

THE OKLAHOMA TERRITORIAL ELECTION SYSTEM: 1890 - 1905

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Oklahoma's first Territorial election, administered under the 1890 Organic Act, was typical of the early Nineteenth Century. By today's standards it was primitive. By the end of the Territorial period in 1907, Oklahoma had a modern election system. The shape this election system took was a product of Territorial political struggles.

Oklahoma Territorial government emerged just as American election administration was taking its modern form. The Australian ballot, straight-party voting, voter registration, ballot access, anti-fusion, woman suffrage and party primaries either did not exist in the United States prior to the Oklahoma Territory organization in 1890 or were experimental, local and scattered in application. By the end of the Territorial period in 1907, election administration throughout much of the country, including in the Territory, had taken its present form.

The Territory underwent the same political struggles that produced election systems elsewhere. The shape the election system took here was a product of Territorial political balances. The process by which the Territory established its election system yields insights into the politics of the Territorial period. It also gives insight into the late Nineteenth and early Twentieth Century reasons for election practices that are obscure today.

1890

ORGANIC ACT

Oklahoma's first Territory-wide election took place August 5, 1890. It was for the Territorial legislature scheduled to meet August 12, 1890 (Peery 1929). The election was conducted under the provisions of the Organic Act passed by Congress, May 2, 1890. The Organic act provided the first election would include a county vote to name the counties (Section 4). Hence, the first Oklahoma election was also its first referendum. Republican governor George Washington Steele, apportioned the thirteen Council and twenty-six House seats of the Territorial Assembly based on population. The Organic Act required legislators be resident inhabitants of the district from which they were elected (Section 4). The Governor also appointed the officials that would conduct the election. "The number of persons authorized to be elected, having the highest number of legal votes in each of said council districts for members of the council, shall be declared by the governor to be duly elected to the council"(Section 4). A similar provision was made for the House. The implication is that candidates ran at large within counties and did not declare for particular seats. Oklahoma County, for example, elected three to the Council and five to the House. These would have been elected at large; the three or five candidates getting the most votes were elected.

The Organic Act provided for election of a Delegate to Congress. Voters would have the same qualification as voters for the legislative assembly (Section 16).

Eligible voters were

all male citizens of the United States above the age of twenty-one, and male persons of foreign birth...who shall have, twelve months prior thereto, declared their intentions to become citizens of the United States...who are actually resident at the time of the Passage of this act of that portion of said Territory which was declared by the proclamation of the President to be open for settlement on the twenty-second day of April, anno domini, eighteen hundred and eighty-nine, and that portion of said Territory heretofore known as the Public Land Strip (Section 5).

The Organic Act allowed the Territorial legislature to set voter qualifications for subsequent elections with these exceptions. Suffrage and holding office shall be restricted to citizens over twenty-one

and by persons of foreign birth above that age who have declared, on oath, before a competent court of record, as required by the naturalization laws of the United States, their intention to become citizens, and have taken an oath to support the constitution of the United States, and who shall have been residents of the United States for the term of twelve months before the election (Section 5).

The Organic Act also specified,

There shall be no denial of elective franchise or of holding office, to a citizen, on account of race, color, or previous condition of servitude (Section 5).

Finally, the Organic Act specified no military could vote or hold office in the Territory by virtue of residence due to service (Section 5).

It appears ballots were printed by clubs and distributed to voters. The ballot would have the organization's 'ticket.' Or the voter could write his votes on a piece of paper he prepared himself, if Oklahoma followed the then prevalent pattern. That was how American elections were conducted during most of the Nineteenth century. (Argersinger 1992) Evidence that Oklahoma voted this way in August, 1890, is provided by Dan Peery, a participant in that election. The Crutcho Democratic Club nominated him for a House seat. Other groups in Oklahoma County nominating slates were the Kickapoo, the Seminole factions.

Mr. R.W. McAdams, who was the editor and publisher of the *Oklahoma Chief*, a weekly publication, showed me a ticket he had printed containing the names of three democrats and two republicans and my name was on the ticket. It was a Kickapoo ticket. This was before the adoption of the present system of voting (Peery 1929:432).

1890 LEGISLATURE

The election produced a majority of seven Republicans in the Council and fourteen in the House (Rock 1890). The new legislature would locate the Territorial capitol, its university and other institutions as well as hiring legislative staff and other things. The five Democrats in the Council and eight in the House put together 'The Organization' of Democrats, Populists and defecting Republicans. Populists would be given the leadership positions in the Council and House. They would also get the Territorial Agricultural and Mechanical College for Payne County where four of the five Populists were elected. The defecting Republicans were from Oklahoma County. They would get the Territorial capitol. Democrats, thereby, were able to organize both legislative houses. Their coalition held for most votes (Peery 1929).

The 1890 Territorial legislature began the creation of Oklahoma's election system. Of interest here is the administrative structure, the candidate nomination process, ballot design and voter registration.

ADMINISTRATION

The 1890 statutes provided for three levels of election administration, the township, the county and the Territory. "Township trustees shall by virtue of their office, be inspectors of elections in the precincts in which they respectively reside" (SO 1890:548-9). The chairs of the county central committees of the two political parties gaining the highest Territorial vote in the last general election each designated a party member as a judge. The judges and the inspector were the township board of elections. The chair of the county central committees of the two largest Territorial political parties designated a poll clerk for each precinct. The township board of elections supervised the voting.

The county clerk and two persons designated by chairs of the county central committees of the two political parties gaining the highest Territorial vote in the last general election constitute the county board of election commissioners. The task of the county board of election was to prepare and distribute the county ballots. The clerk and county board of commissioners provided administrative support for the election and defined precincts. The county clerk received the nomination petitions and certificates for district and local offices.

The Territorial board of elections was the Governor and two persons designated by chairs of the Territorial central committees of the two political parties gaining the highest Territorial vote in the last general election. The Territorial election board prepared ballots for offices for which the entire Territory voted and received the corresponding nomination petitions and certificates. Thus, there were to be at least two ballots. One, prepared by the Territorial election board for Delegate to Congress and one prepared by the county election board for the legislature and county offices. This is because the legislative districts, as a matter of practice, were expected to be entirely within a single county.

Counting ballots and certification of the election results was at the county and township level. Once the ballots were counted they were to be immediately destroyed by fire (SO 1890).

CANDIDATE NOMINATION

There were two routes provided for access to the ballot. Any political party gaining one percent of the Territorial votes in the last general election could nominate a ticket by party convention or party primary. The parties themselves, not the government, conducted the primaries. Candidate certification was by the county or Territorial party chair to the appropriate election board. Nominations for Delegate to Congress went to the Territorial Governor; nominations for the legislature and for county offices went to the county clerks. Groups and factions could nominate by petition. Five hundred signatures were required for a Territorial official, of which there were none elected; two hundred signatures for a Delegate to Congress; twenty-five signatures for a

county officer or member of the legislature; twenty signatures for an office of a subdivision of the county.

In case of division in any party, and claimed by two or more factions in the same party, name or title, or figure or device, the board of election commissioners shall give preference of name to the convention held at the time and place designated in the call of the regularly constituted party authorized, and if the other faction shall present no other party name, title or device, the board of election commissioners shall select a name or title, and place the same upon the list of candidates of said faction on the ballot, and select some suitable device to designate its candidates. If two or more conventions be called by authorities claimed to be the rightful authorities of any party, the proper board of election commissioners shall select some suitable devices to distinguish one faction from the other (SO 1890:555-6).

Finally there was this provision. Should a political party entitled to nominate by convention not do so, then

the name of all the nominees by petition for any office who shall be designated in their petitions as members of and candidates of such party shall be printed under the device and title of such party on the ballots, as if nominated by convention (SO 1890:555-6).

This last provision creates a potential problem should two or more parties agree on a common fusion ticket, as was the case in 1896 and 1898 when the Democrats and Populists joined under the Free Silver banner. Insurgent Democrats or Populists could petition and claim the Democratic or Populist ballot device and title, thereby confusing the voter and dividing the vote. It is instructive that this provision was retained in the statutes of 1893 and 1895 but dropped when the Democrats and Populists controlled the Territorial legislature and governor's office in 1897. Back in control in 1899, the Republicans restored it (SL 1899) and it remained in effect with the 1901, 1903, and 1905 statutes (see SL 1905). The provision was benign in 1890.

BALLOTS

Ballots printed by the State originated in the South Australia legislative session of 1857-8 (Evans 1917). Prior to this political parties printed their tickets, sometimes under state regulation of color and size, and made them available to voters, or voters simply made their own list on their own paper. The Oklahoma Territorial election of August 5, 1890 was of this sort (Peery 1929). The Kentucky legislature passed an Australian ballot law restricted to Louisville in 1888 and later that year Massachusetts passed a mandatory statewide Australian ballot law. By 1892 thirty-two of the then thirty-six states had adopted the Australian ballot (Ray 1924).

Ballots were of two sorts, Massachusetts or office-block ballot and Indiana or party-column ballot. The Massachusetts office-block ballot listed candidates, typically alphabetically, under the office. Party was printed in smaller type and the implication offered was the voter should select the best candidate regardless of party. The Indiana party column ballot organized all candidates of one party in a single column and provided for voting for all with a single mark at the top of the list. The implication was the voter should vote a party ticket (Ray 1924). Voters, of course, were free to vote for whatever candidates they preferred with either type but voting their preferences was easier or more difficult depending on the ballot type and voter preference pattern.

The ballots themselves were to be printed on red tinted paper

and the device named and list of candidates of the democratic party shall be placed in the first column on the left hand side of said ballot, of the republican party in the second column, of the people's party in the third column, and any other party in such order as the board of election commissioners shall decide (SO 1890:557).

This is the Indiana ballot. Oklahoma County Democratic Councilor Leander Pitman moved that the election bill then being considered be amended. "That all after the enacting clause be stricken out and the election law of the state of Indiana be substituted" (JFS 1890:528). This passed on a 10 - 1 vote. The Oklahoma statute actually reproduced the 1888 Indiana Governor and Lieutenant Governor candidates in

illustrating the ballot form. Oklahoma did not have a Lieutenant Governor nor did it have the Prohibition Party the ballot illustrated. The Territory did not elect any statewide officials other than the Delegate to Congress. Territorial voters were given a chance to express their preference for President in 1892 although the Territory did not have any electoral votes.

There was an additional provision.

In the case of death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the Territory, district, or county political organization of which such candidate was a member to make a nomination to fill such vacancy, and to provide the election board of each precinct in which such candidate is to be voted for, and a number of pasters containing only the name of such candidate at least equal to the number of ballots provided each precinct, but no pasters shall be given or received by any one except such election board and such chairman, and it shall be the duty of the polling clerks to put one of such pasters in a careful and proper manner and in the proper place, on each ticket before they shall sign their initials thereon (SO 1890:558).

The Daily Oklahoman describes how this worked in the 1892 election.

Six years ago. The day before the election the republicans and populists made a trade whereby the populist candidate for county attorney was withdrawn and J.H. Woods republican candidate for that office was placed on both the republican and populist ticket. In turn on the trade the republican candidate for Sheriff Beard, was withdrawn and Fightmaster the populist candidate was placed on both tickets. The night before election republican henchmen on horseback were sent to each precinct with slips containing the names of Woods and Fightmaster and these slips were pasted on the Australian ballot. The trade resulted in the election of Wood and Fightmaster, defeating Taylor and Colcord (November 11, 1898:2).

The provision for ‘pasters’ remained throughout the Territorial period except, perhaps, for the 1898 election.

FIGURE 1

1890 Oklahoma Ballot

Device	Device	Device
Democratic Ticket	Republican Ticket	Prohibition Ticket
For Governor, Courtland C. Matson	For Governor, Alvin P. Hovey	For Governor Jos. D. Hughes
For Lieut. Governor Wm. R. Meyers	For Lieut. Governor Ira J. Chase	For Lieut. Governor Robt. Gale

SOURCE: SO 1890: 558

Ballot party order was an outcome of Territorial legislative politics. The Republican appointed Governor had a veto and Republicans were the largest party in both the Territorial Council and House. Republican defections, however, allowed a Democrat-People's Party coalition to organize and control both houses (Peery 1929; Miller 1987). The structure of the ballot provides an accurate gauge of legislative control during the Territorial period.

Under the statute enacted, voting was secret and restricted to *bona fide* residents. The actual vote was by means of a stamp.

When a voter shall have been passed by the challengers, or shall have been sworn in, he shall be admitted to the election room. . . . On entering the room, the voter shall announce his name to the poll clerks, who shall register it. The clerk holding the ballots shall deliver to him one Territorial and one local ballot, and the other clerk shall there upon deliver to him a stamp and both poll clerks, on request, shall give explanation of the manner of voting. . . . The voter shall then, and without leaving the room, go to any of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by stamping the square immediately preceding their names, and indicates his preference on any question or constitutional amendment or other

special matter by stamping in front of the words ‘yes’ or ‘no’ under such questions. Provided however, that if he shall desire to vote for all the candidates of one party or group of petitioners, and none other, he may place the stamp on the square preceding the title under which the candidates of said party or group of petitioners are printed, and the vote shall be then counted for all the candidates under that title, unless the name of one or more candidates under another shall also be stamped, in which case the names of the candidates so stamped shall be counted (SO 1890:564-5).

This is the origin of the slogan “Stamp the Rooster,” the rooster being the Democratic Party symbol on the ballots.

WRITE-IN VOTES

The statute provided “any ballot which shall bear any distinguishing mark or mutilation shall be void and shall not be counted” (SO 1890:566). This provision combined with voting by means of a stamp, made write-in voting invalid. A write-in vote was a ‘mutilation’ or a ‘distinguishing mark.’ The write-in ban continued through the Territorial period. The 1905 statute, for example, provided “any name written with pen or pencil upon the said ballot shall cause it to be rejected as a mutilated ballot” (SL 1905:231; see also SO 1893:576; SL 1895:116; SL 1897:151; SL 1899:154; SO 1903:724). The 1895 statutes provided the township ballot on the same paper but separate and under as the county ballot. It went on “a mutilation of the township ticket shall not affect the county ticket” (SL 1895:114). From the language of the various statutes in the Territorial period it appears the ban on write-in votes had two purposes. It strengthened the party organizations against attempts to bypass official nominations and it prevented a voter from identifying his ballot with special marks, thereby revealing who cast the vote.

Should a question be put to the voters on the ballot voters were required to stamp the place before the words “yes” or “no.” If neither was stamped a vote on that question was not recorded. This provision persisted throughout the Territorial period.

VOTER REGISTRATION

Qualified electors. . .shall include all male persons of the age of twenty-one years upward. . .who have resided in the Territory for the period of six months next preceding any election [who are]. . . Citizens of the United States [or]. . . Persons of Foreign birth who shall have complied with the provisions of the laws of the United States on the subject of naturalization [or]. . . Civilized persons of Indian descent not members of any tribe” (SO 1890:547-8).

Voters need not be citizens.

Any person, who having been a resident of Oklahoma Territory, shall have absented himself from the Territory. . .shall before being entitled to vote at any election in the Territory register a notice of his intention to become a qualified elector therein, in the office of the county clerk. . .such clerk [will] enter the name and residence of said elector. . .in a book furnished for said purpose. . .and deliver a certified copy of the same to the elector so registering, and on demand of any challenger. . .produce the same before being allowed to vote (SO 1890:552-3).

Each political organization could designate a challenger. If a person was challenged he could not vote unless he made an affidavit in writing that he was qualified with the details of his residence. Such a person would be allowed to vote unless someone else made an affidavit that the proposed voter was not a resident or otherwise not eligible. A false affidavit of either sort subjected one to arrest and subject to a charge of perjury.

The 1890 statute thus provided a dual system of voter qualification. Most voters would be known in their precincts and townships and be allowed to vote with little formality. Some voters would register or swear an affidavit of eligibility. Penalties were severe for improperly preventing an eligible elector from voting *and* for improperly voting. Some of this was racial and partisan. An example is the following 1900 story.

Ed Durford, the colored voter caught in the act of illegal voting was released on bond signed by Seymour Price yesterday

afternoon. The case against Durford is a very strong one and all parties who wish to have clean politics hope he will receive the maximum punishment, so that his case will serve as an example to men of his stamp (*The Daily Oklahoman* November 7, 1900:4).

The race-baiting partisan Democratic *Oklahoman* did not explicitly identify what ‘men of his stamp’ meant but Durford’s only characteristic mentioned was being ‘colored.’ Readers would understand what was suggested.

This managed to work itself out in a partisan manner in some instances with a county prosecutor or sheriff of one party being overruled by a judge of another. After statehood A. P. Blakemore presented himself to vote November 11, 1910 in Tulsa. Election Inspector A. J. Show challenged him and refused to let him vote based on the newly passed ‘grandfather’ clause, Blakemore being African-American. Blakemore appealed to the county judge and a warrant was issued. The sheriff arrested Show. A Democratic controlled Criminal Court of Appeals released Show and declared the ‘grandfather clause’ constitutional (see *Ex parte A.J. Show* 4 Okla. Crim. 416; 113 P. 1062).

WOMAN SUFFRAGE

On July 10, 1890, Wyoming became the first state in which women had full suffrage. In 1893 Colorado and in 1896 Utah and Idaho granted women full suffrage. During Oklahoma’s Territorial period they were the only full suffrage states (Darcy, Welch and Clark 1994; see Bryce 1888). The matter repeatedly came up in the Territorial legislature. Generally, Populists and Democrats were opposed to suffrage and Republicans were split with a majority of those voting favoring suffrage. The 1890 session had two suffrage votes. One, a motion by Populist Ira Terrill to strike the word ‘male’ from one line of the election code. Republicans and Populists supported the measure two to one while Democrats were almost uniformly opposed. Miller (1987) reports a different count that cannot be reconciled with the legislative journal.

The matter came up again the next day on a motion by Republican Robert J. Barker of Logan County. The next year, 1891, Barker would be appointed President of the Oklahoma A&M College. The purport of

TABLE 1

House Vote on Woman Suffrage December 11, 1890
“Strike out the word ‘male’“
Council Substitute For HB54

Party	For	Against	Not Voting	Total
Republican	6	3	5	14
Democrat	1	7	0	8
Populist	2	1	1	4
Total	9	11	6	26

SOURCE: JFS 1890:819-20; Rock, 1890:207

Barker's motion was clearer than Terrill's. It would grant equal suffrage. All voting Republicans supported it, all Democrats and Populists voted against. Equal suffrage lost. The seven absent Republicans also missed the votes before and after the equal suffrage vote so their absence cannot be attributed to avoiding the suffrage issue.

TABLE 2

House Vote on Woman Suffrage December 12, 1890
“That all citizens of the Territory of Oklahoma shall be entitled
to the right of elective franchise regardless of sex.”

Party	For	Against	Not Voting	Total
Republican	7	0	7	14
Democrat	0	8	0	8
Populist	0	4	0	4
Total	7	12*	7	26

*Recorded as 13 but only 12 individuals were listed.

SOURCE: JFS 1890:834-5; Rock, 1890:207

The 1890 election law passed the Council with eleven votes in favor, one opposed (JFS 1890:591). In the House Republicans were opposed while Democrats and Populists were in favor.

LEGISLATIVE APPORTIONMENT

The Council, 9 in favor, 2 opposed, 2 not voting, and House, 15 in favor, none opposed, 11 not voting, passed a legislative apportionment but it was not signed by the governor. Instead, Congress appointed a three-member commission to survey the population and lay out the districts. By 1892 the Oklahoma Territory had expanded to include the vast Cheyenne and Arapaho lands as well as the lands of the Iowa, Sac and Fox, Pawnee, Pottawatomie and Shawnee. The Cherokee Outlet, however, still separated the bulk of the Territory from Beaver County (now Beaver, Cimarron and Texas counties) in the Panhandle (Miller 1987). The Congressional commission consisted of the Republican governor, Seay, a Democrat and a Populist. Democrats and Populists had the majority and some called the result a Gerrymander (Miller 1987). The 1892 election favored Democrats and Populists.

TABLE 3

**House Election Law Vote December 12, 1890
Council Substitute for HB 34 "Shall the bill pass?"**

Party	For	Against	Not Voting	Total
Republican	1	6	7	14
Democrat	8	0	0	8
Populist	4	0	0	4
Total	13	6	7	26

SOURCE: JFS 1890: 835; Rock, 1890:207

1893

Republicans had a majority in the Territorial Council but a defection allowed Democrats and Populists to organize it (Miller 1987). Democrats and Populists held a fourteen-seat majority in the House (*Norman Transcript*, January 13, 1893). The governor was Republican Abraham Jefferson Seay. The ballot law remained unchanged in essential details and Democrats retained the first column. The 1893 legislature did eliminate the requirement for publishing sample ballots in newspapers (SO 1893).

1895

The Republicans gained control of the Territorial Legislature for the first time in 1895 with eight Council and sixteen House seats. Democrats voted with Republicans, against Populists, to organize the legislature (JC 1895; JH 1895; *Payne County Populist* December 14, 1894). But the Governor was partisan Democrat William Cary Renfrow.

The legislature amended the election statutes in several ways. The township or precinct board of election commissioners was changed. The township trustee would appoint two judges from among the three political parties gaining the highest Territorial vote in the last general election. These judges would be appointed such that the three commissioners would represent different political parties. The political parties themselves would not appoint the judges. The township board of election commissioners arranged and supervised actual voting.

The board of county election commissioners was the county clerk and individuals nominated by the chair of the county central committee of any political party having in nomination candidates to be voted at that election. The county board of election commissioners prepared and distributed ballots for contests other than those to be voted on by the entire Territory.

The Territorial board of election commissioners became the Governor and persons, nominated by the chair of the central committee of any Territorial political party having candidates in the next election. The Territorial board of elections will

prepare and distribute ballots and stamps for election of members of the legislative assembly, constitutional convention and all officers for whom the electors of the Territory are entitled to vote. . .and all such names shall be on one ballot under the proper heading and device (SL 1895:110).




This shifted administration of the legislative ballot from the county to the Territorial board of election commissioners and extended the straight party vote from the delegate to congress, or President, down through the legislature. As had been the case from 1890, the Territorial ballot was to be red tinted paper while the county ballot was on white. Likewise the canvassing of the election was modified. All ballots were to be preserved by the county clerk for one year, not immediately burned, as previously. The county clerk was to issue a certificate of election for winners of county and township offices. Results of the legislative and Territorial election were to be forwarded to the Territorial secretary. Any three or more of the governor, secretary, auditor, treasurer or attorney general of the Territory constituted the Territorial canvassing board. The results of the canvass were to be reported to this board which, in turn, would certify the results as correct and issue certificates of election.

The election law was changed to specify the “list of candidates of the republican party shall be placed in the first column on the left-hand side of said ballot; of the democratic party, in the second column, of the people’s party in the third column. . . .” (SL 1895:114).

An anti-fusion provision was added: “the name of no candidate shall be printed on the ticket of more than one political party for the same office” (SL 1895:113). Fusion became a policy issue with the Australian ballot. The typical American election was won by the candidate with the most votes. If there were two candidates this would be a majority. But if there were three or more parties the winner might not have a majority. If one party was dominant but short of a majority, that often led to fusion deals among minority parties. The fusion parties would agree on a common slate of candidates and offer the same tickets or close to the same tickets. Thus in one district the fusion legislative candidate would be the Populist. He would appear for the office on both the Democratic and Populist lists. In another district the Democrat would appear on both lists. This increased the chances of a Populist or Democrat getting elected as their vote total would come from two parties.

FIGURE 2

1895 Oklahoma Ballot

REPUBLICAN TICKET	DEMOCRATIC TICKET	PEOPLE'S PARTY TICKET
		
For Governor, COURTLAND C. MATSON	For Governor ALLEN PROUTY	For Governor DAVID KING
For Sheriff WM. R. MEYERS	For Sheriff IRA J. SHERMAN	For Sheriff JONES JONES

SOURCE: SL 1895:114

Fusion served the dual purpose of electing third party candidates who might otherwise not stand a chance, and enabling the weaker of the two major parties to defeat the stronger. Further, those who would never vote for a Democrat, African Americans for example, might vote for a fusion candidate on some other ticket (Benson 1995).

In Oklahoma, as with much of the north and west at the time, Republicans were dominant. Fusion, therefore attracted Democrats and third parties. Republicans responded with anti-fusion ballot laws prohibiting a candidate from being listed more than once on the ballot. Oregon Republicans enacted an anti-fusion law for their office-block, Massachusetts-style ballot in 1891 (Argersinger 1992). South Dakota Republicans passed an anti-fusion law for the party column or Indiana-style ballot in 1893 and Washington followed in 1895 (Argersinger 1992).

Oklahoma Republicans experienced the same frustrations as Republicans elsewhere. Democrats and Populists, helped by Republican defections, were able to organize both legislative houses in 1890 and

TABLE 4

**Council Vote on Election Law by Political Party 1895
Vote on Council Bill 150 to Amend Election Law**

Party	Aye	Nay	Total
Republican	8	0	8
Democrat	0	1	1
Populist	4	0	4
Total	12	1	13

SOURCE: JC 1895:839; *Payne County Populist* December 14, 1894; *The Daily Oklahoman* January 13, 1897.

1893 despite the Republicans being the largest party. The solution, once in power, was a Republican anti-fusion law (Miller 1987). By limiting a candidate to one ballot position on a straight party ballot the Republicans hoped to limit Populists and Democrats to the few legislative districts in which one or the other party was in the majority.

TABLE 5

**House Vote on Election Law by Political Party 1895
Vote on Council Bill 150 to Amend Election Law**

Party	Aye	Nay	Total
Republican	16	0	16
Democrat	3	0	3
Populist	1	6	7
Total	20	6	26

SOURCE: JH 1895:876; *Payne County Populist* December 14, 1894; *The Daily Oklahoman* January 13, 1897.

In the Council Republicans were joined by Populists against the Democrat in passing the election law; in the House it was the Republicans and Democrats against the Populists. Republicans did not need any help in either house, however.

Republicans were also accused of gerrymandering the districts by carefully spreading Republican voters to be the plurality in as many districts as possible (Miller 1987). Oklahoma Territory required frequent redistricting because the area of the Territory was expanding and population rapidly increasing. But this was the only time the legislature succeeded at districting.

Any districting scheme can be called a Gerrymander. The governor's countywide districts in 1890 were designed to give Republicans an advantage (Miller 1987). The 1892 districts were also said to be Gerrymandered by Democrats and Populists (Cross 1950-1; Miller 1987). The 1895 apportionment process began in the House with Populist N.B. DeFord's bill passing on a fifteen to seven vote with four not voting. All seven Nay votes were Republican as were six of the Aye votes. All seven Populists and two Democrats also voted Aye.

Three Republicans and a Democrat did not vote. The Council substituted its own apportionment for the House version in a series of votes with all eight Republicans voting against all four Populists and Democrats. The matter now returned to the House where thirteen Republicans, a Populist and a Democrat voted for the changes against two Republicans, five Populists and two Democrats. A Populist and a Republican did not vote. Democratic Governor William Renfrow signed the legislation (JH 1895).

Democrats and Populists responded to the anti-fusion law as they had done in other states (Argersinger 1992). They created a new political party, Free Silver, which would run a mixture of Democratic and Populist candidates (*The Daily Oklahoman* of October 14, 1896 shows a Free Silver Ticket on page 2). Republicans ran in all districts. Free Silver ran in twelve of the thirteen Council districts and twenty-one of the twenty-six House districts (*Payne County Populist* November 26, 1896; but see Miller 1987). In the end, Republicans lost all the Council races and all but three of the House seats. Attributing this to a Gerrymander that backfired may be too facile (see Miller 1987). Republicans also lost the Territory-wide delegate race for the only time in Territorial history, (Scales and Goble 1982; Scales 1949) and lost the Territorial Presidential

preference race to Bryan. Republicans won the Oklahoma Presidential preference vote in 1892, 1900 and 1904. Finally, Republicans saw their House seats drop nationally from 254 to 206. 1896 was not a good Republican year in Oklahoma.

1897

The Free Silver Party was the fusion vehicle for Democratic and Populist candidates. (*The Daily Oklahoman* October 29, 1898 shows a sample ballot). Democrats and Populists, most running for the Free Silver Party, took all the Council seats in the 1896 election and all but three of the House seats (*Daily Oklahoman* November 26, 1896). The Governor was Democrat William Cary Renfrow. This was the first time one Territorial party was able to organize both houses of the legislature with a governor of the same party.

The legislature changed the Territory board of election commissioners to be the Governor and designees of the chair of the Territorial central committees of the People's party, the Democratic party, the Free Silver party and the Republican party. Likewise the board of county election commissioners consisted of the county clerk and similar party representatives appointed by the chair of party county central committees. The Democrats and their allies could expect a three to two majority on the Territorial or county board of election commissioners, even should the governor or county clerk be a Republican.

The old statute had the boards of election commissioners comprising individuals from the three parties gaining the most votes in the previous Territorial election or individuals from parties running in the ensuing election. Free Silver complicated these arrangements. Democrats and Populists did not contest the Territory-wide Delegate race in 1896 and, if fusion was tried again, would not contest many, if any, legislative seats in 1898. The two parties, therefore, would not be represented on important boards and commissions. The statute was changed to naming specific political parties rather than basing representation on electoral performance. Otherwise the Democratic and Populist parties would have 'officially' disappeared in so far as participation in elections (see Argersinger 1992).

Democrats changed ballot access. From 1890 through 1895 any political party gaining one percent of the vote in the previous Territorial election was guaranteed a place for its ticket. Others would have to petition for candidates that could be grouped as a ticket on the ballot. The 1897 legislature changed this. "The board of election commissioners shall designate as the persons to be voted for the names of the candidates nominated by the convention of any party that has kept up its organization since the last general election" (SL 1897). This, too, was a response to the Free Silver party problem. The petitioning requirements for those not on qualified party tickets were modified as well. Delegates to Congress would need five hundred rather than the two hundred signatures required previously and legislative and county officers would need fifty rather than the previously required twenty-five petition signatures (SL 1897).

Why would Democrats increase the petition signature requirements? In 1895 Republicans passed an anti-fusion law preventing a candidate from being listed on more than one party ticket. This, in turn, led to the formation of the Free Silver fusion party by Populists and Democrats. The 1890 provision then became an anti-fusion device because anyone could then claim the vacant Democratic or Populist labels by filing petitions. Increasing the petition signature requirements protected the Democrat and Populist ballot space when those parties fused as Free Silver.

This same amended section eliminated the 1895 anti-fusion prohibition against multiple party placements for the same candidate. Instead, a new article was added explicitly allowing fusion.

Ballot legislation reflected the Democrats' focus on racial segregation as well as the struggle between a Republican Territorial and a sometimes-Democratic county administration. African Americans were not particularly numerous in the Territory. The 1890 Census reported 3.8 percent of the Oklahoma Territory population as African American. The African American proportion was a far larger 10.4 percent in the Indian Territory. (U. S. Department of Commerce and Labor 1907; Tolson 1966). These African American voters were strongly Republican (Benson 1995) but had lower literacy levels than white voters (Myrdal 1944).

One Democratic solution was to make the ballot as confusing as possible. This was accomplished by switching to the Massachusetts

office block ballot. Candidates were grouped under the office in no particular order. Party symbols were eliminated and only abbreviations were used to designate political party. The straight party provision was eliminated, as was the use of a stamp to register choice. Instead, a voter was required to

indicate the candidate for whom he desires to vote, by marking a cross [x] with an indelible pencil in the square immediately preceding their names, and indicate his preference on any question of constitutional amendment or other special matter by making a cross [x] to the left of the words 'yes' or 'no' under such questions" (SL 1897:148-50). The legislature's attitude toward the ballot can be seen in their use of 'clever' names in the example ballot, "Will Drink," and "Noah Lott.

The 1897 statute does not explicitly mention 'pasters.' The effect of the new statute, however, may have been the same, continuing to permit official 'pasters.' "In case of death, resignation, or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the chairman of the Territory, county, city or township committee, shall fill such vacancy" (SL 1897:147-8).

The Massachusetts or office-block 1897 ballot accomplished another purpose. Between 1890 and 1895 the law provided for two or more ballot papers. The red tinted Territorial and legislative ballot was prepared and distributed by the Territorial board of election commissioners, typically Republican. The white county ballot was prepared and distributed by the county board of election commissioners, sometimes Democrat. The 1897 ballot would be one white paper with all offices and would be prepared and distributed by the county board of election commissioners. There was no straight party vote provision and no party devices (SL 1897).

Elimination of the straight party provision protected legislative and county offices from the powerful pro-Republican presidential preference and Territorial Delegate vote.

The 1893 statute specified the precinct would have three judges, one each from the Republican, Democrat and People's parties. These were to be appointed by the county commissioners. The 1897 statute provided two judges would be nominated by the chair of the county central committee of the parties of which the trustee was not a member

FIGURE 3
1897 Oklahoma Ballot

TERRITORIAL OFFICERS	COUNTY OFFICERS	TOWNSHIP OFFICERS
For Delegate to Congress	For Probate Judge	For Trustee
John Crow (Pop.)	James Adams (Dem.)	Wm. Fisher (Rep.)
Chas. Jones (Dem.)	John Clute (Rep.)	Henry Johns (Pop.)
Fred Ivens (Rep.)	Allen Scott (Pop.)	Will Drink (Dem.)
For Councilman, First District	For County Clerk	For Clerk
Alva Ditson (Dem.)	Robert Boyd (Rep.)	Noah Lott (Pop.)
James Miller (Rep.)	Alfred Nevins (Pop.)	Luke Wright (Dem.)
Henry Jensen (Pop.)	Albert Burton (Dem.)	Horace Mann (Rep.)
For Representative, First District	For Commissioner, First District	For Road Overseer, District No. 1
Jacob Allen (Rep.)	Henry Andrews (Pop.)	Ray Wilson (Dem.)
Cyrus Bolus (Dem.)	John Smith (Rep.)	Marion Butler (Pop.)
Frank Clary (Pop.)	Albert Jones (Dem.)	Mark Hanna (Rep.)
	For Road Overseer, District No. 2	
	Harold Hixon (Dem.)	
	Joe Jamison (Rep.)	
	Hugh Dinsmore (Pop.)	

SOURCE: SL 1897:149

from among the Republican, Democratic or People's parties. This constituted the precinct board of elections (SL 1897).

The 1897 legislature created a voter registration system for cities of the first class. The city clerk would register voters and provide lists of registered voters to the wards. Individuals not on the lists would not be permitted to vote (SL 1897). Voter registration began in Massachusetts in 1800 and gradually spread, first to urban areas where the population was more fluid and then to rural areas (Sait 1939). Registration could also be partisan, especially in urban areas, as was the case in Oklahoma. Whigs in the 1830s and Republicans in the 1870s enacted voter registration aimed at Democratic urban strongholds. Such laws effectively reduced the Democratic vote (Argersinger 1992). The situation in Oklahoma was the reverse of that further east. "The GOP . . . received strong support from the Oklahoma Territory's black and European-born settlers, who. . . were more likely to reside in or near urban areas" (Miller 1987:42). The Democrats' registration law could easily be seen as an attempt to limit Republican votes, especially those of African Americans.

1899

Democrats and Populists again ran under the Free Silver ticket. (*The Daily Oklahoman* October 29, 1898, has a sample ticket on page 2.) This time they lost. For the first time Republicans completely controlled Territorial government. Republican Cassius McDonald Barnes was governor. Republicans held eight Council seats and seventeen House seats (*The Daily Oklahoman* November 12, 1898). Governor C.M. Barnes, in his address to the legislature, took aim at the 1897 ballot law, charging it was aimed at disenfranchising African Americans.

The last legislature passed an act regulating elections in Oklahoma with the open and avowed intention of practically disenfranchising a large and worthy class of citizens who are entitled by law to equal rights and privileges of the ballot with any other citizen. A law, which by its intricate machinery and cumbersome and unfair methods, seeks by indirection to establish and enforce an educational qualification and has for its object the mystification and confusion of the voter so as to destroy a

right clearly guaranteed to him by the law which they have not the manhood to repeal openly and above board, stamps the makers as political cowards and is a disgrace to any progressive community and a menace to good government” (JC 1899:43).

Republicans changed the ballot design back to that of 1895. The ballot was once again organized by party columns with the Republicans in the first column. Votes again would be cast with a stamp rather than a pencil and the straight party vote was restored. The statute again explicitly provided for ‘pasters’ in case of death, resignation, removal or withdrawal of a candidate. Republicans eliminated the registration system for cities of the first class much as Democrats elsewhere, when they could, reversed Republican urban registration aimed at Democratic voters (Argersinger 1992). Voters would establish their eligibility as they did under the statutes in force 1890 - 1896, typically at the time of voting itself (SL 1899).

Republicans changed the election administration back to something similar to the system used in 1895. The precinct board of elections was the township trustee from the precinct and two members appointed by the chairman of the county central committees of the two political parties gaining the largest Territorial vote in the last general election. The county board of election commissioners was to be the county clerk and the nominees of the chairman of the county central committee of the two parties gaining the most votes in the last Territorial election. Their task was to prepare the county ballot that, once again, would be separate from the Territorial ballot. Likewise, the Governor and members nominated by the Chairmen of the Territorial Central Committee of the two political parties gaining the largest vote in the previous Territorial general election constituted the Territorial Board of Election Commissioners. They would prepare and distribute the Territorial ballot for Territorial Delegate and, when appropriate, President. The county board of election commissioners prepared the county ballot that included the legislative positions. We can note that the Democrats and Populists, should they fuse as Free Silver, would give up places on election boards as a consequence.

Ballot access by petition was also reduced from the numbers imposed by the 1897 legislature back to the 1890 - 1895 levels: two-hundred for delegate to Congress, twenty-five for legislative or county

officer. Why might the Republicans have favored eased ballot access and the fusionists oppose?

The Territorial legislature contests in November 1896 might give an insight. Republicans contested all thirteen Council and all twenty-six House districts. Free Silver candidates entered only twelve Council contests and twenty-one House contests. A Populist and a Democrat contested for the Council as well and four Populists, four Democrats and five independents, one of whom, N.B. DeFord, was the Populist incumbent. Thus, maverick candidates troubled the fusionists, probably from the very nature of fusion. Republicans had a ‘True Republican’ contest against the regular Republican in one Council and one House district but the problem of spoiler candidates was clearly greater for the fusionists than the Republicans (*Daily Oklahoman* November 26, 1896; see also Miller 1987). Republicans had greater unity and every motivation to divide the opposition to the greatest extent possible.

Woman suffrage came up in several contexts in the 1899 legislature. Because nothing passed it is difficult to determine the exact purport of the votes. Failed and preliminary legislation was typically not printed. One House bill, however, appeared to be related to suffrage because it was referred to the committee on elections. This was House Bill 41 “An Act Defining the Rights of Women” introduced by Republican C.F. McElrath. It passed the House on a vote that split Republicans. The Council did not act on the bill.

The Council passed a Territorial legislative apportionment in a partisan vote but there was no House action and the matter died. Others carried out the apportionment.

Republicans did not reinstate their anti-fusion law. Candidates could be listed on multiple party tickets. Fusion continued to be permitted in 1901 and 1903 legislation (see SO 1903). The 1900 elections accomplished Democrat-Populist fusion with party columns, one for each party, rather than the Free Silver Party vehicle used in the 1896 and 1898 elections. In Payne County, for example, the November 1900 county ballot Democratic and People’s Party tickets had identical candidates (*Payne County Populist* November 1, 1900). We can note the sample ballot shows the Republican ticket last when, in fact, the statute provides for it being first. The *Payne County Populist* was being partisan. We can also note the incumbent Republican woman Superintendent of Schools lost her re-election contest. Finally, we note the Territorial ballot was a

TABLE 6

House Vote on HB 41 Rights of Women by Political Party (1899)
Passage of House Bill 41 Rights of Women

Party	Aye	Nay	Not Voting	Total
Republican	8	6	3	17
Democrat	1	3	0	4
Populist	4	0	0	4
Fusion	1	0	0	1
Total	14	9	3	26

SOURCE: JH 1899:243; *The Daily Oklahoman* November 12, 1898; *Payne County Populist*, November 23, 1900; *Beaver Herald* October 27, 1898.

separate piece of paper with the Territorial Delegate and Presidential preference election, prepared by the Territorial election board.

The 1899 election law passed the House unanimously. That is not to say it was nonpartisan. Democrat J.P. Ballard “explained his vote as follows: ‘I concede the fact that our election laws must be changed, and

TABLE 7

Council Vote on CB 133 Apportionment by Political Party (1899)
Passage of Council Bill 133 Apportionment

Party	Aye	Nay	Absent	Total
Republican	7	0	1	8
Democrat	0	3	1	4
Populist	0	1	0	1
Total	7	4	2	13

SOURCE: JC 1899:1081; *The Daily Oklahoman* November 12, 1898.

FIGURE 4

November 1900 Payne County Ballot

Democratic Ticket	People's Party Ticket	Republican Ticket
[DEVICE HERE]	[DEVICE HERE]	[DEVICE HERE]
For Councilman Third District FREEMAN E. MILLER	For Councilman Third District FREEMAN E. MILLER	For Councilman Third District J.J. SHAFFER
For Representative Fifth District J.L. MATHEWS	For Representative Fifth District J.L. MATHEWS	For Representative Fifth District G.W. HALL
County Ticket	County Ticket	County Ticket
For Probate Judge JOHN R. CLARK	For Probate Judge JOHN R. CLARK	For Probate Judge R. E. BURNS
For County Attorney C.L. BURDICK	For County Attorney C.L. BURDICK	For County Attorney S.P. KING
For Probate Judge For Treasurer C.W. DUTTON	For Probate Judge For Treasurer C.W. DUTTON	For Probate Judge For Treasurer L.K. McGUFFIN
For County Clerk A.J. HARTENBOWER	For County Clerk A.J. HARTENBOWER	For County Clerk W. H. PITTMAN
For Recorder WILLIAM M.BARKER	For Recorder WILLIAM M.BARKER	For Recorder G.L. LYONS
For Sheriff JAMES P. HESSER	For Sheriff JAMES P. HESSER	For Sheriff W.L. SCOTT
For Assessor R.O. HUDSON	For Assessor R.O. HUDSON	For Assessor A.F. MOOD
For Superintendent C.L. KEZER	For Superintendent C.L. KEZER	For Superintendent HATTIE R. DARNELL
For Weigher J.E. POWELL	For Weigher J.E. POWELL	For Weigher P.W. HARPOLE
For Surveyor T. P. GERMAN	For Surveyor T. P. GERMAN	For Surveyor J.K. HASTINGS
For Coroner DR. J.M. SHARPLESS	For Coroner DR. J.M. SHARPLESS	For Coroner DR.N.W. MAYGINNES
For Commissioner 2nd District P.H. SULLIVAN	For Commissioner 2nd District P.H. SULLIVAN	For Commissioner 2nd District D.H. DODGE

Source: *Payne County Populist* November 1, 1900, p. 5.

TABLE 8

Council Vote on HB 54 Election Law by Political Party (1899)
Passage of House Bill 54 Election Law

Party	Aye	Nay	Total
Republican	8	0	8
Democrat	0	4	4
Populist	0	1	1
Total	8	5	13

SOURCE: JC 1899:1115; *The Daily Oklahoman* November 12, 1898.

I believe that this is as equitable a bill as it is possible for a republican to frame. I vote aye' “ (JH 1899:215). The Council was not so agreeable and the vote was by party lines.

1901

Republican Cassius McDonald Barnes continued as Governor. The 1901 Territorial Council was controlled by eight fusion Democrats and Populists. Sixteen Republicans controlled the House (*Stillwater Gazette*, November 22, 1900; *Payne County Populist* November 23, 1900; *Daily Oklahoman* January 6, 1901). There were no significant changes in the election laws (see SL 1901).

1903

Oklahoma Populists essentially disappeared after the 1902 elections. As Worth Robert Miller, put it: “Populists fused with Democrats in five districts, with Republicans in two, and with Socialists in one. In another district they fielded a middle-of-the-road candidate. All lost. The Populist

TABLE 9

**Council Vote on HB 27 Primary Election by Political Party (1903)
Final Passage Vote on House Bill 27 Primary Elections**

Party	Aye	Nay	Total
Republican	0	7	7
Democrat	6	0	6
Total	6	7	13

SOURCE: JC 1903:302; *The Daily Oklahoman* January 13, 1903; *Stillwater Advance* November 13, 1902.

Revolt in Oklahoma was at an end” (Miller 1987). After 1902 Socialists would be the major third party in terms of Territory-wide votes, although they would not elect any legislators until 1914 (see Scales 1949). The 1903 Territorial legislature was divided between a Council controlled by seven Republicans and a House controlled by fourteen Democrats (*Daily Oklahoman*, January 13, 1903; *Stillwater Advance*, November 13, 1902). The Governor was Republican Thompson Benton Ferguson.

The 1903 Territorial Legislature created severe penalties for offering anything of value in exchange for a vote. It restored the 1897 voter registration in cities of the first class. The city clerk was obligated to keep a book

in which he shall enter the name, age, and residence by ward or precinct of all voters who may apply to him in person for such purpose. . . . No voter shall be permitted to vote in said ward or precinct who has not registered as herein provided (SL 1903:157-8).

The vote was unanimous in both houses (JC 1903; JH 1903).

The House unanimously passed a primary election law (JH 1903) but it was defeated in the Council on a party vote.

1905

Republicans had complete control over Territorial government for only the second time. Republican Thompson Benton Ferguson remained governor. Republicans held eight Council seats and fifteen House seats (*The Daily Oklahoman* November 11, 1904; *Stillwater Advance* November 24, 1904).

Republicans, when they previously controlled the legislature in 1899, did not forbid fusion. The 1901 and 1903 statutes permitted fusion as well. The 1905 legislature, however, forbade fusion again.

The name of no candidate shall be printed in more than one place on such ballot, and in the event any candidate be nominated by more than one political party for the same office, such candidate may elect under which title and device his name shall be printed, and notify the board of election commissioners of his decision ten days prior to the time for printing such ballots, and should any such candidate fail to make such election, the board of election commissioners shall decide under which design and title of the parties nominating such candidate that the name of such candidate shall be printed (SL 1905:230).

The ballot order was specified.

. . . the Republican party shall be placed in the first column on the left hand side of said ballot; and of the Democratic party in the second column, of the People's party in the third column, of the Socialist party in the fourth column, of the Prohibition party in the fifth column; provided each of said parties have candidates to be voted for at such election (SL 1905:230-1).

The 1899 statutes provided the nomination forms for legislative assembly, constitutional convention, and all officers to be voted for by the entire Territory be filed with the Governor, "candidates for offices to be voted for by electors of any district or division of the Territory exclusively, shall be filed with the county clerks of the counties or county included in or including such districts or divisions" (SL 1899:138). This was changed in 1905. Nominations for the legislature, constitutional convention and offices in any "division greater than a county shall be filed with the Governor of the Territory" (SL 1905:243). The present

FIGURE 5

Oklahoma 1905 Ballot

REPUBLICAN TICKET	DEMOCRATIC TICKET	PEOPLE'S PARTY TICKET	SOCIALIST TICKET
<p>(Device)</p> <p style="text-align: center; font-size: 2em;">O</p>	<p>(Device)</p> <p style="text-align: center; font-size: 2em;">O</p>	<p>(Device)</p> <p style="text-align: center; font-size: 2em;">O</p>	<p>(Device)</p> <p style="text-align: center; font-size: 2em;">O</p>
<p><input type="checkbox"/> For Governor T. R.. REID</p>	<p><input type="checkbox"/> For Governor T. H. DOYLE</p>	<p><input type="checkbox"/> For Governor J. F. TODD</p>	<p><input type="checkbox"/> For Governor A. G. COPELAND</p>
<p><input type="checkbox"/> For Sheriff C. E. CARPENTER</p>	<p><input type="checkbox"/> For Sheriff W. M. TIGHLMAN</p>	<p><input type="checkbox"/> For Sheriff W. ANNIS</p>	<p><input type="checkbox"/> For Sheriff JOHN DOE</p>

SOURCE: SL 1905: 232

practice is similar to that established in 1905. Today nominations for offices contained entirely within the county, except associate district judge, are filed with the county election board, offices of districts that can cross county lines are filed with the State Election Board (SO 2001 Title 26 Chapter A1, Article V, sections 5-102, 5-103).

PRIMARY ELECTIONS

Abuses in the control over political party control resulted in California passing the first primary law in 1866. "The immediate occasion for the passage of the California law was the desperate struggle between the 'long hair' and 'short hair' factions of the Union party. This contest was accompanied by scenes of great violence, disorder, and glaring fraud, especially in San Francisco and Sacramento" (Merriam and Overacker 1928:8; see also Meyer 1902:193-204). California's was an *optional primary* a political party could request. Wisconsin and Oregon adopted *mandatory primaries* in 1904 (Sait 1939). These 1904 statutes shifted political parties from private organizations to organizations subject to state regulation.

Oklahoma Territory enacted a primary law in 1905. This law provided for an *optional primary* election if the central committee of any political party requested it. The statute also provided for a *closed primary* to all but members of the party requesting the primary election.

TABLE 10

**Council Vote on HB 23 Primary Election Law by Political Party (1905)
Passage of House Bill 23 Primary Elections**

Party	Aye	Nay	Absent	Total
Republican	4	3	1	8
Democrat	5	0	0	5
Total	9	3	1	13

SOURCE: JC 1905:203; *The Daily Oklahoman* November 11, 1904; *Stillwater Advance* November 24, 1904.

In all cities or districts where registration is now or shall hereafter be by law required for general elections, no person shall be entitled to vote at the primary election unless registered for the last preceding election, or shall have registered after such preceding election and prior to such primary election (SL 1905:246).

If any person offering to vote is challenged as unqualified, one of the judges shall tender to him the oath provided by statute for general elections, and propound the question as in said statute provided, and if the vote is challenged on the ground that the voter does not belong to the political party whose ticket he is attempting to vote, they shall propound to him the following questions, to-wit: 'With which political party did you affiliate during the last general election?' 'With which political party do you intend to affiliate in the ensuing election?' (SL 1905:248-9).

If the challenge was not withdrawn the voter was required to swear an oath that he would support the party in the next election.

The primary bill overwhelmingly passed the House with only two dissenting votes, both Republican. The vote in the Council was more divisive for Republicans.

CONCLUSION

By the end of the Territorial period Oklahoma's election system approximated in a broad way the election system the state uses today. Ballots were straight party divided into sections of Territorial and Federal officers, county and township officers and questions. Write-in votes were prohibited. Administration was at two levels, a Territorial and a County election board. A voter registration system for cities was in place as were optional party primaries. In some ways statehood would be a step backward. African-Americans would find voting more difficult in the first half-century of statehood but women would get the franchise. The state began the regulation of campaign funds and created legislative control over election boards as opposed to the Governor's control in the Territorial period. Nevertheless, much of today's election system and procedures are the heritage of Territorial political battles.

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