Legislature where the district is larger than one county, an amount not exceeding-----	250.00
Candidates for nomination for any office in which electors of a single county vote, an amount not exceeding-----	200.00
Candidates for nomination for any office in which the electors of a single district or sub-division of the county vote, an amount not exceeding-----	50.00
Candidates or nomination for mayor in cities of 15,000 or more population, an amount not exceeding-----	200.00
Candidates for nomination for other offices of cities of like population, an amount not exceeding-----	150.00
Candidates for nomination for mayor in towns less than 15,000, an amount not exceeding-----	100.00
Candidates for nomination for other offices in such towns, an amount not exceeding-----	50.00

(L. 1907-08, Ch. 31, Art. 2, Sec. 34. Took effect May 29th, 1908. C. L. 1909.)

**Section 26. Penalty for Exceeding Limitation in Expenditures.**

Any candidate who expends any more money or other thing of value, than as set forth in the foregoing section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than two thousand dollars and shall be confined in the county jail, in the county in which he was convicted for not less than six months nor more than two years. When any other thing of value than money is expended, or used in behalf of any candidate, it shall be specified by such candidate; and it shall be considered as money, it being reckoned at its fair cash value. (L. 1907-08, Ch. 31, Art. 2, Sec. 35. Took effect May 29th, 1908. C. L. 1909, Sec. 3300.)

**Section 27. Penalty for Failure to Comply With Provisions of Act.**

Any person upon whom a duty is imposed by this Act, or who is required to file a report, shall faithfully perform such duty, and file such report, stating accurately the information required. Any one who misstates the amount of money, or fails to fully disclose the facts as to any gift, promise, treat, reward, favors, or any valuable thing given, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty, nor more than one thousand dollars, and confined in the county jail not less than three nor more than twelve months; and should he be a nominee, he shall not be allowed to have

his name appear upon the ballot, and should it be printed before such conviction, he shall be denied the right to hold office, if elected. If it be a person elected to office in the general election, he shall not be entitled to hold such office. Any candidate, who expends more money, either in person or through agents, committees or friends, than the limit prescribed herein, shall in addition to the punishment hereinbefore prescribed, be thereafter barred from holding office in this state. (L. 1907-08, Ch. 31, Art. 2, Sec. 36. Took effect May 29, 1908, C. L. 1909, Sec. 3301.)

**Section 28. Candidates Place on Ballot by Petition, to Comply With Provisions of This Act.**—The provisions of this article relative to the expenditures of money, or other things of value, shall apply with as much force and effect to candidates whose names are placed upon the official ballot by petition, as they do to the nominees of political parties, or as to candidates before nominating primaries; and all independent candidates shall make and subscribe to the same report, and shall be liable to all the penalties prescribed herein for other candidates. (L. 1907-08, Ch. 31, Art. 2, Sec. 37. Took effect May 29th, 1908, C. L. 1909, Sec. 3302.)

**Section 29. Contests, How Decided.**—All contests arising out of such primary elections shall be settled and decided in the same manner as is now or may hereafter be by law provided for general elections, except as herein otherwise provided. (L. 1907-08, Ch. 31, Art. 2, Sec. 40. Took effect May 29th, 1908, C. L. 1909, Sec. 3303.)

**Section 30. Duty of Election Board to Pass on Nominating Petitions. Decision Final.**—It shall be the duty of the election board, with whom nomination petitions are filed, to hear and determine all questions or objections that may arise concerning same, and the decision of such board shall, in all cases, be final. (L. 1907-08, Ch. 31, Art. 2, Sec. 5. Took effect May 29th, 1908, C. L. 1909, Sec. 3094.)

**Section 31. Contests, How Decided.**—All contests arising out of such primary elections shall be settled and decided in the same manner as it now or may hereafter be by law provided for general elections, except as herein otherwise provided. (L. 1907-08, Ch. 31, Art. 2, Sec. 40. Took effect May 29th, 1908, C. L. 1909, Sec. 3303.)

**Section 32. Affidavit of Challenged Voter.**—Any elector shall, upon presenting himself to vote, announce to the clerk of the election, his name, town or if a city of the first class, give his street number. Any election inspector or challenger may challenge the right of any person to vote, and if a person be challenged on the ground that he is not able to read and write any section of the Constitution, and was not a legal voter under any form of government on January 1st, 1866, or one whose ancestor was not a legal voter on said date, before being permitted to make the affidavit required below, he shall be required to read and write any section of the Constitution. No person challenged shall be permitted to vote unless he makes an affidavit in writing that he is a qualified and legal voter of the precinct,

also his name, residence, occupation, place or places of residence during the six months prior to the election, with the date of any removal within that time, and names of two persons who have personal knowledge of his residence in the precinct thirty days, and the county six months and in the state one year. He shall then be allowed to vote unless the election inspector, or challenger, make affidavit in writing that he knows, or is informed and verily believes that the person offering to vote is not a legal voter of the precinct, and the person offering to vote, shall not thereafter be allowed to vote unless one qualified elector of the precinct, who has been a freeholder and householder in the precinct for at least one year next preceding such election, shall make affidavit in writing that he has personal knowledge of such person offering to vote being a legal voter at the precinct.

Provided, however, not more than two challenged voters shall remain inside of the polls at one time, but upon being challenged upon any grounds, such voter shall return outside of the polls and re-enter, in the order in which he was challenged, for the purpose of being tested as to qualifications. The affidavit of the person challenged shall be in the following form:

State of Oklahoma, County of....., ss:

I do solemnly swear (or affirm): (1) I am a male citizen of the United States. (2) I am a native of the United States. (3) I have for more than thirty days last past resided in the precinct in which I am now offering to vote, and that I am now a bona fide resident of this precinct. (4) I have resided for more than six months last past in the county in which I am now offering to vote. (5) I have resided for more than one year, last past, in the state of Oklahoma. (6) I am over the age of 21 years. (7) I am not deprived of any rights of citizenship by virtue of any conviction of a felony. (8) I am not now being kept in a poor house, or other asylum at public expense. (9) I am not now being kept in a public prison. (10) I am not a lunatic. (11) I am not an officer or soldier in the regular army, or a marine in the navy of the United States. (12) I know of no reason why I am not entitled to vote. (13) I am generally known by the name under which I now desire to vote, which is ..... (14) I have not voted and will not vote in any other precinct in this election. (15) My occupation is ..... (16) My residence is..... (If in city or town give street number.) (17) During the last six months, I have resided at..... (18) I have moved, from..... to..... of the following date. (19) That.....and..... have personal knowledge of my residence in the precinct for thirty days and in the county six months and the state one year.



Subscribed and sworn to before me this.....day  
of.....191.....

The inspector shall file such affidavit and safely keep the same until it is delivered, as hereinafter provided, to the county election board.

The other affidavit herein referred to shall be in the following form.

State of Oklahoma, County of....., ss:

I swear that I know, or am informed and believe, that.....  
.....now offering to vote, is not a legal voter in this precinct.

Subscribed and sworn to before me this.....day  
of.....191.....

State of Oklahoma, County of....., ss:

I do solemnly swear (or affirm) that I am a qualified elector of this precinct; that I have been a freeholder and householder in this precinct for one year next preceding this election; that.....  
.....who now desires to vote has resided in this state for one year immediately preceding this election; that he has resided in this county six months, and in this precinct 30 days, at.....; that he is now a bona fide resident of this precinct and a legal voter therein. These facts I know of my own personal knowledge.

Subscribed and sworn to before me this.....day  
of.....191.....

Should the person challenged not be a native of the United States, unless he be of Indian descent, he may strike out the avowal number "2" in the affidavit to be by him subscribed. If he be of Indian descent, he must be a native of the United States to be entitled to vote. Should the person challenged be, at the time, confined in a poor house, or other asylum, at public expense, he may still be entitled to subscribe to said affidavit and vote, provided, he will strike out of the avowal number "8" as arranged herein the word "no" and add at the close of such avowal with pen and ink, the words, "As a soldier of the war of 1861-65 between the states." Should the person challenged be an officer in the regular army, or a marine in the navy of the United States, enlisted from this state, he may strike out the word "no," in avowal number "11" and add at the close of the avowal the words, "But I enlisted from this state," and strike out the avowal number "18" in case he has not removed as therein provided. The foregoing instructions, following the above jurat, shall be printed upon the affidavit in bold type, and immediately following the jurat, with an index hand at the beginning of each paragraph. When such affidavits have been signed and sworn to, the clerk shall provide the

elector with a ballot. The precinct inspector is hereby empowered to administer all oaths required by this Act, and all affidavits touching the qualifications of an elector, required by this Act, shall be subscribed and sworn to before said precinct inspector. (L. 1911, Ch. 106, Sec. 4, H. B. 27. Took effect March 18, 1911.)

**Section 33. Unlawful Voting—Immediate Arrest.**—If at any time during the election any elector shall make affidavit that any person who has voted is an illegal voter in said precinct, the person accused shall at once be arrested by an officer of the county authorized to make arrest. Immediately after the close of the election the inspector shall deliver such affidavit to some justice of the peace of the township, or the county court of the county, who shall proceed thereon as if the affidavit had been made before him. (L. 1910, Ch. 116, Sec. 5, H. B. 171. Took effect March 28th, 1910.)

**Section 33. False Affidavit—Perjury.**—Whoever shall knowingly or wilfully make a false affidavit under the provisions of this act shall be deemed guilty of perjury. (L. 1910, Ch. 116, Sec. 6, H. B. 171. Took effect March 28th, 1910.)

# GENERAL ELECTION LAWS

## OF THE

### State of Oklahoma

#### ARTICLE I.

##### GENERAL ELECTION—ELECTION BOARD.

**Section 1. Date of Election—Offices to Be Filled—Term.**—On the first Tuesday, succeeding the first Monday of November, 1908, a general election shall be held, at which time electors of President and Vice-President shall be elected, also representatives in Congress, together with successors to all state, district, county, township, municipal or precinct officers, whose terms expire before the next succeeding general election as herein provided for. On said date, every two years thereafter, such election shall be held, at which time representatives in Congress shall be chosen, and also the successor of any state, district, county, township, municipal or precinct officers, whose term expires before the next succeeding general election, and also the successor to any state, district, county, township, municipal or precinct officers, who may have been chosen to serve the unexpired term until the next general election. On such date, every fourth year thereafter, a general election shall be held, at which time electors of President and Vice-President shall be chosen, and also successors to all state, district, county, township, municipal or precinct officers for such offices, as under the law, the term expires before the next succeeding general election, and also to fill any vacancy in such office, or where the incumbent should be holding by appointment until such general election. (L. 1907-08, Ch. 31, Art. 1, Sec. 1. Took effect May 29th, 1908.)

**Section 5. County Election Board—Where and How Appointed—Term.**—The county election board shall consist of three members to be chosen in the following manner:

The state election board shall select one member of said county board, who shall be secretary, and the two political parties receiving the highest number of votes, at the last general election, shall each name one member of the county election board: Provided, that not more than one member of such county board shall be named from any one county commissioner's district in such county. And when such members of the county election board are named as herein pro-

vided they shall immediately qualify by taking the oath of office as is by law prescribed for other county officers. The members of the county election board, first appointed hereunder, shall serve until the second Monday in January, 1913, or until their successors are appointed and qualified: Provided, that upon the failure of any political party in any county to select a member of the county board the state board shall proceed to fill such office by appointment after due notice by registered mail to the chairman of the county central committee of such political party: Provided, further, that not more than two members of any one political party shall serve on such county board. (L. 1911, H. B. 27, Sec. 3. Took effect March 18, 1911.)

**Section 6. State Election Board Fix Date, County Board to Meet.** The state election board shall at time it appoints such county board, name the first Monday in April, except the year 1908, when such state board shall name a date as soon after the first Monday in April as possible, after such appointments, at which such county boards shall convene in their respective county seats and organize by selecting a chairman. (L. 1907-08, Ch. 31, Art. 1, Sec. 7. Took effect May 29th, 1908.)

**Section 7. County Election Board—Compensation.** The members of the county election board shall be allowed four dollars per day for the time they are actually engaged in the performance of their duties: Provided, however, that in no event shall they be allowed pay for more than twenty days in one year, and the secretary of the board shall in addition to said per diem be allowed fifty dollars per annum compensation for keeping the records in counties with 15,000 population or less, and in counties with a greater population the secretary of the board shall receive an additional twenty-five dollars per annum for every 5,000 population, or major fraction thereof. (L. 1911, H. B. 27, Sec. 4. Took effect March 18th, 1911.)

**Section 8. State and County Election Boards—Vacancy—How Filled.** If a vacancy shall occur in the state election board it shall be the duty of the Governor to fill by appointment such vacancy, and he shall make the selection from the ranks of the political party to which the appointee's predecessor belonged. (Should a vacancy occur in any county election board, if the secretary of said board, the state election board shall fill the same by appointing from the political party with which the retiring member was associated. If either of the other members of the board, the county central committee of the political party with which the retiring member was associated, shall fill the vacancy by appointment.) In all cases of a vacancy, the appointee shall hold the remainder of the unexpired term and shall have administered to him, before entering upon the duties of his office, the oath hereinafter mentioned. (L. 1907-08, Ch. 31, Art. 1, Sec. 9, as amended.)

**Section 9. Precinct Election Board—Appointment—Qualification**

**—Terms.** By the 15th day of April, after their appointment, the county election board shall select an election board for each precinct in their respective counties. Such precinct boards shall consist of three electors who are residents of such precinct. Such precinct election board shall constitute the board of election officers, for their respective precincts, and shall have complete charge of all elections held in such precincts, whether the same be primary elections, for the naming of party nominees, or general elections, precinct election boards shall be chosen for a term of four years, and such term shall expire on the first Monday of May, succeeding the expiration of the terms of the county boards, and such precinct board shall hold until their successors are appointed and qualified, unless sooner removed by the county election board because of his disqualification under the provisions of Section 13 of this Act, or failure or refusal to perform the duties of their office, the sufficiency of such causes to be determined by the county election board: Provided, that in 1911 the precinct board may be selected as soon after the fifteenth day of April as possible. (L. 1911, H. B. 27, Sec. 5. Took effect March 18th, 1911.)

**Section 10. Precinct Committee Furnish List for Precinct Boards.** The precinct central committee of any political party may, at any time during the month of March succeeding the appointment of the county election board select the names of as many as five electors who are residents of such precinct, and may submit such names, with their postoffice address, to the said county election board, as the choice of such political party, from which its representation on such precinct election board shall be chosen. When a precinct committee of a political party avails itself of the privilege, it shall indicate which of the same it prefers for inspector, which for judges, and which for clerks, and so notify said county board. When a precinct central committee of a political party suggests its representation on a precinct board, the county election board shall be confined to such names, in choosing such party's representation. Should a precinct central committee of a political party fail to submit such a list of names, then the county election board may select from the ranks of such party in making up the precinct election board, and in so deciding, the county board shall have as its purpose a fair distribution of the membership of all precinct boards. In no event shall more than two of the three members of a precinct election board be of one political party, unless it is impossible to secure a man qualified to attend to the duties of the office from the ranks of the other party. (L. 1907-08, Ch. 31, Art. 1, Sec. 10. Took effect May 29th, 1908.)

**Section 11. County Board to Create, Alter or Discontinue Precinct.** It shall be the duty of the county election board to create, alter or discontinue voting precincts, whether in a town or in a country, and the secretary of the said board shall keep in a bound

book, a complete record of the boundary of each precinct, and any change made in the boundary thereof, with the name of the voting place, and the number of votes cast therein, which shall always be designated by said board. All the territory included in a voting precinct shall be within a ward or township, while the territory of a voting precinct shall not extend beyond the boundary lines of a ward or municipal township, a ward or municipal township may contain as many precincts as the county board may deem necessary. But one voting place shall be allowed in a precinct, and no precinct shall contain more than two hundred voters, unless in extreme cases of necessity. All records of official designation of municipal townships and precincts shall be by giving the names of the municipal township and the number of the precinct after this style: "Taylor Township, Precinct Number One." The precincts of each ward or municipal township shall be numbered consecutively from "one" until they are all numbered. All wards shall be designated by numbers. If in any election hereafter two hundred and fifty votes or more shall be cast in any one precinct it shall be the duty of the inspector in such precinct to report the same to the county election board who shall forthwith, divide such precincts as equally as possible, so that the new precincts formed shall each contain not more than two hundred electors. The county election board of any county may change the boundaries of any precinct within each county, or divide any precinct into two or more precincts or consolidate two or more precincts into one, or change any place of holding elections when public convenience or public good may require it: Provided, that no such change, division or consolidation shall be valid without first giving due notice of at least one month by printed notices posted, one at the court house door and at least three in conspicuous places in the precincts affected. And, provided further, that no precinct shall be enlarged so as to contain more than two hundred and fifty voters. If such board shall fail to act as herein directed, any qualified elector of the county may apply for a writ of mandamus to compel the performance of this duty. (L. 1907-08, Ch. 31, Art. 1, Sec. 12. Took effect May 29th, 1908.)

**Section 12. Precinct Board—Qualifications.** No person shall serve on a county election board or precinct board, or as the official counter of elections who is not a qualified elector of the precinct in which he served, or if he is a candidate for any office at such election, or is a grandfather, father, father-in-law, brother or grandson of any candidate in such election, or who has anything of value waged or bet upon the result of such election. (L. 1911, H. B. 27, Sec. 6. Took effect March 18, 1911.)

**Section 13. Clerk Precinct Board—Qualifications.** No one shall be permitted to serve as clerk on a precinct election board, unless he can write with reasonable rapidity, and in a legible form; and no man shall be allowed to serve as judge upon such board, who can-

not read any section of this Act with reasonable distinctness. Should any political party recommend persons for appointment to membership on such precinct election boards who are not qualified, as above prescribed, it shall be the duty of the county election board to ignore such incompetent persons, and if necessary, in order to secure efficient officers, such county board may use its discretion in selecting persons to represent such party, but so long as such parties recommend men who are qualified hereunder, the selections shall be made from the lists submitted. (L. 1907-08, Ch. 36, Art. 1, Sec. 14. Took effect May 29th, 1908, C. L. 1909, Sec. 3108.)

**Section 14. Precinct Board Vacancy—How Filled.** If at any time after their appointment, it is found that any member of a precinct election board is not a qualified officer, under the provisions of this Act, such member shall not serve, and his colleagues on the board shall choose his successor from the ranks of the political party to which such disqualified member belongs, and from the list of nominees last submitted, by such party, should it not be known that a member is disqualified until the morning of the election, or should any member of the board fail to be present, and ready to open the election, the representatives of the political party, to which such disqualified or absent member belonged, shall name a substitute for such member. Provided, there are as many as three of the members of such political party present, otherwise the remaining members of the board shall name the substitute. In all cases of this kind the substitute must be of the political party to which the disqualified or absent member belonged: Provided, a qualified elector of such party can be found to fill such vacancy; but no election shall be delayed more than thirty minutes in order to give a party representation. The clerk of the election shall record a statement in the change of the personnel of the board upon the fly leaf of the stub book. (L. 1907-08, Ch. 31, Art. 1, Sec. 15. Took effect May 29, 1908, C. L. 1909, Sec. 3109.)

**Section 15. Precinct Board—To Be Notified of Appointment.**—At the time the county election board names the precinct election boards, it shall notify each member of their appointment, and shall also notify each of them to meet at their voting place at 3 o'clock p. m., on Friday preceding the pending election, and it shall be the duty of such appointees to attend such meeting and transact the business hereinafter mentioned. (L. 1907-08, Ch. 31, Art. 1, Sec. 16. Took effect May 29th, 1908, C. L. 1909, Sec. 3111.)

**Section 16. County Election Board—Name Inspector—Judge and Clerk of Precinct Board.**—One member of the precinct election board shall be designated by the county election board as election inspector, and the inspector shall be chosen at the time the precinct board is named, and such county board shall, at the same time, designate one of the remaining members of such precinct board as judge, and the other as clerk. The members of such board shall serve in the

position so indicated, unless, by mutual consent, at the opening of the election and in the interest of promptness in expediting business, changes may be deemed necessary by the precinct election board, in which event such changes may be made. (L. 1907-08, Ch. 31, Art. 1, Sec. 17. Took effect May 29th, 1908, C. L. 1909, Sec. 3111:)

**Section 17. State, County and Precinct Board—Take Oath.**—All persons appointed as members of the state, county or precinct election boards shall, before entering upon the duties of their office, take and subscribe to the oath of office prescribed by the Constitution for state and county officers. (L. 1907-08, Ch. 31, Art. 1, Sec. 18. Took effect May 29th, 1908, C. L. 1909, Sec. 3112.)

**Section 18. Oath—By Whom Administered—Where Filed.**—The members of the state election board shall have the oath of office administered to them by the clerk of the supreme court, and said clerk shall preserve said oaths in his office. The members of the county boards shall have the oath of office administered to them by the county clerk, and said clerk shall preserve said oaths in his office. The members of the precinct election boards shall have the oath of office administered to them by any officer authorized to administer oaths, or by one of the members of said board, as hereinafter provided. (L. 1907-08, Ch. 31, Art. 1, Sec. 19. Took effect May 29th, 1908, C. L. 1909, Sec. 3113.)

**Section 19. Duties of Precinct Inspector.**—The election inspector shall be chairman of the precinct election board. He shall appear at the office of the county clerk, not more than five nor less than one day before such election, either primary or general, and shall then and there receive at the hands of the county election board, the election supplies for his precinct, which supplies he shall deliver at the polling place on the morning of the election and before the time for the opening of the polls: Provided, that said inspector shall take and subscribe to the oath of office herein provided before receiving such supplies. Should an inspector of election purposely refuse, neglect or fail to deliver the election supplies as above provided, or should he open the package containing said supplies, while in his care, or should he permit any other person to do so, he, with such other person or persons, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred, nor more than five hundred dollars, and confined in jail, not less than thirty, nor more than one hundred and twenty days. (L. 1907-08, Ch. 31, Art. 1, Sec. 20. Took effect May 29th, 1908, C. L. 1909, Sec. 3114.)

## ARTICLE II.

### COUNTING AND CANVASSING.

**Section 20. Official Counters—When Appointed—Qualifications.**—At a meeting of the precinct board, on Friday, preceding the election, it shall be the duty of the board to appoint four official counters, who shall be electors of the precinct, and who shall be



good penmen, and rapid in figures. Such counters shall be equitably distributed from the various political parties, but in no event shall more than three of them be from any one party unless it is impossible to find a capable man to represent the minority party. (L. 1907-08, Ch. 31, Art. 2, Sec. 1. Took effect May 29th, 1908, C. L. 1909, Sec. 3129.)

**Section 21. Same—Notification of Appointment—Oath—Who to Administer.**—Such counters shall be forthwith notified of their appointment, and they shall present themselves at the voting place, at ten o'clock a. m. on the day of the election. The clerk of the election, or the inspector, shall administer to them the oath prescribed herein for precinct election boards. (L. 1907-08, Ch. 31, Art. 2, Sec. 2. Took effect May 29th, 1908, C. L. 1909, Sec. 3130.)

**Section 22. Counts—To Commence When—Clerk to Note on Stub of Last Ballot.**—At ten o'clock a. m., and after the official counters have each cast their ballots, and after they have been duly sworn as herein provided, the ballot box shall be unlocked, after first having been well shaken to mix the ballots; the ballots shall be removed to a receptacle and the box shall be relocked, and the balloting continued. The ballots removed from the box shall be delivered to the official counters, who shall immediately proceed with the official count.

The clerk of the election shall make a marginal note on the stub of the last ballot which was deposited in the box, before the same was opened, by writing the words, "Official Count Begun." (L. 1907-08, Ch. 31, Art. 2, Sec. 3. Took effect May 29th, 1908. C. L. 1903, Sec. 3131.)

**Section 23. Counting—Manner of.**—Two of the official counters of different political parties shall call from the ballots the names of the candidates voted for, while the other two shall record the votes upon the tally sheets provided for that purpose, each one recording upon a different sheet at the same time. One of the counters who calls the number of votes shall remove the ballots from the receptacle, one at a time, as he completes the call. He shall then call, first the name of the office, and next the name of the candidate voted for, and the other counter assisting in the call shall scrutinize the ballot at the time the call is being made, and not afterwards. He shall watch each name as called, and correct any error before the next name is called or recorded. He shall then receive and fold the counted ballot and string it upon the needle and thread provided for that purpose, while the other counter unfolds another ballot. The record of the vote shall be kept by the familiar method of a tally on every fifth vote. (L. 1907-08, Ch. 31, Art. 2, Sec. 4. Took effect May 29th, 1908. C. L. 1909, Sec. 3132.)

**Section 24. Counters to Keep Count Secret.**—The official counters shall make no announcement of the result of the vote during their progress, nor shall they, at any time during the count, give

any intimation, by sign, word or otherwise, as to how any vote stands. They shall not communicate with any person, after the count begins, until the polls close, except through the inspector, and such communication with the inspector shall not relate to the result of the count. While the count is proceeding, and until the polls close, the official counters shall be in private as much as possible, and no electors or other persons shall be allowed to approach within less than thirty feet of where such count is progressing, except electors engaged in casting their ballots. The official count must be conducted within view of the officers of the election. Any violation of this, or of Section 4 of this article, shall, upon conviction, subject the offender to a fine of not less than twenty-five nor more than five hundred dollars, and imprisonment in the county jail of not less than thirty nor more than one hundred and twenty days. (L. 1907-08, Ch. 31, Art. 2, Sec. 6. Took effect May 29th, 1908. C. L. 1909, Sec. 3134.)

**Section 25. Duties of Counters.**—Should the official counters complete the count of the ballots which were cast before ten o'clock before the polls close, the boxes shall be unlocked as was done at ten o'clock, and the ballots removed and counted as before. (L. 1907-08, Ch. 31, Art. 2, Sec. 7. Took effect May 29th, 1908. C. L. 1909, Sec. 3135.)

**Section 26. Counters—To Sign—Tally Sheet—Certificates—Watchers—By Whom Appointed.**—When the callers announce a vote, the enumerators shall call the number aloud, keeping check on each other, and when the count is completed the two tally sheets shall be signed by the four counters. The four counters shall then fill out the certificates in the back of the book of ballots, without detaching it from said back, and they shall also make out at least four duplicates of such certificates. Each certificate shall have only the total of each candidate's votes, and that shall be written with pen and ink, in words and figures. Each certificate shall be signed by each of the four counters, and sworn to before the inspector of election. One such certificate shall be kept by the inspector of elections, the other two shall constitute the returns and when properly certified to shall be prima facie evidence of the correctness of the precinct vote. After such certificates are signed and sworn to as above provided and within one hour after the count is completed, the election inspector shall cause one copy of such certificate, so signed and sworn to, to be posted in a public place outside of the polls for public inspection, and it shall be a misdemeanor for any person to deface or remove when so posted within a period of twenty-four hours thereafter.

Each candidate for the nomination of any city, county, district or state office may name a person to act as watcher at each or any of the precincts in the state, at any primary election; said watcher to be commissioned in writing, by said candidate. And each political

party may name a person to act as watcher at each or any precinct in the state at any general election; such watcher to be commissioned in writing, by the county or city committee of the respective parties. And the above named watcher shall be allowed to watch the call and recording of the result of the vote in the precinct. They shall receive no compensation for their services, and shall have no further authority than to note of record any objections to the count and to challenge the result thereof, and it shall be the duty of each watcher to watch the count for all such candidates voted for in such precinct, and to insist upon an honest and fair count. Such watchers before entering upon their duties shall subscribe to an oath before the election inspector, obligating themselves to observe the same rules now prescribed to official counters, relative to giving out any intimation or information as to the result of the count, and any watcher who violates such oath, or who by any method whatsoever indicates how the count is progressing, shall be liable to a fine of not less than \$25.00 nor more than \$200.00, and shall be confined in the county jail not less than thirty days, nor more than one year.

**Section 27. Ballots to be Sealed—By Whom.**—When all ballots have been counted and the certificates properly filled out, the twine string upon which the ballots are strung shall have its ends brought together over such ballots and tied in a hard knot by said counters. A piece of stiff paper shall be placed underneath each knot, and such knot shall then be sealed with sealing wax and stamped with the election seal of the precinct, by the precinct board in the presence of the counters. (L. 1907-08, Ch. 31, Art. 2, Sec. 9. Took effect May 29th, 1908. C. L. 1909, Sec. 3137.)

**Section 28. Mutilated Ballot—Challenged by Official Counter.**—Should a ballot be stamped in primary elections, in the square before the names of two or more candidates for the same office, such ballot shall not be counted for any of said candidates, but shall be counted for all other candidates where it is apparent as to the person for whom the elector intended to vote. In general elections, ballots stamped under the device of more than one party, shall not be counted ballots in general elections, when stamped under the device of a political party and in the square in front of names of individual candidates of another party, shall be counted for the candidates of the party under the device of which the stamp is, except it shall be counted for the candidate of the other party for whom the elector stamped in the square opposite their names. Ballots bearing any mark as a distinguishing mark, shall not be counted. Any ballot marked or stamped as above described, may be challenged by any official counter, and when a ballot is so challenged, the counter who questions the regularity of the ballot shall endorse upon the back of such ballot, with pen and ink, in a brief way, the reason why he challenges such ballot, and shall sign such statement. If such ballot be only challenged as to a portion of the names voted

for, said statement shall so mention, giving the names as to which it is challenged, and such ballot shall be counted and recorded only for the names and candidates in regard to which it was not challenged. (L. 1907-08, Ch. 31, Art. 2, Sec. 10. Took effect May 29th, 1908. C. L. 1909, Sec. 3138.)

**Section 28. Challenged Ballots—Disposition of Same.**—All challenged ballots, when endorsed upon their backs with a statement by the challenging counter, and all ballots found in the box not stamped, or mutilated, shall, when properly endorsed upon their backs, be strung upon a string as they are challenged, and when the count is completed the ends of such strings shall be brought together and tied, and the knot shall be sealed with hot wax, upon which the election seal is imprinted, then such string of challenged ballots shall be placed in the envelope labeled "Challenged Ballots" and sealed as is required by this Act, for the envelope in which are placed the voted ballots. (L. 1907-08, Ch. 31, Art. 2, Sec. 11. Took effect May 29th, 1908. C. L. 1909, Sec. 3139.)

**Section 30. Duties of Counters Relative to Supplies.**—When the ballots are tied and the knot is sealed, the bundle of voted ballots and the stub ballot book, with all the unused ballots attached to their stub with the original certificate of the result in the back thereof and the two tally sheets shall be placed in the envelope labeled "Voted Ballots," "Tally Sheets" and "Stub Book of Ballots." This envelope shall not be opened except upon order of the Supreme Court or District Court or a judge thereof in case of contest or some legal proceeding necessitating the opening of the same. The two duplicate copies of such certificate shall be placed in the envelope labeled "Returns." The several envelopes shall then be sealed by moistening the gummed flaps and pressing them down firmly, then a seal of sealing wax shall then be placed upon such gummed flaps, so that the wax will extend well over the body of the back of such envelope and should be made to cover a space as large as a silver half dollar. In the center of the wax, while it is yet hot and soft, shall be firmly imprinted the precinct election seal. The duties above described shall be performed by the official counters. The clerk and judge shall then write their names across the gummed flaps of each envelope extending them on to the body of the envelope, one upon the one side of such wax seal, and one upon the other. The several envelopes shall be placed in the ballot box, by the inspector in the presence of the other members of the board and the counters and securely locked. After the ballot box is securely locked the inspector shall not again open it, but shall deliver it in that condition to the secretary of the county election board. The county election board shall not disturb anything in the ballot box except the envelope marked "Returns" which when canvassed shall be returned to the ballot box and the box will again be securely locked and retained by the secretary of the county election board until opened

by the order of court or until it shall be necessary to open the same for use at the next election at which time the ballots shall be destroyed: Provided, that in no case shall the ballots be destroyed until ninety days after the election at which they were cast. (L. 1911, H. B. 27, Sec. 8. Took effect March 18th, 1911.)

### ARTICLE III.

#### ELECTION SUPPLIES.

**Section 31. Printing Ballots and Supplies—Advertise—For Lowest Bid.**—Until such time as the state becomes prepared to do its printing, the state printing department shall advertise for bids, and shall let the contract for printing all ballots over which the state election board has jurisdiction, and for furnishing the supplies herein required, to the lowest and best bidder. Such advertisement shall appear in one daily paper of the state for three consecutive issues. Such notice need not contain specifications, but merely a notice that the board will furnish specifications to bidders, and such specifications shall be alike to all bidders. The state printing department shall require a bond from the successful bidder in a sum double the amount at which said contract is let. Said bond shall be taken in the name of the state, conditioned upon the faithful performance of said contract. The state election board shall have complete supervision and charge of printing the ballots and furnishing the supplies, and of the distribution thereof, after the letting of said contract. (L. 1907-08, Ch. 31, Art. 3, Sec. 1. Took effect May 29th, 1908. C. L. 1909, Sec. 3156.)

**Section 32. County Supplies—County Election Board to Contract for Printing.**—The county election boards shall let the contract for printing the ballots within their jurisdiction and furnish the necessary election supplies herein required, to the lowest and best bidder. The board will furnish specifications to bidders, and specifications shall be alike to all bidders. The county election board shall require a bond from the successful bidder in a sum double the amount at which said contract is let. Said bond shall be taken in the name of the county, and conditioned upon the faithful performance of said contract. The state election board shall furnish each county board, with a sufficient supply of blank affidavits for the use of the printers who have charge of the county work, such blanks to be the same as those used for the state printing, and said affidavits shall be filed in the office of the county board. (L. 1907-08, Ch. 31, Art. 3, Sec. 2. Took effect May 29th, 1909. C. L. 1909, Sec. 3157.)

**Section 33. Supplies for State Election Delivered to State Board.—Oath of Contractor.**—The ballots and other election supplies for the state, as herein mentioned, shall be delivered to the state election board on or before the fifteenth day preceding such election, and the printer with whom the contract is made, or the state printer if done under the supervision of such an official, shall, before such delivery

can be accepted by said board, subscribe to the following oath, which shall be placed on file by the secretary of said board.

STATE OF OKLAHOMA, County of.....

I, ....., under whose supervision the ballots and other printed supplies for the election to be held in said state on....., 191....., have been printed, do solemnly swear (or affirm) that I have carefully guarded said work in person, that no person except.....and myself had any part in printing the same, that I required no extra copies of any ballot, tally sheet, envelopes, affidavit, or other papers to be printed except what I have packed for delivery to the state election board. I have required that on the face of each and every sample the word "Sample Ballot" be printed as required by this Act. I have not granted permission to any person or persons to have or take from my place of business any copy of any of the forms of any of the supplies, except as just mentioned; that to my knowledge no spoiled copies of ballots or other supplies have been retained by me, or allowed to be kept by any other than said election board, and to the best of my knowledge no wrongful use has been allowed with any of said supplies.

Subscribed and sworn to before me on the day and date above mentioned.

Notary Public.

The employees aforesaid shall subscribe to the following oath, which shall be filed with the secretary of said board, viz:

STATE OF OKLAHOMA, County of.....

We, ....., employees who performed the mechanical work in printing the election supplies for the election to be held....., A. D. .... hereby solemnly swear that we faithfully performed our work, and allowed no copies of any such supplies to be misappropriated; that no copies were printed by us except the ones that were properly delivered; that all spoiled prints were destroyed by us and to the best of our knowledge and belief no wrongful use has been allowed of any of said supplies.

Subscribed and sworn to before me this..... day of....., 191.....

The state election board shall require that all the supplies for the several voting precincts be so packed that there will a bundle for each precinct, in which shall be all the ballots, articles and

supplies which belong to such precinct, and when the same shall have been checked over and found to be correct, they shall be placed in a box or bag and labeled with the names of the county, township or precinct to which they belong. Such supplies shall be so packed that they can be easily inspected when delivered to the county election board. On or before the twelfth day preceding each election, the state election board shall, after carefully packing in boxes or sacks, ship by express, the election ballots and supplies for the several precincts of the several counties to the secretary of the county election board, notifying him how, when and where said supplies were sent. Upon receipt of such supplies the county board shall immediately make a thorough inspection of the bundle for each precinct, to see that nothing has been omitted and that the several precincts have the supplies prescribed by this Act. Should there be a deficiency in the ballots, printing material or supplies, or in anything which the state board alone can supply, the county board shall immediately notify said state board of such shortage, and said state board shall proceed to promptly supply the missing material. Should the missing supplies be such as the county board can procure, it shall immediately purchase the same and supply the shortage. (L. 1907-08, Ch. 31, Art. 3, Sec. 3. Took effect May 29th, 1908. C. L. 1909, Sec. 3158.)

**Section 34. Distribution of Supplies.**—As soon as the election supplies are received for a county, the secretary of the county board shall notify, in writing, the inspector of elections for each precinct of the fact, and shall, in such notice, inform him that he must appear, in person, on the Thursday, Friday or Saturday preceding the date of the approaching election and receive such supplies. Said inspectors shall receive such supplies in pursuance to such notice, and in the presence of the county board, or some member of it, shall inspect the contents of the bundle designated for his precinct, and if it is found to contain the articles required by this Act, he shall sign a receipt therefor, which shall be kept on file by the secretary or such county board, said receipt to be in words as follows:

I have this day received in proper condition, at the hands of the county election board of \_\_\_\_\_ county, the election supplies for precinct number \_\_\_\_\_ of \_\_\_\_\_ township. I pledge myself to deliver the same to the election board of said precinct on the morning of the election as required by law.

This the \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_

\_\_\_\_\_  
Inspector of Elections.

(L. 1907-08, Ch. 31, Art. 3, Sec. 4. Took effect May 29th, 1908. C. L. 1909, Sec. 3159.)

**Section 35. County Board to Send Out Supplies, When.**—Should any inspector of elections fail to attend in person upon the days mentioned and receive the election supplies for his precinct, it shall be

the duty of the county election board, on Monday before said election day, to select a messenger, who shall be an elector of the county, and after inspecting said election supplies with the county board and receipting therefor, as an inspector is required to do, said county election board shall deliver to him said supplies, and said special messenger shall, in person, deliver same over to some one of the precinct election board in due time for the election. (L. 1907-08, Ch. 31, Art. 3, Sec. 5. Took effect May 29th, 1908. C. L. 1909, Sec. 3160.)

**Section 36. Election Board to Furnish Envelopes.**—The state election board shall cause to be made at the time of the printing of the ballots, three large linen envelopes for each precinct. They shall be provided with a gummed seal on the back. One of them shall be adjustable and sufficiently large to hold all of the ballots of the precinct. Across the face of one envelope shall be printed in bold face type, the words "Voted Ballots," "Tally Sheets" and "Stub Book of "Ballots." One shall have printed across its face the word "Returns." The other envelope shall be sufficiently large to hold all challenged and mutilated ballots, and shall have printed in bold type across its face, these words, "Challenged Ballots," and such envelopes shall have printed thereon:

Precinct,

Township,

(L. 1911, H. B. 27, Sec. 9. Took effect March 18, 1911.)

**Section 37. State and County Boards to Have Official Seals—Keep Records.**—The state and county election boards shall have official seals, which seals shall be affixed to all certificates of nomination or other official acts of said boards. They shall keep a record of all their acts and proceedings in a book to be provided for that purpose, and such shall be public records. (L. 1907-08, Ch. 31, Art. 3, Sec. 7. Took effect May 29th, 1908. C. L. 1909, Sec. 3162.)

**Section 38 State Board to Furnish Election Seal.**—The state election board shall have one election seal or stamp made for each precinct of the state. It shall be for the purpose of making imprints in wax, as required, and such stamp or seal shall bear a five point point star, made of aluminium or other suitable substance, with the points resting on the outer rim, and in the center of the star shall be the figures "46." The fact of such stamp or seal shall be one-half inch in diameter. One of such seals shall be placed in each bundle of supplies, and a sufficient supply of extra stamps shall be sent to the secretary of the county election board, from which to furnish one to any precinct election board, should the stamp originally provided be lost or destroyed. (L. 1907-08, Ch. 31, Art. 3, Sec. 8. Took effect May 29th, 1908. C. L. 1909, Sec. 3163.)

**Section 39. Inspector to Examine Election Paraphernalia.**—It shall be the duty of the inspector of the precinct election board to, in due time preceding each election, investigate the election paraphernalia on hand in his precinct, such as boxes, locks, keys, wire



or rope for enclosing the election, and any other necessary supplies, and if any such supplies are missing, he shall report the same to the county election board, and said board shall supply the necessary material and have same ready for the inspector when he reports for the ballots and other supplies. Election boards shall have full authority, within their jurisdiction, to contract for all necessary supplies, and ballots, and to certify to all accounts incurred therefor, county boards shall certify the time and compensation due by law to members of election boards and official counters, to the board of county commissioners of such county, who shall audit and allow said account to the persons entitled thereto, and issue warrants of the county to pay the same out of the county treasury. The secretary of the state election board shall, from time to time, certify to the auditor of the state all the necessary expenses incurred in conducting general elections, special elections and primary elections, and the auditor shall issue his warrant for same, which shall be paid out of any moneys in the state treasury not otherwise appropriated. (L. 1911, H. B. 27, Sec. 10. Took effect March 18, 1911.)

**Section 40. County Election Board to Arrange Voting Place.**—It shall be the duty of the county election board in each county, before each election, to provide for and secure in each precinct of the county a suitable room in which to hold the election, and shall have placed therein a railing separating a part of the room to be occupied by the election board from the remainder of the room, and at least two, and not exceeding five, booths or compartments, in which the electors, screened from observation, shall mark their ballots. Each booth shall contain a counter or shelf. The booths shall be so arranged and constructed that all the members of the election board can see whether or not more than one voter is in such booth at any one time. The board shall provide for each precinct a chute or passage with a railing, rope or wire on each side, commencing fifty feet away and leading to the polling place. (L. 1907-08, Ch. 31, Art. 3, Sec. 10. Took effect May 29th, 1908. C. L. 1909, Sec. 3165.)

**Section 41. Sample Ballots and Tally Sheets Provided by County Board.**—The county board shall cause to be printed, for both primary and general elections, as many sample ballots of all county ballots, for the several precincts as is required of the state election board, and same shall be delivered as hereinbefore provided in the case of state ballots. Said county board shall also cause to be printed a proper supply of tally sheets, corresponding with the county ballots, and all the rules and regulations mentioned in this Act, governing the state board in preparing, printing and delivering the state ballots and supplies, shall apply to and shall be observed by said county board in its performance of live service wherever and whenever such rules and regulations are applicable. (L. 1907-08, Sec. 3166.)

**Section 42. Needles and Twine to Be Furnished by County Board.**—The county election board shall provide for each precinct four large needles with a sufficient quantity of heavy twine upon which to thread all the ballots cast, those of each political party to be strung by themselves. (L. 1907-08, Ch. 31, Art. 3, Sec. 12. Took effect May 29th, 1908. C. L. 1909, Sec. 3167.)

**Section 43. Ink ads and Rubber Stencils to Be Furnished by County Boards.**—The county election board shall provide for each precinct not less than four ink pads, and more if the size of the vote would indicate their need, and for each they shall provide two rubber stencils for stamping an X upon the ballots. (L. 1907-08, Ch. 31, Art. 3, Sec. 13. Took effect May 29th, 1908. C. L. 1909, Sec. 3168.)

**Section 44. Sealing Wax—Pens—Pen Stocks and Ink—Furnished by County Board.**—The county election board shall provide for each precinct one stick of sealing wax, one-half dozen writing pens and four pen stocks and four lead pencils, also one small bottle of ink. (L. 1907-08, Ch. 31, Art. 3, Sec. 14. Took effect May 29th, 1908. C. L. 1909, Sec. 3169.)

**Section 45. Ballot Boxes—To Be of Zinc—Size, Etc.**—All ballot boxes used at the last general election may be used in all elections hereafter, and as it becomes necessary to construct new ballot boxes, such work shall be under the direct supervision of the county election board, such boxes shall be constructed of zinc, and shall be fifteen inches by fifteen inches by eighteen inches in dimensions. One end of each box shall have a hood or lid of like material fitted to it. This lid shall have a small slit or opening in its center, six inches long and one-fourth of an inch wide. The locks shall be spring locks, so different in pattern that the keys of one will not unlock the other. (L. 1907-08, Ch. 31, Art. 3, Sec. 15. Took effect May 29th, 1908. C. L. 1909, Sec. 3170.)

**Section 46. Official Ballot—Candidates' Names Thereon.**—It shall be the duty of the state election board to provide space upon the official ballot for each candidate nominated by petition, and to see that their names are printed thereon, under the device and title designated by their respective petitions, but in no case shall a name be printed unless the petition therefor conforms to the provisions of the primary election law. (L. 1907-08, Ch. 31, Art. 3, Sec. 17. Took effect May 29th, 1908. C. L. 1909, Sec. 3171.)

**Section 47. Copy of Election Law—Sent to Each Precinct—With Election Supplies.**—The state election board shall cause a pamphlet copy of the election laws of the state to be sent with the election supplies for each precinct. (L. 1907-08, Ch. 31, Art. 3, Sec. 17. Took effect May 29th, 1908. C. L. 1909, Sec. 3172.)

#### ARTICLE IV.

#### PRINTING AND FORM OF BALLOT

**Section 48. Make Up Ballots—Advertising for Bids.**—The state election board shall cause proper copy to be prepared, on or before

the first day of September, succeeding each primary election, from which shall be printed the state election ballots for each precinct of each county. Likewise shall the county election board, on or before said date, cause to be made proper copy from which shall be printed the county ballots for each precinct. Such official copy shall contain, properly grouped, under the name of the office for which they are candidates, the names of all nominees of the several political parties, as well as all non-partisan candidates. The state printer shall, between the first and tenth day of September of such years cause the legal notice advertising for bids for printing the state ballots to be inserted in a daily newspaper as required in Article 3 of this Act, and during said period the county election board shall cause to be done the advertising required of it in regard to the county ballots by said article. (L. 1907-08, Ch. 31, Art. 4, Sec. 1. Took effect May 20th, 1908. C. L. 1909, Sec. 3181.)

**Section 49. Time and Manner of Contract for Printing Ballots.—**All contracts for printing ballots for use in general elections shall be entered into, and the official copy shall be delivered to the contracting printer by the first day of October of such year. All state ballots for a precinct shall be bound in a book by themselves. Each book shall bear upon the outside of the front cover a pasted slip showing the name of the county and township and number of the precinct to which it belongs. The covers of such books shall be ordinary pasteboard and the binding shall be with paste and staples or thread. In both state and county ballots there shall be printed and bound one ballot for each registered voter: Provided, that in precincts where registration is not required there shall be one ballot for each voter reckoned upon, the number of ballots cast at the last general state election and an additional number equal to one-third of such ballots. (L. 1907-08, Ch. 31, Art. 4, Sec. 2. Took effect May 29th, 1908. C. L. 1909, Sec. 3182.)

**Section 50. State Ballot Delivered to State Board—When—County Board—When.—**All state ballots shall be printed, bound and delivered to the state election board on or before the eighteenth day of October, and said state election board shall ship, as provided in Article 3, said ballots to the secretary of the several county boards not later than the twenty-second day of the said month. All county ballots shall be printed, bound and delivered to the county election board not later than said twenty-second day of October. (L. 1907-08, Ch. 31, Art. 4, Sec. 3. Took effect May 29th, 1908. C. L. 1909, Sec. 3183.)

**Section 51. Arrangement of Ballots.—**The official ballot for the general election shall be arranged and printed so that the candidates or nominees of the various political parties will appear in columns, a column being given to the nominees of each party. The candidates of the Democratic party shall be printed in the first column, those of the Republican party in the second column, and those of other

parties as the state election board may direct, giving preference to the party which polled the largest vote at the last general election. (L. 1907-08, Ch. 31, Art. 4, Sec. 4. Took effect May 29th, 1908. C. L. 1909, Sec. 3184.)

**Section 52. Each Political Party to Select Emblem or Device.**—Each party shall have the right to select an emblem or device to be used in designating its candidates upon the ballot: Provided, however, that no party shall be allowed to use the coat of arms or seal of this state or of the United States, the national flag, or any emblem common to the people at large. Until changed by resolution of a political party, in state convention, or through its state central committee, the emblem of the Democratic party shall be the picture of a rooster, and that of the Republican party the picture of an eagle, and that of the Socialist party the picture of an open hand. (L. 1907-08, Ch. 31, Art. 4, Sec. 5. Took effect May 29th, 1908. C. L. 1909, Sec. 3185.)

**Section 53. Party Name on Ballot.**—At the top of the column shall appear the name of the party, as "Democratic," "Republican," "Socialistic," and without any line between shall next appear the device, and further, without any dividing line, shall next appear a circle at least one-half inch in diameter. Underneath these circles shall be a line, extending entirely across the ticket. The name of the office entitled to the first place in the column, preceded by the word "for" shall next appear in bold type, like this, "For Governor." Immediately after this shall be the name of the party's nominee for such office, preceded by a square, one-fourth of an inch in size. The initial of the first letter of a name of a candidate shall have only the space of any "em" between it and this square, and there shall be no line between the name of an office and that of such candidate; but shall be a line following the name of a candidate and the name of the next office in order down the column. In this manner, naming the officers in the order in which they are set out by the Constitution and statute, the list shall be continued down each column until all the nominees are given space. No party's list of candidates shall occupy more than one column, and the columns shall be set off with well defined lines. (L. 1907-08, Ch. 31, Art. 4, Sec. 6. Took effect May 29th, 1908. C. L. 1909, Sec. 3186.)

**Section 54. Ballot Stub—Form.**—The ballots shall be printed with a stub so perforated that the ballot will be easily detached therefrom. Upon the stub shall be printed, after the space for the name and address of the voter, included a blank for the street number for those living in towns, these words. "If a voter is challenged the clerk shall write 'challenged' in this space....." leaving sufficient space for the word. Also these words, "If voter subscribes to an affidavit the clerk shall write 'sworn' in this space....." leaving sufficient space for the word. Then shall follow these words, "If for any reason, the ballot is spoiled or not voted, the clerk shall

write 'spoiled' in this space....." leaving sufficient space for the word. At the upper right hand corner of the stub of each ballot, and at the adjacent corner of the ballot, shall be printed or stamped, by a consecutive numbering machine, the number of said stub and ballot. The stub shall bear the same name as the ballot, and such numbering shall begin with number "1" in each precinct and continue in consecutive order until each ballot and stub for that precinct is numbered. The corner of the ballot on which said number appears shall be so perforated that it will be easily detached. All ballots for general elections shall be upon white paper of such thickness as will render it impossible to look at the back of a ballot and tell for whom it is voted. Sample ballots shall be upon thin, cheap yellow paper. (L. 1907-08, Ch. 31, Art. 4, Sec. 7. Took effect May 29th, 1908. C. L. 1909, Sec. 3187.)

Section 55. **Form of Ballot.**—The makeup of a ballot for a general election shall be as nearly in conformity with the following as possible. The columns may be made to extend in an opposite direction to this diagram, with the head of the columns being upon the perforation dividing the ballot from the stub, rather than as shown in the accompanying form, provided the size of the ballot renders such arrangement desirable. (L. 1907-08, Ch. 31, Art. 4, Sec. 8. Took effect May 29th, 1908. C. L. 1909, Sec. 3188.)

**FORM OF BALLOT.**

NEVER DETACH THIS NUMBER FROM THE STUB. No.....

Name..... Address .....

Street..... If the voter is challenged, the clerk shall write "Challenged in this space....." If the voter is sworn, the clerk shall write "Sworn" in this space.....

If for any reason the ballot is spoiled or not voted, the clerk shall write "Spoiled" in this space.....

-----

WHEN VOTER RETURNS BALLOT DETACH THIS NUMBER No.....

<p>DEMOCRATIC</p> <p>(Emblem)</p> <p>○</p> <hr/> <p>For Governor</p> <p><input type="checkbox"/> Name</p>	<p>REPUBLICAN</p> <p>(Emblem)</p> <p>○</p> <hr/> <p>For Governor</p> <p><input type="checkbox"/> Name</p>	<p>SOCIALIST</p> <p>(Emblem)</p> <p>○</p> <hr/> <p>For Governor</p> <p><input type="checkbox"/> Name</p>
---	---	--

Section 56. **Certificate of Vote Cast.**—There shall be printed and bound in each precinct book of ballots and immediately following the

ballots, a certificate upon which is printed a correct list of all the offices to which candidates are aspiring, as shown by the ballots contained in that book, with the names of the various candidates therefor, grouped under the name of the office. In a separate column, and just opposite each name, shall be the name of the political party nominating such candidate. Following this shall be a column of sufficient width to write in words, the total number of votes said candidate received at that precinct. Just preceding this tabulation of names, as just provided for, shall be printed the following, viz:

"We, the undersigned official counters for the election held at Precinct number.....of..... township of..... county, on November.....191...., hereby certify that the correct number of votes received at said precinct by the various candidates voted for is set forth below in written words. The votes for each candidate being recorded in a column set opposite his name, as follows:

(Here shall follow the tabulation of the various groups of candidates' names, with the name of their respective office preceding the several groups.) After the tabulation of candidates' names shall be printed proper statements showing the number of ballots spoiled, recording the consecutive number thereof, also a statement that the official counters have counted the unused ballots, certifying to the number of same, also showing the consecutive number of said unused ballots, by giving the number of the first one and the last one, and stating that they are included in the number. After this shall follow the signature of the official counters, who shall swear to the correctness of such certificate, and such oath may be attested by either of the members of the precinct election board. Proper blanks shall be printed for such attestation. (L. 1907-08, Ch. 31, Art. 4, Sec. 9. Took effect May 29th, 1908, C. L. 1909, Sec. 3189.)

**Section 57. County Board to Have Proper Notice.**—The precinct inspector shall, after proper notice from the secretary of the county election board, apply for and receive said supplies from the county election board, on the last Thursday, Friday or Saturday preceding the first Tuesday after the first Monday in November, and should he fail, a special messenger shall be dispatched on the day preceding the said first Tuesday after the first Monday in November, with said supplies as is provided in case of primary elections. (L. 1907-08, Ch. 31, Art. 4, Sec. 10. Took effect May 29th, 1909, Sec. 3190.)

**Section 58. Refusal of Nominee to Run as Nominee of Party.**—Should any nominee of a political party from any cause decline to run as the party nominee, after a nomination has been made as herein provided, such nominee, if living, shall, in writing, duly acknowledged before a notary public, notify the election board or officer with whom was filed the nominating petition of his candidacy, that he will no longer be a candidate. Should he be dead or removed from the jurisdiction, or should he refuse to file such notice, then the chairman

or secretary of the political party of which he was the nominee, can file with the proper election board or officer their affidavit stating the facts, and if such election board finds a vacancy to exist, after a nomination and before the printing of the official ballot for the general election, the central committee of the political party affected, and for the jurisdiction in which the nominee was a candidate, may, in writing, nominate a substitute candidate: Provided, it is in time to not delay the printing of the official ballots, the name of such substitute nominee shall be placed upon the official ballots. Should the vacancy occur when it is too late to permit the name of the substitute nominee to be printed upon the ballots, the election board in and for the territory affected by the change shall have the name of the substitute candidate printed upon as many stickers or gummed labels as there were ballots printed for each precinct in said jurisdiction. Said stickers shall be of only such size as will cover one name upon the ballot, and said stickers shall be forwarded through the proper election boards to the precinct inspector, and he shall deliver them at the voting place with the other supplies. One of the stickers shall be pasted by the election officers over the name for which it is a substitute on all ballots used. When a name is so pasted upon a voted ballot it shall have the same effect as if originally printed on the ballot. (L. 1907-08, Ch. 31, Art. 4, Sec. 11. Took effect May 29th, 1908. C. L. 1909, Sec. 3191.)

**Section 59. Duty of County Election Board, Relative to Official Returns.**—It is hereby made the duty of the county election board to convene at the county court house by or before five o'clock p. m. upon the day of each election, for the purpose of receiving the official returns, and they shall remain in session until eleven o'clock on said evening, and shall reconvene upon the next succeeding day at eight o'clock a. m., and so remain in session until said returns are all delivered. They shall list the result of such election as they are delivered, upon the books prepared for that purpose by the state board, and when the result in both state and county contests have all been recorded from the counters' certificates, said board shall issue certificates of election to all county candidates, and shall certify the result in each state contest to the state board, and such certificates, when properly certified to, shall be prima facie evidence of the correctness of the result in the several counties. The state board shall, when all county boards have reported hereunder issue certificates of election to the candidates for all offices over which the county board has no jurisdiction. The said state board shall keep a detailed record of the result by counties as certified to it. (L. 1907-08, Ch. 31, Art. 4, Sec. 12. Took effect May 29th, 1908. C. L. 1909, Sec. 3192.)

## ARTICLE V.

### ELECTORS.

**Section 60. Who Are Qualified Electors.**—The qualified electors

of the state shall be male citizens of the United States, male citizens of the state, and male persons of Indian descent, natives of the United States who are over the age of twenty-one years who have resided in the state one year, in the county six months, and in the election precinct thirty days next preceding the election at which any elector offers to vote: Provided, that no person adjudged guilty of a felony after the adoption of the Constitution of this state, subject to such exceptions as the Legislature may prescribe, unless his citizenship shall have been restored in the manner provided by law; nor any person while kept in a poor house or asylum at the public expense, except Federal and Confederate ex-soldiers; nor by any person in the public prison, nor any idiot or lunatic, nor shall any person be allowed to vote in any election held herein, unless he is able to read and write any section of the Constitution of the state of Oklahoma, but no person who was, on January first, 1866, or any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person, shall be denied the right to vote because of his inability to so read and write a section of such Constitution. (L. 1911, H. B. 27, Sec. 12. Took effect March 18, 1911.)

Section 61. **U. S. Soldiers' Residence Not Altered.**—For the purpose of voting no member of the regular army or navy of the United States shall gain a residence in this state nor shall any person lose a residence in this state while absent from the state in the military or naval service of the United States. (L. 1907-08, Ch. 31, Art. 5, Sec. 2. Took effect May 29th, 1908. C. L. 1909, Sec. 3194.)

Section 62. **Challenge of Voter.**—Any elector shall, upon presenting himself to vote, announce to the clerk of the election, his name, town, or if a city of the first class give his street number. Any election inspector or challenger may challenge the right of any person to vote, and if a person be challenged on the ground that he is not able to read and write any section of the Constitution, and was not a legal voter under any form of government on January 1st, 1866, or one whose ancestor was not a legal voter on said date, before being permitted to make the affidavit required below, he shall be required to read and write any section of the Constitution. No person challenged shall be permitted to vote unless he make an affidavit in writing that he is a qualified and legal voter of the precinct, also his name, residence, occupation, place or places of residence during the six months prior to the election, with the date of any removal within that time, and names of two persons who have personal knowledge of his residence in the precinct thirty days, and the county six months and in the state one year. He shall then be allowed to vote unless the election inspector or challenger, make affidavit in writing that he knows, or is informed and verily believes that the person offering to vote shall not thereafter be allowed to vote unless one qualified elector, of the precinct, who has been a freeholder and householder



in the precinct for at least one year next preceding such election, shall make affidavit in writing that he has personal knowledge of such person offering to vote being a legal voter at the precinct:

Provided, however, not more than two challenged voters shall remain inside of the polls at one time, but upon being challenged upon any grounds, such voter shall return outside of the polls and re-enter in the order in which he was challenged, for the purpose of being tested as to qualifications. The affidavit of the challenged person shall be in the following form:

STATE OF OKLAHOMA, County of-----, ss:

I do solemnly swear (or affirm) (1) I am a male citizen of the United States. (2) I am a native of the United States. (3) I have for more than thirty days last past resided in the precinct in which I am now offering to vote, and that I am now a bona fide resident of this precinct. (4) I have resided for more than six months last past in the county in which I am now offering to vote. (5) I have resided for more than one year, last past, in the state of Oklahoma. (6) I am over the age of 21 years. (7) I am not deprived of any rights of citizenship by virtue of any conviction of a felony. (8) I am not now being kept in a poor house, or other asylum at public expense. (9) I am not now kept in a public prison. (10) I am not a lunatic. (11) I am not an officer or soldier in the regular army, or a marine in the navy of the United States. (12) I know no reason why I am not entitled to vote. (13) I am generally known by the name under which I now desire to vote, which is-----  
----- (14) I have not voted and will not vote in any other precinct in this election. (15) My occupation is-----  
----- (16) My residence is----- (If in city or town give street number). (17) During the last six months, I have resided at----- (18) I have moved from-----  
-----to-----of the following date. (19) That-----and-----have personal knowledge of my residence in the precinct thirty days and in the county six months, and the state one year.

Subscribed and sworn to before me this-----day of-----19----

The inspector shall file such affidavit and safely keep the same until it is delivered as hereinafter provided, to the county election board.

The other affidavits herein referred to shall be in the following form:

STATE OF OKLAHOMA, County of-----, ss:

I swear that I know, or am informed and believe that-----  
-----now offering to vote, is not a legal voter in this precinct.

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_

STATE OF OKLAHOMA, County of \_\_\_\_\_, ss:

I do solemnly swear (or affirm) that I am a qualified elector of this precinct; that I have been a freeholder and householder in this precinct for one year next preceding this election; that \_\_\_\_\_ who now desires to vote has resided in this state for one year immediately preceding this election; that he has resided in this county six months and in this precinct thirty days, at \_\_\_\_\_ that he is now a bona fide resident of this precinct and a legal voter therein. These facts I know of my own personal knowledge.

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_

Should the person challenged not be a native of the United States, unless he be of Indian descent, he may strike out the avowal number "2" in the affidavit to be by him subscribed. If he be not of Indian descent, he must be a native of the United States to be entitled to vote. Should the person challenged be, at the time confined in a poor house, or other asylum at public expense, he may still be entitled to subscribe to said affidavit and vote, provided he will strike out of avowal number "8" as arranged herein, the word "not" and add at the close of such avowal, with pen and ink the words, "As a soldier of the war of 1861-65 between the states." Should the person challenged be an officer in the regular army or a marine in the navy of the United States, enlisted from this state, he may strike out the word "not" in avowal number "11," and add at the close of the avowal the words, "But I enlisted from this state," and strike out the avowal number "18" in case he has not removed as therein provided. The foregoing instructions, following the above jurat, shall be printed upon the affidavit in bold type, and immediately following the jurat with an index hand at the beginning of each paragraph. When such affidavits have been signed and sworn to, the clerk shall provide the elector with a ballot. The precinct inspector is hereby empowered to administer all oaths required by this act and all affidavits touching the qualifications of an elector required by this act shall be subscribed and sworn to before said precinct inspector. (L. 1911, H. B. 27, Sec. 13. Took effect March 18th, 1911.)

#### ARTICLE VI. CONDUCTING ELECTIONS.

Section 63. Election to Open and Close—When.— All elections shall be opened in the forenoon at the hour of eight o'clock, and shall be kept open, continuously, until the hour of six o'clock in the afternoon: Provided, that in cities of the first class the polls shall be opened at six in the forenoon, and shall be kept continuously open

until the hour of seven o'clock in the afternoon. Ten minutes before the hour of closing the polls, the inspector of elections shall make a public proclamation, in a loud and distinct voice, to the people outside the election enclosure that in ten minutes the polls will close. When the time arrives for the closing of the polls, said inspector shall make the proclamation, in a loud and distinct voice, to the said people that the polls are closed and the clerk shall enter a minute of such last proclamation upon the poll list, and no other ballot shall be received or deposited after the entry of such minute. (L. 1907-08, Ch. 31, Art. 6, Sec. 1. Took effect May 29th, 1908. C. L. 1909, Sec. 3196.)

**Section 64. Exposure of Boxes Prior to Opening Ballots.**—When all else is in readiness for the opening of the polls, the inspector shall open the ballot boxes and in view of the other election officers and spectators shall turn all of them top down, to show that no ballots are contained therein, and then lock the boxes and hand the key to one lock to the judge and the key to the other lock to the clerk: Provided, they are of different political parties. If they are not of different political parties he shall retain one set of keys and hand the other to an election officer of a different political party, and the box shall remain locked until the counting begins. The same action shall be taken as regards all the boxes. (L. 1907-08, Ch. 31, Art. 6, Sec. 2. Took effect May 29th, 1908. C. L. 1909, Sec. 3197.)

**Section 65. Number of Persons Allowed Within Enclosure.**—At no time during the hours of voting shall any person other than the election officers, and the electors who are within the booths for the purpose of voting, be allowed inside such enclosure and no more electors shall be allowed within such enclosure at any one time than one for each booth and one other, and electors shall be permitted to enter in the order in which they present themselves at the door or entrance. (L. 1907-08, Ch. 31, Art. 4; Sec. 3. Took effect May 29th, 1908. C. L. 1909, Sec. 3198.) See Sec. 40.)

**Section 66. Voter Physically Unable.**—When any elector presents himself for a ballot and states that he, because of a physical disability or infirmity, is unable to stamp his ballot, one of the precinct election board shall cause such elector to be sworn after the following form:

Do you solemnly swear (or affirm) that you are unable to stamp and prepare your ballot for voting, because of a physical disability or infirmity? Should the elector so qualify himself it shall be the duty of two such precinct election officers, of opposite political parties, to give to such elector such assistance as he needs, but in all such instances the elector must, without suggestions from such officer, name the ticket, or the names of the candidates for which he desires to vote, and, in no instances shall an election officer volunteer any suggestion to such elector, as to who should and should not be voted for. Such assistance shall be given at the ballot box, and all other electors than the election officer shall be kept sufficiently distant that they

will not hear or know how such informed elector voted. Any election officer who employs deception and causes such an elector to vote for a party or candidate other than the one he wishes, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than five hundred dollars, and be imprisoned in the county jail not less than thirty days nor more than six months. (L. 1907-08, Ch. 31, Art. 6, Sec. 4. Took effect May 29th, 1908. C. L. 1909, Sec. 3199.)

**Section 67. Mutilated Ballots.**—Should any elector spoil or mutilate his ballot, in his effort to vote the same, he shall fold it and return it in the presence of the election officer and such elector shall then in the presence of said officer, destroy said ballot by burning or otherwise, and the clerk of the election shall provide such elector with another ballot, in the same manner that the first one was provided. The clerk shall endorse upon the proper blank line upon the stub of the spoiled ballot the word "Spoiled." He shall not write the name of the elector upon the stub of the duplicate ballot, but shall write instead the words "Duplicate of Number-----," giving the number of the stub of the original, or spoiled ballot. Any elector refusing to destroy a mutilated ballot, or any election officer permitting an elector to retain a mutilated ballot, shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined not less than twenty-five nor more than five hundred dollars, and be imprisoned in the county jail for not less than thirty days nor more than six months. (L. 1907-08, Ch. 31, Art. 6, Sec. 5. Took effect May 29th, 1908. C. L. 1909, Sec. 3200.)

**Section 68. Challenger—How Appointed.**—In all elections, any candidate shall have the right to have a challenger, if appointed by him in writing, stationed outside the enclosure, but in view of the entrance, and of the election officers, and such challenger shall have the right to question any elector, and to challenge his right to vote if he so desires, and when an elector is so challenged he may subscribe to the oath provided for challenged voter or else he shall not be allowed to vote. No other person may remain within fifty feet of the same, except for the purpose of offering his vote, and voters shall approach and enter the chute in order in which they appear for the purpose of voting. If any person desiring to vote shall be challenged by any one of the challengers, or by any member of the election board he shall stand aside and not be entitled to vote, unless he fills out and swears to the oath provided for challenged voters. Members of a precinct election board who permit an elector to vote when he has been challenged by an authorized challenger, without first requiring said elector to subscribe and swear to the affidavit aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars each, and may be confined in jail not to exceed six months. (L. 1907-08, Ch. 31, Art. 6. Took effect May 29th, 1908. C. L. 1909, Sec. 3201.) (See Secs. 40-65.)

**Section 69. How Election Held If Supplies Fail to Reach Precinct.**—Should the supplies for any precinct fail to be delivered at such precinct's voting place, by nine o'clock a. m. on the morning of any election, the citizens and electors entitled to vote at such precinct, provided as many as ten of them be then assembled, or at any hour during the day thereafter, when as many as ten of such electors are assembled, may proceed to hold an election by choosing representatives from the several political parties desiring to assist in such work, which representatives when so chosen, may proceed to prepare written ballots which may be cast by the electors in a box to be prepared for the purpose, and such election shall be by secret ballot, in so far as the same is possible: Provided that the provisions of this section shall not prevent an elector under such circumstances, from preparing his own ballot, in writing, and all ballots so prepared under the circumstances above described and cast at such election shall be counted and considered: Provided, the interest of the elector is made apparent. (L. 1907-08, Ch. 31, Art. 6, Sec. 7. Took effect May 29th, 1908. C. L. 1909, Sec. 3202.)

#### ARTICLE VII.

#### VIOLATION—PENALTY.

**Section 70. Member of Precinct Board—May Be Excused—When.**—If a member of the precinct board desires to be relieved from duty as such and it is too late to notify the county board, he shall apply to the other two members of the precinct board, and if they both agree and his excuse is reasonable, then he will be excused from service; otherwise, he must serve and perform the duties of his office. and should he not serve, and not file his excuse with the other two members of the Board in time to prevent a delay then such members shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than twenty-five dollars. (L. 1907-08, Ch. 31, Art. 7, Sec. 1. Took effect May 29th, 1908. C. L. 1909, Sec. 3203.)

**Section 71. Counter to Notify Board of Inability to Serve.**—Any person regularly chosen as official counter, who cannot serve must notify the precinct election board at the time he is informed of his election, that he cannot serve. Any person regularly chosen as official counter, who fails to serve, unless excused, by a majority of the precinct election board shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than twenty-five dollars. (L. 1907-08, Ch. 31, Art. 7, Sec. 2. Took effect May 29th, 1908. C. L. 1909, Sec. 3204.)

**Section 72. Illegal Voting—Procuring Illegal Voting—Penalty.**—Any person not entitled to vote at any election in this state, who exercises that right and casts his vote, whether he be challenged or not, shall be guilty of a felony and upon conviction shall be confined in the state prison not less than one year nor more than three years. Any person who procures a person to vote when such person is not

entitled to vote, under the provisions of this Act, shall be deemed guilty of a like offense, and subject to a like penalty. In the prosecuting of any procuring the casting of any illegal vote, if it is shown that the accused insisted and persuaded or urged the party to vote, this shall be a presumption of guilt. (L. 1907-08, Ch. 31, Art. 7, Sec. 3. Took effect May 29th, 1908. C. L. 1909, Sec. 3205.)

**Section 73. False Swearing — Procuring Same — Penalty.**—Any person who makes a false affidavit under the provisions of Section 16 of this article shall be guilty of false swearing, and upon conviction shall be confined in the state prison not less than one nor more than three years, and any person encouraging or procuring the execution of such false affidavit shall be deemed guilty of a like offense and subjugated to a like penalty. In the prosecution of one charged with procuring another to swear falsely hereunder, if it is shown that the accused urged and insisted upon the party signing and swearing to the affidavit, this shall be a presumption of guilt. (L. 1907-08, Ch. 31, Art. 7, Sec. 4. Took effect May 29th, 1908. C. L. 1909, Sec. 3206.)

**Section 74. Penalty for Removal of Election Supplies.**—Should any election officer or other person remove any ballot, ballot box, tally sheet, stencil, pad, or any of the election supplies outside the enclosure in which the election is required to be held, or should any election officer or any other person have any such supplies outside such enclosure or should any election officer or other person tear down, mutilate, or injure any card of instructions posted under the provisions hereof, or destroy, mutilate, injure or appropriate any of the election supplies either while the same are in use or while sorted, such offending party shall be fined not less than twenty-five nor more than five hundred dollars, and shall be confined in the county jail not less than thirty nor more than ninety days. (L. 1907-08, Ch. 31, Art. 7, Sec. 14; took effect May 29th, 1908. C. L. 1909, Sec. 3216.)

**Section 75. Electioneering Prohibited—Electors—Must Not Disclose Ballot.**—No person shall be allowed to electioneer within fifty feet of any election booth or ballot box, while an election is in progress, nor shall any person or persons be allowed to congregate or be within less than fifty feet of any election booth or ballot box while an election is in progress. No person shall, within the election enclosure, disclose to any officer or to any other person how he voted, nor shall any elector expose his ballot to any one. Any one violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars. (L. 1907-08, Ch. 31, Art. 7, Sec. 6. Took effect May 29th, 1908. C. L. 1909, Sec. 3208.)

**Section 76. Inspector to Deliver Returns.**—Any election inspector who fails to make delivery of the election returns, to the county election board, who alters or changes any certificate, affidavit or writing of any kind, connected with said returns, or who opens the election box, or any of the envelopes, or mutilates or defaces any box

or election returns while in his care in being transferred from or to the county election board shall be deemed guilty of a felony and upon conviction shall be confined in the state prison for not less than one nor more than six years. (L. 1907-08, Ch. 31, Art. 7, Sec. 7. Took effect May 29th, 1908. C. L. 1909, Sec. 3209.)

**Section 77. Employer to Allow Time to Attend Election.**—Every corporation, firm, association or individual who, on election day, has an elector employed or in his service; and every foreman, superintendent or other person in charge of employees shall grant each of said employees two hours of time during the period when the election is open in which to vote, and if such employee be in the county or at such distance from the voting place that more than two hours are required in which to attend such elections, then he shall be allowed a sufficient time in which to cast his ballot, and such corporation, firm, or association, individual, foreman, superintendent or other person in charge of such laborers, shall select the hours which such employees are to be allowed in which to attend such elections, and shall notify each of the employees which hours they are to have in which to vote, and any corporation, firm or association, individual, foreman or superintendent who fails to so notify such employees as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars for each elector whom they failed to so notify, and any individual with such electors employed, or foreman or superintendent, who fails to so notify such employee, shall in addition to said fine, be, upon conviction, imprisoned in the county jail not less than two nor more than six months. (L. 1907-08, Ch. 31, Art. 7, Sec. 8. Took effect May 29th, 1909. C. L. 1909, Sec. 3210.)

**Section 78. Corporations Not to Contribute to Campaign Fund.**—No corporation chartered under the laws in this state, shall contribute to any campaign fund of any political party of this state or to any person for the benefit of such party or its candidates nor shall they, through any agent, officer, representative, employee, attorney, or any other person or persons, so contribute. Nor shall any such corporations, except a banking corporation of this state, directly or through such other person, make any loan of money, or anything of value, or give or furnish any privilege, favor, or other thing of value to any political party, or to any representative of a political party, or to any other person for it, or to any candidate upon the ticket of any political party.

Any agent, employee, representative, official, attorney, or any other person, who act for a corporation in extending any of the benefits herein prohibited, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than one thousand dollars, and imprisoned in the county jail not less than thirty nor more than one hundred and twenty days: Provided, the provisions of this section shall apply to any non-partisan candidates

(L. 1907-08, Ch. 31, Art. 3, Sec. 9. Took effect May 29th, 1908. C. L. 1909, Sec. 3211.)

**Section 79. Corporation Not to Attempt to Influence Vote.**—Any corporation, whether chartered under the laws of this state, or of a foreign state, and which has been permitted to do business herein, which, through its officials, employees, agents, attorneys, representatives or some other person or in any other manner, directly or indirectly, influences or attempts to influence, by bribe, favor, promise, inducement, threat, intimidation, importuning, or beseeching to control the vote of any employee or other person shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than five hundred nor more than five thousand dollars, and the person or persons so acting for such corporation in the violation of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than one thousand dollars, and imprisoned in the county jail not less than sixty nor more than one hundred and twenty days. (L. 1907-08, Ch. 31, Art. 7, Sec. 10. Took effect May 29th, 1908. C. L. 1909, Sec. 3212.)

**Section 80. Corporation Liable for Acts of Agent.**—When any official, agent, attorney, or employee of a corporation has been shown to have violated the provisions of sections 3210 (77) and 3211 (78) of this Article, it shall be presumed that he was acting for such corporation, and the burden shall be upon the accused corporation to show that such official, agent, attorney or employee was not acting for it or with its sanction. (L. 1907-08, Ch. 31, Art. 7, Sec. 11. Took effect May 29th, 1908. C. L. 1909, Sec. 3213.)

**Section 81. Near Election While Intoxicated—Penalty.**—Any person who takes intoxicating liquors of any kind, character or quantity, to within one-half mile of any voting place, or on an election day, or who gives or offers to another person, at any place, on such a day, a drink of liquor, or of any other drinks commonly known and accepted as substitutes for whiskey or beer, or any person who shall attend an election or be upon the grounds near an election, in an intoxicated condition, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars, and confined in the county jail not less than one nor more than three months. Any person offending hereunder, should be forthwith arrested. (L. 1907-08, Ch. 31, Art. 7, Sec. 12. Took effect May 29th, 1908. C. L. 1909, Sec. 3214.)

**Section 82. Penalty for Interference With an Election.**—Any person who interferes with an election, by noisy or riotous conduct, or in any otherwise, or who attempts to so interfere, or any person who refuses to obey any order of the election officers, given in the discharge of their duties, in keeping order about the voting place, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten or more than one hundred dollars for such



offense, and such person shall be arrested at the time the offense is committed. (L. 1907-08, Ch. 31, Art. 7, Sec. 13. Took effect May 29th, 1908. C. L. 1909, Sec. 3215.)

**Section 83. Bribery.**—Any person guilty of offering, giving or accepting a bribe, a reward, a benefit, or advantage, or anything of value, present or future, directly or indirectly, intended to influence the vote of the person to whom it is given or offered, shall be deemed guilty of a felony and upon conviction shall be fined not less than one hundred nor more than one thousand dollars, and shall be confined in the state prison not less than one nor more than three years for each offense. Money or other things of value, given or lent to be betted on the result of an election, or the promise thereof, of a bet with another that such other will vote a certain ticket or for a certain candidate, and the gift of such bet or the share therein, or the promise thereof, shall be deemed a bribe. Whoever shall receive money or other thing of value, to be so betted under such agreement, or whoever receives money or other thing of value to be used for the purpose of procuring or influencing the vote of himself or another, shall be deemed guilty to have been bribed. (L. 1907-08, Ch. 31, Art. 7, Sec. 14. Took effect May 29th, 1908. C. L. 1909, Sec. 3216.)

**Section 84. Disfranchisement.**—Any person convicted under the provisions of the foregoing section shall henceforth be excluded from holding any civil office in this state, and shall forever be deprived of his right of suffrage. (L. 1907-08, Ch. 31, Art. 7, Sec. 15. Took effect May 29th, 1908. C. L. 1909, Sec. 3217.)

**Section 85. Witness — Self-Incrimination — Effect.**—No witness shall be excused from giving his testimony before any grand jury, inquisitorial, or trial court, upon the ground that such testimony would incriminate himself, but not such testimony shall be used against such witness at any time, or in any prosecution. Any person to whom a bribe or benefit has been given, who voluntarily discloses the evidence and the facts to the proper authorities and procures a conviction, under Section 14 of this article of the person who gave the bribe or benefit, shall not be prosecuted of procuring a bribe. (L. 1907-08, Ch. 31, Art. 7, Sec. 16. Took effect May 29th, 1908. C. L. 1909, Sec. 3218.)

**Section 86. Penalty for Refusal to Execute Correct Certificate of Election.**—Any member of a precinct, county or state board, who refuses to execute a correct and proper certificate of nomination or of election, or who issues or executes or aids or abets, in issuing a false or fraudulent certificate, or who alters or changes any certificate in his possession or care, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five nor more than five hundred dollars, and imprisoned in the county jail not less than one nor more than three months. (L. 1907-08, Ch. 31, Art. 7, Sec. 17. Took effect May 29th, 1908. C. L. 1909, Sec. 3219.)

**Section 87. Penalty for Attempt to Bribe Candidate or Nominee.**

—Any person who shall offer or give to another anything of value, to induce or cause such other person to withdraw from a political contest as a candidate or nominee at any election, shall be guilty of a felony, and upon conviction, shall be imprisoned in the penitentiary for not less than one nor more than three years. (L. 1907-08, Ch. 31, Art. 7, Sec. 18. Took effect May 29th, 1908. C. L. 1909, Sec. 3220.)

**Section 88. Penalty for Soliciting or Accepting Bribe.**—Any person who shall solicit or accept from another anything of value for withdrawing from any political contest as a candidate or nominee for any office at any election, shall be guilty of a felony and upon conviction shall be imprisoned in the penitentiary for not less than one nor more than three years. (L. 1907-08, Ch. 31, Art. 7, Sec. 19. Took effect May 29th, 1908. C. L. 1909, Sec. 3221.)

**Section 89. Penalty for Removal of Ballot.**—If any person shall take or move from any place where they may be, under this Act, any ballots, ballot boxes, stamps or other election apparatus, or any person found to be in the possession of such ballots, stamps or apparatus, except as an officer or custodian under this Act, or while in the polling place for the purpose of voting; or if any such custodian or official shall consent to or permit of any such ballots or stamps to be removed or carried away from the place where they may lawfully be by any person except a custodian under the authority of this Act, whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a period of not exceeding five years. (L. 1907-08, Ch. 31, Art. 7, Sec. 20. Took effect May 29th, 1908. C. L. 1909, Sec. 3222.)

**Section 90. Penalty for Mutilating or Carrying Away Election Supplies.**—Any one guilty of defacing, mutilating, destroying or carrying away any of the election supplies, whether it be at the time the same is in use, or while it is stored, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars, and may be imprisoned in the county jail not less than ten nor more than thirty days. (L. 1907-08, Ch. 31, Art. 7, Sec. 21. Took effect May 29th, 1908. C. L. 1909, Sec. 3223.)

## ARTICLE VIII.

### REGISTRATION.

**Section 91. Registration System Created.**—There is hereby created and established a registration system in the various cities of the first class in the state of Oklahoma for the registration of electors, and no elector shall be allowed to vote in any election held in such cities unless he has complied with the provisions hereof. (L. 1907-08, Ch. 31, Art. 8, Sec. 1. Took effect May 29th, 1908. C. L. 1909, Sec. 3223.)

**Section 92. Duty of Inspector—Time of Registration.**—It shall be the duty of the election inspector for each precinct within cities of

the first class beginning with the first day of July preceding each biennial primary election and continuing (Sundays excepted) until the hour of nine o'clock p. m. on the last Saturday night of said month of July, to keep open the precinct registration book in his care as hereinafter provided for the registration of any electors residing within such precinct and entitled to registration thereunder. (L. 1907-08, Cr. 31, Art. 8, Sec. 2. Took effect May 29th, 1908. C. L. 1909, Sec. 3224.)

**Section 93. Duty of Inspection When in Doubt of Elector's Right to Vote.**—Should the inspector of the elections have any doubt about the right of the person offering for registration to vote, he may when he has filed said certificate read the same to such person and require him to sign and be sworn to the facts therein stated, in which event the said inspector shall endorse the word "Sworn" in the lower left hand corner of such certificate. Any person who is guilty of furnishing a false statement to the inspector of elections in obtaining the above mentioned certificate shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than five hundred dollars, and confined in the county jail not less than two months nor more than six months. Any person who makes a false oath to such certificates when read to him by said inspector, shall be deemed guilty of false swearing, and upon conviction shall be confined in the penitentiary for not less than one nor more than two years. (L. 1911, H. B. 27, Sec. 11. Took effect March 18th, 1911.)

**Section 94. Duty of Elector in Registering.**—An elector presenting himself for registration, shall announce his name, and place of residence, he shall answer all the questions propounded to him by said inspector, or by any citizen of the precinct, touching his qualifications as an elector and his right to vote. (L. 1907-08 Ch. 31, Art. 8, Sec. 4. Took effect May 29th, 1908. C. L. 1909, Sec. 3236.)

**Section 95. State Board to Furnish Registration Books.**—It shall be the duty of the state election board to have prepared and printed for each city of the first class, at the expense of the state, proper registration certificate books and blank forms with the perforation on every other sheet or leaf of said book. The perforated leaf of said book shall be for the purpose of writing the original registration certificate of the elector; immediately underneath the same shall be a carbon sheet and immediately underneath such carbon sheet shall be an exact duplicate of the original certificate, but the same shall not be perforated. Such books or certificates shall be bound with pasteboard backs and wire staples or threads as may be deemed advisable, and upon the outside of the front cover of each book shall be pasted in bold type the number of the precinct, the number of the ward and county, for which book is prepared. It shall contain one original certificate and one duplicate thereof, for each elector of the precinct for which it is prepared, together with an additional amount of such certificates and duplicates equal to fifty per centum of the voters of such

precinct and the official vote at the last general state election in said precinct shall be taken as the basis upon which to regulate the number of said registration certificates. (L. 1907-08, Ch. 31, Art. 8, Sec. 5. Took effect May 29th, 1908. C. L. 1909, Sec. 3237.)

**Section 96. To Have Books Printed, When.**—Said state board shall have such books of certificates printed on or before the first Monday in June of each year of registration, and shall deliver the same to the chairman of the county election board, to be delivered by him to the inspector of the several precincts in due time for the registration as herein provided, and such county election board shall require a receipt from the several inspectors of such elections, giving the date upon which they receive such book or books. (L. 1907-08, Cr. 31, Art. 7, Sec. 6. Took effect May 29th, 1908. C. L. 1909, Sec. 3238.)

**Section 97. Form of Registration Certificates.**—The certificate above provided for shall be in form as follows, to-wit: Precinct No. \_\_\_\_\_ of \_\_\_\_\_ Ward \_\_\_\_\_ County.

This is to certify that \_\_\_\_\_ a person known to me, has this day presented himself for registration as an elector in this precinct; that before issuing this certificate I required such person to answer such questions as propounded to him. He says that his name is as above written; that he resides in this precinct, at No. \_\_\_\_\_ Street; he says his postoffice address is \_\_\_\_\_; that the color of his hair is \_\_\_\_\_; his eyes \_\_\_\_\_; his complexion \_\_\_\_\_, and politically he is a \_\_\_\_\_; that he refers to \_\_\_\_\_ as an owner of real estate whom he says knows that he is entitled to vote in this precinct.

Given under my hand on this, the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_

\_\_\_\_\_  
Inspector of Elections, Precinct No. \_\_\_\_\_

(L. 1907-08, Ch. 31, Art. 8, Sec. 7. Took effect May 29th, 1908. C. L. 1909, Sec. 3239.)

**Section 98. Registration Officer Authorized to Swear Voter.**—Should the inspector of elections have any doubt about the right of the person offering for registration to vote, he may, when he has filed said certificate, read the same to such person and require him to be sworn to the facts therein stated, in which event the said inspector shall endorse the word "Sworn" in the lower left hand corner of such certificate, and any person who is guilty of furnishing a false statement to the inspector of elections in obtaining the above mentioned certificate, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars, nor more than five hundred dollars, and confined in the county jail not less than two nor more than six months. Any person who makes a false oath to such certificate, when read to him by said inspector, shall be deemed guilty of false swearing and upon conviction shall be confined in the peni-

tentiary for not less than one nor more than two years. (L. 1907-08, Ch. 31, Art. 8, Sec. 8. Took effect May 29th, 1908. C. L. 1909, Sec. 3240.)

**Sectio 99. Record of Certificates.**—It shall be the duty of the inspector of elections to fill out all certificates in their proper blanks with an indelible pencil; he shall then tear the original receipt from the blank stub and shall retain the carbon sheet as well as the duplicate underneath such carbon, and such carbon and duplicate shall be so arranged as to provide a perfect copy in proper blanks, of said original certificate. (L. 1907-08, Ch. 31, Art. 8, Sec. 9. Took effect May 29th, 1908. C. L. 1909, Sec. 3241.)

**Section 100. Spoiled Certificate.**—Should a certificate be spoiled in issuing it, the original as well as the carbon copy shall be retained and not detached from the stub, and a new original shall then be prepared for such elector as a substitute for the spoiled certificate, and said substitute certificate shall bear the same number as did the original. (L. 1907-08, Ch. 31, Art. 8, Sec. 10. Took effect May 29th, 1908. C. L. 1909, Sec. 3242.)

**Section 101. Numbering Certificates.**—Each certificate shall be numbered consecutively through the book, and the duplicate shall bear the same number of the original. The stub of the original certificate shall have no printing thereon, and shall not be used as a record of such certificate. (L. 1907-08, Ch. 31, Art. 8, Sec. 11. Took effect May 29th, 1908. C. L. 1908, Sec. 3243.)

**Section 102. Books Subject to Public Inspection.**—Any citizen shall have the right or privilege to inspect any duplicate, or book of duplicate certificates, at any time, but the same shall not be taken out of the hands of the proper custodian on any occasion. (L. 1907-08, Ch. 31, Art. 8, Sec. 12. Took effect May 29th, 1908. C. L. 1909, Sec. 3244.)

**Section 103. Challenge of Right to Register.**—Any citizen may have the right to challenge any elector or any citizen's right to register: Provided, such challenge shall go only to such person's qualification as an elector under the provisions of the Constitution, and it shall be the duty of the inspector of elections, when such challenge is interposed, to make such investigation as he deems essential, and decide the question of such person's qualifications as an elector, and should he be of the opinion that such person is not a qualified elector, he shall not issue to him a certificate of registration. (L. 1907-08, Ch. 31, Art. 8, Sec. 13. Took effect May 29th, 1908. C. L. 1909, Sec. 3245.)

**Section 104. Registration Records at Polls.**—It shall be the duty of the precinct inspector of elections to have at the polls on each election day, whether in primary or general elections after the registration herein provided for, the book of duplicates of registration certificates for said precinct. (L. 1907-08, Ch. 31, Art. 8, Sec. 14. Took effect May 29th, 1908. C. L. 1909, Sec. 3246.)

**Section 105. Certificate Gives Right to Vote.**—When an elector in

cities of the first class presents himself for a ballot at an election hereafter, he shall present first his certificate of registration as above provided for, and such certificate of registration shall entitle such voter to vote: Provided, it is found to be in regular form, as compared with the carbon copy in the hands of the inspector of elections. (L. 1907-08, Ch. 31, Art. 8, Sec. 15. Took effect May 29th, 1908. C. L. 1909, Sec. 3247.)

**Section 136. Altered Certificates Refused.**—No registration certificate shall be accepted as genuine which bears any mark, figure, words or letters, which are not on the carbon copy. (L. 1907-08, Ch. 31, Art. 8, Sec. 16. Took effect May 29th, 1908. C. L. 1909, Sec. 3248.)

**Section 107. Certificate to Be Endorsed After Voting.**—One of the election officers shall endorse upon the back of each certificate presented, the word "Voted" and upon the same line, in figures, indicate the date of the election, as in this style: "Voted 8-6-08," which would indicate the holder of said certificate voted by virtue thereof at an election held on the sixth of August, 1908. There shall be no signature attached to such endorsement, nor anything other than above specified. (L. 1907-08, Ch. 31, Art. 8, Sec. 17. Took effect May 29th, 1908. C. L. 1909, Sec. 3249.)

**Section 108. Certificate Valid—How Long.**—Certificate of registration shall entitle electors who rightfully hold the same, to vote at all elections held after the date of said registration, and before the next biennial registration, whether such elections be primary or general. (L. 1907-08, Ch. 31, Art. 8, Sec. 18. Took effect May 29th, 1908. C. L. 1909, Sec. 3250.)

**Section 109. Procedure in Case Certificate is Lost.**—Any person who loses a certificate of registration may be entitled to vote: Provided, he makes an affidavit to the fact that he has lost his said certificate, and is unable to produce the same, and provided further, that said inspector of elections is satisfied that such person is the elector mentioned in the duplicate in his hands, and should such inspector not be personally acquainted with such elector, such elector may prove his identity by some citizen who knows that he is entitled to vote, and if such inspector becomes satisfied from such evidence he may issue to such elector a duplicate of said certificate, and such elector shall be permitted to vote thereon (L. 1907-08, Ch. 31, Art. 8, Sec. 20. Took effect May 29th, 1908. C. L. 1909, Sec. 3252.)

**Section 110. Certificate Returned to Elector After Voting.**—All certificates of registration shall be returned to the elector entitled to the same when presented to the officer of elections for the purpose of voting. (L. 1907-08, Ch. 31, Art. 8, Sec. 20. Took effective May 29th, 1908. C. L. 1909, Sec. 3252.)

**Section 111. Removing to Another Precinct.**—Should any elector, without losing his right to vote, change his residence, by moving from one precinct to another, he may secure a transfer of his certificate of registration by appearing at the office of the inspector of elections

who issued the said certificate during the last week preceding any election in which he desires to vote, and, upon a sworn statement as to his removal from said precinct, said inspector shall endorse upon the back of such certificate a statement as follows: "Transferred to -----" (He shall write in the blank the number of his precinct and the number of the ward, also his street number to which the elector claims to have moved) and such endorsement shall be made by said inspector with the date of such signature. (L. 1907-08, Ch. 31, Art. 8, Sec. 21. Took effect May 29th, 1908. C. L. 1909, Sec. 2353.)

**Section 112. Record Books of Registered Voters.**—The state election board shall provide for each precinct, books of sufficient size and properly ruled to indicate, in addition to the name of the registered voter, with the number of the registration certificate, his age, his street number, his postoffice address, his politics and his color. And it shall be the duty of the county board to deliver to the inspector of elections one of such books at the time the registration certificates are delivered. When the registration is completed, it shall be the duty of the inspector of elections to transcribe into the said book or cause to be transcribed into the same, the name of all electors registered in his precinct, and the same shall be arranged in alphabetical order and the blanks after such names shall be filed by said inspector, to conform to the age, the street number, the postoffice address, the politics, and the color as stated in the duplicate certificate of registration. Such list of voters shall, in addition to said duplicate certificates, be delivered at the opening of the election into the hands of the precinct election board, and unless some member of the precinct election board requires an inspection of the carbon duplicate of the certificate of a voter, the fact that his name is recorded upon such book in its alphabetical order, and that it conforms to the original certificate presented to the elector, shall be considered sufficient evidence of such elector's right to vote. (L. 1907-08, Ch. 31, Art. 7, Sec. 22. Took effect May 29th, 1908. C. L. 1909, Sec. 3254.)

**Section 113. Inspector to Be Sworn.**—Before entering upon his duties as registration officer, the inspector of elections must have subscribed to the oath required of him under the provisions of the election law. (L. 1907-08, Ch. 31, Art. 8, Sec. 23. Took effect May 29th, 1908. C. L. 1909, Sec. 3255.)

**Section 114. Fraud of Voter—Penalty.** Should any person not entitled to vote under the law seek to do so by the use of any certificate of registration, or should any person procure or aid in procuring the wrongful issuance of a certificate of registration, or should any person have in his possession for the purpose of using, or having another to use, such wrongfully issued certificate, or to which he is not entitled, he, or any person or persons, shall be deemed guilty of a felony, and upon conviction shall be confined in the penitentiary for not less than

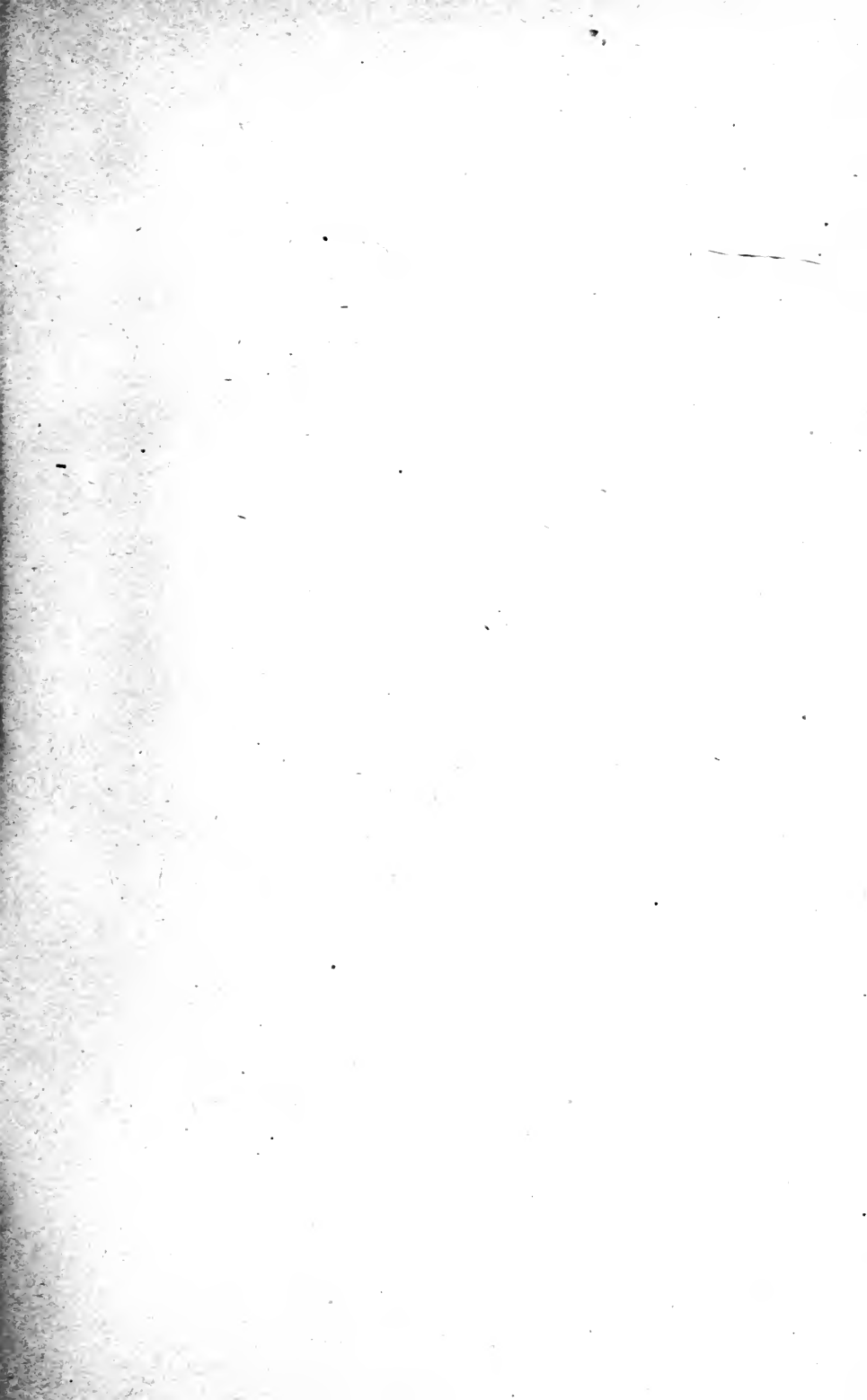
one or more than three years. (L. 1907-08, Ch. 31, Art. 8, Sec. 24. Took effect May 29th, 1908. C. L. 1909, Sec. 3256.)

**Section 115. Fraud of Inspectors—Penalty.**—Should the inspector of elections, or any other person, add to the registration list of any precinct, any fictitious names or record improperly any names thereon, or destroy the record of registration, or any part of same, or permit such record to be out of the hands of the inspector shall be deemed guilty of a felony, and upon conviction, shall be confined in the penitentiary for not less than one nor more than three years. (L. 1907-08, Ch. 31, Art. 8, Sec. 25. Took effect May 29th, 1908. C. L. 1909, Sec. 3257.)

**Section 116. Negligence of Inspector—Penalty.**—Any inspector in cities of the first class who fails to correctly copy his precinct registration list and have such copy at the polls on election day, as herein required, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than twenty-five dollars. (L. 1907-08, Ch. 31, Art. 8, Sec. 26. Took effect May 29th, 1908. C. L. 1909, Sec. 3258.)

**Section 117. Special Registration for New Voters.**—During the last week of the month of October preceding the general election to be held in November, as provided for by this Act, the inspector of election shall open and keep open the registration books in their possession in the same manner as required of them during the month of July, for the registration of the electors of their respective precincts who from any cause shall have become legal voters in such precinct since and subsequent to said August election, or who will be entitled to vote at said general election in November, and the same rules and regulations provided for the registration of voters preceding said August primary, shall prevail and be applied to such special registration. (L. 1907-08, Ch. 31, Art. 8, Sec. 27. Took effect May 29th, 1908. C. L. 1909, Sec. 3259.)













UNIVERSITY OF CALIFORNIA LIBRARY

THIS BOOK IS DUE ON THE LAST DATE  
STAMPED BELOW

MAR 8 1915

30m-1,'15

Gaylord Bros.  
Makers  
Syracuse, N. Y.  
PAT. JAN. 21. 1908

YC 08626

84

293011

JK 1523  
. O5H3  
7313

UNIVERSITY OF CALIFORNIA LIBRARY

