

INSTITUTE FOR GOVERNMENT RESEARCH
STUDIES IN ADMINISTRATION

NO. 27

ELECTION ADMINISTRATION
IN THE UNITED STATES

BY

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THE BROOKINGS INSTITUTION
WASHINGTON

1934

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DIRECTOR'S PREFACE

In his volume "Registration of Voters in the United States," published by the Brookings Institution in 1929, the author of the present work gives an exceptionally complete and illuminating account of one phase of the electoral process. In his present work he continues this account by setting forth the system now in force in the United States for the casting and counting of the ballot and the canvassing and declaration of the result, together with a critical examination of conditions and practices and a statement of the principles, the adoption and following of which will in his opinion provide for the most efficient handling of this problem of government.

Though great progress has been made in recent years in the elimination of fraud and in the perfection of the whole system for the registration of voters, the casting of the ballot and the counting of such ballot, much remains to be done in the way of perfecting this fundamental feature of government through which the will of the people in respect to policies to be adopted and the magistracy to have charge of the actual conduct of governmental affairs may be expressed. Especially is there need that curb shall be put upon the expenses of elections and upon the use of money by parties and candidates in office. Among other things this volume should contribute materially to the achievement of both of these ends, and in so doing to improvement in the whole technique of the conduct of elections.

The members of the committee appointed to coöperate with the author in the preparation of this volume were Arnold Bennett Hall and F. W. Powell.

W. F. WILLOUGHBY

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AUTHOR'S PREFACE

This is a companion volume to my study of the "Registration of Voters in the United States." It is based almost entirely upon data collected in a field study of election administration throughout the United States and parts of Canada, made in 1929 and 1930. Some phases of election administration had been touched upon incidentally in the registration study. The election administration of the several states visited was surveyed in a systematic manner with a view to finding which features were working satisfactorily, which unsatisfactorily, and what was the general experience. Emphasis was placed always upon the practical operation of election laws rather than merely the provisions of the statutes. Each survey involved not only a study of the statutes but also detailed, and usually lengthy, interviews with chief election officers, examination of records and equipment, and interviews with politically informed persons outside of the election office. Ordinarily each survey was written up immediately following its completion.

This study was undertaken because of the present backward and generally unsatisfactory administration of elections. It was believed, in view of the rather widespread improvement in registration laws following the previous study of that subject, that a study of election administration might be attended by similar results. The findings of the investigation of election administration, and a program for a satisfactory system, were published before the field work had been completed as a committee report of the National Municipal League. This report has been reproduced here with the kind permission of the editor of the *National Municipal Review*. The author feels particularly indebted to the members of this committee, who by their constructive criticisms, suggestions, and comments upon this report, made it possible for him to make use of their ripened judgment upon many phases of election administration. Included in the personnel of the committee were some of the most able chief election officers in the country.

There is no "ideal" system of holding elections. The methods used in any state or city could be improved, though some jurisdictions have much better administration than others. This study is concerned principally with the essentials of a sound administration. A careful study of the practical workings of existing laws is necessary to an understanding of the various phases of the problem. No attempt is made in this volume, however, to assemble the large amount of descriptive material which has been collected. The treatment is analytical rather than descriptive. Upon each important matter, however, the usual practice is stated, and at many points the individual practices, where unusual or significant, are cited. This, it is believed, will be more useful than the tedious setting forth of the various practices of the several states upon each phase.

I am greatly indebted to election officers throughout the country for their indispensable assistance to me. Many of them have given most generously of their time not only in informing me of the methods used in their office but also in discussing various problems of election administration. A number of the election officers of our large cities have compiled detailed tables of the cost of elections at my request. To these officials, too numerous to list by name, I wish to express my gratitude.

I wish to make especial acknowledgment to Mr. William F. Willoughby, who suggested to me several years ago that this study should be made, and who is largely responsible for its being undertaken. The field work was made possible by a joint grant from the Social Science Research Council, the Institute for Government Research, and the University of Wisconsin. It is a pleasure to make acknowledgment to these institutions of my deep gratitude.

JOSEPH P. HARRIS

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ELECTION ADMINISTRATION IN THE UNITED STATES

CHAPTER I

INTRODUCTION: THE PROBLEM OF THE ADMINISTRATION OF ELECTIONS; HISTORICAL BACKGROUND

There is probably no other phase of public administration in the United States which is so badly managed as the conduct of elections. Every investigation or election contest brings to light glaring irregularities, errors, misconduct on the part of precinct officers, disregard of election laws and instructions, slipshod practices, and downright frauds. The entire country has been shocked from time to time by the revelation of wholesale election frauds in some of our large cities. Competent political observers report that election frauds are by no means confined to these few cities, but are widely prevalent in less populous communities. Even these election scandals and the slipshod administration revealed by election recounts do not indicate the real state of affairs which prevails generally in election administration. The truth of the matter is that the whole administration—organizations, laws, methods and procedures, and records—are, for most states, quite obsolete. The whole system, including the election laws, requires a thorough revision and improvement.

The Problem. The ideal election administration is one which uniformly and regularly produces honest and accurate results. There should never be the slightest question about the integrity of the ballot box or doubt cast upon the honesty of the elections. It is hardly necessary to point out that the presence of election frauds and sharp practices will undermine public morale and interest in civic affairs more quickly than any other condition. The existence of election frauds is an un-

failing sign of bad government, for frauds cannot be perpetrated upon a large scale except by a powerful and corrupt political organization, willing to go to any length to maintain its control over the government, and able to afford protection to those who corruptly carry out its orders. Fraudulent elections cannot be tolerated by any self respecting community. Fair elections are absolutely essential to good government, but do not, of course, guarantee good government.

The right of the suffrage is an empty formality where election frauds prevail. Public opinion, civic interest, and efforts to elect capable officers and to secure good government are of no avail in the face of a powerful political machine, able and willing to corrupt the elections. In some of our large cities, such as Chicago, Philadelphia, and Pittsburgh, it is sometimes wondered why civic interest and responsibility are at such a low ebb, why the political machines are able to control so easily and continuously. No single explanation may be offered. The whole history of these communities, the traditions, customs, prestige of public office, political organization, and many other factors have to be taken into consideration, but it is significant that election malpractices almost always may be found in misgoverned communities. Where civic conscience seems to be at low ebb and the public has resigned itself to accepting corrupt and poor government, usually this state of affairs may be traced in part to the presence of election frauds and the belief on the part of the voters that "nothing can be done about it."

A sound election system involves convenience to the voters, so that they may participate in elections without serious loss of time or trouble. An election administration which occasions delays at the polls, or necessitates the declaring of a half or whole holiday so that the mass of voters may cast their ballots, is inefficient and expensive. It is not advocated for a moment that the problem of non-voting can be solved by making elections more convenient. The extent of popular participation in elections is determined largely by other factors, though

convenience is one factor.¹ Regardless of the problem of voting and non-voting, however, elections should be conducted in such manner as to occasion the least possible delay and inconvenience to the mass of voters. The polls should be held in suitable surroundings and in a manner that will inspire confidence on the part of the voter. The act of voting, for many citizens, constitutes their only participation in government, and it is fundamental that elections be properly conducted.

The cost of elections is an important consideration. At present the cost is notoriously high in many cities, frequently averaging more than one dollar per vote cast.² There is no justification whatever for such an extravagant cost. This is amply borne out by the fact that some cities are able to conduct their elections at a cost of ten cents per vote cast, or even less. The high election costs are caused by political administration, overstuffed offices, small precincts, too many precinct officers, too high salaries for precinct officers, excessive printing and supply costs due to lack of competitive bidding, obsolete methods, unwise advertising requirements, and sometimes by too many elections held during each year. Substantial economies may be made in most jurisdictions without adversely affecting the election administration. It is a fact throughout the country that the offices which are best conducted are usually the most economically conducted. Excessive election costs almost always indicate a poor administration.

There should never be any question about the accuracy of election results. The returns should be as accurate as the accounts of a bank or of any other commercial institution. An error in the records of a bank may be measured in terms of dollars and cents, if discovered, but an error in the results of an election may mean the difference between good government and bad government, involving the welfare of a

¹ See C. E. Merriam and H. F. Gosnell, *Non-voting* (1924), and H. F. Gosnell, *Why Europe votes* (1930).

² See Chap. X.

community. At the present time inaccuracies are the rule rather than the exception in election returns. Recounts produce different results from the original count in practically every precinct, and the variations are sometimes startling.³

Several years ago the ballots of a number of the precincts in Chicago were recounted with the result that the recount tabulations showed a total difference from the original returns in many precincts running into thousands of votes. These recounts offered positive evidence of fraud on a large scale. But aside from such startling revelations as these, disclosing frauds, the recounts conducted in other communities always bring to light the widespread prevalence of errors. This, to be sure, applies to precincts in which paper ballots are used and the count is conducted by the precinct officers at the close of the day, and is not true of precincts using voting machines. In Milwaukee, for example, a recount of votes for representative in Congress was conducted in 1928 covering 123 precincts of the city. Although only the votes for this one office were counted, the recount results showed errors in every precinct except one. The average number of changes in the vote for the two leading candidates per precinct was eighteen. A number of precincts showed an error of over one hundred votes. Yet Milwaukee boasts quite rightly of one of the best election administrations in the country. It may be pointed out that if there is no concerted effort to steal the election, the errors will tend to offset each other, and such was the case in Milwaukee, though the total vote for the two candidates was substantially altered by the recount. But can we defend an election system where only one precinct out of more than a hundred reports a correct count? Would banks or other commercial or business institutions be willing to operate on the theory that one error will be offset by another? The truth of the matter is that our elections at present are conducted in such manner that errors and inaccuracies are inevitable, and if the results are at all close, no one can predict the outcome of a

³ See Chap. IX.

recount. About the only thing that can be predicted with certainty is that the revised count for each precinct will probably vary from the original return. Elections need to be removed from the field of guesswork and errors and placed upon a plane where accurate results will be assured.

The conduct of elections is marked throughout by obsolete procedures and methods. Many large election offices do not have a single competent clerk or stenographer upon the payroll. It is quite common for all records to be written out in longhand, and for the system of records to resemble that of the village squire. Usually no records are kept of the precinct personnel, except of the most primitive kind, consisting merely of the list of persons appointed. The personnel of the election office is usually concerned only with carrying out the provisions of state law, never giving thought to any matter concerned with improving the administration. The conduct of the elections in the precincts has undergone no substantial change since the introduction of the Australian ballot. It is very common for useless forms and records to be made out, many signatures required, and other forms of red tape, which are not only unnecessary, but actually defeat their own ends. The voting machine has changed somewhat the work of the precinct officers, but has not resulted in the reduction of the number of precinct officers to the extent possible. Voting machines make it possible for much larger precincts to be used, with two or more machines to the precinct, but in practice this has been done only in a few communities. In precincts which use paper ballots it should be simple and easy to organize the work so that a few election officers might handle a thousand voters or more without delay, but this is done in only a few states. The count of the ballots by hand, if properly organized, with a division of the work into two or more teams in large elections, and with suitable and improved tally sheets, could be conducted much more expeditiously and economically. This would make possible the use of larger precincts and a more definite fixing of responsibility for accurate

and honest counts, but it has not been done in this country. The work at the polls and the conduct of the count are handled in essentially the same manner as a generation or more ago. The whole election machinery is inflexible, making no change or adaptation to the size and type of election. A small election at which fifteen per cent of the voters turn out costs approximately as much as one at which eighty or ninety per cent vote.

The administration of elections is marked by many irregularities, and frequently by sharp practices. The election statutes are so detailed that the precinct officers cannot know the law. Often the procedure set forth in state law is so cumbersome and unsound that the election officers make no pretense of complying with it. In small cities and rural sections especially, the precinct officers conduct the elections in a highly irregular manner, though many of these irregularities are not connected with sharp practices or frauds. Every election contest brings to light slipshod, careless, and irregular administration. The records are not kept as required by law; the tally sheets are marked up at the close of the count, instead of while the counting is being conducted; the ballots are not counted one by one as is generally provided by law; the numerous required signatures, supposed to be made at the close of the day, are made during the day; the voters are permitted to mark their ballots upon the wall and outside of the voting booth; voters are permitted to confer with each other while marking the ballot; the precinct officers fail to sign each ballot; sometimes the election officers may go outside of the polling place to receive the vote of a person unable to come to the polls; outsiders are permitted to participate in the conduct of the election, particularly in the count; some of the precinct officers are absent for long periods of time; no record is made of challenges and many other formalities are not complied with; these are some of the more common violations of election laws which may be classed as irregularities. The remedy lies not so much in putting pressure

upon the precinct officers to comply with the law, but rather in a revision of the election statutes so that the temptation to take short cuts will be largely eliminated. The procedure at the polls should be simplified and regularized. When a sound procedure has been established, the office in charge of elections should take greater pains to instruct the precinct officers and to inspect and supervise their work.

The constant flood of election bills which is introduced in practically every state indicates the present unsatisfactory condition of election administration. Every bill is designed to correct an evil, to prevent a sharp practice which has sprung up. The election laws are being constantly changed, but without any fundamental revision or improvement. Many of the principles which now govern the conduct of elections and guide the framing of election statutes are unwise, and must be discarded before a sound system can be established. Patchwork upon patchwork will not remedy the situation. The deluge of election laws, with constant revisions, has produced in many states an election code not only of voluminous size, but also with many conflicting and uncertain provisions. Wholly aside from fundamental improvements which are necessary, most states are greatly in need of a revision of the election laws in order to clarify and codify the existing statutes.

Election statutes are greatly overworked at the present time. No sound, efficient, economical, and satisfactory administration can be secured so long as it is the practice to prescribe in minute detail every operation in the conduct of elections. The attempt is made now to secure uniform and satisfactory election administration throughout the state by statutes, without any effective administrative supervision, and without using rules, regulations, and instructions issued by an administrative office. In no other phase of public administration do the statutes bulk so large and administrative control and supervision so little. Ordinarily there is no office exercising any real control over elections throughout the state, and

usually the local city or county officers in charge have only slight powers of control, supervision, and inspection of the work of the precinct officers. In many states the precinct officers are practically a law unto themselves. If the conduct of elections is to be improved we must inevitably turn away from the present decentralized, un-integrated organization, place less reliance upon election laws, and use administrative rules, regulations, instruction, and inspection to a greater extent.

A cardinal principle of election administration at present is that of bipartisanship. It may be observed in the election statutes in every state in the Union. In many states it is difficult for the election officials in charge to secure a full quota of precinct officers from the ranks of the minority party in some precincts. The principle of bipartisan representation, however, goes much further than is generally supposed. It does not stop with the securing of a representative of each of the two leading parties upon the precinct board and a division of the office personnel and the board of elections of the city or county; it turns over to the party organizations the selection of the election officers. The boards of elections which exist in our large cities are practically uniformly selected by the party machines, and they, in turn, take orders from the machine in the selection of their subordinates. In a number of states this procedure is set forth in the statutes, but in other states custom and tradition accomplish the same result. The election positions are regarded almost everywhere as party or personal patronage.

The result is most unfortunate. The boards in charge of elections in our large cities and populous counties consist, for the most part, of politicians, interested primarily in party politics and partisan advantage and with little real conception of the work of the election office, except in terms of party advancement. The office employees, regular and temporary, are recruited from the ranks of the party machine workers. The offices are generally overstaffed in order to provide places for

the faithful. In many cities the election office is the worst spoils ridden office of all, and it is not uncommon for it to be the dumping ground for incompetents who cannot be placed elsewhere. In many cities with strong political organizations the precinct officers are not merely incompetent, they are often corrupt, and, in some precincts, they are drawn from the underworld of vice and crime.⁴ The bipartisan principle results in our elections being controlled by the very elements of society most bent upon winning the election—the bitter partisans whose livelihood may depend upon party victory. Common sense would dictate that such persons should be debarred from having any control over elections, but under the bipartisan theory it is necessary to “set a thief to watch a thief.” Unfortunately, thieves may make bargains. The supposed opposition of the two leading political parties is little more than a farce in many large cities. The minority party is often the tool of the majority party.

The time has arrived to discard the whole theory of bipartisanship in elections, and to set up instead a responsible election organization in which the active partisan is debarred. Competent precinct officers and satisfactory office employees cannot be secured through party lists. If the party is given the selection of the persons to fill these positions, it will use them as patronage, and to serve its own ends. The best election administration in the country is to be found in places where no attention is paid to party allegiance in selecting the officers or employees. Definite fixing of responsibility for the selection of honest and capable employees is more effective than bipartisanship.

Many practices have grown up which should be discarded as unsound or obsolete. One of these is the use of small precincts, with each precinct a separate entity in itself, subject to little supervision. This system was probably well adapted to the needs of a hundred years ago. Then there were few large cities, the means of transportation were primitive, and streets

⁴ See below, Chap. IV.

as well as rural highways were unimproved. There is no longer any justification for the practice. In many Canadian cities it is common for a single voting district to contain as many as three thousand registered voters. The polling place is located in a large room, and several boards under suitable supervision perform the work. This procedure is fundamentally sound. It makes possible effective supervision and great economies. In this country voting precincts should be increased in size, with each precinct laid out around a building suitable for a polling place.

One of the greatest absurdities in the conduct of elections is that each election, large or small, costs practically the same. The same army of precinct officers must be employed. Now it is well known that there is a wide variation in the vote cast and the actual work involved in different elections. A special election, or even a local or primary election, may see a turnout of as low as a fourth or a fifth of the vote cast in a presidential election. The machinery should be adapted better to the requirements. A few states now use a smaller number of precinct officers in minor elections. If larger precincts were used, it would be entirely feasible to adjust the election machinery to each election, using in each precinct only the number of officers required to take care of the vote.

Election reform in this country will probably take place along the following lines:

1. Creation of a responsible, integrated, centralized organization.
2. Substitution of administrative control through rules, regulations, instructions, and inspection, in the place of detailed statutes, which are ineffective.
3. Greater flexibility of organization, so that the requirements of each election may be taken care of at a minimum expense.
4. Abandonment of bipartisanship and the freeing of the election machinery from the spoils system.
5. Use of larger precincts.

6. Simplification of the records and the improvement of the methods and procedures.
7. Adoption of the office group ballot.
8. Simplification and improvement of absent voting.

Brief History of Election Administration. This brief account of the history of election administration is presented without any claim to completeness or thoroughness. Historical data upon several of the important phases of election administration, particularly ballots, voting machines, and election frauds will be found in the following chapters. It is deemed more appropriate to present such data in connection with treatment of particular phases of administration rather than in this chapter.

It may be pointed out that while a great deal has been written upon the history of suffrage, of ballot laws, and of political parties and party battles, little has been written upon the history of the detailed administration of elections. A study of the legislative acts on election matters of the several states, or of selected states, would throw some light on the problem, but unless such acts could be studied in the light of the prevailing election practices and abuses, they would be of little value. Most of the laws pertain to minor details, and changes are made from year to year of no importance to the historian. A detailed and scholarly study of the history of elections in the colonial period has been made by Professor Bishop.⁵ A comparable history of elections since the formation of the Union is needed, but is beyond the scope of the present volume.

*In the Colonies.*⁶ Some public officers were popularly elected almost from the very beginning of the colonial settlements in America. The first (1606), second (1609), and third

⁵ Cortland F. Bishop, *History of elections in the American colonies* (1893).

⁶ The best accounts are given in Bishop, and in Charles Seymour and Donald Frary, *How the world votes*, Vol. I (1918). See also Albert E. McKinley, *The suffrage franchise in the thirteen English colonies in America* (1905); Eldon C. Evans, *History of the Australian ballot system in the United States* (1917); and Kirk Porter, *History of suffrage in the United States* (1918).

(1611-12) Virginia charters provided for councils to meet in England to manage the affairs of the colony, but the council in 1621 issued an order placing legislative power in the colony in the hands of a council of state and an assembly, the latter of which was to consist of some two hundred burgesses, popularly elected. Already, however, the governor had called a legislative assembly in 1619, without legislative sanction.⁷ In Plymouth a governor and assistants were elected annually beginning in 1620.⁸ In Massachusetts the Charter of 1628 provided for the popular election of the governor and eighteen assistants, though it appears that the governor was not so elected until 1632.⁹ The other colonies, with the exception of New York, under the Dutch rule, also provided for the popular election of the legislative assembly and frequently of other officers. It is interesting to note that in the early period numerous officers were often elected; for example, in Massachusetts, the governor, deputy governor, eighteen assistants, a treasurer, major-general, admiral at sea, commissioners for the United Colonies, secretary of the General Court, "and such other officers as are, or hereafter may be, of like general nature," were chosen annually by the freemen. The long ballot had thus already come into use in colonial days.

In the early years of the colonies the franchise was vaguely defined, but in general it was broader than it came to be later on, when property, religious, taxpaying, and residence requirements were prescribed. Virginia and Maryland allowed all male, adult inhabitants to vote until the middle of the seventeenth century. By this time or shortly afterwards, however, most of the colonies adopted suffrage provisions requiring the ownership of land or of personal property as a qualification, and some of them added religious qualifications.¹⁰

The method of conducting elections in the colonies was

⁷ McKinley, p. 17.

⁸ Bishop, p. 3.

⁹ *Ibid.*, p. 2.

¹⁰ See McKinley, particularly Chap. XV.

borrowed in large measure from the prevailing practice in England, though variations quickly appeared, particularly the use of paper ballots. The royal colonies followed the British practices of the time very closely, while the New England colonies departed most widely. The details of the administration of elections cannot now be traced with any great degree of certainty, for the actual practice was not prescribed minutely by statute, as it is now, and what statutes there were on the subject were not always followed.

Two methods were used in calling elections. In the New England colonies the election dates were fixed by statute, usually annually, and in the early spring, while in the other colonies elections were frequently called by a special writ, as in England. Detailed provisions were made for the publication of the writ by posting notices, reading the proclamation, and in some colonies by requiring notice to be read at the religious services. The hours for voting were not always provided by law, but, in comparison with the present practice, they were usually short. It was not unusual for the polling to start at nine o'clock in the morning, and the polls to be closed by two or three o'clock in the afternoon. However, there were elections which lasted for several days, contrary to the fixed custom which has since arisen for the election to be completed within a single day.

The early practice in New England was for the election to be held at the capital of the province, but as the settlements became widespread, it became necessary for some provision to be made whereby the citizens might cast their ballots without having to make the journey from the settlement to Boston, or to the capital. This was inconvenient because the election day came at time when crops were being planted, and the danger of Indian attacks was a consideration. Under these conditions the proxy system of voting, whereby votes were cast at local meetings and the ballots sent in by a deputy, arose. This, indeed, was quite similar to the present practice of establishing voting districts and local polling places throughout the state.

It was apparently confined to New England, perhaps due to the fact that in other colonies the general officers for the colony were elected by the legislative body rather than by popular vote, and hence local elections were conducted for the election of representatives—the only officers popularly elected.

Elections were, in practically all cases, conducted by the local officers, such as the sheriff, coroner, or mayor. Provision was early made in Pennsylvania for election of judges and inspectors to assist the sheriff or his deputy, and similar provisions were made in other colonies. In New England provision was made for the nomination of candidates prior to the election. Two methods were used at different times: one was a preliminary election, similar to the direct primary of today; the other was nomination by the legislative assembly. During part of this period, in Massachusetts and Connecticut nominations were made in the fall for the election to be conducted during the spring following, but this practice was discontinued before the end of the period.

The method of voting in use in England during the colonial period was *viva voce*, and this method was generally followed in New York and the colonies to the south. By 1634 Massachusetts adopted paper ballots for the election of governor, and the neighboring colonies followed this practice. In some of the colonies frauds crept into the elections, and we find an early law in Massachusetts forbidding paper ballots to be twisted or rolled up. The practice of having the voters sign their ballots was used for a few years in Rhode Island.¹¹ The election of assistants in Massachusetts was conducted differently. At the meeting of the General Court, the governor propounded the names of one candidate after another, and the voters present went out, and as they came back they dropped a paper into the hat. A blank paper counted as a vote against the nominee, and a paper with a mark or scroll on it as a favorable vote. This process continued until the re-

¹¹ Bishop, p. 148.

quired number was elected. Later Indian beans, white and black, came to take the place of the papers. It is uncertain whether the voters who sent in their votes by a deputy or proxy participated in the election of assistants, but there is some evidence that the bean votes were taken on each candidate in the towns and then sealed and forwarded to the General court for the election there. The paper ballot was unofficial and had to be provided by the voter, who usually brought it with him to the polls. No provision was made for the illiterate voter, though doubtless he might cast a ballot which had been prepared for him by someone else. The evils of intimidation and bribery, so rampant under this system of voting later on, both in this country and in England, were evidently not widespread in the colonies.

In New York, New Jersey, Maryland, Virginia, and Georgia, where the English election practices were followed more closely, the use of paper ballots was unknown during the colonial period. Usually the sheriff, or some other officer, took the poll either by a show of hands or by a *viva voce* vote. Under this method the sheriff and his election officers provided books in which the names of the candidates were arranged in columns, and when the voter appeared his name was written down and a vote recorded for those candidates for whom he wished to vote. As in England, this destroyed the secrecy of the poll, and led to intimidation and bribery. The election officers called out the name of the voter in a loud voice and asked him for whom he voted. He replied, announcing his choice publicly, and in Virginia it was the practice for the candidate or his representative to rise, bow, and thank the voter for his vote, while partisans often applauded.¹² There was considerable variation in the conduct of elections, however, and it is recorded that in Virginia it was common for the sheriff to take the votes at the homes of the citizens. The written ballot was used in the proprietary colonies to a certain extent. It was provided in William Penn's

¹² See J. S. Wise, *The end of an era*, pp. 55-56.

Frame of Government and in the Act of Settlement.¹⁸ A debate in the provincial council of Pennsylvania in 1689 indicated, however, that paper ballots were not generally used, beans and *viva voce* voting being used instead. In 1706 a statute was adopted in Pennsylvania which rigidly required the use of paper ballots. North Carolina provided for the use of paper ballots by a statute of 1744, but later the colony returned to the English form of *viva voce* voting. East Jersey, West Jersey, Delaware, and South Carolina used the paper ballot during at least a part of the colonial period.

There is little information concerning election practices, corruption, violence, bribery, and fraud at the polls during the colonial period. The silence of the statutes on the subject in New England indicates perhaps an absence of these forms of electoral abuse. Most of the other colonies prohibited bribery and other forms of misconduct at the polls, and enacted various provisions designed to safeguard the polls against fraud. It appears that bribery was prevalent in the colonies without the secret ballot, and constituted in all probability the worst abuse in colonial elections. The departure of the colonies from the English practice is most marked in the adoption of paper ballots, suggested probably by the practice in church elections. The use of proxy voting, which in reality amounted to the division of the colony into towns or districts for the purpose of electing general officers, pointed the way to modern election practice, in contrast to the early practice of requiring all the electors to appear at the legislature to elect such officers. The absence of bribery and corruption on a large scale in the colonies was probably due in part to the use of paper ballots, but largely to the lack of offices which were eagerly sought after. The earlier provisions governing the franchise appear to have been somewhat vague, and, in general, very liberal, but later restrictions of various kinds, following in the main the English franchise, were adopted.

After the Revolution. Nine of the ten state constitutions

¹⁸ Pennsylvania Colonial Records, pp. 33, 42.

framed between 1776 and 1780 required the secret ballot for the election of certain officers, but the *viva voce* voting continued in some states, particularly in the South. Arkansas continued this form of voting until 1846, Missouri and Virginia until the Civil War, and Kentucky abandoned it as late as 1890. As time went on, abuses under the unofficial paper ballot became fully as great as ever existed under *viva voce* voting. Because of the constantly increasing size of the ballot, it became the practice for the political parties to print ballots for the convenience of their voters, and these unofficial ballots rather than ballots written by the voter himself, were held valid in Massachusetts in 1829. Each party printed its ballot upon colored paper so that it could be easily recognized, thus destroying the secrecy of the ballot. When some of the states required that all ballots should be printed on white paper, various shades and weights of white paper were used, making it easy to identify the ballots as they were cast. With the unofficial ballot in use bribery was rampant, for the bribed voter could be handed a ballot and watched until he placed the ballot in the box. Other abuses were also widespread. Each party often prepared ballots, ostensibly of the other party, but actually containing only the names of one or two prominent candidates of the opposing party. The voter had to be on his guard against such spurious ballots.

These abuses led to the adoption of the Australian ballot. As early as 1856 Victoria adopted an official ballot, containing the names of all candidates, printed by public officers at public expense, upon uniform paper, and distributed only at the polls, where it was marked in secret. During the years immediately following it was adopted in South Australia, Tasmania, New South Wales, New Zealand, and West Australia. Hence this form of ballot came to be called the "Australian Ballot." Its adoption in this country was urged in 1882 by the Philadelphia Civil Service Reform League, and in the following year by Henry George. Kentucky provided the first Australian ballot law in this country in 1888, but limited its application to Louisville. The following year New York

adopted a state wide act, and within a few years the Australian ballot swept the country.

One of the principal trends in elections following the Revolution was the liberalization of the franchise. Between 1800 and 1830 most of the states repealed the requirements of property and religious qualifications, and established adult male suffrage. The new states admitted to the Union practically all came in with adult male suffrage, and this influenced the older states to abolish their suffrage restrictions. The wave of democracy which marked the Jacksonian era established male suffrage, with a few states still retaining property qualifications.

With the rise of large cities following the Civil War and the increase of immigration, election frauds became rampant. As early as 1800 Massachusetts enacted a registration law which was designed to prevent illegal voting as well as violence at the polls. The other New England states followed the lead of Massachusetts within a few years, but outside of this section, registration laws were delayed until after the Civil War, when election frauds became so general that registration of voters was imperative. Between 1860 and 1890 practically all of the states adopted some form of registration of voters, though in a number of states the requirement was limited to cities, and this is still the case. The early, weak registration laws were easily circumvented, and repeating and colonization became quite common in the large cities. This in turn resulted in tightening up the registration laws and the passage of special laws and the creation of special election and registration commissions for the large cities. These changes usually cleaned up the elections for a few years, but eventually the offices fell into the hands of the party organizations and election frauds again were committed with impunity. As late as 1900 it was estimated by well informed observers that as many as 60,000 fraudulent votes were cast in hotly contested elections in Philadelphia.¹⁴

¹⁴ For a history of registration laws, see my "Registration of voters in the United States," Chap. III.

A number of important trends in election laws appeared during the closing decades of the nineteenth century, brought on partly by the flagrant election frauds and violence which marked the conduct of elections throughout the country. In many states special election boards were created for the large cities or the most populous counties. The City Election Act of Illinois was enacted in 1885 after flagrant election frauds and violence in previous years had led to a concerted movement for election reform. The board of elections of Milwaukee was not created, however, until 1911, and the office of election commissioner of Omaha until 1913. In general, special boards of election were created in the larger cities during the period from 1880 until 1910. These special boards were set up as a device to bring about election reform, but, in common with many other independent boards and commissions, they soon fell under the domination of political organizations and provided little or no improvement.

With the widespread adoption of the Australian ballot following 1890 many new provisions were written into the statutes. All of the provisions governing the ballot, as well as the nominating of candidates so that their names would be printed upon the ballot, came only when an official state ballot was provided. It is not at all by chance that the direct primary spread shortly after 1890. The adoption of the official ballot made it imperative for the statutes to recognize the existence of political parties, which had been done reluctantly before this period, and through the election laws there appeared more frequent provision for representation of the two leading political parties in election administration, and the regulation of the party organization itself.

The voting machine appeared during the closing years of the nineteenth century, which led to the adoption of laws permitting its use in many states.

Recent Tendencies. Since 1900 the general tone of election administration has greatly improved throughout the country, and frauds, formerly so widespread, have tended to disappear in all but a few communities. This improvement

has been brought about by stricter registration laws, more stringent election laws, the requirement of the signature at the polls, the Australian ballot, which has practically put a stop to bribery, and, in recent years, by the enfranchisement of women and the passing of the open saloon. Not many years ago it was taken for granted that there would be a great deal of drunkenness, disorder, violence, bribery, and other malpractices at the polls. To-day the polling place is quiet and orderly. One of the leading arguments used against woman suffrage was that no woman of refinement or culture would care to venture near the polls on the day of election, for "it was not a fit place for women." Happily this has practically passed. Election frauds have not entirely disappeared, and intimidation and violence are sometimes present at the polls, but these conditions obtain only in a few politically backward communities.

The constant revision of election laws which is taking place in most states is designed in practically every case to rectify some abuse which has sprung up. These alterations deal with minor details of administration and do not involve any fundamental changes. They have led to more and more cumbersome procedures and records. Most of the election records and methods are antiquated, expensive in operation, and require a thorough revision. There is needed for the administration of elections: (1) a revision of the state election laws similar to the revision which has already taken place in many states in the administration of the registration of voters, (2) a reorganization of the election machinery, and (3) many improvements in election management. A movement in this direction has been started in a number of states. Ohio adopted a new election code in 1929, which simplified and greatly improved the elections of the state. This code, which was prepared and sponsored by the Citizens League of Cleveland and its director, Dr. Mayo Fesler, will accomplish an annual saving, it is estimated, of one million dollars. The new election code of Ohio was opposed by the party organiza-

tions and did not receive the support of the chief election officers of the state. Many compromises were necessary to secure its adoption, and some of the election boards of the state are still unfriendly to the law. It is a significant step in the right direction.

The Illinois legislature in 1929 created a state commission on revision of election laws, and the governor appointed a commission of three members, headed by Judge Edmund K. Jarecki, the chief election officer of Chicago. The commission published its report in March 1931, recommending many changes in the election laws, including the following: Fewer elections, permanent registration of voters, certain minor ballot reforms, uniform voting hours from 6 A.M. until 6 P.M., the precinct election officers should be officers of the county court so that punishment for malpractices could be inflicted by the county judge under the power to punish for contempt, stricter laws governing the giving of assistance to voters, many detailed changes of procedure, and the creation of a state election commission with powers to issue rules, regulations, and instructions and to supervise elections throughout the state. The commission presented to the legislature a series of bills designed to accomplish these results and also recommended a complete revision and simplification of the election code, which it did not undertake to prepare.

In the spring of 1930 the Pennsylvania League of Women Voters called a state conference upon election reform, inviting all interested organizations to send representatives.¹⁵ The bar association and many other organizations responded and a state organization was formed to work for a new election code which would wipe out many of the antiquated, cumbersome, and expensive features of the present election administration in the state and make it easier to secure honest elections. A modern election code for the State of Pennsylvania was drawn and presented to the legislature, but failed

¹⁵ See Albert B. Maris, "Pennsylvania moves to modernize election code," *National Municipal Review*, Vol. XX, pp. 206-09 (April 1931).

of passage. It provided for a unified registration and election administration, in the place of the present much divided administration, and a single election office, headed by a board, in each county. The board was to be appointed by the governor, and to have complete control of all phases of election administration. A state elections bureau was to be provided in the office of secretary of state with substantial powers. Permanent registration and many other improvements in election administration were provided. The movement for a modern, sound election code in Pennsylvania will probably be carried forward until a thorough reorganization of the election administration will be secured.

The system of registering voters within the last two decades has undergone a fundamental change in many states with the adoption of permanent registration of voters. The organization, methods, records, and the correction of the lists have been thoroughly revised in most of the states adopting this system. Permanent registration of voters has now spread until it is used, in whole or in part, in over thirty states. Some of the states which have recently adopted sound permanent registration systems include the following: Wisconsin (Milwaukee) (1911), Nebraska (1913), Oregon (1917), Minnesota (1923), Wisconsin (statewide) (1927), Iowa (1927), Ohio (1929), Michigan (1929), Kentucky (1930), California (1930), Washington (1932), Illinois and Indiana (1933). The movement for an improved registration system has been greatly facilitated by the popular slogan, "permanent registration," though as a matter of fact these recent registration laws have revised practically all the details of registration.¹⁶

The following chapters present, first, a summary of the findings and recommendations for improvements, with a model election code, and second a detailed analysis of the

¹⁶ For an account of the spread of permanent registration of voters within recent years, see "Registration of Voters in the United States," Chap. III, and articles in the *American Political Science Review*, Vol. XXIII, pp. 908-914, (Nov. 1929), and Vol. XXIV, pp. 963-966, (Nov. 1930).

principal phases of election administration: organization, ballots, the conduct of elections, precincts and polling places, absent voting, recounts, and other matters. In all of these details an attempt is made to present an analysis of the problem, the usual provisions found in state laws, with important variations, and especially the practical workings in various states with respect to each phase. Special attention is given to the methods and procedures followed in jurisdictions with the best election administration, and suggestions are made throughout the chapters as to the essentials of sound practice. No attempt has been made to catalog the laws of the several states upon the many phases of election administration. There is a great deal of variation from state to state which would make a digest of the state laws upon these many matters extremely tedious, and the existing laws are subject to change from year to year. Emphasis has been placed, instead, upon an analysis of the problems, the present practical workings, the better methods followed, and suggestions for a sound administration.

CHAPTER II

A MODEL ELECTION ADMINISTRATION SYSTEM

This chapter presents in brief form the findings of this study of election administration, with recommendations for improvements, and a suggested brief election code. It has been previously published as a committee report of the National Municipal League, and is reproduced here by permission. It consists of three parts; namely, specifications for a model election system, general changes in election laws recommended, and a model election code. These recommendations provide a practicable program for the improvement of election administration, based not only upon the results of the field studies of the author, but also upon the mature judgment and experience of the members of the Committee on Election Administration of the National Municipal League.¹

Specifications for the System. Everything contained in these recommendations is in actual, successful use in one or more

¹ The members of the Committee were:

- Charles E. Merriam, University of Chicago, Chairman.
Joseph P. Harris, University of Washington, Secretary.
Albert S. Bard, Honest Ballot Association, New York.
Mayo Fesler, Director, Cleveland Citizens' League.
Walter Matscheck, Director, Kansas City Public Service Institute.
W. F. Willoughby, Director, Institute for Government Research, Washington.
Ralph S. Boots, University of Pittsburgh.
Katherine Frederic, National League of Women Voters.
H. W. Dodds, Editor, *National Municipal Review*.
H. A. Nichols, Election Commissioner, Rochester, N.Y.
Thomas Raeburn White, Chairman, Philadelphia Committee of Seventy.
J. M. Zemansky, Registrar of Voters, San Francisco.
William M. Chadbourne, New York.
George M. Hallett, Jr., Secretary, Proportional Representation League.
Harold F. Gosnell, University of Chicago.
Edward E. Witte, Chief, Wisconsin Legislative Reference Library.
Oakley E. Distin, Chief Supervisor of Elections, Detroit.
William D. McHugh, Election Commissioner, Omaha.
Clarence G. Shenton, Assistant Director, Philadelphia Bureau of Municipal Research.

states to-day. The "model system" proposed embodies the best, most practicable features of election systems throughout the country. Upon each subject a more complete treatment may be found in the following chapters.

STATE CONTROL OF ELECTIONS

Specification 1.—There should be created a state board of elections to have general supervision over the conduct of elections throughout the state. This board should issue instructions and regulations governing the conduct of elections, subject to the provisions of state law, exercise supervision over local officials, and act as the state board of canvassers. The secretary of state should be, *ex officio*, the secretary and administrative officer of the said board.

It is recognized that there is considerable sentiment against the creation of another state board of any kind, though in a sense this is not an additional board, since in practically every state there is already a state board of canvassers. The question in point is whether it would be better to entrust the issuance of regulations and instructions governing the detailed administration of elections to a single state official or to a board. While it is recognized that a single official in all probability would perform the routine work, it is believed that there is some merit in having such regulations promulgated by a state board. It would lend greater prestige to them, and, to a certain extent, remove the charges of partisanship or unfairness.

The specification does not cover the organization of the state board of elections, either as to the number of members, or their selection and tenure. It is recognized that the political conditions in the several states vary so much as to make it necessary to have variation in the organization. The following alternatives suggest themselves:

1. An *ex officio* board, consisting, say, of the governor, attorney general, and secretary of state.
2. A bipartisan board, consisting of the secretary of state and

two other members appointed by the governor upon the recommendation of the two largest political parties within the state.

3. The secretary of state as a single officer in charge of elections, but with the power to appoint an advisory committee to draft the original set of instructions and to revise them from time to time as may be required.

State control of elections constitutes one of the most difficult problems to be solved in the field of election administration. It is easy to point out that the election statutes at present are seriously defective. They are inflexible, poorly adapted to securing efficient and thorough administration, make the cost of elections unduly expensive, and are often inoperative. It is apparent that greater supervision and control of election administration all along the line is essential. This is particularly true of precinct officers. The substitution of rules and regulations and instructions prepared by some state officer, preferably the secretary of state, to cover the detailed procedure in the conduct of elections would be a great improvement. In some of our large cities the election board issues suitable instructions for the guidance of the precinct officers, which aid greatly in securing uniform and regular conduct of elections. This practice should be made state-wide. In many cities and generally in rural sections at present no instructions whatever, except the printed election laws, are issued to the precinct officers. The statute authorizing the making of such rules, regulations and instructions should affirmatively provide that when made and promulgated they shall have the force of law.

In the conduct of elections there are many forms, records, and blanks. These are usually prescribed by statutes, though a better practice would be to authorize the secretary of state to prescribe these forms. Indeed, these might well be supplied to county and city officers by the secretary of state, and such is the case in the State of New York.

It would be desirable also to have a state office issue instructions to county and city officials covering the handling of elec-

tions. This would not constitute an encroachment upon the prerogatives and discretion of the local officers, but would rather take the place of the detailed statutes. Instructions covering the various details of the election would be welcomed by county and city officers, particularly where the elections are handled by the city or county clerk, in addition to his other duties.

It may be objected that this power might be misused by the state office for partisan purposes, or that some clerk in the office, unacquainted with the actual administration of elections, might prepare the instructions. There is not a great deal of danger along these lines. It can be assumed that the state office would be careful not to issue instructions which would cause trouble or arouse criticism, and that it would consult with the election officials before making any innovations. However, if it is desired, it could be provided in the law that the state office should appoint an advisory committee, without salary, to assist in preparing or revising the original instructions.

ELECTION OFFICERS

It may be stated at the outset that no part of the election law is so difficult to change as that which sets up the machinery. Election boards and officers in charge of elections resist any change in their status, and the political organizations actively oppose any measure which would reduce the patronage. Obviously, compromises will be necessary to secure the enactment of an otherwise sound election law. Perhaps at no other point is it so necessary to give way as on the matter of organization. Certainly some variation from state to state is essential because of the political situation and traditions of the state. The following recommendations are, nevertheless, important, and should be carried out so far as possible.

There are a few election offices in this country which are well managed, with competent and vigorous executive control, capable employees in the office and in the precincts. Unfortunately, such is ordinarily not the case. City or county

election boards usually consist of persons who have no particular knowledge of election laws or ability to take charge of election administration. Usually the members of the board are "deserving" party men, who either receive the appointment as a reward for their service to the organization, or are placed there to serve the organization. A striking contrast is afforded in the few cities where the administration is placed in the hands of a single commissioner. Similarly, in many communities, good results are secured with some regular city or county official, such as the city clerk or the county clerk or auditor, in charge of elections. The use of boards in election administration, except for the largest cities, is unwise. Capable persons will rarely seek appointment to such boards. They are usually dominated by the party machines, with the result that the entire election machinery is controlled by the party organizations.

Specification 2.—The administration of elections and registrations should be centralized in a single office.

In many states the election and registration work is divided between various offices. In some states the county commissioners, the county clerk, the sheriff, the city council, the city clerk and the police all have a hand in the administration. This leads to bickering, wrangling and shifting of responsibility, and is practically always unsatisfactory. A unified administration works much better.

Specification 3.—A special office should have charge of elections and registrations in cities (or counties) of over 200,000 population. Where the population is less, the administration should be intrusted to regular officers of the city or county.

Only in fairly large cities (or counties) should a special office be created to carry on the work of elections. It can be done more economically and generally better in smaller cities or counties by a regular officer. In a small city or county,

where the work is confined to a few months in the year, and the salary is necessarily small, a capable person cannot be secured for a special office. In a few states, Ohio and New York, for example, there is a special office in every county, which conducts all elections (state, county, city, school, and special) within the county. There are many merits in such an arrangement. It unifies the election administration and makes for simplicity and responsibility.

Specification 4.—Where a special office is provided, it should preferably be under the control of a single commissioner, who should be placed under the classified civil service, if such exists, or appointed for a term of four to six years. Where it is deemed inadvisable to create a single election commissioner, a board of two or three members should be provided, with an executive secretary to have charge of the routine administration. Appointment should be vested either with the mayor, manager, or the governor, and the governor should have the power of removal for cause after a public hearing.

The practice of having a single commissioner has worked exceptionally well in Rochester, Omaha, and Los Angeles. In a number of other cities real control has been vested in a single individual, though the organization has been in form that of a board. It should be remembered, also, that in many communities a single officer, the city or county clerk usually, has wide control of elections. This arrangement has worked, on the whole, more satisfactorily than a special board.

Specification 5.—Except for jurisdictions where there is a special office, the county clerk or auditor should be the chief election officer of the county. He should supply the ballots for county, state and national elections, and, except in cities, should appoint the precinct officers, issue instructions to them, supply the forms and miscellaneous equipment, select the polling places, divide the pre-

cincts, and receive the returns and records. Within cities (small cities excepted) the city clerk should be the chief election officer for all elections. He should print the ballots for city elections, appoint the precinct officers, issue instructions to them, furnish the supplies, select the polling places, divide the precincts, receive the returns, and have charge of the elections.

Where the administration of elections is entrusted to the regular officers of the county or city, several problems are presented. Which county or city officers should be placed in charge? Should a county officer have exclusive control of all elections within the county? Or should city officers have control of elections within cities? If both city and county officers are used, how should the work be divided? What officer should have charge of elections in rural sections, villages and small cities?

The simplest arrangement, and in some respects, the best, is to give some county official exclusive control over all elections within the county. It is generally thought better, however, to have a local election official in cities. This is particularly true of cities of, say, 10,000 population and over, where there is a suitable full-time official, such as the city clerk, who can be placed in charge. In rural sections and small cities, on the other hand, where there is no suitable local officer, the better practice is for the work to be handled directly by the county officer in charge of elections.

In a number of states, county officers have charge of county, state and national elections, and city officers have charge of city elections. This arrangement is undesirable, for it produces two distinct election systems, often with different precincts, different precinct officers, different polling places, and results in considerable confusion. While no arrangement can be entirely satisfactory, it seems best, on the whole, to make one of the regular county officers, such as the county clerk, election commissioner for the county and a similar officer,

such as the city clerk, election commissioner for the city. The county clerk would have general control of elections, except for cities where there is a city election officer, and would print the ballots for county, state and national elections for the entire county. The city clerk would have complete charge of all elections within the city, except the printing of ballots for county, state, and national elections. Both officers would be subject to the rules, regulations, and instructions of the state board of elections.

As a general rule, the city council or the county board appoints the precinct officers, divides the county or city into precincts, and sometimes acts as the canvassing board. Better precinct officers will be secured, as a rule, if the appointment is placed in the hands of a single official. The approval by the city council or by the board of supervisors of the redistricting of precincts is usually a matter of form, and the official canvass is a routine, clerical procedure. Responsibility will be centered more effectively and a more vigorous and strict administration secured if all of these powers are given to a single official.

Specification 6.—The office force should be under civil service (if such exists), and in the competitive class, without any provision for bipartisan division. Extra employees should be recruited, without regard to partisan affiliation, also from civil service lists.

Party workers constitute the office force in most of our large cities. Nothing further need be said concerning their abilities. It is essential in large cities with civil service commissions that these positions be placed in the competitive class under the civil service, and removed from political control. The temporary employees are likewise recruited from the party organization ranks in many cities, with poor results. Often unnecessary employees are taken on prior to elections for political purposes.

Specification 7.—Precinct officers. The number of persons used to conduct the election in each precinct should not exceed four (except as provided in Specification 20), and in many communities should be less. One of these persons should be placed definitely in charge, and should have the title of inspector. The other officials should be under the inspector, and should be called clerks. All decisions should be made by a majority vote of the precinct officers.

The usual practice is to have a board of from four to seven officers to the precinct. Out of this number, ordinarily two or three do the work, and the others are in the way. To be sure, the procedure in many states is so complex, with so many forms, poll books, affidavits and tally sheets to be made out that the extra persons are needed. Along with the proposal to reduce the number of officers to the precinct goes the proposal to simplify the procedure and records, making it quite within the ability of three persons to handle the work.

While three or four persons are quite sufficient to the precinct, except for heavy elections in large precincts, there should be discretion vested in the officer in charge, so that a smaller number may be used in rural precincts where the number of voters is small, and also in special or minor elections, when the vote will be light and the count easy.² In many cases two persons would be ample.

Specification 8.—Precinct officers should be required to be qualified electors of the city or county, of good reputation, and with sufficient education and clerical experience to perform the duties of the office. Residence in the pre-

² In Boulder County, Colorado, in 1926, five precinct officers sat in one precinct to receive a total vote of only five! Other precincts were only slightly better, and the county clerk reported that it was often difficult to secure the required number of officers. Several years ago one precinct in New York City had only one registered voter, the entire election board being recruited from non-residents of the precinct. It cost nearly a hundred dollars to take care of this one voter at each election.

cinct should not be required. There should preferably be no requirement that each of the two dominant parties should be represented.

It is much easier to recruit capable precinct officers when it is not required that they reside in the precinct in which they serve. Precinct residence, while normally desirable, is, under certain circumstances, highly undesirable. Often it is necessary to break up a clique under the control of a precinct captain. In many precincts it is difficult to secure the required number of satisfactory persons. The highest type of precinct officers in this country are found in states where precinct residence is not required. Honest elections cannot be secured in many of our large cities without giving the officer in charge of elections discretion in this matter. A few of the large cities where precinct residence is not required include the following: New York City, Detroit, Milwaukee, St. Louis, and Omaha.

The objection is often raised against this proposal that hoodlums and gangsters may be brought into the better residential precincts in large cities as election officers. This has not been the experience. Non-residents, as a matter of fact, are used ordinarily only in the precincts where suitable officials cannot be secured, and precinct residents are almost invariably used in the better precincts.

The requirement generally made that the precinct officers shall be divided between the two major political parties is often thought to be sound. In actual practice it does considerable harm. It usually results in the party organizations of the respective parties naming the officers. In many precincts it is impossible to secure representatives of both political parties. In cities where the appointment is made without regard to party affiliation, a much higher type of person is secured, and bitter partisans are kept off the election boards. These boards, though all their members may be of the same political party, are rarely charged with corruption or sharp practices. In Canadian elections, which are particularly free from fraud or

rumors of fraud, the entire election personnel is appointed by the party in power, without any representation whatever of the other parties. Yet the Canadian elections are conducted in a scrupulous and accurate manner.

In many large cities, however, where the parties are fairly evenly divided, bipartisan election boards are generally considered essential. It is less important that there should be an evenly divided board than that each party should have a representative on the inside, where he can know what is going on, make his voice heard, and testify later, if necessary, to the facts.

Specification 9.—The precinct officers should be appointed by the office in charge of elections for the city or county without dictation from any party or faction. Service should be made compulsory for a period of two years. In large cities applicants should be required to file a written application, stating, among other things, their age, occupation, sex, name of employer if any, length of residence at present address, amount of education, clerical experience, and references, and also to pass a simple examination. If the applicant is unknown, suitable inquiry should be made before appointment. Care should be taken to safeguard against the appointment of persons with criminal records.

The qualifications necessary for satisfactory precinct officers are not high. Persons of average education and ability are capable to perform the routine duties, particularly if under supervision. The principal consideration is to secure persons who will see to it that the elections are conducted honestly and that an accurate count is secured. It is obvious that the worst possible procedure to secure such persons is to place the selection in the hands of the political organizations. It is foolish to expect honest elections when the very persons who would profit by fraud, control the machinery of elections, and are held to no responsibility. In a number of states where

the officers are appointed without regard to party recommendations the elections are free from even a suspicion of fraud.

The general incompetence of precinct election officers throughout the country is very striking. Persons feeble with age, or who have little education, clerical experience, or ability, are appointed. A better type of precinct election officer is needed. No uniform method of making appointments, however, can be adopted. In small cities and rural communities the appointing officer may have to rely largely upon personal acquaintance and recommendations made to him by responsible persons, paying little attention to formal applications. In large cities greater reliance must necessarily be placed upon the written application. In addition, a brief examination might be used. Candidates might be required to fill out certain election forms and reports, following printed instructions. A brief interview and a personal rating should be made before the applicant leaves the room. Responsible persons should be urged, and if need be, compelled to serve. It is highly desirable to make service on the precinct election boards compulsory, though in actual practice, this power will seldom be used. Arrangements should be made with business firms to supply a reasonable number of employees, or to permit their employees to serve.

Specification 10.—A term of two years should be used for precinct officers, subject to summary removal by the election office.

While it is desirable to insist upon precinct officers serving for at least four years, if they are capable, a two-year term is advisable. Because of changes of residence, many new appointments have to be made at each election. An election officer usually has to serve in one or two elections before he is thoroughly conversant with the duties of the office. If a precinct officer is found to be incompetent or unfit for the office, he should be summarily removed.

Specification 11.—A reasonable salary, determined by the city or county legislative body, should be paid to precinct officers. No payment by the hour should be made to precinct boards.

There is so much variation in the prevailing wage scale even within the same state that the statute should not prescribe the salary of precinct officers. It should be set by a local body. Payment by the hour, however, works badly. It results in unreasonable bills and delayed returns.

Specification 12.—A meeting of the precinct officers should be held whenever necessary for instructional purposes. Newly appointed inspectors should be required to attend an instruction meeting before the first election in which they serve.

Schools for elections officers are necessary and desirable, from time to time. In a few places they are especially well conducted and are highly successful.

BALLOTS

Specification 13.—The office group, or "Massachusetts" type of ballot (which does not have the party circle or emblem) should be used in all partisan elections.

There has been a great deal of controversy in this country over the merits of the Massachusetts or office group ballot, versus the Indiana or party column ballot. A majority of the states now use the party column ballot. The political organizations have always fought very bitterly any movement to do away with the party column ballot, with the familiar roosters, elephants, or other emblems at the top of the party column, while independents and reformers have sought to secure the true Australian or Massachusetts type of ballot. The office group ballot does away with the blind voting of the party label with a single cross, and requires the voter to vote individually for each office. This obviously facilitates

split voting, and encourages independence and more discriminating voting. With the party column ballot it is easy to vote a straight ticket, but it is not so easy to "scratch" the party ticket, and many voters continue to vote the party ticket straight for fear that they will spoil their ballot if they attempt to split their vote. Independent voting has become so prevalent in this country that the form of the ballot should facilitate rather than make it difficult. The party column ballot was fairly satisfactory as long as the great bulk of voters voted the party ticket straight, but this is no longer the case.

It may be pointed out, however, that the adoption of the Massachusetts type of ballot will be vigorously opposed in most states by both political parties, and is not essential to the other improvements in election administration here advocated. Although it is included in the model law appended, if substantial opposition to this feature is anticipated, it should be placed in a separate bill.

Specification 14.—Slogans or phrases, following the names of candidates, should not be permitted on the ballot. In partisan elections the name of the party may accompany the names, and in all elections, the officer in charge of printing the ballots should have the power to include the address and occupation, in case there are two candidates of a similar name.

Theoretically it may seem that a brief slogan or phrase on the ballot might help the voter in making his choices, but, judging from the experience in Oregon, these miniature platforms are meaningless. Such pious phrases as "Honesty," "Efficient Government," "Reduction of Taxes," "Americanism," are generally used.

There is some reason for including the address of each candidate, but on the whole, it is probably as well to leave it off, except in cases where it is needed for identification of candidates. A political trick frequently used in large cities is to put up an unknown candidate with a similar name to that

of a prominent candidate, in order to confuse the public. In such cases the address and occupation of the candidates involved may be added as a means of identification.

Specification 15.—There should be only one ballot at any election (except at a primary election, at which there may be a ballot for each party). This ballot should contain the names of all candidates and all referendum proposals. In states where the ballot is unduly large it may be preferable to provide a separate ballot for the referendum proposals. Suitable divisions should be used to separate the various parts of the ballot.

While it is highly desirable to separate national, state, county and municipal elections as much as possible, it is often confusing to the voter to have several ballots handed to him. In the regular November election of 1928 in Omaha, for example, ten separate ballots were handed to the voters. The better practice ordinarily is to place the entire ticket, including referendum proposals, upon one ballot. In cities where proportional representation is used, a separate ballot is required.

Specification 16.—Presidential electors. The names of candidates for presidential electors should be omitted from the ballot, and, instead, the names of the candidates for president and vice president should be printed. The names of the candidates for presidential electors of each political party should be filed with the state board of elections, and the vote cast for the candidates for president and vice president of each party should be counted for the candidates for presidential electors of the party.

This practice is already followed in a number of states, including Nebraska, Illinois, Wisconsin, Ohio, and Iowa. It has the substantial merit of materially shortening the ballot, thereby reducing the cost of printing and making the ballot less confusing to the voter. In Illinois the size of the ballot

at presidential elections was cut into half, with a saving of thousands of dollars at each such election. Since the Constitution of the United States expressly provides that the state legislatures shall determine the method of electing presidential electors, there can be no doubt as to the constitutionality of this procedure.

Specification 17.—The names of candidates should be rotated on the ballot to the extent necessary that each candidate may share equally with other candidates for the same office, each position on the ballot. The ballots for each precinct, however, should be identical.

It is a grave indictment of our long ballot that it is necessary to rotate the names of the candidates, in order to prevent candidates from profiting by being at the top of the list. That the position on the ballot influences the vote is certainly not flattering to the intelligence of the voting public. As a matter of fact, position on the ballot is important only in minor contests, and particularly where there are a number of persons to be elected to the same office. The rotation of the names is the only means of putting each candidate upon an equal footing. The methods used for the rotation of names at present are unduly expensive, and in some states greatly increase the work of the precinct officers. Where the names are rotated within the precinct, each ballot being different from the preceding one, the cost of printing is excessive and the count made difficult. A better practice is to rotate the names from precinct to precinct, with an identical set-up in each precinct, but even this is unnecessary. The names should be rotated only when it is necessary to change the positions in order to give each candidate equal treatment. To illustrate: suppose there are three candidates for a certain office, and three hundred precincts in the city or county. In the first hundred precincts the order of candidates might be A, B, C; in the second hundred precincts, C, A, B; and in the third hundred precincts, B, C, A. Few changes in the set-up of the

ballots would be required to secure the same results now secured by more expensive rotation. Under this system, there is no sound reason why the names should not be rotated in the final election (with the Massachusetts type of ballot), as well as in primary and nonpartisan elections.

Specification 18.—In states where there is appreciable danger of voting frauds and the use of the “endless chain,” the ballots should be numbered serially upon a perforated stub. This number should be recorded upon the poll book or voting certificate (hereafter explained) at the time when the ballot is handed to the voter. This stub should be torn off the ballot before it is deposited in the ballot box, and the number checked with the number previously recorded.

This procedure is designed to prevent the use of the so-called “endless chain” ballot at the polls, and to safeguard against the use of spurious ballots. In many states it is unnecessary, but everywhere suitable protection should be made to guard against abuses. The number on the ballot is torn off before it is deposited in the ballot box, thereby safeguarding the secrecy of the vote. In several states at the present time the number is recorded on the ballot itself and is left on it when it is deposited in the ballot box. This is the case in Missouri. Theoretically, the ballot may be identified later on as that of a particular voter, and the secrecy destroyed, but actually there are few complaints upon this score. The election officers in the rush to count the ballots do not scrutinize them to learn how individual voters voted.

Specification 19.—The practice of having one or two election officers sign or initial each ballot before it is handed to the voter should be discontinued. The official seal of the election office or a facsimile of the signature of the election officer of the city or county, in connection with the use of serially numbered ballots, provides ample protection.

The signature of the precinct election officers upon each ballot is little protection against fraud. Seldom are the ballots examined to see that they have been properly signed, except in case of a recount, when a number of ballots are always thrown out because of the absence of the signatures, as required by law. This results in the disfranchising of voters through the negligence of the precinct officers. Often the signing of the ballots, particularly when several ballots are used, slows up the voting process. The election officers frequently sign a large number of ballots prior to the rush period of the day, making the signature rather meaningless.

Specification 20.—The contract for the printing of ballots should be awarded to the lowest responsible bidder, after sealed bids have been secured and publicly opened.

The printing of the ballots is a considerable item in the cost of elections, and adequate provision should be made to secure bona fide competition in awarding the contract. The city of Milwaukee, it is interesting to note, prints its own ballots at a very small cost.

PRECINCTS AND POLLING PLACES

Specification 21.—The provisions in the election laws fixing a maximum number of voters to the precinct should be removed, giving the local election officials wider discretion in the matter. There should be provided, instead, a minimum limit of 400 voters to the precinct in cities, wherever practicable. The state election laws should permit the use of two or more sets of officers for precincts which contain more than 800 registered voters, or the use of additional clerks as may be required.

Specification 22.—The state law should require that the polling places in cities and incorporated villages be located in public buildings, wherever practicable, without any rental to be paid, and direct the local officers to arrange the precinct accordingly.

The size of the voting precinct and the location of the polling places are of more importance than might be supposed. So long as the precincts contain four hundred voters or less each, it is practically impossible for elections to be conducted under any effective supervision in large cities. The use of larger precincts, say one thousand voters, would make it easier to place a responsible person in charge of each polling division, and to have all elections conducted under strict supervision. Until this is done, honesty, accuracy, and regularity cannot be attained in some of our large cities. Even where elections are fairly well conducted at present, this practice would improve the administration.

One advantage of the use of larger precincts is that the number of officers in each precinct may be varied from one election to another according to the vote expected. It is absurd to use as many precinct officials in a light election as in the heaviest election.

Another advantage is that public buildings, particularly school buildings, may be used almost exclusively. Not only does this reduce the cost of elections materially, but improves the tone. The use of basements, crowded shops, private homes, and other undesirable quarters, especially in the poorer sections of the large city, is often conducive to frauds and violence.

While it may be urged that the increase in the size of the precinct would greatly inconvenience the voters, who would be compelled to walk for a number of blocks to the voting place, this argument is not valid. If little children can walk to the school building every day of school, surely their parents can make the trip once or twice a year to vote. Paved streets, improved transportation, and the universal use of the automobile have relieved the necessity for small precincts. As a matter of fact, the use of larger precincts does not make much difference in the distance which the voter has to go, provided the precincts are judiciously grouped around public buildings. At the present time in many cities the polling places

of several precincts are located frequently in the same school building, or are located just across the street from each other. On the whole, the convenience of the voter is served better by the use of public buildings. Even though he may have to go a few blocks farther to vote, he can always be sure of where the polling place is, and there is less need to redistrict the precincts from time to time.

There is no particular reason to provide in the state election law a maximum number of registered voters for the precinct. In many states where such provisions are obeyed, the election costs are greatly increased thereby. In other states, the local officials do not comply with the state law, and in some cities permit the election precincts to become several times larger than the legal limits before dividing. The local officers should be permitted to determine the size of precincts, with a minimum, rather than maximum, limit for cities.

Attention should be called to the English and Canadian practice of having precincts as large as several thousand voters, using a number of sets of election officials to each precinct or polling place. In some European cities the entire vote is cast in a single building. There are many distinct merits in this procedure. The election can be placed under very close supervision, and the machinery adapted to the size of vote expected.

ADVERTISING ELECTIONS AND POLLING PLACES

Specification 23.—All requirements of the advertising of elections and polling places should be omitted from the election law and left to the discretion of the state board of elections, except that a copy of the ballot should be advertised. The local officers should be permitted to advertise the ballot either by mailing a copy, preferably reduced in size, to each registered voter, or by newspaper publication within one week prior to the election.

A great deal of money is wasted on useless election advertisements. Some of the things which are commonly adver-

tised at a considerable cost include the following: a lengthy notice that an election of certain office is to be held; a long set of instructions to the voter, accompanying the advertisement of the ballot; a list of voting precincts with the polling places of each (the voter does not ordinarily know the number of his precinct); and (of all things) a street description of the boundaries of the precincts.

The official ballot should be advertised in a way to reach a maximum number of voters. There is much merit in the practice, followed in some states, of mailing a sample ballot to every voter a few days before the election. In some cases this could be done at a cost which would be little more than the cost of advertising. The sample ballot mailed to the voters should be considerably reduced in size, in comparison with the official ballot. It would be well to suggest to the voter by a suitable notice on the sample ballot that he mark his ballot ahead of time and take it with him to the polls for guidance in marking the official ballot. This is done already by one of the party organizations in Omaha (the ballot sent out is not marked for the candidates of the party), and is said to work well.

THE CONDUCT OF ELECTIONS

Specification 24.—In cities of 10,000 population and over the hours of voting should be ordinarily from 7 A.M. until 8 P.M.; elsewhere the hours should be fixed by the state board of elections.

The more common practice is to open the polls earlier and close them earlier than the hours mentioned above. Few votes are cast early in the morning, but it is a great convenience to the voter to keep the polls open until eight o'clock at night. The absurd practice of closing the polls at four or five o'clock in the afternoon was written into the law years ago to suit the convenience of rural sections, with the thought that the farmers would have to vote early enough to go home and attend to the chores before night-fall. To open the polls

earlier in the day than seven o'clock places an unnecessary hardship upon the precinct officers, and makes the position undesirable. Thirteen hours should be sufficient. Perhaps the state law should leave the determination of the hours of voting to the local authorities, making it possible to vary them according to the habits of the community.

In rural districts and in small cities the hours for voting may be shorter, closing the polls several hours earlier. It is suggested that this should be left to the state election board. In view of the light vote cast during the morning hours, it might be well in cities, particularly for the minor elections, to fix the hours from 1 P.M. to 9 P.M.

Specification 25.—Election equipment should be delivered to the polling place prior to the election. Registration books, ballots and other records or supplies should be delivered to the residence of the inspector, or to the election officers at the polls on the morning of the election, and a receipt secured.

The usual practice of requiring several of the precinct officers to call at the election office for the supplies is absurd. In many cities one of the most disagreeable features of service on the election boards is the necessity of making frequent trips to the city hall or county courthouse. In many cities the election records and supplies are turned over to the police for delivery to the precinct officers on the morning of the election, with very satisfactory results.

Specification 26.—Procedure at the polls. The voter should sign a voter's certificate, giving his name and address, and present this to the officer in charge of the register. This officer should compare the signature with that on the registration record, and if satisfactory, note on the registration record that the voter has voted, approve the certificate and hand it back to the voter. The voter then

should present this certificate to the officer in charge of the ballots, who should record on the certificate the serial number on the ballot stub, and hand a ballot to the voter. The voter should then enter a voting booth alone, mark his ballot, fold it, return to the officer in charge of ballots and give the ballot to him. This officer should then check the serial number on the ballot stub to see that it is the same ballot handed to the voter, tear off the stub, and place the ballot in the box.

This would greatly reduce the work of the precinct officers, and make it entirely feasible for three persons to handle as many as a thousand voters with ease. The routine work would be done by the two clerks, and the inspector in charge would settle any problems or questions which might come up, take care of voters who require assistance, relieve the clerks when they have to be away, and assist otherwise as may be necessary.

The typical procedure at the polls is antiquated and clumsy, requiring from four to seven officers to take care of several hundred voters. Ordinarily two poll lists, or lists of voters, are made out, requiring two clerks to do this work. There is no need for two poll lists; one is sufficient. The signature of the voter, together with his address, either in the form of individual voter's certificates, or in the form of a signature poll list or "roster of voters," constitutes a much better poll list, and does not require the use of a poll clerk to prepare it. Individual certificates are somewhat preferable to a bound book for the voter to sign in, since a number of voters may be signing at the same time. The certificate form may be used more readily in comparing the signature with that on the registration record, and recording the ballot number. This procedure is used in Minnesota cities with excellent results. The roster of voters, however, such as is used in California—a small bound book in which the voter signs—is satisfactory.

In the election laws of the various states many useless steps

are included in the procedure at the polls. In several states the poll list is supposed to be made out as the voter hands his ballot to the officer in charge of the ballot box, instead of when he is checked off the register. In almost every state the election officers have to initial or sign the ballots, and sometimes there are several ballots to be signed. Often this slows up the voting. Ordinarily a considerable amount of writing by the election officers is involved, which takes time, makes it necessary to have small precincts, and serves no useful purpose.

Especial attention should be called to the requirement of the signature and the comparison with that on the registration record. This is a very important provision. The signature identification is undoubtedly the most effective procedure which can be taken at the polls to prevent voting frauds. A written record is made of every vote cast. The voting of dead voters, or of fictitious persons or persons who have moved, becomes dangerous if not impossible. The election officers cannot write into the poll lists the names of voters who failed to appear to vote, and put ballots into the box for them, without incurring the danger that this fraud will be discovered if the records are examined. The signature identification is practicable. It is successfully used in the cities of New York, and Minnesota, in Omaha, and throughout California, and is provided in the new registration laws of Ohio and Michigan. Very few voters are unable to sign, and these voters can be taken care of by means of an oath, or a witness who signs for them, or an identification statement, such as is used in New York. The signature at the polls speeds up rather than retards the conduct of the elections. In New York State the procedure for securing the signature and making the comparison is particularly clumsy, yet no difficulty or delay is encountered in precincts which run over 500 registered voters. The signature of the voter at the polls should be a uniform requirement throughout the country, regardless of the other election provisions.

Specification 27.—The voter's certificates should be placed in a suitable binder or locked box, and at the close of the polls should be sealed and constitute the official poll list.

This is the Minnesota practice and has worked well. The useless procedure of having two clerks prepare poll lists should be done away with. In the place of the poll lists there would be the certificates of the voters, with their signatures and the numbers of the ballots. The form of the voter's certificate might be substantially as follows:

VOTER'S CERTIFICATE

General Election November 6, 1930

I hereby certify that I am qualified to vote at this election.

Name

Address

Ballot Number

Specification 28.—Assistance to voters. Assistance should be given only to voters who state under oath to the inspector that they are physically unable to mark their ballot without assistance. No assistance should be given to the illiterate voter. A notation should be entered on the voter's certificate, and either an election officer or a member of the voter's household should accompany him to the voting booth, read aloud to him the names of the candidates for each office and mark the ballot according to his oral instructions.

In many cities the so-called assistance to voters constitutes a grave abuse. Controlled voters are intimidated and required to ask for assistance, regardless of whether they actually need it, and in some precincts the political worker accompanies the voter to the booth. This should never be permitted. Statutory provisions designed to prevent this abuse are apt to be disregarded. The only effective means of regulating assistance is to prohibit it, except to persons physically unable to mark

the ballot, and even this provision may not prevent the abuses. The voter should be required to take oath that he is physically unable to mark his ballot without assistance. In New York and California no one may secure assistance unless when he registered he stated that he would require assistance, and this fact was recorded on the registration record. This feature should be included in all new registration laws. In some cities the party machines give a pre-determined list of candidates to the controlled and ignorant voters, and instruct them to ask for assistance. In compliance, the voters hand the lists to the election officers, who mark the ballots accordingly. This practice should be prohibited by requiring the assisted voters to orally instruct the officers how to mark their ballots.

Specification 29.—Challenges. Any election officer or watcher should have the right to challenge any person who has applied to vote. The challenger should be required to state a definite ground upon which the challenge is made, to support this with a brief statement of the facts or his belief, and to sign the challenge. The inspector in charge should then place the challenged voter under oath, interrogate him concerning his qualifications as a voter, and before permitting him to vote, explain to him the pertinent qualifications and require him to sign an affidavit covering the qualifications upon which he is challenged. A standard form for recording each challenge should be used. The number of the ballot given to the challenged voter should be recorded on the back thereof. The voter should not be permitted to vote if, according to his answers, he does not possess the necessary qualification, or if he refuses to answer any pertinent questions put to him or to take the required oath. The election office should also have the power to make challenges, upon evidence that the voter is not qualified, by attaching a challenge notice to the registration record.

The challenge notice should state the grounds of the challenge with a blank for the precinct inspector to make an entry if the voter appears.

In many communities challenges at the polls are almost unknown. In other places, however, they are highly important. There should be a concise written record made of each challenge, which should be preserved and turned in with the other records. The precinct inspector should report to the election office if he has reason to believe that challenges are being made to obstruct and delay the election. If upon investigation it appears that such is the case, the chief election officer or his deputy should have the offending persons arrested.

Specification 30.—Any civic organization or committee of citizens interested in the outcome of an election, and in partisan elections each political party, should be permitted, upon petitioning the election office ten days prior to an election, to appoint two qualified electors as watchers for any or all precincts, with suitable credentials. Such watchers should be permitted to compare the signatures of the voters, scrutinize the ballots as they are being counted, but should not be permitted to handle the ballots, either during the day of election or during the count.

THE COUNT

Specification 31.—The state board of elections should prescribe the method of counting ballots and making returns, and instruct the precinct officers in their duties. The regulations and instructions should be varied somewhat from election to election, to meet the particular requirements of each, and improvements should be made from time to time.

The existing laws governing the counting of ballots are unsatisfactory. In most states they provide that each ballot shall be called off by one officer, while another officer looks on

or checks the ballot, and that two clerks shall tally the vote as it is called off. Ordinarily this method is not followed by the precinct officers, who devise their own system, and frequently divide the work up, using bystanders and watchers to help out. In a few states the procedure of counting one ballot at a time, as it is called off, is prescribed by law so rigidly that it is followed, with the result that the election officers are forced to count for long hours, often until late in the following day, or even later. It has been suggested by some election officials that the law should make no attempt to prescribe the method of counting, but leave it entirely to the precinct board.

In other respects the method of counting the vote generally employed is unsatisfactory. Recounts prove over and over again that the count is highly inaccurate. A recent recount in Milwaukee, for example, which has one of the best election administrations in this country, showed that in 123 precincts recounted, only one precinct had accurate results. And only one office was recounted! It is impossible to expect precinct officers to be able to count accurately after they have been on duty twelve hours or more, and then have to count the ballots far into the night.

The system of counting should be devised to prevent the delay in the returns, which is an invitation for fraud in some of our large cities; make it possible to employ extra persons as they are needed; fix the responsibility for the accuracy of the count; and furnish a more suitable and uniform procedure. Accuracy is out of the question with the conditions under which ballots are counted at present. One solution of the problem is the voting machine, and it must be conceded that accuracy can be secured only by a mechanical count.

These results can best be secured through administrative rules and regulations, issued by a state board of elections, in consultation with the local election authorities. The instructions will require variation from one election to another, for the work of counting ballots varies considerably at different

elections. The rules and regulations governing the count should be worked out with great care when first issued, but modifications will be found necessary from time to time. Most of the gross irregularities and inaccuracies which now mark the counting of ballots can be avoided by regulations which prescribe more practicable methods.

The state board of elections might adopt or permit one or more of the following systems for the counting of the ballot (where paper ballots are used):

1. The count to be made by the regular precinct officers, continuing after the close of the polls until the count is completed.

2. The count to be made by the regular precinct officers, supplemented in heavy elections by additional clerks who go on duty at the close of the polls, or earlier, for use during the rush hours.

3. The count to be conducted by a separate set of precinct officers, coming on duty some time during the day of election, or at the close of the polls.

4. A central count made by separate counters under supervision.

It is recognized that each of these systems has some advantages and disadvantages, and which method should be followed may depend rather largely upon the conditions in the particular state and at the particular election. Indeed, the state board of elections should have the power to authorize or prescribe different methods to be used as the circumstances require.

The count by the regular election officers of the precinct has the merit of simplicity, a somewhat better fixing of responsibility for the honesty of the election than under the use of special counting boards, and works satisfactorily in many elections. In some elections it works badly. The officers are tired at the end of the day of the election, and if the size of the ballot is large or the number of votes cast is considerable,

the count may continue far into the night, or even until the following day. Under such circumstances errors are inevitable. It is not wise public policy to require the election officers to serve continuously for periods of twenty to twenty-four hours, or even longer. It makes it difficult to secure satisfactory officers. The use of the regular election officers usually makes it imperative to have small precincts, thus greatly increasing the cost of the election.

The second method is identical with the first, except that provision is made for the use of additional clerks to assist in the count, particularly if the election is heavy. In many states an unnecessarily large number of precinct officers are used throughout the day because they will be needed during the count. In other states small precincts are used at an excessive cost as a means of keeping the job of counting within the ability of the regular precinct officers. Both practices are unwise. Our election administration is often wooden and inflexible. Provision should be made for the recruitment of additional clerks to be used during the count, or perhaps to start work at five or six o'clock in the evening to assist also during the rush period of the voting. Capable persons could be secured readily for these hours, coming after the close of ordinary business hours. In many light elections there would be no need for the employment of extra persons to assist in the count, but in heavy elections their use would speed up the count and greatly relieve the regular precinct officers. Substantial economies could be secured through the use of larger precincts with a small number of election officials during the day.

The third system, that of using a separate counting board, is used in the following large cities: Omaha, Denver, Salt Lake City, and Portland, Oregon. It is also used in other cities in the states in which these cities are located, and within several other states. It was used for several years in New York City, but was given up, even before the use of voting

machines became compulsory. Generally speaking, it is not satisfactory. One of the principal objections is that the returns are given out during the day of election, although the state laws strictly forbid it. In some communities where the counting board is used it is said that the candidates congratulate each other upon victory by the middle of the afternoon. On the other hand, in Omaha, where the count is handled with greater strictness, no particular trouble has been encountered on this score.

Where a separate counting board is employed the cost of the election is very materially increased. More precinct officers are required, and the compensation is smaller for each officer, with the result that it becomes more difficult to secure competent persons. If the count starts before the close of the polls, a separate counting room is required, and sometimes there is danger that the count may be conducted under conditions not favorable to honesty and accuracy.

The principal argument for a separate counting board is that the work of counting the ballots in certain elections is so arduous as to make it practically impossible for the work to be done by the regular election officers, at least within a reasonable time. The use of a separate board makes it possible to secure the election returns several hours earlier.

The fourth system, that of a central count, has been used very little in this country. It was tried in San Francisco a number of years ago and was abandoned after trial for several elections as impracticable. The returns were delayed for several hours, and one election was reversed upon recount.

The cities which use proportional representation (Cincinnati and Hamilton, Ohio; Boulder, Colorado; and formerly Cleveland and Ashtabula, Ohio) have a central count, but the conditions are so different that no conclusions for or against a central count can be drawn. The central proportional representation count is for members of the city council only, and in the larger cities the returns are delayed for several days. In all of these cities, except in Cleveland prior to 1929, the

count has been conducted in an accurate and satisfactory manner.

The advantages which obtain with a central count are that the work can be done under supervision, and by a corps of clerks selected because of their clerical experience. The disadvantages are that the arrangements are difficult to make, delays in getting returns are almost inevitable, and the counting conditions are apt to be such as to make it difficult to do the work accurately.

The state election laws governing the conduct of the count practically all require the entire election board to count as a single unit, prohibiting the division of the work so that it may be carried on by two or more teams. In actual practice, many election boards divide the work up so that the count is conducted by two teams simultaneously, in order to complete the work within a reasonable time. This is done contrary to law, and without adequate records to safeguard against frauds and errors. A great improvement would be made in the count if the work were divided in some orderly manner, with suitable records, and the election boards permitted to divide into two counting teams. The most feasible manner would be to divide the ballots into blocks of one hundred each, and provide a separate tally sheet for each block, which would be attached to it after the count was completed. The two or more teams could count one block after another, recording the results on the tally sheet for the block, with the names of the members of the team, and later consolidating the individual tally sheets into a precinct return sheet. In partisan elections, where party column ballots are used, straight ballots should be separated from the split ballots, and counted separately before the split ballots are counted.

Specification 32.—The state board of elections should prescribe the number, form and disposition of tally and return sheets.

VOTING MACHINES^a

Specification 33.—The state election law should authorize the use of voting machines under conditions whereby the maximum economy of operation may be secured, consistent with satisfactory operation. The size of the precincts should not be prescribed by law, but should be determined by the election commissioner, so that they may be as large as conditions will permit, and the number of officials used to the precinct should likewise be left to the discretion of the officers in charge of elections. Local units of government should not purchase machines, however, until they have been used experimentally in several elections, in order that the proper machines may be purchased, and the average capacity of each machine under local conditions may be determined.

^a Two members of the committee, Honorable H. A. Nichols of Rochester, New York, and Honorable J. H. Zemansky of San Francisco, have had practical experience over a period of many years with voting machines, and both are enthusiastic advocates of machine voting. These members would prefer that the report endorse voting machines in stronger terms. Speaking of his experience with voting machines, Honorable J. H. Zemansky writes:

"Voting machines were first used in San Francisco in 1905. All machines were destroyed by fire in October, 1906, except 53. From 1906 to 1923 paper ballots were used in all elections. The ballots were large and difficult to count. Every method was tried to quicken the count. One method was the central counting. All the ballots were brought to a large auditorium and there counted by a new set of clerks, all of whom had passed a civil service examination to qualify. This method was tried at four different elections without success. The length of the time for counting was not changed nor was the count as good as those counted at the polls. At a recount of the votes cast under this method, the original results were changed. It was revealed also that about 25 per cent of the people made errors in marking their ballots.

"Machine voting was again considered and after a thorough canvass of those in use, it was resolved to again apply machine voting and counting. In 1923 fifty machines were purchased. They were a success from the start. Our only difficulty was to educate the public. At each election since 1923 more efficiency has been accomplished; at the election held November 5, 1929, not a single complaint was made as to the use of machines. San Francisco will never go back to paper ballots. The press, public bodies, and the public in general have openly declared for the continued use of voting machines."

Honorable H. A. Nichols states: "In my opinion there is no good argument against the voting machine. I honestly believe that they are the best method of voting yet devised. . . . To sum up the whole question, the voting machine is honest, accurate, economical and efficient, and no municipality will regret adopting voting machines."

Voting machines have been in use in New York state for more than thirty years. Rochester was the first large city to install them, purchasing some machines in 1898. Buffalo and Syracuse followed suit in 1900, and the use of machines spread quite rapidly in the state, though New York City did not buy machines until 1925, and was not fully equipped until 1929. At the present time some two thousand communities in the following states use voting machines:

STATES USING VOTING MACHINES IN PART
(Listed in order of the extent of use)

New York	Iowa	Michigan
Connecticut	Washington	Wisconsin
Indiana	California	Pennsylvania

A list of the large cities in the United States using machines includes the following:

LARGE CITIES USING VOTING MACHINES

New York City	Seattle	Des Moines
Philadelphia	Indianapolis	Hartford
Pittsburgh	Rochester, N.Y.	Grand Rapids
Buffalo	Syracuse	Tacoma
San Francisco	Los Angeles (part)	Oshkosh

On the other hand, a number of cities and counties in various states have tried voting machines and, for one reason or another, have discontinued their use. A list of the large cities which have thus discontinued the use of voting machines includes the following:

LARGE CITIES WHICH HAVE DISCONTINUED THE USE OF VOTING
MACHINES AFTER TRIAL

Chicago	Newark	Los Angeles (now resumed)
Milwaukee	Jersey City	Portland
Minneapolis	Denver	Racine
Omaha	Salt Lake City	

The reasons for the discontinuance of machines have varied from state to state, and in many cases had little to do with

the merits of the machines. Some places discontinued the use of machines years ago before the machine had reached its present perfection; others did not give the machines a fair trial; while in several states the election laws were amended in some manner so as to make it impracticable to continue the use of machines. In Chicago the scandal in connection with the purchase of the machines precluded their use. In many communities the machines have been discontinued because the polls became badly congested at an election shortly after the machines were installed.

At the present time there is a considerable movement for the adoption of voting machines in the states where they are not now used, or are used only in part. The large cities in Pennsylvania voted overwhelmingly to adopt voting machines in 1929, largely as a means of preventing flagrant voting frauds. Under a recent decision of the Ohio Supreme Court, voting machines may be used in that state⁴ and the legislature provided for their use in the new election code of 1929.⁵ Several of the larger cities of the state are actively considering the adoption of machines.⁶ Voting machines are at present being pushed in Boston, Detroit, Baltimore, Cleveland, and a number of other large cities, and it is quite probable that the next few years will see a substantial spread of their use.

The principal merits claimed for the voting machines are the following:

1. Accurate returns.
2. Reduction or elimination of many types of voting frauds.
3. Quick returns.
4. Secrecy.
5. Elimination of mistakes by the voter.
6. Avoidance of recounts.
7. Economy.

⁴ State, ex rel., v. Sprague, 117 Ohio State 289 (1927).

⁵ Ohio Legislative Acts, 1929, pp. 382-85.

⁶ See a report by the Ohio Institute, "An Analysis of the Desirability of Installing Voting Machines in Ohio Cities," May 1930.

The election returns under the use of voting machines are mechanically accurate, barring a breakdown of the machine, which is extremely rare. The other principal possibility of an error is that the precinct officers may make mistakes in reading off and recording the counters on the machines, which is not great. Where paper ballots are used, and the vote is counted by tired election officers at the end of a long day, many mistakes are inevitable. Every recounted election case brings out the fact that errors in the count are the rule rather than the exception.

Ballot-box stuffing, falsification of returns, and alteration or substitution of ballots at the close of the polls, are the principal types of election frauds which have prevailed within recent years in Chicago, Philadelphia, Pittsburgh, and other large cities. While it cannot be claimed that the voting machine will eliminate all frauds, it will make it difficult to carry on these principal types. The system of lock and seals used on the voting machines makes it impracticable to manipulate them, and the actual experience in cities where they are used is that they are rarely, if ever, manipulated. Voting machines are being installed in Pennsylvania primarily as a means of preventing voting frauds.

The third advantage of voting machines is the quickness of the returns. In light elections, at which only a relatively few offices are filled, it is common for the results to be known within one or two hours after the close of the polls. In the larger elections, the time required is longer. The voting machines tend to preserve the secrecy of the vote more effectively than paper ballots, since the voter is completely curtained from observation while voting, and there is no paper ballot to identify later on. The machine is set so that the voter cannot vote for more than the proper number of candidates for each office, and hence cannot spoil his ballot. Not only that, but he does not have a paper ballot to deface or improperly mark, and thereby have it thrown out. It should be pointed out, though, that he may mistakenly pull down the wrong

levers, or may spoil his vote by putting them up before recording his vote, or be hurried into straight voting. Recounts are rarely employed where machines are used, because the candidates feel sure that the results are accurate. If fraud is suspected a recount can be had easily and economically, merely by unsealing the machines and re-reading the counters.

The last argument for the use of the machines is the economies which they effect. The cost of elections is lessened by the use of larger precincts, fewer officials to the precinct, shorter hours and consequently smaller pay of the precinct officers, and a smaller cost of printing ballots. With voting machines, it is practicable to use several machines to the precinct, and have a thousand or more voters to the precinct. As a matter of fact, this is not ordinarily done, and the size of precincts where machines are used is not, on the average, appreciably larger than where paper ballots are used. There are numerous precincts in Massachusetts and Wisconsin which run well over a thousand voters, though paper ballots are used. The claims made as to the number of persons who can be handled on a machine are often exaggerated. Even in the banner year of 1928, the average number of votes cast per machine in New York City (including the machines kept in reserve) was 384, while the average in San Francisco was 153. In other years with a smaller vote, the average number of votes cast per machine is much smaller.

Fewer officials are required for each precinct if voting machines are used. In some states only three officials are used with machines, with an extra officer for each extra machine. In other states the election laws do not permit the use of a smaller number of precinct officers. The saving, however, in the salary of precinct election officers is usually substantial. The savings on the printing of ballots are small, for the cost of printing the ballot labels for the machines approximates the cost of printing ordinary paper ballots, and ordinarily paper ballots have to be printed for the use of absent voters.

Most claims of the savings which voting machines will

effect fail to take into account altogether the capital outlay, with the proper interest and depreciation charges. This, indeed, is one of the largest charges in the use of machines, and in many cases equals or exceeds the savings made on other items. While there is little wear upon voting machines, since they are usually used only two or three days in the year, the risk of obsolescence and the possibility that the election laws may be changed so as to prevent the use of machines should be considered in estimating the operating cost of voting machines. Account should be taken also of the cost of setting the machines for elections, drayage and storage. The actual savings made by the use of machines in most states, after these factors are taken into account, are very small. Machines should not be purchased ordinarily with any thought of effecting substantial economies. The real merits of machines are that the results are accurate, the danger of fraud is greatly lessened, the returns are secured within a short space of time, and expensive recounts are avoided.

The arguments commonly raised against voting machines are these:

1. It is difficult to educate the voter how to operate the machine.
2. They are likely to break down at the polls.
3. Many cities have discontinued them after trial.
4. They make "split" voting difficult.
5. They may not be used for proportional representation elections.
6. The economies claimed will not be realized.
7. They cannot handle the rush of voters toward the end of election day.

Several of these considerations have already been discussed. It cannot be denied that considerable difficulty is encountered in teaching people how to vote on the machine, even in places where they have been in use for years. Nevertheless, the vast majority of the general public seems to be quite enthusiastic about machines in the cities where they are used. The effective and satisfactory use of machines in New York City, with its large foreign population, would indicate that they may be

used successfully anywhere, if a sufficient number of machines is provided. The argument that the machines may break down during the day of the election is unimportant, for breakdowns are extremely rare.

There is little evidence to support the assertion that the machines make split voting more difficult. The present machines, obviously, cannot be used in proportional representation elections, but this is not a weighty argument against them, since only three cities in this country have proportional representation, and even these cities could use voting machines for all other elections, and for the election of other officers at the time when proportional representation is used. The greatest fault which can be found with the machine is the fact that it cannot take care of a large number of voters within a short space of time, and often results in congestion at the polls. After the voters realize this, many of them vote earlier in the day to avoid the rush, and the machines work satisfactorily. Congestion, however, has led some cities to discontinue their use.

ABSENT VOTING

Specification 34.—All persons who are absent or who expect to be absent from the city or county in which they reside, or who are unable because of illness or infirmity to attend the polls, should be permitted to vote under the provision for absentees, regardless of whether they are within their home state or not.

Most of the states now have some provision for absentee voting. In some states these provisions apply only to a narrowly restricted class, or to persons within the state, which is undesirable. There is no point whatever in restricting absent voting to certain classes, such as traveling salesmen, federal and state employees, railway employees, or other specified groups. Other persons who will be absent or unable to attend the polls should be permitted to vote in this manner. With a suitable procedure, the danger of fraud through absent

voting is not appreciable. In practically all of the states the procedure followed is quite cumbersome and unsatisfactory. Usually it is burdensome upon the voter who wishes to avail himself of the privilege, with the result that few voters make use of absent voting. Absent votes average less than one per cent of the total votes cast.

Specification 35.—Procedure. The two following optional methods should be provided:

1. The voter should be permitted to vote by applying at the election office during the week prior to the election, upon signing an affidavit that he expects to be absent on the day of the election.

2. The election office should mail an absent voter's ballot, together with the necessary blanks and instructions, to any voter who makes a written application therefor. It should not be required that the voter submit such application upon any particular form, or have the application accompanied by an affidavit. The absent voter should be instructed to appear before an officer qualified to administer oaths, subscribe to the affidavit, mark the ballot in the presence of the officer, but so that the secrecy is preserved, place the affidavit and the folded ballot in an envelope, and mail it to the election office in time to arrive on or before the day of the election.

If the voter expects to be absent on the day of election, but is at home during the preceding week, he should be permitted to vote ahead of time by appearing at the election office and subscribing to the customary affidavit. This would be a great convenience to many voters, and is done in a number of states.

Ordinarily the absent voter must write to his home election office to secure the necessary application and affidavit form to vote by mail, then he must fill these in and appear before a notary, and mail the application to the election office to secure an absent voter's ballot. Upon receiving the ballot, he must appear again before an officer authorized to administer

oaths, subscribe to another affidavit very similar to the first one, mark the ballot and leave it to be forwarded. There is no necessity for two affidavits and the red tape of writing for a formal application blank. All of this causes delay and prevents the full use of absent voting. In some states where there is a scarcity of notaries the voter should be permitted to have his affidavit witnessed by two qualified electors in lieu of a notary.

Specification 36.—Counting the ballots of absent voters.

The absent voters' ballots received prior to the sending out of the supplies should be sorted by precincts and turned over to the precinct election officers with the other records. In cities, such additional ballots as are received until noon of the day of the election should be sent to the precincts by a messenger. The precinct officers should open the absent ballot envelopes, compare the signature on the affidavit with the signature on the registration record, and if satisfactory, deposit the ballot in the box.

The simplest and most effective method of handling absent voters' ballots is to have them counted in the precinct with the other ballots. This preserves the secrecy of the ballot, makes the precinct returns complete, permits a ready identification of the voter by the use of the signature, and avoids the necessity for marking the registration record of the voter to indicate that an absent voter's ballot has been sent to him.

THE CANVASS

Specification 37.—The officer (or office) in charge of elections should make the official canvass of the election as soon after the election day as practicable, publicly announce the results, and issue certificates of election to all persons duly elected.

The canvass of the vote is ordinarily a routine clerical operation. Little or no discretion is vested with the canvassing board, and there is no sound reason why the city clerk or

other officer in charge of elections within a city should not make the official canvass for all city officers, the county clerk for county officers, and the secretary of state for state officers and also for officers whose jurisdiction overlaps counties. The common practice at present is for the official canvass to be made by a canvassing board or by the legislative body. In Canada, however, the returning officer in charge of the election makes the official canvass and return as soon as possible after the close of the election. In some states a special canvassing board performs this routine work at a large expense.⁷ In other places, the canvass is not completed for weeks after the election day. These practices are inexcusable. The newspapers usually have the tabulations practically complete as soon as the last precinct return is in. There is no reason why the official canvass should take more than two or three days.

RECOUNTS

One of the greatest safeguards of the purity of elections is to provide an easy, economical, and prompt procedure for a recount of the votes. Ordinarily the procedure is for the contestant to appeal to the proper court for an order to have the ballots recounted, and the recount is conducted under the jurisdiction of the court. In New York, however, there is no official recount, though the ballots may be recounted or the machines inspected, upon a court order, and the results submitted as evidence in a *quo warranto* proceeding. A better procedure would be to permit the election office to conduct recounts without the necessity for a court order.

Specification 38.—Any candidate or group of candidates should be permitted to secure a recount by filing within ten days after the results of an election are officially an-

⁷ In Jefferson County, Kentucky, for example, the cost of the official canvass for the November election in 1928 was \$5,078, and for the corresponding election in 1929, \$6,290, while the cost of the precinct officials for the conduct of the 1928 election was only \$9,517.28. In 1929 the chief tabulator in the canvass was paid \$500, the assistant tabulator, \$350, 16 tabulators at \$200, and so on.

nounced a petition therefor, and depositing the sum of five dollars per precinct for each precinct petitioned to be recounted. The election officer (without any discretion in the matter) should fix a date within forty-eight hours at which time the recount will be started, and notify the candidates for the office. At such recount the officer in charge of elections should deputize one or more teams to count the ballots for the particular office in question. Each candidate should be permitted to have watchers present at the count, who should be permitted to scrutinize the ballots. The recount should be permitted under the same rules and regulations as govern the original count, and should be conducted with promptness and dispatch. The seals on the ballot boxes should be broken in the presence of the watchers as the recount is conducted, and the ballots returned to the boxes and sealed as each precinct is counted. While the recount is in progress any candidate concerned should be permitted to amend or to withdraw his petition or to file an original petition to have designated precincts recounted.

If the cost per precinct is less than five dollars, the surplus should be refunded. If the result of the election is changed, the entire amount deposited by the contestant should be refunded to him. The candidates should be permitted to designate the precincts which they wish to have recounted and to amend and add to the list from time to time.

If the vote for any candidate recounted or upon any referendum question recounted is five per cent greater or five per cent less in any precinct than the original return showed, the petitioner should not be required to pay for the recount in that precinct.

Any qualified elector should be permitted to secure a recount on a referendum vote upon filing a petition designating precincts and depositing a fee of five dollars

per precinct, within ten days after the official returns are published, with the same rules as above.

The above procedure would not remove jurisdiction from the courts, but would rather precede it. The problem of a recount under proportional representation is quite different from other elections, and consequently no mention is made here of that procedure.

PENAL PROVISIONS

The penal provisions of the election laws of the several states are tediously detailed, going into the various election crimes with great particularity. After some consideration, the committee has decided that it would be unwise to attempt to work out a uniform penal code, though the accompanying model code does contain several general penal sections, designed to cover offenses committed by election officials and other public officers. When this code is considered as the basis for an election bill in any state, the penal provisions of the election law of the particular state should be examined and revised to conform to the terms of the bill. The general penal sections in the following code are not designed to displace the existing penal provisions, but rather to supplement them. In many cases, however, the lengthy penal provisions should be abbreviated, and many of them eliminated entirely. The committee is mindful of the fact that while penal provisions are essential, and should be definite enough to stand up during a criminal prosecution, after all, convictions for election crimes are rarely secured, and improvement in administration and the elimination of frauds must be secured largely through a revision of the administrative and organization sections of the election laws.

Attention is called to the practice in Illinois under the City Election Act, whereby the county judge is the chief election officer of municipalities adopting the act, and, as such, may punish election officers for contempt without a jury trial.

In Cook County the present county judge has sentenced, after trial to determine their guilt of election frauds, many precinct officers under his power to punish for contempt. This device constitutes a powerful weapon which may be used to safeguard the purity of elections, though it may not be used without making the election officers servants of the court.

Specification 39.—The election commissioner should be authorized to refuse to pay the salary to election officers who neglect, disregard, or violate the provisions of the state election law, or of the rules, regulations and instructions of the state board of elections. Before any compensation is paid to the precinct officers, the election commissioner should cause to be made an examination of the records and such other investigations as he may deem necessary. Appeals from the decision of the election commissioner to a court of proper jurisdiction should be allowed. Such forfeiture should not operate to exempt the precinct officers from criminal prosecution.

The penal provisions covering election offenses are largely inoperative because of the difficulties attendant upon the prosecution of election crimes. Although such provisions are now universally relied upon as a means of securing compliance with the election laws, it must be recognized that the procedure is too unwieldy and the punishment too severe to take care of petty violations, as well as neglect of duty. To secure compliance with the routine regulations, where there is no question of fraud or flagrant misconduct, other and less severe penalties, without the formality of a court trial, are needed. The whole administration of elections might be toned up considerably if the officials in charge had a ready and effective means of enforcing routine instructions and disciplining precinct officers. In some cities the election office, without statutory authority, has used the threat of withholding the pay of the election officers in case of failure to return election supplies or for other neglect, with successful results.

General Changes in the Election Laws. The previous specifications have dealt with strictly administrative problems in the conduct of elections. The following recommendations are somewhat more general in character, not being limited strictly to the business of holding elections. They deal with the time and frequency of elections, the manner of placing names on the ballot, and the short ballot. These recommendations are designed to reduce the number of elections, to lessen the bother to voters, and to simplify the problem of voting. While they are appropriate in a study of election administration, it is recognized that they should be separated from the strictly administrative parts.

THE TIME AND FREQUENCY OF ELECTIONS

Specification 40.—The elections should be arranged so that there will not be normally more than one regular election to the year, preceded by a primary if such is necessary.

Specification 41.—The primary preceding state elections should not be held earlier than two months prior to the date of the election; the non-partisan primary preceding local elections should not be held earlier than two weeks prior to the date of the election.

Specification 42.—In order to avoid the expense and bother of a special election, vacancies should be filled by appointment until the next regular election. Special referendum elections should be restricted, wherever possible, to urgent matters which cannot be delayed until the next regular election.

Specification 43.—So far as possible, the election of national, state, county and municipal officers should be separated.

Many of our states are afflicted with too many elections. The interest of the public is frittered away to a large extent by constant elections. So far as possible, there should be not more than one election, preceded by a primary where such is

necessary, in each year. This is desirable from every point of view. It would reduce the cost of elections and save the voters from the bother of frequent elections. Under the present state laws often there are as many as four to six elections within a single year. It is no wonder that the voter loses interest.

Another grave fault of our election system is that there is a mingling of national, state, county, and sometimes city elections. Within the last quarter of a century the municipal elections have been largely divorced from state and national elections, with much better results, but we still tolerate the combination of county, state and national elections at the same time. It is hardly necessary to point out that the election of local officials at such a time is little more than a farce. It is highly desirable to elect the officers of each of these jurisdictions at a separate election. The public interest would then be centered on the candidates and issues of the particular unit of government. This should be accomplished without an increase in the number of elections. The ideal arrangement would be to provide for a four-year term of office for all elective executive and administrative officers, and to separate local, state and national elections as much as possible. There are obvious difficulties in the way of such a proposal. In most states it would involve a change in the constitution, though such a change, if understood by the voters, would be adopted by an overwhelming majority. There is a marked trend toward the adoption of four-year terms for public officers, but this has not been accompanied by a proper arrangement of the elections.

A typical arrangement carrying out the principal separation of elections would be as follows:

1931—City election.

1932—Presidential, congressional, and state legislature election.

1933—County election.

1934—State and congressional election.

Frequently members of the city council or the county board have overlapping terms, with part of the members coming

up for election every year. While there is some merit in this arrangement, it is not important enough to justify the holding of additional elections or combining elections.

Another grave fault in our election system is that the campaigns are unduly strung out. This is due in part to the practice of having direct primaries several months before the election. In many states the direct primary prior to the regular November election is held in August, making necessary a campaign in July (the worst month in the year for political campaigning), and with an interval of three months before the election. This practice is inexcusable. It makes two separate and distinct campaigns of what ought to be one. For nonpartisan elections, two weeks between the primary and the election should be ample, and for partisan state elections, the primary should precede the election by not more than a month or six weeks.

There is no justification for holding a direct primary months before the election. A primary to elect delegates to a nominating convention may be called, with good reason, as much as two months before the election, but even in this case it is unwise to lengthen the campaign unduly.

NOMINATIONS

Specification 44.—At every election or primary at which the individual candidate is required to file a petition to be placed upon the ballot, he should be required to deposit a fee of five per cent of the annual salary of the office for which he becomes a candidate, the deposit to be returned to him should he poll ten per cent⁸ of the total vote cast for that office or nomination. In general partisan elections the ticket of all parties which cast five per cent of the total vote cast at the preceding gubernatorial election, for any office, should be placed upon the ballot without deposit; other political parties should be required to put up a filing fee equal to five per cent

⁸ Under proportional representation the percentage of first-choice votes should be less.

of the annual salary of all offices on the ticket, to be refunded in case the party casts five per cent of the total vote cast for any state office.⁹

The use of a filing fee large enough to discourage candidates who are not serious contenders would have a very salutary effect upon our elections. One of the principal causes of our long ballot is that many persons, for one motive or another, run for office, though they have no expectation of being elected. Sometimes it is the crank; sometimes it is the young lawyer or business man who wishes to avail himself of free advertising. In many communities the same persons run for office over and over again without the least expectation of being elected. It is a sad commentary upon our elections that occasionally an unheard-of person is elected to a high office. Some means should be taken to prevent the ballot from being cluttered up with the names of persons who are advertisers or cranks. The American public should scorn or ridicule such candidates. The most feasible method of restricting the elections to candidates who are serious contenders is to require a substantial filing fee of each candidate, with the provision that any candidate who receives a fair vote will have the fee refunded to him. Already many states require a nominal fee. If there is any question as the constitutionality of requiring such a fee, an optional method, sufficiently difficult, should be provided whereby any candidate could file a petition to be placed upon the ballot.

It may be objected that a filing fee would make it difficult for the poor man to run for office, while not deterring the rich man. This is not a serious objection. It would relieve the candidate of the expense of having a petition paper circulated, and since the fee would be returned to the candidate in case he polled a reasonable vote, the system works to the advantage of serious candidates.

⁹ This report does not attempt to cover the important and controversial problem of nominating methods.

Specification 45.—As an alternative method, candidates should be permitted to submit a petition. Only the signatures of registered voters (if there is a registration of voters) should be counted, and the election office should satisfy itself that the petition is bona fide by an investigation of the signatures.

The operation of nominating petitions in this country is anything but satisfactory. Professional petition circulators may be found in many of our large cities, and almost everywhere the circulation of a petition means an expense to the candidate. This would be justifiable if the petition stood for something, but, as is well known, it is an empty formality. The average person will usually sign any sort of a petition placed before him, particularly that of a candidate, regardless of whether he knows anything about the person. He does not regard it at all as an endorsement of the candidate. Where no check is made upon the validity of the signatures there may be forgeries. While it is not desired to extend the use of petitions, or to make the process more expensive, if they are to be used at all, some safeguards should be taken. The petition should be made so difficult that the normal course would be to deposit the fee.

Specification 46.—Each nominating petition should contain a list of ten sponsors. This procedure should be in addition to the filing fee proposed above, or an optional petition of a larger number of voters. After a nominating petition has been filed, the candidate should be permitted within a reasonable time (fixed by state law) to file a declination of the nomination.

With the long ballot which prevails in this country the voter is often unable to secure any adequate information about the candidates, particularly for minor offices. The system of sponsors which is now used in California is promising, and should be adopted throughout the country. The voter can judge something of a candidate by his sponsors, and the sys-

tem tends to clarify the election somewhat. It is important that the number be kept quite small, for otherwise the sponsor system will tend to become meaningless and clogged with the names of unheard-of persons.

Specification 47.—When there is only one candidate for election or nomination, for any office, that candidate should be declared elected or nominated, as the case may be, and the office omitted from the ballot.

Our long ballot is a serious evil. Students of government everywhere realize the importance of taking off the ballot the unimportant offices, so that the voters may vote with some degree of intelligence, and so that our governments may become better organized. This is a difficult process, because of the worship of the theory of democracy, without any attention to the realities of democratic control of government. Except in the field of city government, little progress has been made in shortening the ballot. While the short ballot is not properly a part of the program for the improvement of election administration, yet the long ballot makes the conduct of elections difficult.

Our ballots are long because we insist upon putting every candidate on the ballot, even though he is unopposed. In many elections, particularly primary elections, there is only one candidate for a majority of the positions. Where such is the case, the better practice of declaring the candidate elected (or nominated) should be followed. This would greatly shorten the ballot, reduce the expense, make the task of the voter simpler, and relieve the election officials to a large extent. On the face of it, it is absurd to clutter up the ballot with names of candidates who are unopposed.

Specification 48.—In many communities the nonpartisan primary should be abolished as unnecessary.

Nonpartisan elections prevail widely in this country for judicial, school, municipal, and, in a few states, county officers. Ordinarily such elections are preceded by a primary, in order

to limit the number of candidates in the final election to twice the number of officials to be elected to each office. While it is recognized that the nonpartisan primary is necessary in many cities, particularly large cities, where the number of candidates is apt to be large, in many smaller communities this is not the case, and it might well be discontinued. The use of a filing fee with a forfeit provision would discourage numerous candidacies. If the nonpartisan primary could be dispensed with, this would reduce the cost of elections, do away with the bother of an extra election, and concentrate the public interest more effectively upon the final election. The occasional contest between three or more candidates for the same office would not matter a great deal.

Attention is called to the fact that the need for a primary election is obviated by the adoption of proportional representation or a suitable system of preferential or alternative voting.

THE SHORT BALLOT

No report on election administration would be complete without calling attention to our long ballot and recommending that many offices should be filled in other ways. In many states the voter is called upon to vote for from twenty to fifty officers at a single election. This procedure, particularly for populous cities, has become well-nigh farcical. It has been pointed out time and again that the long ballot defeats the very ends of democratic government, for it places upon the voter an impossible task. Democratic control can be secured much more effectively by the election of a few principal officers, who may be held accountable for the appointment of minor officials. The voting process is exceedingly distasteful to the intelligent and frank voter, who realizes that his information concerning the qualifications of the candidates for minor offices is meager. The county is the worst offender in regard to the long ballot, and is the most backward of all of our political units. Competent and responsible administration can-

not be secured by electing ministerial officers, whether they be in the state, county or city government. A program for shortening the ballot should start with such officers as the justices of the peace, constables, coroners, clerks of the various courts, bailiffs, city and county clerks, and so on. These offices should be filled by appointment or through the civil service.

A Model Election Administration Code. The improvement of election administration involves in practically every state a revision of the election laws. The following suggested code embodies most of the recommendations previously made, except where they deal solely with administrative matters. It is purposely brief, in conformity with the recommendation that most details should be covered by administrative rules, regulations, and instructions rather than statutes. Lengthy election laws make it difficult to hold a legal election, and often necessitate useless expenditures. The code does not cover many features usually included in election laws, such as: suffrage, dates of election, party organization, registration of voters,¹⁰ nomination of candidates, corrupt practices, etc. These matters are largely political, and bear only incidentally upon the conduct of elections. The wording of the following code has been taken largely (though not entirely) from the existing state election laws.

Section 1. State board of elections. There shall be a state board of elections, which shall consist of the governor of the state, the attorney general, and the secretary of state.¹¹ The secretary of state shall be secretary of the said board, and shall have charge of all administrative work. It shall be the duty of the state board of elections:

¹⁰ For an extended treatment of the registration of voters, see my "Registration of Voters in the United States."

¹¹ The following alternatives are also suggested: (1) that the secretary of state be the chief election officer of the state, with power to appoint an advisory board of election officials or citizens to assist him in preparing rules, regulations, and instructions for the conduct of elections; and (2) that the state board of elections consist of the secretary of state and two members appointed by the governor from party recommendations.

(a) To prepare rules, regulations and instructions for the conduct of elections and registrations.

(b) To advise with county and municipal election officials as to the proper methods of conducting elections.

(c) To publish and furnish to the precinct election officials prior to each election a manual of instructions.

(d) To publish and furnish to the election officials a sufficient number of indexed copies of the election laws, rules and regulations then in force.

(e) To edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters.

(f) To determine, in the manner provided by law, the form of ballots, blanks, cards of instructions, poll books, tally sheets, certificates of elections, and other forms or records.

(g) To prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution or state proposition to be submitted to the voters of the state.

(h) To certify to the local election officials the form of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot.

(i) To receive and determine the sufficiency of all initiative and referendum petitions on state questions, and to certify to the sufficiency of such petitions.

(j) To require such reports from the local election officials as may be deemed necessary.

(k) To compel the observance by the local election officials of the state election laws and the rules, regulations, and instructions issued by the said state board of elections.

(l) To investigate the administration of election laws, frauds and irregularities, and to report violations of the election laws and regulations to the attorney general or prosecuting attorney or both for prosecution.

(m) To publish an annual report containing the results

of state elections, the cost of elections in the various counties, and such other recommendations and information relative to elections as may seem desirable.

(n) To canvass the returns of state and national elections, and also the election of any unit of government not wholly contained within a single county, proclaim the result thereof, and issue certificates of election to the successful candidates, and to perform such other duties as may be required by law.

In the performance of his duties as secretary of the state election board, the secretary of state shall have the power to administer oaths, issue subpoenas, summon witnesses, compel production of books, papers, records and other evidence, and to fix the time and place for hearing any matters relating to the administration and enforcement of the election laws and rules, regulations and instructions of the state election board. The rules and regulations issued by the state board of elections shall conform with the provisions of the state election law, and shall have the same force and effect as state law. The state board of elections shall fix its own rules and procedures for the conduct of its business, but all decisions shall require a majority vote. The members of the said board shall have the power to designate an alternate, who shall be a regular employee and assistant of said members, and who shall attend the sessions of the said board in the absence of his superior officer and act as his proxy.

Section 2. Commissioner of elections in cities of 200,000 population and over. In cities¹² having 200,000 population or over at the last preceding federal census, there shall be a commissioner of elections, who shall be appointed by the mayor under the civil service rules and regulations of such city. The commissioner of elections shall hold office for an indefinite term, subject to removal for cause by the mayor, after notice and an opportunity for a public hearing. Any person who within a period of fifteen months has been an officer

¹² In some states the county rather than the city is the local unit for the administration of elections.

in any party organization shall be ineligible for appointment as election commissioner or as a regular or temporary employee of the election office.

The election commissioner shall appoint such regular and temporary employees as may be necessary for the conduct of the duties of the office. Such employees shall be selected from eligible lists prepared by the civil service commission of the city after competitive examination. The compensation of the election commissioner and all employees of the election office and precinct officers shall be determined by the city council.

The election commissioner shall have general charge and supervision of the conduct of elections and registrations within the city. He shall perform the following duties, and such other duties as may be imposed upon him by state law or by the regulations of the state board of elections, or as may be necessary for the proper conduct of elections and registrations:

(a) To divide the city into voting precincts, with such changes as may be necessary from time to time.

(b) To select and equip polling places and places for the conduct of registration.

(c) To provide for the purchase, preservation and maintenance of election equipment of all kinds, and to provide ballots and other supplies for the conduct of elections.

(d) To select and appoint precinct election and registration officers.

(e) To instruct precinct officers in their duties, calling them together in a meeting whenever deemed advisable, and to inspect systematically and thoroughly the conduct of elections in the several precincts of the city, to the end that elections may be honestly, efficiently, and uniformly conducted.

(f) To prepare and publish all notices, advertisements and publications in connection with the conduct of elections or registrations, or the purchase of election supplies or ballots,

as may be required by law or by the regulations of the state board of elections.

(g) To investigate election frauds, irregularities, or violation of state election laws or the rules and regulations of the state board of elections. The election commissioner shall have the power to administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with such investigations; and shall report the facts to the prosecuting attorney.

(h) To review, examine and certify the sufficiency and validity of petitions and nomination papers.

(i) To receive the returns of elections, canvass the returns, make abstracts thereof and transmit such abstracts to the proper authorities provided by law, or to publicly announce the results of the election within his jurisdiction, and to issue certificates of elections.

(j) To prepare and submit an annual report to the state board of elections, which shall contain a statement of the number of votes registered, the elections held, votes cast, results of such elections, appropriations received and expenditures made, and such other data as the state board of elections may require.

(k) To prepare and submit to the proper authority a budget estimating the cost of elections and registrations for the ensuing fiscal year.

Section 3. City clerk to be election commissioner in cities of less than 200,000 population, and of 10,000 population or over. In cities of less than 200,000 population, and of 10,000 population or over, the city clerk shall be the election commissioner, and shall perform the duties listed in Section 2 above, with the exception that ballots for county, state, and national elections, and elections which extend beyond the boundaries of the city, shall be printed by the county clerk. In case municipal elections are held at the same time as county elections, the city clerk shall certify to the county clerk the

names of the candidates for municipal offices, which shall be printed by the county clerk.

Section 4. County clerk to be the election commissioner in the county. In all counties the county clerk shall be the election commissioner for the county, and shall perform the duties listed in Section 2 above, except as otherwise provided for cities of 10,000 population and over.

Section 5. Precinct officers. On or before thirty days prior to the first election in even numbered years there shall be appointed for each precinct one inspector of elections, who shall be in charge of the conduct of the election in the precinct, and one or more clerks of election (but not to exceed three in any precinct, except precincts containing more than 800 registered voters). All decisions shall be by a majority vote of the precinct election officers. The precinct election officers shall be qualified electors, of good reputation, and with sufficient education and clerical ability to perform the duties of the office, and shall possess such other qualifications as may be prescribed by the state board of elections. In so far as may be practicable, not all officers serving in any precinct shall be members of the same political party. The following classes of persons shall be ineligible to serve as precinct election officers:

(a) Persons holding a public office, except justices of the peace, constables, notaries public, and school teachers.

(b) Candidates for public office, party office, or for nomination for public office at the election at which they will be voted upon.

(c) Persons who bear the relationship of husband, wife, son, daughter, father or mother to a candidate.

(d) A precinct committeeman or committeewoman of any political party, or a member of the family of a precinct committeeman or committeewoman.

(e) A person convicted of a felony or an election crime, or a person previously removed as an election officer.

The precinct election officers shall be appointed by the

election commissioner for a term of two years, and may be summarily removed by such officer at any time. No person shall be appointed as precinct election officer until he or she shall have made a written application in his or her own handwriting and appeared personally before the election commissioner of the city or county or his assistant for an oral interview, except that such application and interview shall not be required of persons who have previously made such application. The election commissioner shall be personally responsible for the appointment of competent precinct election officers, and shall make such inquiries and investigations as he may deem necessary prior to the making of appointments. He shall summarily remove any precinct officer whom he believes to be derelict in his duty, or guilty of violation of the election laws or regulations, and appoint another person to fill his place. All vacancies shall be filled by the election commissioner, except that in rural precincts, the commissioner may authorize the precinct election inspector to fill vacancies. It shall be compulsory for any citizen, after being appointed, to serve as precinct election officer, except that no citizen shall be compelled to serve within a period of four years after having completed two years of service as election officer. Any person who shall refuse to serve as election officer shall be subject to a fine of not more than one hundred dollars and not less than ten dollars. All persons before assuming the duties of a precinct election officer shall take and subscribe to an oath of office prescribed by the state board of elections. The inspector of elections shall take and subscribe to said oath before the officer in charge of elections or his assistant, and shall in turn administer the said oath to new election clerks in his precinct who have not previously taken the oath.

Section 6. Ballots. All elections shall be by paper ballots or voting machines, and the form of such paper ballots or the ballot labels used in voting machines shall conform to the rules and regulations of the state board of elections. All

ballots or ballot labels shall be so arranged that the candidates for each office are grouped together, and there shall be no party column, either vertically or horizontally, emblem or party circle, for the voting of a straight ticket upon the ballot. In all elections the names of the candidates shall be rotated so that each candidate will occupy each position within the group an approximately equal number of times, but the ballots in each precinct shall all be identical. In such elections as are designated as nonpartisan, no party name shall appear on the ballot following the name of the candidate. The officer in charge of the printing of the ballots is authorized, in case the names of two or more candidates are so nearly alike as to be confusing to the voters, to add to the name of a candidate his residence address and occupation. In so far as it may be practicable, the names of all candidates to be voted for and all referendum propositions shall be printed upon a single ballot, but it shall be permissible to print separate ballots for the candidates and the referendum propositions, or to use more than one ballot for the names of the candidates. The state board of elections may require, for all or a part of the state, that the ballots shall be printed with a serially numbered stub, which number shall be recorded on the poll list when the voter is given a ballot, and the stub shall be removed before the ballot is deposited in the ballot box. Each official ballot shall have printed on its face the words "OFFICIAL BALLOT," with the name of the city or town, ward and precinct, and with a facsimile of the signature of the election officer of the city or county. No ballot shall be counted which does not contain this facsimile. The contract for the printing of ballots shall be awarded to the lowest responsible bidder, after sealed bids have been secured and publicly opened.

Section 7. Precincts and polling places. The election commissioner shall divide the city or county into voting precincts, with due regard to the various political units and the election requirements. The precincts in incorporated cities shall

contain at least four hundred registered voters, unless this is impracticable. A double set of precinct officers or additional clerks may be provided when deemed necessary for precincts containing more than 800 registered voters, for all or for a part of the day of election, and to assist in conducting the count. Precincts shall be compact and contiguous, and shall be arranged, if practicable, so that some public building may be conveniently used as a polling place for the voters. The election commissioner shall fix the places for the conduct of elections and of registrations. Such places shall be located, so far as possible, in public buildings. It shall be the duty of the school authorities to provide suitable rooms within school buildings, and the police and fire departments and other municipal departments shall co-operate in providing suitable polling places. The polling places shall be located either within the precinct or within an adjoining precinct. Where it is not practicable to use a public building for the polling place, the officer in charge of elections may rent a suitable place, or provide a portable building for the purpose.

Section 8. Advertising the election. Within one week prior to each election the election commissioner shall either publish in one or more newspapers of general circulation a copy of the ballot or mail a sample copy to every registered elector. The published advertisement or sample ballot shall contain brief instructions for voting and shall state the hours during which the polls will be open. Thirty days prior to each election or primary the election commissioner shall post at his office a notice that an election will be held, and of the officers to be elected.

Section 9. Hours of election. In cities of 10,000 population and over the polls shall be opened at 7 A.M. and remain open until 8 P.M. In other places the hours for voting shall be fixed by the state board of elections. All qualified electors present at the polls at the time for closing, and waiting to vote, shall be permitted to vote.

Section 10. Election records and supplies. All ballots, rec-

in order to receive from him the official ballot, or ballots. If the ballots contain serially numbered stubs, these numbers shall be recorded on the voter's certificate at the time the ballots are handed to him. The voter's certificate shall be carefully preserved by being placed in a suitable device, and shall constitute the official poll list of the election. The voter upon receiving a ballot shall retire to a voting booth and mark it in private, fold it so that the markings cannot be observed, and return it to the officer in charge of ballots to be placed in the ballot box. If the ballot has a serially numbered stub, this stub shall be removed from the ballot before it is deposited in the ballot box.

If any person is unable to sign his name, and upon examination of his registration record it appears that he was unable to sign his name upon it, the officer in charge of the register shall write his name and address upon a voter's certificate for him, and require him to make his mark, but no person shall be permitted to vote until the officer in charge of the register shall have questioned him and satisfied himself that the person applying to vote is the same and identical person registered under the same name.

Section 13. Assistance to voters. No person shall be permitted to have assistance in voting unless he state under oath to the precinct inspector, or in his absence, to one of the other officers, that he is physically unable to mark his ballot. A suitable notation shall be entered upon the voter's certificate of any voter receiving assistance, together with the name of the officer or member of the voter's household who gave the assistance. The person giving the assistance shall accompany the voter to a booth and read aloud to him the names of the candidates for each office and mark the ballot according to the oral instructions of the voter.

Section 14. Challenges. Any election officer or watcher present at the polls shall have the right to challenge any person who applies to vote. The person making the challenge shall state a definite ground upon which the challenge is

made, and support it with a brief statement. The precinct inspector shall make a memorandum of the challenge upon a form prescribed by the state board of elections, and shall require the person making the challenge to sign the same. The precinct inspector shall then place the challenged voter under oath and question him concerning his qualifications for voting. Before being permitted to vote, the person who has been challenged shall be required to sign an affidavit covering the qualifications for voting. A voter who is unable to sign his name shall be permitted to make his mark. He shall not be permitted to vote if, according to his answers, he is not qualified, or if he refuses to answer any pertinent question concerning his qualifications. A record of each challenge shall be made in writing by the precinct inspector, upon forms prescribed by the state board of elections, showing the name of the voter, his address, the grounds of the challenge, the person making the challenge, and the decision in the case. These records shall be preserved and turned in to the election commissioner. The state board of elections shall prepare detailed instructions for the precinct officers covering various types of challenges which may be made. The election commissioner shall have the power to challenge any voter by marking or stamping the registration record to indicate that the voter shall be challenged. No voter whose registration record is so challenged shall be permitted to vote until after he has been placed under oath and carefully questioned concerning all of the necessary qualifications for voting, and required to sign the affidavit for challenged voters. If upon such challenge, the voter is found to be qualified, the precinct inspector shall mark upon the registration record that the challenge has been removed, with the date, and sign his name.

Section 15. Watchers. Any civic organization or committee of citizens interested in the outcome of an election, and in partisan elections, any political party which has candidates running for public office, shall, upon petitioning the election office ten days prior to an election, be entitled to have two

ords, forms, and supplies for the conduct of elections shall be delivered to the residence of the inspector of elections for each precinct prior to the day of elections, or to the polling places on the morning of elections prior to the opening of the polls, and a receipt secured therefor. The precinct inspector shall return the records, ballots, and supplies after the close of the election.

Section 11. Maintenance of order at the polls. It shall be the duty of the inspector of elections to enforce peace and good order in and about the polling place. He may call upon the sheriff, police, or other peace officers to assist him in preserving the peace, and may order the arrest of persons violating the provisions of the election laws and regulations, but such arrest shall not prevent such persons from voting if they are entitled to vote. It shall be the duty of the officer or authority having command of the police department of any municipality, or the sheriff of any county, to detail at least one officer to each precinct where the election commissioner requests such a detail. Such officer shall assist in preserving the peace and order at the polls, and place under arrest any person violating any provisions of the election laws or disturbing the peace.

Section 12. Procedure at the polls. When a voter appears at the polls to vote, he shall sign his name and write out his address on a voter's certificate, and present this to the officer in charge of the register. This officer shall ascertain whether the voter is duly registered, and if so, shall compare his signature with that contained in the registration record. If such officer is satisfied by comparison that the person applying to vote is the person who has registered under the same name, he shall approve the voter's certificate by initialing the same, and hand it back to the voter. He shall then make a suitable entry in the registration record, as may be prescribed by the state board of elections, to show that the voter has been permitted to vote at that election. The voter shall then present the voter's certificate to the officer in charge of the ballots

watchers at any and all polling places within the city or county. Suitable credentials shall be issued to such watchers. All political watchers shall be permitted to remain at the polls during the conduct of the election and the count, to make challenges, and to raise any pertinent questions about the validity of ballots, or violations of the election laws and regulations. They shall be permitted to compare the signatures of voters, and to scrutinize the ballots as they are being counted, but shall not be permitted to handle the ballots or election records. In case any watcher attempts to obstruct the conduct of the election, or to intimidate voters, engage in campaigning, or otherwise violate any provisions of the election laws or regulations he shall be warned, and if he continue, he shall be required to leave the polls.

Section 16. The count. The state board of elections shall prescribe the method by which the count shall be conducted, issue detailed written instructions to the precinct officers, and prescribe the necessary tally and return sheets which shall be used. The count may be conducted either in the precinct or at a central place for a city or county, as may be prescribed by the state board of elections.

Section 17. Voting machines. Any city or county, by action of its legislative body, may adopt voting machines. One or more machines, as may be needed, may be used in any precinct. The precinct election officers shall consist of an inspector and one or more clerks. Voting machines may be used experimentally in all or part of a city or county prior to adoption, and such use shall be legal. No machine shall be used until it has been approved by the state board of election commissioners. No machine shall be approved until it has been examined and approved by competent mechanics as to its reliability, construction, accuracy, and adaptability to meet the election requirements of the state. No machine shall be approved unless it preserve the secrecy of the ballot, unless prior to the act of recording his vote it permit the voter to correct any mistakes which he may have made, unless it per-

mit the voter to vote for all the candidates for whom he is entitled to vote, and unless it may be used in a primary election in such a manner as to restrict the voter to one party. Any machine which may be used shall be suitably protected against tampering and frauds by seals or locks. The state board of elections shall provide by rules and regulations the detailed manner in which voting machines may be used.

Section 18. Absent voting. Any person who is absent or who expects to be absent on the day of the election from the county in which he resides, or who is physically unable to attend the polls because of illness or infirmity, may cast an absent voter's ballot under the following regulations.

(a) He shall be permitted to vote by appearing in person at the office of the election commissioner after the ballots have been printed, up until and including Saturday prior to the day of the election. Upon such application he shall make an affidavit of the fact that he expects to be absent from the county on the day of the election, and upon receiving a ballot for his precinct, shall mark the same in a suitable voting booth. He shall fold the ballot, and in the presence of the election commissioner or an employee of the office, place it in an envelope, together with his affidavit, and seal it. This envelope shall be preserved and turned over to the precinct election officers.

(b) He may make a written application to the election office for an absent voter's ballot, stating that he expects to be absent from the county, or that he will be unable to attend the polls because of illness or infirmity. If the application is received by the election office three days prior to the election, the office shall compare the signature of the voter with that contained on the registration record, and if it appears that the two are the same, shall forward the official ballot or ballots to the voter, together with the necessary forms, instructions, and envelopes. The voter shall appear before an officer authorized to administer oaths and make affidavit of his qualifications to vote and the fact of his absence, illness or infirmity,

upon a form prescribed by the state board of elections, and, in the presence of such officer, but in such way that the secrecy of the ballot is preserved, mark the ballot, place it in an envelope, and seal it. The envelope, addressed to the election office, shall then be mailed by the voter. The election commissioner shall turn over to the precinct inspector all absent voters' ballots received up to and including the Saturday prior to the day of the election, and in cities of 10,000 population and over, shall send such additional ballots as may be received up until noon of the day of election by special messenger to the polling places. The precinct election officers shall publicly announce the names of absent voters before opening the envelopes, and permit challenges to be made. If the vote of any absent voter is challenged, a record shall be made of it and attached to the envelope, which shall be returned unopened to the election commissioner, who shall have the challenge investigated and accept or reject the vote, adding it to the precinct returns if it is accepted. If the vote of an absent voter is not challenged, the precinct election officers shall open the envelope, compare the signature on the affidavit with that on the registration record, prepare a voter's certificate for such absent elector and make a note thereon to indicate that the voter cast an absent voter's ballot, and place the ballot in the ballot box. If the signature of the absent voter on the affidavit does not appear to be the same as that on the registration record, the vote shall be rejected and returned to the election commissioner with a memorandum of the case. No person who is unable to sign his name shall be permitted to vote by absent voter's ballot.

Section 19. Canvassing the results. The election commissioner shall make an official canvass of the election returns as soon as practicable after the close of the election, and publicly announce the results. He shall issue certificates of election to all persons duly elected, or transmit a certificate of the result of the election to the proper officers entrusted with making the canvass.

Section 20. Recounts. Any candidate or group of candidates may, within 10 days after the official results are announced, petition to have one or more precincts recounted, and any citizen may within the same time petition to have the vote on a referendum proposition in one or more precincts recounted. Such petitioners shall be required to deposit a fee of five dollars for each precinct petitioned to be recounted, and shall be permitted to amend their petition from time to time, while the recount is in progress. While the recount is in progress other candidates for the same office shall also be permitted to petition for a recount of certain precincts and to amend their petitions. The election commissioner shall, upon the presentation of such petition with the required deposit, fix a time within twenty-four hours when the recount will be started, and deputize teams of four persons to conduct the recount, which shall be made under rules and regulations prescribed by the state board of elections. Each candidate or group of candidates affected by the recount shall be permitted to have two watchers present at the recount, who shall be permitted to scrutinize the ballots and to raise objections as to their validity. All disputed ballots shall be laid aside and passed upon by the election commissioner. If the cost of the recount is less than five dollars per precinct, the remaining amount shall be refunded to the person or persons petitioning the recount. If the result of the election is changed, the entire amount deposited by the contestant shall be refunded. If upon the recount of any precinct, the vote received by any candidate recounted, or the vote for or against any referendum question recounted, be five per cent greater or five per cent less than the original return for such candidate or upon such referendum question, the deposit for such precinct shall be refunded to the petitioner.

After the expiration of the time to petition the election commissioner for a recount, any candidate may apply to a court of proper jurisdiction to secure a recount, or to have the election set aside.

Section 21. Presidential electors. In presidential elections each political party nominating candidates for president and vice president of the United States and electors of president and vice president shall file with the state board of elections a list of candidates nominated for such positions, the number of candidates nominated for electors of president and vice president not exceeding the number which the state shall be entitled to elect. The state board of elections shall direct that the ballots throughout the state shall be printed with the names of the candidates for the office of president and vice president of the several political parties, without the names of the candidates for presidential electors, and the votes cast for such candidates shall be counted for the candidates for electors of president and vice president of such party, whose names have been filed with the state board of elections.

Section 22. Misconduct of election officers. Any election officer who willfully refuses to accord to any duly accredited watcher or to any voter or candidate any right given him by state law, or by the rules, regulations or instructions of the state board of election commissioners, or who willfully violates any provision of the election law or such rules, regulations, or instructions, or who willfully neglects or refuses to perform any duty imposed upon him by such law or such rules, regulations, or instructions, or who is guilty of any fraud in the execution of the duties of his office, or who connives in any electoral frauds, or knowingly permits such fraud to be practiced, is guilty of a felony, punishable by imprisonment for not more than three years, or by a fine of not more than three thousand dollars, or both.

Section 23. Violation of election law or rules, regulations, or instructions of the state board of elections by public officer or employee. A public officer who omits, refuses or neglects to perform any act required of him by the election law, or by the rules, regulations or instructions of the state board of election commissioners, or a public officer or employee who refuses to permit the doing of an act authorized by such law,

rules, regulations or instructions, or who willfully hinders or delays or attempts to hinder or delay the performance of such act, is, if not otherwise provided by law, punishable by imprisonment for not more than three years, or by a fine of not more than three thousand dollars or both.¹³

Section 24. Election officers to forfeit salary for neglect of duty. Any election officer or board of election officers who shall, individually or collectively, neglect to perform any duty imposed upon them by any provision of the state election laws, or of the rules, regulations or instructions of the state board of elections, or who shall disregard or violate any such provision, shall forfeit any salary or other compensation which may be due to them as election officers. The election commissioner shall investigate the work of precinct election officers, and following each election shall cause an examination to be made of the records returned to his office to ascertain whether the election laws, rules, regulations and instructions have been complied with. No payment shall be made until after the completion of such examination and investigation. If it appear to the satisfaction of the election commissioner that any election officer or any precinct board is guilty of violating the provisions of this section, he shall refuse to authorize the payment of such officers, and shall notify them in writing. Any election officer whose salary is forfeited under the provisions of this section may appeal to a court of proper jurisdiction. Such forfeiture, however, shall not operate to exempt such officers from criminal prosecution under the penal provisions of the state law.

¹³ Sections 22 and 23 are copied almost *verbatim* from Chap. 41, Sections 753 and 763, respectively, of the Consolidated Laws of New York.

CHAPTER III

OVERHEAD ORGANIZATION

The problem of organization and personnel in election administration is particularly significant. No substantial improvement in elections can be made without improving the character of the election officers, without divorcing the whole machinery from politics. In a recent judicial hearing in the City of Chicago relative to the removal of one of the present election commissioners, the prosecuting attorney's office offered in evidence the record of over three hundred precinct election officers who had police records, though only fifteen out of fifty wards of the city were investigated in connection with the hearing. While this may be considered an extreme case, the general testimony throughout the country is to the effect that election officers, except in a few localities, are grossly incompetent and frequently corrupt. Aged persons, persons with little education or clerical experience, political hangers on, and, in a few cities, thugs, strong arm men, and criminals, secure these positions. Of course, it would be foolish to look upon all election officers as of this type. Many conscientious and capable persons volunteer their services and are appointed. In a few communities the officers in charge of elections are particularly vigorous in making the selection of precinct officers and capable persons are secured.

The personnel of the election office of the city or county, the regular and extra employees, is usually drawn from the ranks of political workers. Where this is the case the number of regular and temporary employees greatly exceeds the requirements of the office. The political employees in the election office are usually lacking in clerical experience or other qualifications which would fit them for their work. In many cities the election office is the dumping ground for political workers who are so poorly qualified that they cannot be placed elsewhere. Under such circumstances, it is readily un-

derstandable that election administration is antiquated, expensive, and frequently corrupt.

Above the office force stands the county or city board of election commissioners, or the single officer in charge. The special board form of organization is customary in more popular cities and counties. The single, *ex officio* officer, such as the city or county clerk, is usually in charge of elections in smaller cities and rural sections, though this rule will not hold good in many states. The members of special boards of election are usually political appointees, often placed in office to protect the interest of the political machine and to secure whatever patronage there may be in election jobs. Consequently, with some notable exceptions, members of election boards are poorly informed about the duties of their office, have little grasp or interest in the various problems of a satisfactory election administration, and are held in little esteem in their own communities. These positions frequently pay well and are political sinecures, eagerly sought after by the professional politician, the briefless lawyer, and the business man who has not made a success of his private affairs. The best managed election offices in this country are under the control of a single commissioner or a regular city or county officer, such as the city or county clerk or the auditor.

State Control. This defective election machinery, which we shall consider more in detail below, is, moreover, subject to weak, ineffective, and sometimes unwise supervision by the state. Election administration has remained almost completely decentralized, despite the widespread movement toward centralization in other governmental activities during the last half century. The supervision of precinct officers is left to the county or city officers, and in many states the precinct boards are practically a law unto themselves. They usually receive no instructions other than the compilation of state election laws, which they cannot satisfactorily use. Ordinarily, they are never inspected during the day of the election, and

frequently no pretense is made to examine the reports which they turn in. This situation leads to flagrant irregularities, widespread disregard or violation of state election laws, and considerable variation in the election procedure from precinct to precinct. These conditions are not generally recognized until a contested election brings them to light. The present organization and procedure of state control needs an examination with a view to discovering where it can be strengthened in the interest of regularity and improvement of the conduct of elections.

At present there are two principal devices used by the state to exercise control over elections; namely, the enactment of election statutes, and the placing of certain supervisory powers over elections in the hands of state officers. The first is by far the more prevalent. Statutes are relied upon as a means of regulating the conduct of elections, and are revised from time to time as abuses creep in and are detected. Every legislative session sees numerous election bills introduced, which in itself is proof enough of the ineffectiveness of statutory enactments as a means of improving election administration. The state election laws are tediously detailed, usually from one hundred to three hundred printed pages in length. This is thought to be necessary because of the great importance of the conduct of elections and a realization of the necessity for a uniform and strict administration. The very length of the election laws, however, destroys their effectiveness. They are not read by the rank and file of election officers, and are rarely read by supervising officers. Since they are couched in legal phraseology, they are not readily understood when they are read. In many states the election laws are poorly arranged, and it is difficult to find what the law is on any particular subject. In practically all of the states the compilation of election laws contains a great mass of material which does not concern the precinct officer, but confuses him when he attempts to wade through it or to look up any particular point. Often the procedure set forth in the statutes is too cumbersome to be

followed, and is knowingly violated by the precinct officers. In one city a government research bureau attempted to count a group of ballots, typical of a single precinct, according to state law and found that the task was almost impossible. The average set of precinct officers make no such attempt. They pay little attention to the statutes, but devise their own method and proceed to count the ballots.

Statutory provisions, particularly where they go into great detail and minutely prescribe administrative matters, are apt to be wooden, inflexible, poorly adapted to specific situations in different communities, and, on the whole, to retard or prevent desirable improvements and experimentation. Many provisions in election laws actually hamper or make expensive the conduct of elections. The best example of this is the common statutory limitation upon the number of voters to a precinct. The number permitted usually varies from three hundred to six hundred, though a few states permit a larger number. These provisions are based upon the hypothesis that the precinct officers cannot handle a larger number of voters, and that if the local officers in charge of elections are given discretion in the matter, they will unwisely permit the precincts to become too large and the voters will experience inconvenience in casting their ballots. The net result is that precincts frequently have to be divided when there is no necessity for such division, and the election costs are increased greatly thereby. In some states the local officers have gone ahead and permitted larger precincts, contrary to state law, with satisfactory results.

Another example may be cited to show the ineffectiveness of election laws. It is unquestionably the will of the state that competent, honest, and respectable election officers be secured. To this end the state law prescribes the qualifications for the precinct officers in great detail, ordinarily in terms of residence, citizenship, ability to read and write, character, etc. The Illinois election law which applies to the City of Chicago, for example, provides that the precinct election officers shall be:

citizens of the United States . . . of good repute and character, who can speak, read and write the English language and be skilled in the four fundamental rules of arithmetic, and they must be of good understanding and capable; they must reside and be householders, or husbands and wives of householders in the city, village or incorporated town in which they are selected to act, and they must not hold any office or employment under the United States, the State of Illinois, or under the county, city, village or town in which such election is held, and they must not be candidates for any office at the next ensuing election.¹

These legal qualifications, though admirably worded, have had little or nothing to do with the actual qualifications of persons selected to serve as election officers in Chicago and other cities of the state which operate under this law. They did not prevent the selection in 1930 of over three hundred persons with police records to serve as precinct officers. The board of election commissioners has been content to turn over these positions to the party organizations to be used as spoils, and in some wards to be used deliberately as a means of stealing elections. The board, after dickered with the party organizations and dividing up the spoils, has been content to examine the applicants as to their legal qualifications, with little or no concern as to their suitability as election officers.

If it is the state policy to secure honest and capable election officers, something more is required than merely statutory provisions. The method of selection, the fixing of definite responsibility for the conduct of elections, the divorcement of the personnel from political domination, the stimulation of applications from capable persons, the care exercised by the election officer in choosing between the applicants, the compensation paid, and the standing of precinct officers in the community: these are some of the more important factors which really determine the type of persons which will be secured. Several of these matters involve administrative procedures which can be dealt with better by instructions, rules, and regulations, and by administrative supervision rather

¹ The City Election Act (1885), Sec. 9.

than by formal statutory enactments. Unquestionably we have gone too far in attempting to regulate every detail of election administration by law. It would be better to remove many details from the election laws and to leave these matters to be covered by rules, regulations, and instructions issued by the secretary of state or a state board of elections. Efficiency cannot be secured in any activity where the organization and procedure are rigidly prescribed by law. The detailed statutes frequently serve to shield the political crook, who can always turn to the wording of the law to justify his slipshod administration or corrupt practices.²

Aside from the detailed election statutes, a limited control over elections is exercised by the governor, the secretary of state, and in a few states by a state board of elections. In most states the governor issues certain proclamations of elections, and signs the credentials of persons elected to Congress and presidential electors. In many states the governor is a member of the official canvassing board for state elections, but these duties are formal and of slight importance. In a group of states the governor is given the power to appoint the city or county election boards.³ This power is of more importance, but usually appointments are made strictly upon party recommendations, which deprives the governor of any appreciable control. In a number of states he is required by law to make appointments from party lists, and in other states custom and tradition have produced the same result. The real selection is ordinarily made by the party machine and the governor merely rubber stamps the appointment. Even where the governor exercises his own judgment and makes appointments independently of party nominations, he cannot follow up the conduct of registration and elections and exercise supervision. He does not have a staff to carry out this work, and without

² For an admirable discussion of the political effects of poorly drawn, detailed statutes, see Charles E. Merriam and Harold F. Gosnell, *American party system*. See also John M. Matthews, *American state administration*, p. 406.

³ Delaware, Kansas, Louisiana, Maryland, Missouri, Nebraska, New Jersey, and Pennsylvania. In most of these states, however, the power of appointment is confined to the election boards of a few of the largest cities in the state.

such a staff he is not in a position to be informed. In practical operation, his control usually ends with the appointments.

The secretary of state may be looked upon as the chief election officer of the state. He publishes the election laws, receives the official returns and usually tabulates the results for the official canvassing board, certifies to the county officers in charge of printing the ballots the names of candidates for state offices, certifies the form of the ballot and the wording of referendum propositions, and attends to various other clerical details in connection with state elections. In a number of states the secretary of state provides various forms or supplies for use throughout the state. In New York he provides registration books and other records, while in Massachusetts he provides the ballots for state elections and also ballot boxes. Some economies would probably be made by having the secretary of state provide a larger share of supplies and records incident to the conduct of state and national elections, thus buying them upon a large scale, but this is not ordinarily looked upon with favor by county and city election officers. In Ohio the secretary of state is the chief election officer of the state, with power of appointment and removal of the county election boards. He is authorized to issue rules and regulations governing the conduct of elections and registrations, to investigate the conduct of elections, and, in case of a tie vote of any county board, he may cast the deciding ballot. Heretofore, these powers have not resulted in any appreciable control, but in 1928 the secretary of state removed the election board in Cuyahoga County (which includes Cleveland), and in 1930 the secretary of state appointed advisory committees which drew up instructions and regulations for putting the new permanent registration law into effect. It would seem quite probable that his control may increase in the future.

Six Southern states have state boards of elections.⁴ These

⁴ Alabama, Kentucky, Mississippi, North Carolina, Oklahoma, and Tennessee.

boards were not created, however, to exercise supervision and control over the administration of elections throughout the state. Their duties are strictly confined to the appointment of county officers, and in the state of Oklahoma, to the issuance of the state election laws. In only one state is a permanent office maintained. In the other states the secretary of the state board is only a part time official, and the board does not maintain an office. These state election boards, with the power of appointment of county officers throughout the state, would appear to have been designed solely to give to the majority party in the state the control of election administration in every county. From the standpoint of state control and the administration of elections, these state boards are of little importance. They have been created to serve a partisan purpose.

There is a state board of election commissioners in the state of Indiana, consisting of the governor and two members appointed upon the nomination of the two major political parties of the state. This board issues the election laws, with interpretations and instructions where such are deemed necessary, and prints the ballots for state elections.⁵ Its work in the past has been largely clerical, an occasional opinion being given on controversial legal questions relative to the conduct of elections. Its instructions have been largely paraphrases of the state election laws. It has exercised little supervision over the conduct of elections within the state. The members of the board are not paid a salary, and no permanent staff is employed or office maintained. The attorney general of Maryland is similarly required by state law to issue instructions to election officers and voters, which are printed with the election laws of the state. The attorney general of New York has substantial powers in connection with the prosecution of election fraud cases. His office has been given most of the powers and duties of the former office of state superintendent of elections, which was abolished in 1921. The

⁵ Revised Statutes, 1926, Sec. 7466.

office of state superintendent of elections was a fraud detection and prevention agency, created originally in 1898 to detect and prosecute election frauds in New York City. In its early history it secured many convictions, but from 1912 until 1921 only five convictions were secured, though an annual expenditure of over \$200,000 was made. The state law of New York provides that the attorney general shall receive a copy of the printed lists of voters, a card list of voters if he so directs, and authorizes him to take over the prosecution of election cases from the local prosecuting attorney whenever he deems this necessary.⁶ A division in the office of the attorney general has been created to carry out this work, and in the past considerable work has been done to detect and prosecute election frauds in New York City. The effect of placing this power in the hands of the attorney general has been altogether beneficial, for the local prosecuting attorneys have been forced to prosecute. By way of contrast, in Chicago a former prosecuting attorney refused to prosecute election cases, and for years election frauds were carried on with impunity.

It will be seen from the above review of the present state control over the administration of elections that it is inadequate and largely ineffective. Many positive evils result from the practice of attempting to regulate administrative matters in great detail by statutes. Every contested election demonstrates that elections are conducted in an incompetent and irregular manner, and there is every reason to suppose that this is the rule rather than the exception. The substitution of instructions, rules, and regulations in the place of detailed statutes should improve the situation. These might be prepared by administrative officers selected because of their experience in election matters. Improvements could be made from time to time, and election officers in various communities could be consulted. There can be little technical improvement in the administration of elections without a shift away

⁶ Election Laws, Sec. 176.

from legislative control to administrative supervision, advice, and assistance.

Numerous objections to vesting powers of administrative supervision in the hands of a state agency may be raised. The creation of another state board or department would be opposed. This would be unnecessary. The work involved could be done very readily in the office of the secretary of state. If it is desired that the rules, regulations, and instructions be issued by a board, ex-officio or special, such a body could be created for this purpose and also to act as the official canvassing board in state elections, as well as to pass upon nominating petitions and similar matters. Probably the most satisfactory organization would be to make the secretary of state the chief election officer of the state, as he is already in the State of Ohio, and vest in him these various powers, including that of making the official canvass and proclaiming the results. Another objection that may be raised is that the state office, particularly that of a single officer such as the secretary of state, might use the power to control elections for partisan advantage. This danger is slight so long as responsibility is definitely fixed. It is interesting to note, in this connection, that in the Canadian elections one returning officer in each province, a single officer and a member of one of the contesting parties, has complete charge of elections in the province. He appoints his deputies, who are also members of the same political party, and canvasses the results of the election. This would seem to open wide the door to sharp practices and trickery, but it has not done so because of the very definite fixing of responsibility for the conduct of elections.

A third objection which may be raised against state administrative control is that the clerks in the secretary of state's office are likely to be uninformed about the actual conduct of elections, and would draw up rules and regulations with unnecessary formalities and red tape. These clerks can hardly do any worse than the state legislatures have already done in this regard. Of course, there can be no positive assurance that this

work will be done wisely and well, but in all probability the chief evil of the system would not be abuse of this power, but rather the failure to use it. This has been the experience in Ohio, Indiana, and Maryland, where state offices now may issue instructions, rules, and regulations. Some of the larger election offices, particularly the ones which are well conducted, do not need this administrative supervision from the state and prefer to deal directly with the election laws. This may be admitted, but, on the other hand, the election officer in the small county or city, who has his hands full with the other details of his office, would profit by the assistance and guidance of a state office. Another objection is that it is contrary to the principle of home rule to set up another state administrative office with general supervision over the conduct of elections, thus subjecting the local officers to central control. The answer is both a demurrer and a denial. Administrative rules, regulations, and instructions would not necessarily increase state control over elections, but would rather change the type of control from legislative to administrative, permitting greater flexibility, more ready adjustment to the needs of particular sections of the state, and closer contact with the persons charged with the administration of elections. On the other hand, it cannot be contended that election administration is a local affair. Suffrage is a state concern, and there are more state and county elections than there are purely local elections. Elections have been always looked upon as a state rather than a local matter.

The rule making and advisory powers of a state office in charge of elections (say, a division in the office of secretary of state) would be quite similar to that now vested in state health departments, industrial commissions, and other state agencies. One of the principle duties of such an office would be to issue instructions for the guidance of precinct officers. Except in a few large cities, the precinct officers now serve without any instructions except the state election laws. The introduction to the "Election Instructions" of the chief electoral

officer of the Dominion of Canada contains the following significant statement:

The Dominion Elections Act is, like most statutes, in a form not readily understood by persons without legal training, and most election officers come within this category. In these instructions therefore an attempt has been made to state in as simple language as possible the duties and responsibilities under the statute of each election officer, supplementing the directions of the statute where necessary, and warning against errors into which election officers might be more or less easily led.⁷

In England the Ministry of Health has general supervision over the conduct of elections, with power to issue orders, rules, regulations, and instructions, to prescribe forms, and to approve or disapprove the appointment of deputy registration officers in the boroughs and counties.⁸ This provides a substantial amount of central control and results in uniformity and regularity of administration. In the Canadian provinces a similar power is exercised by a deputy provincial secretary, with like results. The result of greater centralization of election and registration administration in this country would depend largely upon the type of persons secured for the state office, their vigor and tact. At the present time it is customary in some states for the secretary of state to appoint a former county clerk or some other similarly experienced person to take care of the election work of the office. Though the secretary of state has little power over elections, it is common for county or city officers to call upon him for advice and instructions. Greater centralization would introduce expert and technical supervision in the place of the present loose, ineffective, and usually inexpert supervision. As long as election administration is decentralized, as long as it is administered exclusively by local ex-officio officers as a side issue, or by politically select-

⁷ Canada, Election instructions, 1928, p. 7.

⁸ A. O. Hobbs, and F. J. Ogden, Guide to the Representation of the People Act, 1918 (London, 1918); J. Renwick Seager, Registration of voters under the Reform Act, 1918 (London, 1918); G. P. Warner Terry, The Representation of the People Act, 1918 (London, 1918).

ed special boards, there can be little hope for technical advancement or administrative improvement and standardization.

Another problem touching upon state control is the appointment of the local officers in charge of elections and registration—assuming that one of the regular officers of the city or county is not used. Should the city or county board of elections or election commissioner be appointed by a state officer (usually the governor) or by a city or county officer? If the party organizations make the actual selections, either by law or custom, it does not matter who makes the formal appointment. But if independent appointments are made, as is the case in a few states, there are certain considerations which should be taken into account. The governor of the state is usually somewhat less amenable to the local political machine than the mayor or other local officer. The governor is also subject to state wide pressure to make good appointments in the largest cities, for the results of state elections are frequently turned by the vote in those cities, and consequently the state at large is much concerned. If appointments are made by local officers it is almost impossible to divorce the election office from machine domination. It may be true that state appointment would only substitute state machine control for local machine control, but city machines are more powerful, more corrupt, and more apt to manipulate the election in their own interest. Election boards appointed by the governor without dictation by party organizations have been superior, on the whole, to boards locally appointed.⁹ The power of appointment and removal, if given to the governor or secretary of state, should be utilized to insure harmonious co-operation between the local boards and the state office.

There are certain valid arguments in favor of appointment

⁹ This statement has been based upon the general impression that the election boards of St. Louis, Omaha, Kansas City, and the Registration Commission of Philadelphia have been somewhat better than the election boards of, say, New York City, Chicago, and Boston.

of election boards by local officers. The local officer (usually the mayor) is responsible to the citizens of the city. It may also be urged that appointment by the governor is contrary to the principle of home rule, though it should be borne in mind that elections are as much a matter of the state as of the locality. After all, the choice between local and state appointment should be made in the light of the particular situation and history of the state rather than upon theoretical considerations.

County and City Officers. There is no well settled rule in this country as to whether elections and registrations should be administered by the city or the county. In New England the city or town is the local unit of administration generally, and municipal officers are placed in charge, but in the Southern states and ten Northern states the county is given practically exclusive jurisdiction.¹⁰ The large cities of a number of other states have been given control over elections within their boundaries, the county officers having control elsewhere. Finally, in a few states there is a division of control between city and county officers, both exercising certain powers concurrently, or, in some states, the county officers have charge of state and county elections and municipal officers conduct municipal elections. Obviously this last arrangement is unwise, for it ordinarily requires duplicate officers, duplicate records, and materially adds to the cost, besides causing the voter the inconvenience of keeping registered under two systems.

The question as to whether the city or the county should be given control of registration and elections requires consideration in the light of the political organization of the state. There are certain advantages to be derived from placing the matter in the hands of the county officers, for they may conduct either state and county elections for the entire county or

¹⁰ The Northern states are: California, Colorado, Montana, Nevada, New Jersey, North Dakota, Ohio, Oregon, Utah, and Wyoming.

local elections for the local units, using the same office and records.

As a general rule, elections and registrations are both handled by the same office, but in the Southern states and in Pennsylvania registration is conducted by a separate and entirely distinct office. This is another unnecessary and unwise duplication which results in increased costs, divided records, and divided responsibility for honest elections, and at times, in considerable friction.

There is no uniform rule as to which particular city or county officer has charge of elections. The city or county clerk, except where there is a special election office, usually handles the records, supplies, and other routine matters. In many places the county commissioners or the city council appoint the precinct officers, and exercise certain other powers. In a few states the mayor, sheriff, recorder, auditor, or other local officers are given some duties in election and registration administration. The worst possible arrangement is to divide the power and responsibility among a number of offices. This inevitably leads to constant bickering, lack of co-operation, irresponsibility, and frequently to incompetent and inefficient administration.¹¹

In the more populous cities and counties the general practice is to provide a special board of election commissioners. Where the jurisdiction is large enough to require a special office force, it is usually thought better to place control in a special board rather than in one of the regular officers of the county or city. The argument for a special board is that it will be more impartial and fair, consisting of representatives of both political parties and of persons who are not themselves candidates for public office. For the large cities, especially

¹¹ An interesting example of the results of the division of election administration is found in New Jersey. In Hudson and Essex counties the county board of elections, the county clerk, a superintendent of elections, the municipal clerks, and the police departments all have a hand in the matter. All of these offices, with one exception, vigorously opposed the permanent registration law of 1926 because of fear that they might lose some of their functions.

where the parties are fairly evenly divided, there is something to be said for a special board, but elsewhere it is hardly justifiable. It seems to make little or no difference that the city or county clerk in charge of registration is himself a candidate for public office. The responsibility for an honest administration is fixed so definitely that he does not dare to use the power to advance his own interest. The administration of the city or county clerk, as a rule, is more vigorous, efficient, and economical than that of a bi-partisan board. The single officer is more scrupulous in observing fair play to all political parties and factions than is a bi-partisan board. A special board greatly increases the expense, because it requires an extra office and office force, and usually wastes money through the use of superfluous and incompetent clerical employees. Bi-partisan boards have been created in many instances to provide patronage for the party machines, and in this they have not failed. The principal effect of a bipartisan board administration is not to guarantee honesty and integrity, but rather to insure that the election jobs will be doled out to the faithful.

Boards of Election. Nine states provide for a county board of elections or registration throughout the state,¹² and three states provide for city boards throughout the state.¹³ Various other states provide an election or registration board for the most populous cities or counties only.

Organization. The number of members of election boards varies from a single commissioner in Los Angeles,¹⁴ Omaha, Rochester, and several New York counties, to five members in San Francisco and Philadelphia. Other places, as a rule, have three or four members, the number depending upon whether the legislature wished the board to be evenly divided between the two political parties or to be dominated by the

¹² Georgia, Kentucky, Maryland, Mississippi, New Jersey, North Carolina, Ohio, Tennessee, and Virginia.

¹³ Massachusetts, New Hampshire, and Virginia.

¹⁴ The chief election officer of Los Angeles is the registrar of voters.

party in power. Milwaukee is different from the rest in that the board of election commissioners consists of one member from each of the three leading political parties, which provides representation for the Socialists as well as the Republicans and Democrats. This tri-party representation, extending down to the precinct officers, has a significant effect upon the conduct of elections. It makes collusion between the precinct officers practically impossible.

The use of a board instead of a single commissioner is a corollary of the bipartisan tradition. A board is usually deemed necessary in order to provide representation of the two major parties, though a number of cities and counties, including Los Angeles, Omaha, and Rochester, have exceptionally honest, vigorous, and fair administration under a single commissioner. Other cities or counties which use one of the regular officers have usually experienced similar results. It is a well recognized principle of government that where the work is largely administrative in character a single executive is better than a board. The work of an election office is almost entirely routine administration. There arise at times difficult legal problems, but these require competent legal advice rather than deliberation by a board of laymen. The bipartisan board as a general rule is a machine controlled board, and this inevitably results in placing the bitterest and frequently the most unscrupulous partisans in charge of registrations and elections.

The political boss of Omaha, Tom Dennison, has for years vigorously opposed the single election commissioner law of that city. He has repeatedly attempted to secure control of the office, but the responsibility for honest elections is so definitely placed that the governor has not dared to appoint a "gang" controlled man as commissioner. Tom Dennison, in an interview with the writer stated:

The single election commissioner has too much power. If I had control of that office I could elect any man to any office in Omaha at any election. What we need is a board of election commissioners

consisting of three members, representing the different political parties, and taking all of this power out of the hands of one man.

It is hardly necessary to add that with such a board the Dennison machine could control two, if not all three, of the members, and there would still be one-man control of elections and registrations, but that man would be the political boss instead of the official election commissioner.

Experience seems to indicate that a single commissioner normally produces a more competent and honest administration than the familiar bipartisan board. He usually adopts a somewhat neutral attitude between the parties and factions, and is not apt to stoop to unfair practices or to condone illegalities. His appointments, since he has direct responsibility for the work of the precinct officers, are likely to be made with care and with attention to the ability and integrity of the appointees. Under a single commissioner the office records are usually kept up to date and in good shape, and the whole administration is not marked by laxness, inertia, and politics which so dominate the typical bipartisan board control.

Qualifications. The legal qualifications for membership of election boards vary from state to state, and are of little importance in determining the character of the members. Almost everywhere only qualified electors of the city or county may serve, and many states debar officeholders. Persons who are candidates for an elective office ordinarily may not serve, while in San Francisco members of the board are prohibited from holding any other municipal office during their term or for a year afterwards.¹⁵ Residence within the state for five years is required in Milwaukee, St. Louis, and Kansas City, and for the same length of time within the city in San Francisco. Usually, however, there is no residence requirement other than that incident to being a qualified elector. In a few states vague expressions of character and ability are included

¹⁵ City Charter, Art. XI, Chap. 1.

in the legal qualifications.¹⁶ In practically every state where a board is provided it is required to be bi-partisan.

The actual qualifications also vary widely from place to place and depend upon a number of factors, principally the tradition of the office, the character of the party machines, and the standard insisted upon by public opinion. In many cities the members are selected from the group of professional politicians, and sometimes have dubious qualifications.

In a large eastern city a man who is exceptionally well posted about the administration of elections and registrations stated to the writer: "We must have a very good system of registration here to operate successfully with the type of men whom we have running the office." The writer was advised to talk to certain permanent office employees by another person in the same city, "because you can't rely upon what the members of the board tell you." In still another eastern city the rising political boss is chairman of the board of election commissioners, though he is more competent than most commissioners.

The members of the board of election inspectors in the larger counties of Ohio (including the larger cities) are paid a substantial compensation, and consequently are drawn from the ranks of the professional politicians, frequently including the political boss himself. Where the appointment is not dictated by the party machines, the character of the members is fair. The position, however, is not attractive to the most desirable type of person, for even the best boards can accomplish little under the existing detailed state election laws. Outstanding persons of character and distinction are rarely found on election boards. The professional politicians are the least scrupulous and the least competent from many points of view, but it is true that they have an interest in the work

¹⁶ For example, the legal qualifications in Maryland include, "they shall be men of high character and integrity and of recognized business capacity."—Acts of 1896, Chap. 202.

and know what they are doing. Other persons appointed are generally drawn from the class of briefless lawyers, retired business men, and worn out politicians. The most competent persons are to be found in cities which have single election commissioners.

Selection. Members of election boards are usually appointed by the mayor of the city or the governor of the state. In a few states some unusual arrangement is found. For example, the county judge, surrogate, and sheriff of Monroe County, New York, appoint the single election commissioner.¹⁷ In Cook County, Illinois, the appointment was vested in the hands of the county judge¹⁸ in an attempt to remove the board from politics, but the result has been rather to make the position of county judge one of the principal political offices of the county. The official appointment in New York City was formerly made by the mayor. In 1911 Mayor Gaynor refused to re-appoint one of the incumbents¹⁹ on the ground that he was incompetent. The party organization refused to nominate any other person, and he continued in office. At its next session the legislature passed a law which placed the official appointment with the board of aldermen,²⁰ and since that time the party nominees have been appointed without question.

The election laws of a few states require appointments to be made from nominations by the two major political parties. In a few states only a single nominee is required, which virtually places the election in the hands of the party.²¹ Election

¹⁷ Election Laws, Sec. 50.

¹⁸ City Election Act, Sec. 20.

¹⁹ Now deceased.

²⁰ Election Law, Sec. 30. For an account of the Kane episode see Leonard M. Wallstein, Report on the Board of Elections of the City of New York, 1915, p. 15 ff.

²¹ The election laws of the following states require appointment from party nominations (in all or a part of the state): Kentucky, Maryland, Maine, New Jersey, New York, North Carolina, Ohio, and Wisconsin. Some of the variations of state laws are significant. New Jersey, New York, and Ohio provide for but a single nominee, and make it compulsory for the appointing officer to appoint the person nominated (N.J. Election Laws, Par. 67; N.Y. Election Laws,

boards practically everywhere are required to be bipartisan, and by custom and tradition, where not required by law, the appointing authority usually appoints the person recommended by the party machines. It is uncommon for the appointing officer to make a personal selection, for he rarely cares to incur the displeasure of the party organizations by refusing to accede to their wishes in the matter.

Upon first glance it may appear that this practice, whether due to custom or to law, is satisfactory, but an examination of its practical operation reveals fundamental objections. Selections by the party machines are made with little if any consideration of ability, integrity, and respectability. They are used to reward the faithful, and to place men in charge of elections who will serve the interests of the party. Bipartisanship is a weak defense against corruption and collusion of election officials.²² In many cities there is a single dominant political machine which controls both party organizations of certain wards. The assumption that one side will watch the other and thus prevent frauds ignores the fact that political crooks can make bargains. The whole election machinery, from the election commissioner to the precinct clerk, becomes a perquisite of the political spoilsman. No substantial improvement in administration is possible without ridding the personnel from party machine domination, and this cannot be accomplished except by divorcing the election board of the city or county from machine control. In many places the party

Sec. 31; Ohio General Code, Sec. 4970). In Maryland the party organization must submit four nominees, and the governor may require, if he cares to, another list (Acts of 1896, Chap. 202): In North Carolina the "state chairman of each political party shall have the right to recommend three electors in each county, and it shall be the duty of the state board of elections to appoint . . . from the names thus recommended" (State Code, Sec. 5924). The Wisconsin law for Milwaukee provides that the mayor shall appoint representatives of the three dominant political parties, whose party affiliation has been attested to by the respective party chairmen (Election Laws, Sec. 10.01).

²²Sometimes *bona fide* representation of both parties is not secured. It was recently disclosed that a member of the Philadelphia Registration Commission, appointed as a representative of the Democratic party, had registered during the preceding three years as a Republican. He later resigned.

organizations dominate the election office to such an extent that every important question of policy or patronage is decided by the organization, and the commissioners are little more than dummies. This situation is intolerable. It leads to election frauds and corruption and makes impossible any degree of administrative efficiency.

The most needed improvement in election and registration administration is to secure more reputable, competent, and honest officers all along the line from the top to the bottom. A majority of all registration and voting frauds are committed by the officers who are engaged to maintain the sanctity of the ballot box. If the state law requires appointment of election commissioners from party nominations, this feature of the law should be repealed. The provision for bipartisan representation, which appears reasonable and harmless, has nevertheless a substantial influence in strengthening the party organization control, and should be repealed. A single officer, independent of partisan control as far as possible, should be placed in charge of elections and registrations. He can be held strictly responsible for the appointment of honest and capable precinct officers.

Term and Salary. Members of county or city election boards are usually appointed for a term of two, three, or four years. The longest term is preferable. It tends to bring about a smaller turnover, as well as a more independent board. The election commissioner of Omaha is appointed for a term of only two years, which is a serious hindrance to developing a consistent, long time policy, and places the commissioner in an embarrassing situation every other year. Much would be gained by increasing the term to four years. The turnover of election boards varies from place to place, but is not very indicative of the competence of the members. It is desirable to have a low rate of turnover of election boards, but the length of service is not an index to ability.

The accompanying table indicates a wide range in the salary scale of members of election boards in some of the largest

cities of this country. The first consideration in connection with the salary is the amount of time expected of the commissioners. In Omaha, Rochester, and Los Angeles the single commissioner is required to devote his entire time to the duties of the office, and is paid accordingly. The commissioners of Boston and New York are also paid a full-time salary with the expectation that their duties will take up most of their time. In other cities the position of election commissioner is distinctly a part-time job, and the salary is small, though Philadelphia, Pittsburgh, Cleveland, Cincinnati, Chicago, St. Louis, and Kansas City each pays \$3000 annually, or more. It is striking to compare the salary of Milwaukee (\$1260) and San Francisco (\$1000) with that of Kansas City (\$3000) and Cleveland (\$4200).

It is unwise to provide a full-time board. The office can be run more competently by a single commissioner or a chief clerk.²³ The proper scope of work of the board consists in determining major policies, assuming responsibility for the honesty and competency of the administration, selecting the principal subordinates, and handling the personnel relations. It should also hear appeals and complaints. This work should require only a comparatively small amount of time, and it is unwise to pay a disproportionate salary. A high salary makes the position attractive to the very type of person who should be kept out of the office—the professional politician or the man who wants the money—and operates to destroy the prestige value.

Powers. The most important power of the city or county election office is that of appointment and removal of the office force and the precinct officers. Unfortunately, by law or by custom, this power is usually delegated to the party organizations, and the election board surrenders its principal means of control. The most effective action which any election board

²³ This is demonstrated by the commission in a large Eastern city. The members are on hand most of the time, but the presence of all of them adds little to the efficiency of the office. They do not engage in clerical tasks, and the supervision is largely left to a few employees. There is little for them to do.

can take is to use this power to secure competent and honest officers. It is not an easy task to recruit the required number of precinct workers; and some offices, because of inertia rather than subservience to the political machines, weakly resign this power and accept the lists handed in by the organizations.

Election Boards and Commissions of Selected Cities¹

City	No. of members	By whom appointed	Term (years)	Annual salary	Appointed upon official party recommendations	Subject to budgetary control
Boston.....	4	Mayor	4	\$6,000	No	Yes
New York....	4	Aldermen	2	5,000	Yes	Yes
Philadelphia..	5	Governor	4	8,000	No	Yes
Baltimore....	4	Governor	2	4,000	Yes	Yes
Pittsburgh....	4	Governor	4	2,500	No	Yes
Cleveland....	4	Secretary of State	4	3,000	Yes	No
Cincinnati....	4		4	4,200	Yes	No
Chicago.....	3	County judge	4	4,200	No	No
St. Louis.....	4	Governor	4	4,000	No	No
Detroit.....	3	(²)	2	3,000	No	Yes
				2,000		
Milwaukee....	3	Mayor	3	1,260	Yes	Yes
San Francisco.	5	Mayor	4	1,000	No	No
Rochester....	1	(³)	4	4,500	No	Yes
Omaha.....	1	Governor	2	4,500	No	Yes
Denver.....	3	(⁴)	4	4,000	No	Yes
				1,000		

¹ The jurisdiction of the election board of Cincinnati, Cleveland, Rochester, and Omaha includes in each case the county in which the city is located.

² The city clerk, the president of the common council, and the judge of the recorder's court constitute the election board of Detroit. All three are popularly elected.

³ The election commissioner of Rochester is appointed by a board consisting of the county judge, the special county judge, and the surrogate.

⁴ The election board of Denver consists of two popularly elected members and the city clerk, who is appointed by the mayor.

This power is occasionally used in an energetic manner, without regard to party recommendations, and the result is high grade precinct officers.²⁴ In a number of states the power of removal is expressly vested in the city or county election office, but this power is rarely used.

The office in charge of elections for the city or county has general supervision over the precinct or field officers, and may

²⁴ This is particularly true of Omaha, Detroit, St. Louis, and San Francisco.

train them and issue instructions. Supervision is difficult since the election is conducted in every precinct on the same day. As a matter of fact, the city or county office could exercise more effective supervision than it does at present. The usual practice is to inspect or investigate the work of the precinct officers only upon complaint. A few inspectors could be used with telling effect to make the rounds from precinct to precinct, especially in the sections of the city where fraud and irregularities are suspected.²⁵

In most states the city or county officer in charge of elections has the power, expressed or implied, to call the precinct election officers together in a meeting to instruct them in their duties. This method of instruction has been followed in a relatively few communities, but with rather successful results where used. In Monroe County, New York, the election commissioner is specifically authorized by state law to hold a school for the instruction of precinct officers at such times as he deems necessary, and in other counties of the state where voting machines are used, the election commissioners are required by law to hold schools of instruction to familiarize the precinct officers with their duties and the operation of the machine.²⁶ The chief election officers in various parts of the state believe that these meetings do much to improve the conduct of elections. Attendance is compulsory, and the precinct inspectors are paid one dollar for attending the school, plus car fare. Schools of instruction have also been held in other cities from time to time when deemed necessary. In Detroit the practice until recently has been to call together only the officer in charge of each precinct, relying upon him to instruct the remaining officers in their duties. In recent years, however, the entire force of precinct officers has been called together in monster meetings or schools of instruction, with entirely successful results. The plan followed has been to

²⁵ "Flying inspectors" are used in Omaha on election days. In San Francisco special deputies with cars are employed to supervise the conduct of elections, but more particularly to check up on the operation of voting machines.

²⁶ Election Laws, Sec. 252.

call such meetings only when there are unusual situations or new provisions in the laws to be explained. In Chicago the election office has prepared a play, "A Day at the Polls," which shows how every act should be done and raises almost every conceivable legal point. The play has proved to be very popular, and has been presented before various public groups, as well as the election officers.

The supplies, books, forms, and various materials of one kind and another are usually procured by the city or county office and distributed to the precinct officers. This is largely a matter of purchasing and printing rather than a means of control. It offers little opportunity to influence the conduct of registration, though it is important in itself. The great variation in the cost of printing and supplies indicates that there is a considerable amount of spoils in political contracts.²⁷ The county or city officers also provide the polling places. Formerly these were an important item of political spoils, but owing to the increased rental costs without a corresponding increase in the amount paid for polling places, this is no longer the case.²⁸

A few election boards possess an unlimited spending power. The more common rule is that the budget of election offices must be approved by the legislative body of the city or county, though the latter may not remove or reduce items specifically called for by state law, such as the pay of the election board and that of the precinct officers during the days of registration and election. It is not advisable to make the election office an independent spending agency. If it has a perfectly free hand, it is not likely to scrutinize expenditures with the same eye to economy as the body which is charged with financial responsibility and with the raising of revenue. The independent election board pays higher salaries and buys more expensive equipment and supplies than the board whose budget is subject to review.

²⁷ See Chap. X.

²⁸ For a further account of polling places, see below, Chap. VI.

CHAPTER IV

THE RANK AND FILE

While the number of regular employees in the election offices varies somewhat in proportion to the size of the city and the number of registered voters, the ratio of the number of employees to the number of registered voters differs widely.

Office Employees. It is highly significant that the cost of permanent employees in the election office varies from as high as twenty cents per registered voter in such cities as New York, Chicago, and Cleveland, where election administration is conducted on a strictly political basis, to as low as one to seven cents per registered voter in Detroit, Milwaukee, and Minneapolis, and other cities where the office force is not looked upon as political patronage. The offices which are best managed are in the latter rather than the former group. The employment of a large office force for the conduct of elections is inexcusable. The work is highly seasonal in character, and should be performed largely by temporary employees. In one office which is particularly efficiently managed, with a small number of employees in ratio to the number of registered voters, the chief clerk told the writer that it was hard to keep up the morale of the force because of the absence of work during the off season, and accordingly he had arranged with the city to turn over certain miscellaneous tasks, such as editing city documents, to the office to be done during spare time. By way of contrast, when the writer approached the election office of Jersey City, which has slightly over 200,000 registered voters, he was informed by the registrar of voters in charge of the office that neither he nor any of his eighty-five clerks would have any time to give out any information because of the pressure of work. At that time the next election was six months away, and while the pay roll of

the office may have included eighty-five persons, less than a dozen were actually on duty in the office.

Number and Salaries of Regular Office Employees in the Election Offices of the Largest Cities, 1930¹

City	Number of registered voters	Number of office employees	Total salaries	Average salary	Annual cost per registered voter (cents)
New York.....	1,568,305	96	\$315,086.75	\$3,282.15	20.5
Chicago ²	1,264,234	117	239,387.85	2,046.05	18.9
Los Angeles County.....	853,676	25	58,367.48	2,334.69	6.8
Detroit.....	522,842	12	32,570.68	2,714.22	6.2
St. Louis.....	300,653	14	28,399.00	2,028.51	9.5
Baltimore.....	295,929	18	35,200.00	1,955.55	11.9
Cleveland ³	312,900	23	67,594.73	2,938.89	21.6
San Francisco.....	227,979	27	67,522.20	2,871.19	29.7
Milwaukee.....	184,530	2	5,700.00	2,850.00	3.1
Minneapolis.....	218,840	5	7,860.00	1,172.00	3.6
Rochester, N.Y. ⁴	159,617	10	18,666.00	1,866.60	11.7
Portland, Oregon ⁵	148,454	4	6,168.00	1,541.50	4.2
Syracuse ⁶	130,350	2	1,820.00	910.00	1.4
Omaha.....	84,029	5	7,749.96	1,549.99	9.3

¹ Data supplied by the election offices, or taken from their annual reports. In several instances it has been necessary to use the county in which the city is located, since the same office has charge of elections throughout the county. The work of the election offices is not perfectly comparable, for some offices have greater duties with respect to the registration of voters than others, and in some cases certain election functions are performed by other offices. The offices of Newark, Jersey City, Philadelphia, and Pittsburgh are even worse offenders than those included in the table, but because of the division of election work into two or more offices and the difficulty of securing data, these cities have not been included.

² The statistics include, in addition to Chicago, the following suburbs of Chicago, which are under the jurisdiction of the election office: Chicago Heights, Cicero, Berwyn, Summit, and Evergreen Park, with a combined registration of 55,635.

³ The statistics are for Cuyahoga County. The number of registered voters in Cleveland was 224,284.

⁴ Monroe County. The number of registered voters within the City of Rochester was 106,303.

⁵ Multnomah County.

⁶ Onondaga County. The number of registered voters in the City of Syracuse was 83,452. It should be noted also that a substantial part of the office work is done by the two commissioners, whose salaries are not included in the above.

The state election laws usually provide certain legal qualifications for office employees, ordinarily including citizenship, residence, and bipartisan representation. The provision for equal division between the two dominant political parties

tends to increase the party machine control over the office. In most cities the office force is recruited from the ranks of professional politicians, with little attention to clerical ability. There are a few exceptional election offices, notably Detroit, Omaha, Milwaukee, San Francisco, and Los Angeles, where the employees are competent. No private organization would attempt to get along with the type of employee usually found in election offices. The actual qualifications of the office employees of many election offices today are accurately pictured in the following quotation, from a letter of the chief clerk of a large election office:

I well remember some experiences a few years ago before we had our present form of commission and method of conducting elections; it would be difficult to imagine a more incompetent and drunken lot of loafers anywhere than the nondescript outfit that was put on registration and election work, with a few exceptions.

The employees of the election office practically everywhere are appointed by the election board or officer in charge, and are subject to removal at any time. In only a few jurisdictions are they placed under the local civil service system.¹ Spoils politics is the rule. In only a few states is it specifically provided by law that the office employees shall be selected upon the basis of nominations by the party machines, but this is the common practice by reason of the fact that the election boards themselves are selected by the party organizations, and are consequently willing to obey the orders of the machine. In many places the subservience of the election commissioners to the party machine is so complete that no appointment, removal, or promotion is made without "orders."²

¹ The entire office force of the election offices in Milwaukee, San Francisco, and Los Angeles is under civil service, and part of the office force in Boston, New York, and Detroit.

² A former chief clerk of a large election office stated to the writer: "I might as well tell you the truth about the matter. Everybody knows that appointments, removals, and promotions are not handled by the election commissioners. They do only what they are told to do. If a new employee is to be appointed, a promotion to be made, or anything else to be done, the commissioners don't count. It's the organization that counts. Every clerk in this office has some party

Usually the office employees are evenly divided between the members of the election board, each member having control of the appointment and removal or discipline of his own members, subject, to be sure, to orders from the party organization. Because of this even division of spoils, the number of employees is frequently a multiple of the number of commissioners, regardless of the amount of work to be done. In a few states the election law specifies that the office employees shall be divided equally between the two dominant political parties—a provision which stresses party representation and organization control. As a result it is common for extra employees to be taken on in pairs, regardless of whether two clerks are needed, and quite commonly work is assigned by pairs, with two persons doing the work which normally would be performed by one. Where an equal division between the parties is required by law, both parties watch closely the personnel of the office, and if for any reason it becomes unevenly divided, the party with the lesser number of clerks insists upon additional appointments until an equal division is secured.

The qualifications for election office employees under civil service systems are distinctly higher, though in one city the chief clerk jokingly remarked to the writer that the principal experience of the majority of the clerks prior to entrance into the office was baseball.³ If there is a local civil service system the employees of the election office should be placed under it, and in the competitive class. This is unquestionably the most feasible step that can be taken to remove the election office from politics and to improve the personnel.

Ordinarily there is no fixed term for election office em-

leader behind him, and if the clerk dies or leaves the office, that leader gets busy with the organization and sees to it that the place goes to another one of his men. By custom every place in this office belongs to one of the local leaders, but some of them have several places and a few haven't any at all."

³ In New York City the election office is partly under the civil service, but in practical operation positions in the classified service are filled only by transfers and no appointments are made from competitive lists.

ployees. They may be removed at any time, and frequently this occurs when the commissioner through whom they were appointed ceases to be a member of the board. The rate of turnover of election employees, however, is not high. In many offices most of the employees have served for years. This is easy to understand, since the personnel is selected by both party organizations, and a change in administration does not ordinarily occasion removals.

Data on the salary scale of election office employees in the principal cities have been given above. The particular salary scale depends to a large extent upon the relation of the election office to the body which fixes the rates of compensation. If both are a part of the same political machine the result is usually a high salary scale. In a few states the salary is prescribed or limited by statute. This is usually unfortunate because the rate of pay is inflexible, has little relation to the type of work or qualifications required, and is frequently either too low or too high.⁴

The temporary employees are recruited in much the same manner as the regular force. In most cities they are selected through the party organizations and are uniformly incompetent. Their average ability is well illustrated in the following statement made to the writer by a high election officer in a large city:

We get a lot of persons as extra help who have no clerical ability. Some of them can hardly read and write. But most of the time we can use them somewhere, for we have manual work to be done on the booths and the equipment. We try them out and make an effort to

⁴The salary of the employees of the Baltimore election office is definitely fixed by state law. It varies from \$1700 to \$3500 annually, and is quite high for the qualifications required (Acts of 1924, Chap. 466). The high salary scale was explained to the writer to be due to the fact that the state legislature fixes the salaries and the city pays the bill. On the other hand, the registration commission of Philadelphia is seriously hampered by the state law which fixes the maximum compensation which can be paid to the regular employees. It ranges from \$3675 annually for the chief clerk down to \$1200. Only four clerks are provided for under this scale, and all others must be paid not to exceed four dollars per day (Personal Registration Act, Sec. 43). The commission finds it difficult to secure and keep competent persons.

use them somewhere. Before the last election we had one person who wouldn't do any manual labor and who couldn't do clerical work. I called up the ward leader who brought him and told him we couldn't use that man. "Yes you can," he said, "I knew that fellow won't work, but I can't place him anywhere else and you will have to keep him. He is the best precinct captain in my ward." We had to keep him.

A few exceptional offices use ordinary business methods in securing extra help, employing without regard to party affiliation or organization recommendations, and find that they can secure competent persons without difficulty. Under ordinary conditions there are many persons with clerical experience, especially women, who are available. There is a great difference between the type of persons who are sent in by the party machines and those who may be hired through advertisement and selection without regard to political affiliation.

As a general rule the election board or commissioner has full power and discretion in the employment of extra help, and it is only because of the domination of the election board itself by the party machines that these positions are political spoils. The wage for extra help varies from three dollars to six dollars per day. In St. Louis, curiously enough, the salary paid to regular and temporary employees is exactly the same—six dollars per day. Fifty cents per hour is a very common rate.

The temporary employees are taken on and laid off according to the requirements of the election office. A few offices make an effort to secure persons who have worked in the office on previous occasions, but this is not usually done. The cost of extra help varies with the amount of work to be done, the size of the permanent force, and the political exigencies.

Precinct Officers. The precinct election officers determine the character of the elections. The number used in each city varies from a few in the small city to an army of over ten thousand in New York City and Chicago. The bulk of the actual work of holding elections is in their hands, largely without central

supervision and inspection. If they are corrupt and are controlled by unscrupulous political machines bent upon winning elections by fair means or foul, elections will be stolen and malpractices of one kind or another will prevail. If they are incompetent, elections will be conducted in a slipshod, careless, and irregular manner, and mistakes will be prevalent. It is their duty to carry out the provisions of the state law (which they do not know or understand), and to protect the sanctity of the ballot box. Yet it is well known that the great majority of election crimes are actually committed by the election officers themselves. Without the connivance and consent or active participation of the precinct officers, elections cannot be stolen. The greatest single problem of election administration is that of securing honest and capable precinct officers, who are essential to a satisfactory election administration. The problem is by no means simple, especially in the face of a strong political machine and traditions of sharp practices or worse. It is hardly possible to emphasize too greatly the importance of securing satisfactory precinct officers.

Number and Compensation. The number of officers used in each precinct varies in the several states from three to ten. Generally speaking, too many officers are required by law, and too little flexibility is provided to adapt the number to the work of the particular precinct or to the particular election. The absurdity of the situation is most strikingly pictured in some precincts where there are not enough voters in the precinct to man the polls. Precincts can be found in practically every state with less than a dozen voters, which are required according to state law to have a full quota of precinct officers. A few states provide for a precinct board of fewer officers for precincts having less than one hundred registered voters, but such states still require from three to five officers to handle the work which should be done by one person, or, at the most, two.

The number of officers used in each precinct should be determined by the number of the voters of the precinct, the importance of the election, and the amount of work to be

done, all of which can be pretty accurately predicted. In the general elections, at which a long ballot is used, slowing up not only the counting of the ballots, but also the casting of them during the day, more precinct officers are needed than in minor elections, often with very short ballots. Another inflexible feature of the election laws is that the same number of officers are generally used throughout the day and through the count. A few states provide for the use of extra clerks to assist in the count or for a separate counting board (discussed in detail below), but this is exceptional. Many election boards sit around all day with little to do until the rush toward the close of the day. There is no reason for such stupid inflexibility. It may be accounted for largely by the practice of prescribing in minute detail the machinery and procedure in the state election laws. It seems to be assumed that any discretion in this direction is liable to be abused by the county or city officers in charge. A desirable and important improvement in our election laws would be to strike out all provisions governing the number of officers to be used to the precinct, permitting the city or county officer in charge to hire the number of persons required, according to the nature of the election and the size of the particular precinct. Not only that, but it should be possible for the local officers to arrange to put on extra persons toward the close of the day to take care of the rush period and to assist in the count. This would be entirely feasible, particularly as such service would not interfere with the regular employment of the persons so hired. It is not without precedent. The present use of additional counting boards in several states is a precedent for such action, as is the employment in Boston of two extra clerks who go on duty at six P.M. By supplementing the regular precinct officers toward the close of the day the rush period would be handled more smoothly.

In Canada only two officers are used for each board. In Canadian cities the size of each precinct is ordinarily much

larger than in this country, sometimes containing several thousand registered voters. Where such is the case, several boards, the number depending upon the size of the precinct and the number of votes anticipated, are used in each precinct. This practice is superior to that followed in this country in several particulars. It permits greater flexibility, and calls for fewer election officers. The conduct of elections may be much more closely supervised. Responsibility is much better fixed, for the deputy returning officer on each board is in charge, and is responsible for his actions and those of the clerk under him. Election frauds and sharp practices in Canada are practically unknown. It is significant that the Canadian practice does not call for partisan representation on the election boards. The administration appoints the returning officer for each district, who in turn appoints his deputies, and each deputy chooses his clerk. The parties are permitted to have watchers, but these watchers are not put on the election board and paid a salary from the public treasury. It may be noted also that the ballots in Canada are very short in comparison with those in this country, and the problem of counting is much simpler.

The salary paid to precinct officers, as indicated in the table below, varies tremendously. Why should Jersey City and Newark pay their election officers twenty-five dollars per day, while Louisville pays only three dollars? Probably both extremes are unwise. To pay over ten dollars per day for election officers makes a plum of the position, eagerly sought after because of the salary, and does not necessarily attract capable persons. But a wage of three or four dollars per day makes the position unattractive to capable persons and hampers the officers in charge. A reasonable compensation, between these two sums, depending upon the general scale of wages in the locality, would seem to be better public policy. The experience of many cities indicates that competent persons can be secured for a salary of five dollars to ten dollars

ELECTION ADMINISTRATION

Number and Salary of Precinct Election Officers in Selected Cities¹

City	Number	Titles	Salary	Notes
Atlanta	6	3 managers 3 clerks	\$8 5	
Baltimore	6	4 judges 2 clerks	12 12	
Birmingham	6	1 returning off. 3 managers 2 clerks	2 2 2	
Boston	8	4 inspectors 2 special insps. 1 clerk 1 warden	11 6 13 13	Go on duty at 6 P.M.
Boulder	5	3 judges 2 clerks	10 5	An extra counting board is used in large precincts at the general election.
Chicago	5	3 judges 2 clerks	10 10	Double pay for presidential election.
Cleveland	6	4 judges 2 clerks	10 10	
Denver	5	3 judges 2 clerks	10 10	An extra counting board is used in large precincts.
Detroit	3-7	1 supervisor 2-6 inspectors	16 16	
Grand Forks	5	1 inspector 2 judges 2 clerks	4 4 4	In small elections only 3 officers used: one judge and 2 clerks.
Indianapolis	5	1 inspector 2 judges 2 clerks	12 12 12	
Kansas City	6	4 judges 2 clerks	6 6	
St. Louis		1 inspector	10	
Los Angeles	6	2 judges 3 clerks	10 10	Only 4 officers used in municipal elections, in precincts of less than 100 voters, and if voting machines are used.
Louisville	4	2 judges 1 clerk 1 sheriff	3 3 3	
Memphis	8	1 officer of el. 3 judges 2 clerks 2 registrars	2-3 2-3 2-3 2-3	
Milwaukee	5	3 judges 2 clerks	14 7	The clerks do not assist in the count.
Minneapolis	5	3 judges 2 clerks	8.37 same	Plus 10 cents per hundred votes. Three extra clerks used in heavy elections.
Newark	4	1 judge	25	
Jersey City		1 inspector 2 clerks	25 25	

¹ Information secured from the election office in every case.

Number and Salary of Precinct Election Officers in Selected Cities (Continued)

City	Number	Titles	Salary	Notes
New York City.	4	4 inspectors	11	Two extra clerks used when voting machines are not used.
Omaha.....	10	1 inspector 5 judges 4 clerks	5 5 5	Four of these officials go on duty at 3 P.M. and conduct the count.
Philadelphia...	5	1 judge	20	
Pittsburgh.....		2 inspectors	10	
		2 clerks	10	
Portland.....	10	1 supervisor 1 chairman 4 judges 4 clerks	4.50	Two boards, a counting and casting board.
Richmond, Va..	5	1 chief 2 judges 2 clerks	10 7.50 7.50	
Rochester, N.Y.				Two extra clerks if paper ballots used, except in primary.
Syracuse.....	4	4 inspectors	10	Also 50 cents extra for overtime.
Salt Lake City	4	3 judges 1 registrar	3 3	In precincts of over 300, registered voters, a counting board of 4 officers is used.
Springfield, Ill..	5	3 judges 2 clerks	6 6	
Seattle.....	3	1 inspector 2 judges	50 same	Cents per hour. If paper ballots are used, 2 extra clerks.

per day (provided suitable means are used to recruit them), and there is no reason why the cost of elections should be made unduly high by paying excessive salaries to precinct officers.

In many states the salary paid to precinct officers is fixed by statuté. This would seem to be entirely unnecessary and unwise. There is considerable variation in the going wage scale in different parts of every state, and the rate of pay should be fixed rather by the city council or the county board with reference to local conditions. This is already the practice in a number of states and works quite satisfactorily.

Qualifications. The election laws of every state require certain qualifications of precinct election and registration officers, usually including length of residence in the state, city or county, and precinct, ability to read and write, qualified as an

elector, and good character. These requirements, with one exception, have little influence upon the character of the appointments. Other factors are more important, particularly the initiative of the election office, the prestige of the position, traditions, custom, and the character of the political organizations. The requirement of residence in the precinct, however, has unsuspected and far-reaching consequences. Upon first thought it would seem to be a reasonable and wise provision, but in actual operation it greatly hampers the selection of capable and responsible precinct officers. This is particularly true of the poorer sections of the large city. In many precincts of any large city it is difficult to get a sufficient number of satisfactory persons to volunteer to serve as precinct officers. Many election commissions, therefore, have found it necessary to accept the nominations handed in by party organizations, whether or not the acceptance of such lists is required by state law. In a few cities, particularly Detroit, Omaha, and St. Louis, residence in the precinct is not required, and the election office has been able to recruit competent persons from the city at large without regard to precinct lines and later to assign them to precincts. In these cities it has been found desirable to break up precinct cliques under the domination of the precinct political workers by bringing in outsiders to serve on the precinct boards.⁵

The state election laws in practically every state provide that the precinct officers shall be divided between the two major political parties. In some states the law provides for an absolutely even division, but in most states an odd number of officers is used in each precinct, and the party in control of the election machinery is permitted to appoint a majority of the officers. Bipartisanship, which is discussed elsewhere, is particularly strong in election administration. It is commonly

⁵ Mr. Oakley E. Distin, Chief Supervisor of Elections of Detroit, in a letter to the writer, stated:

"We feel that we have a very high class grade of election officials in Detroit, but found it desirable long ago to break up neighborhood boards to prevent any attempt at collusion."

believed that elections would be highly corrupt and fraudulent without the policy of placing official representatives of both parties on every election board. The fundamental philosophy is that, because of the opposition of each party to the other, the party representatives will see to it that no frauds or malpractices are committed. A significant corollary to the doctrine of bipartisan representation on the election boards is that, in order to secure real representatives of the two parties, it is necessary to permit the parties themselves to select their representatives. This principle has resulted in turning over the election personnel to the political parties to be used as patronage, and has permitted unscrupulous party organizations in some large cities to place crooks, thieves, and persons with criminal records on the election boards purposely to corrupt the election. The practice of bipartisan representation places the most bitter partisans in charge of elections—the very persons who are personally and often very vitally concerned with the outcome of the election. Common sense would dictate that such persons should be prevented from having anything to do with the conduct of elections, and that the election officers should not be active partisans. The theory that each side will watch the other is not valid, for many election frauds are committed with the mutual connivance of the election officers of both parties. The opposition of the two political machines to each other, particularly in large cities, is often a myth, and can never be relied upon in any precinct to safeguard the ballot box. The practice of political organizations of making deals with each other is very common. Another important consideration is the fact that the direct primary elections in many states have become more important than the final election, the nominees of the dominant party being practically assured of election. This transfers the real contest from the election to the primary. The principle of bipartisanship as a means of safeguarding the purity of the ballot box breaks down altogether in the direct primary elections, for in the precincts where frauds are likely to be com-

mitted the attitude of the officers of each party is often to pay no attention to the counting of the ballots of the other party, agreeing mutually to let each other have an entirely free hand. Unless watchers are present, the election officers are free to do as they please. Bipartisan election boards serve no purpose in non-partisan elections, except where the election is non-partisan only in form. Ordinarily the two political parties withdraw from non-partisan elections within a few years after this form of ballot is adopted,⁶ and where such is the case, no valid defense can be made for the use of bipartisan election boards in such elections.

In a few states the bipartisan requirements of the state law have been tempered by the opinions of the attorney general of the state or by other means, and with wholly beneficial results. In California the attorney general has ruled that where it is impossible to secure the proper number of officers from each of the two major parties, the election may be conducted without such representation. As a result, in Los Angeles and San Francisco, little attention is paid to the party affiliation of applicants for election positions, and persons are appointed upon the basis of fitness alone. This is particularly true of San Francisco, but in Los Angeles the election positions are the perquisites of the county commissioners within their respective districts. In many communities it is difficult to secure representatives of the minority party to serve on the election boards, owing to the limited number of persons belonging to the minority party, and in such cases it is customary for other persons to be selected. This has not led to election frauds. It is now pretty well established in the minds of capable observers that honest, upright citizens, not actively identified with party machines, regardless of party affiliation and the representation of the two political parties, are needed on election boards, and that the turning over of the election machinery to the party machines to be used as patronage is highly

⁶ This statement may be challenged, but it has been the observation of the writer.

conducive to election frauds. Bipartisanship, with its attendant practice of permitting the party organizations to name the precinct officers, turns over the personnel to the precinct captains, who in many districts are unscrupulous and will make use of this power to place on the boards persons who will steal the election and carry through any orders which may be given to them. The fact that more than three hundred election officers in Chicago had police records, which was brought out in a hearing conducted in 1930 before the county judge, is ample proof of this statement.⁷

The qualifications required for a satisfactory precinct election officer are not unusually high. A bank clerk is likely to make a better officer than a bank president, and a person with only a high school education may be more suitable than a college professor. The essential requirements include the following: character—honest, respectable, reputable, law-abiding; clerical ability—fair or better, with special attention to penmanship and arithmetic; personality—able to handle voters with courtesy and dispatch and to get along with fellow officers; intelligence—able to understand and carry out simple printed instructions. The methods of selection now in general use disregard all of these requirements. The best qualified persons, or even persons of average qualifications, are not brought into the service; on the contrary, the very persons who, by any decent system of selection, would be weeded out, are appointed. The typical defense of the character of precinct officers, made to the writer on many occasions, is that they are above the average run of citizens—respectable and of fair ability in the better precincts, less respectable and of less ability in the poorer precincts. The common appraisal by persons outside of the election office, persons who do not feel called upon to make a defense, is quite different; it is that the officers are far below the average of the precinct in which they serve. Particularly is this true in the worst precincts where the corrupt officers are the servile tools of the

⁷ See Chap. IX.

political machines. Persons posted on election matters know well that nine out of ten election frauds to-day are caused by corrupt election officers.

Selection. The well-nigh universal method of selecting precinct officers is appointment on recommendation by the party machines. This is prescribed in a few states by the election law itself, but elsewhere custom, tradition, and the subservience of the election boards bring about the same result. The common defense of this practice offered by election commissioners is that they would be unable to get enough people to serve if they did not accept persons recommended by the party organizations. "What in the world would we do," queried an election commissioner to the writer, "if the party organizations did not hand in lists of persons who are willing to serve? Why, you don't realize how hard it is to get people to serve on election boards." Notwithstanding this assertion, a number of election offices appoint precinct officers without any party recommendations whatsoever, and find little difficulty in getting people to serve, once it is known that the election office itself, and not the precinct politician, makes the actual selections.

This delegation of the power of selection to the political parties, and hence to the precinct captains, works out most unfortunately. It goes without saying that the persons appointed are chosen with little or no consideration of their qualifications, but rather with a view to their usefulness to the precinct captain. The positions on the election and registration boards of the precinct constitute a large item of political patronage, and are effectively used by the well organized political machine. The total number of precinct officers in New York City in 1929 was 13,644,⁸ while the number in Chicago was over fifteen thousand. In most states there are from five to seven officers for each precinct, and, in some cities where elections are held frequently, the annual earnings per

⁸ Board of Elections of New York City, Annual Report, 1929, p. 12.

officer are quite high. In Chicago, in some years, it runs as high as one hundred dollars.

The general practice of the precinct politician in selecting these officers is well summed up in the following statement made to the writer by a successful precinct captain:

I always give the jobs to the persons who can swing the most votes for me. I usually figure on from four to ten votes for every position on the election board. Sometimes I appoint a person because he comes from a family with a large number of voters, or is related to a large number of voters in the precinct. This is usually sufficient to get all of them to vote, and vote the right way. Occasionally some family or group of voters are getting dissatisfied and I have to give them something to keep them in line.

The formal procedure for appointing precinct officers varies considerably from state to state, but the principal features may be stated. In the largest cities, and elsewhere to a certain extent, the prospective precinct officer is required to file a written application, giving the required information, such as name, age, address, length of residence in the city and the precinct, occupation, and party affiliation. As a general rule, the items cover the legal qualifications for the position and are used to make sure that the applicant is legally qualified, rather than to ascertain whether he would make a suitable officer. In a few cities the written application is scrutinized to judge the penmanship of the applicant, and the occupation is used to give preference to persons of clerical experience. The occupation and the name of the employer, if used with discrimination, serve to indicate much about the clerical ability and the general standing of the applicant. For example, in Detroit many bank clerks are used. They are a very satisfactory class of election officers, and can be secured because of the fact that election days are legal holidays.

Philadelphia employs one of the most pernicious systems possible for the appointment of registration officers. Appointments are made upon the basis of formal petitions, which must be signed by the applicant and five witnesses, who must be

registered voters of the same party and residents of the same precinct. The petitions must be sworn to before a notary by the applicant and one of his signers.⁹ Theoretically this procedure secures a guaranty of the integrity and standing of the applicant in the precinct, and also make it possible for the party voters not controlled by the political machine to secure appointment. Actually the procedure is so difficult that only the political machine will take the trouble to get the necessary signers and to file petitions in many precincts, especially in the worst sections of the city. The registration commission does not have the power to seek out and recruit competent persons. Respectable citizens, who would be willing to serve if appointment could be secured merely by filing a written application, are unwilling to take the trouble to canvass their friends for signatures, go before a notary with one of the signers, and finally submit the petition to the commission. The term of the precinct registration officer is only one year, and new petitions must be submitted every year. This procedure operates to discourage competent and respectable citizens from serving.

The election officers in Pennsylvania, consisting of one judge and two inspectors, are elected by popular vote at the general fall election every two years.¹⁰ The two clerks are appointed by the inspectors. This system of popular election of the precinct election officers is thoroughly vicious, and, no doubt, accounts in part for the fraudulent elections which have existed in the state for years, particularly in the larger cities. It might be supposed that the practice is salutary and safeguards the purity of the ballot box, and in actual practice it does work satisfactorily in the better sections of large cities and is generally satisfactory in rural sections and smaller communities, but in the machine controlled wards of large cities it is the worst possible system. The machine can easily

⁹ Personal Registration Act. Sec. 7.

¹⁰ Election Laws, Chap. 15, Sec. 1. This practice also prevails in a few other states.

place in these offices any persons they may desire, for the average voter has little or no interest in the position, but it can not be held to any responsibility for crooks, thugs, and thieves who may be popularly elected. It is fundamentally unsound to place such a minor office on the ballot. It effectively prohibits any possible control over precinct officers and makes it impossible for civic organizations or conscientious officers in charge of elections to secure honest and capable officers. Persons who would make satisfactory precinct officers will not ordinarily announce their candidacy and solicit their friends for votes. The candidates of the political machine are usually unopposed. There is no dignified way by which the patriotic citizen may volunteer his services to serve as an election officer.

In a few states the law requires applicants to appear at the election office to be "examined" before appointment. The examination in reality is usually nothing more or less than a written application. In New York City an actual examination is required of persons who have never served as election officers, but there are several loopholes through which an applicant may escape examination. He may be appointed to fill a vacancy at the polls, and thereafter be appointed without examination because of previous service. The election office makes no attempt to verify the statement of the applicant in regard to previous service, and any person desiring to avoid the examination can allege previous service. The examination, after all, is loosely given and has little if any merit. A pamphlet of election instructions is sent to new applicants, and they are examined upon their knowledge of the election laws derived therefrom. The examination is farcical, with only a negligible number of candidates (1 to 2 per cent) being rejected. Official investigations made some years ago revealed that the answers to the questions were circulated and even left on the table at which the examination was being given, that copying the answers was permitted, that papers were graded without even a glance at the answers, and that from 1909 to 1912, out of a

total of 28,310 persons examined, only twenty-three, or less than one person in a thousand, failed to pass.¹¹ The examination has never been more than a qualifying test, designed to prevent the party organizations from appointing palpably unfit persons, and it is pretty generally agreed, both in the election office and by outsiders, that it serves little purpose. In 1911 New Jersey enacted a law providing a non-competitive examination for precinct officers, administered by the state civil service commission.¹² Examinations were held in every county in the state, but were limited to persons recommended by the organizations of the two major political parties and to other persons who submitted a petition for examination signed by five voters of the same party affiliation in the precinct. The examinations were merely a qualifying test, and provision was made for appointment of election officers by the judges of the court of common pleas in case any precinct failed to have a sufficient number of persons qualify. Applicants were required to have resided in the precinct for one year. The examination was to cover the following: ability to distinguish colors, to read, and to add and subtract correctly; penmanship; knowledge of the election laws; health; eyesight; and character. Appointments were made by drawings from the list of eligibles.

At the start the law worked satisfactorily, but after the first year difficulty was encountered in getting a sufficient number of applicants to take the examinations. Party organizations soon learned that few or no independent applications would be made and that they could disregard the examinations and have their candidates appointed by the judges of the court of common pleas. The annual report of the state civil service commission in 1911 contained the following statement:

¹¹ Commissioner of Accounts (Raymond B. Fosdick), Report of a special examination of the accounts and methods of the Board of Elections, December 28, 1910, and a second report with the same title by Commissioner Leonard M. Wallerstein, September 4, 1915.

¹² Session Laws, 1911, Chap. 183.

As a rule the examinations were conducted smoothly and with little difficulty. Many of the candidates were men who had formerly served as election officers under the old law. It was frequently remarked by observers who were acquainted with local conditions that these were the better class of old election officers, and that the entirely new candidates who presented themselves were, as a rule, of a better class than many who had formerly manned the polls on purely political appointment.

In later reports the commission pointed out the lack of candidates and other difficulties encountered in operating the law. In 1916 the legislature failed to make an appropriation to conduct the examinations, but the commission went ahead without funds,¹³ and in 1920 the law was repealed.¹⁴

The New Jersey experiment was unsuccessful because of the following substantial defects in the law: first, too much emphasis was placed upon a formal examination; second, examinations were virtually confined to candidates submitted by the party organizations; third, a loophole was provided by which the organizations could have their candidates appointed without taking the examinations; fourth, residence in the precinct was required; and fifth, the civil service commission was given no power either to seek out desirable candidates and to encourage them to take the examination or to adapt the examination procedure to the situation as it developed. The New Jersey experience, therefore, does not conclusively prove that the merit system cannot be applied to the selection of precinct officers, but it does indicate that too much emphasis should not be placed upon a formal examination.

In rural sections and smaller cities appointments are usually made upon the basis of personal acquaintance, and there is no particular difficulty in securing satisfactory persons without any formal or detailed procedure. Sometimes appointments are made after consultation with the precinct political

¹³ Civil Service Commission, Annual Report, 1917.

¹⁴ Session Laws, 1920, Chap. 349.

workers, though usually without delegating the actual selection to them. In many rural sections, however, the precinct political captains dictate the appointments fully as much as in any large city. In many communities where the political party organizations have declined in strength and no longer control appointment of precinct officers, the actual selection is made either by the members of the city council or by the county commissioners, depending upon state law, and these positions have come to be looked upon as a personal perquisite of such officers. Selection by councilmen or county commissioners is usually made with an eye to building up a personal machine, and with usually little attention to the qualifications necessary for the position. City clerks and county auditors or clerks in charge of elections in many states have complained to the writer about the poor type of precinct officers appointed by the councilmen or commissioners. This method of selection involves a personal patronage instead of political patronage, but the results are only slightly better. The officer in charge of the elections in the city or county should have the power of appointment. He can be held responsible for his appointments and will be more careful of his selections.

The election commissioners of St. Louis, within the last several years, have made appointments without regard to party nominations, and have evolved a significant technique of selection. The commission has the power to compel service, and when new officers are required a panel of citizens who are residents of, or employed within, the ward is made up and notices are sent out requesting them to appear at the election office for examination. The applicant makes out a formal application when he comes in, and this is checked by an office employee. The applicant is then interviewed by one or more members of the commission. In most cases the commissioner has little difficulty in passing upon the qualifications of the applicant. Persons of obviously poor clerical ability and those who are personally unfit are quickly rejected. The occupation

and business connections are used as an indication of the standing of the applicant. Informal contracts are made with the largest business firms to supply an agreed number of their employees. Since the state election law does not require residence in the precinct, but simply the appointment of persons who reside or work in the ward, the precinct officers of the down-town wards are drawn largely from persons who are employed in the ward but reside outside.

This system has worked with a high degree of satisfaction. At first a few citizens objected to being compelled to serve, but this has largely stopped. There is no longer any question of the honesty of the conduct of elections. The only dissatisfied group is composed of the politicians, who speak with disgust of the "silk stocking" precinct officers. The change was made without any statutory revision, except the repeal of the requirement of residence within the precinct.

The method of selecting precinct officers in Omaha is somewhat similar to that in St. Louis, except that no panel of prospective appointees is made up. When the present system of election administration was started in Omaha, the single election commissioner called upon the best citizens of the city to serve on the election boards, particularly in the "river" wards where the political "gang" had its stronghold. The election commissioner was a man of vigorous personality and refused to excuse even his best friends from service. He told the leading citizens that it was their duty to serve and thus put a stop to the election frauds and irregularities. The story is told that in one precinct a politician arrived at the polls with the intention of "bulldozing" the "high-brow" election officers. When he found that the cashier of a leading bank, the manager of a large wholesale house, and a prominent attorney were the judges of election, he hastily quit the room and remarked to a henchman, "That's a h—l of an election board." No longer is it necessary to recruit the leading citizens for positions on the precinct election boards, but substantial, respectable citizens are selected without party recom-

mendations and without attention to precinct or ward lines. The power to compel service has not been used within recent years. No formal system of examination is given for the relatively few new election officers required each year. They are recruited largely from voluntary applicants and from personal acquaintances of the election commissioner and his assistants.

In Detroit a high wage is paid to the members of the precinct election boards—sixteen dollars per day. Since it is well known that the selections are made by the election office itself, without regard to party recommendations, the voluntary applications are sufficient to fill all vacancies. No regard is paid to party affiliations and little to precinct lines. Many of the banks are glad to have their clerks serve, since election days are bank holidays and election service exempts one from jury service. The candidate must appear in person at the election office to make out an application, giving among other things his occupation and the name of his employer. The clerk in the election office interviews the applicant and makes a note of rating upon the application record. Appointments are made largely upon the basis of occupation, standing of the employer, penmanship, and personal appearance.

The experience of these three cities provides proof that it is possible to divorce election administration from machine control, and secure competent persons to serve as precinct officers. If the requirement of residence in the precinct is abolished, if adequate salary is paid, and if it is generally known that the election office and not the party machine makes the appointments, little trouble will be encountered in securing competent persons. None of these cities relies upon a formal examination. Personal interviews are used to weed out persons with an objectionable personality and those who are otherwise unfit. This procedure is essentially sound and is more suitable than a written examination upon the duties of election officers, such as is given in New York City.

The prospective election officer should not be expected to

know the election law; this he can learn after appointment and through experience. The most desirable type of citizen will not be willing to study the law and to take an examination on it to secure the position. The recruiting process should test the reputation, clerical ability, and integrity of the applicants rather than their knowledge of the election law. Formal examinations are unnecessary and are likely to keep away the most desirable persons. A written application covering the legal qualifications and also the occupation, name and address of employer, references, and a few other items is more suitable and less objectionable. If it is used in conjunction with a personal interview by a member of the election commission or the chief clerk, ample information will be secured for making proper selections.

The procedure of application and selection should be made as convenient and easy as possible for the respectable citizen who is willing to serve for patriotic rather than partisan reasons. He should be required to come in person to the election office only once. There is no point in requiring old election officers to file new applications every year or every two years, as is frequently done. The election office should keep the original application and record of appointment on file, as well as a simple personnel record, and thereafter make reappointments without the bother of new applications. Form notices may be used to ascertain whether old officers are willing to serve again. In various other ways the position of election officer could be made more attractive to the citizen. Trips to the election office for supplies and salary, and other hardships, should be avoided.

The term of the precinct officers varies from one to four years. It is not a matter of great importance what the term provided by law is, though a longer term is desirable; but the turnover of election officers does matter. Whether the term is one, two, or four years, an attempt should be made to hold every precinct officer for at least four years. Frequently a good election officer is willing to serve continuously year

after year, and every effort should be made to retain the services of such persons.

In a number of states the election law requires that the names of the prospective appointees be advertised and a formal session held to hear objections. This procedure is expensive and of little value, since few objections are ever raised. It would seem to be a better procedure to stress careful selection of precinct officers rather than to provide methods for protests. If some provision for the latter is deemed necessary, a more feasible and less expensive method would be to require the election office to post a list of prospective appointees a week before the appointments are made, and to permit any citizen or organization to scrutinize the list and to file complaints, which would be heard before final appointments were made. If the election board is given the power to make removals and will exercise this power upon complaint, there is little need for this procedure. In about half of the states the appointing officer is specifically given the power of removal, and in most other states it is implied. It is, however, unusual for election officers to be removed.

Discipline. It is not at all easy for the election office to bring the necessary pressure to bear upon the precinct officers to make sure that they comply with the law and instructions, and conduct the elections and registrations properly and courteously. Precinct officers are often negligent and discourteous, and frequently perform their work in a slovenly and irregular manner. Some years ago the office of the superintendent of election of the State of New York examined the registration books of various counties and found a very large number of clerical errors and omissions. In Chicago it is not uncommon for the precinct officers to omit filling in the data on the second page of the registration books. If the election office could exercise effective discipline in cases of this kind the whole tone of election administration would be improved. At the present time little discipline is exerted over precinct officers, especially where the party organizations are strong.

The principal means of disciplining the precinct officers is the threat of criminal punishment for violation of election laws. This is largely ineffective, since it is very difficult to secure convictions and only rarely is any attempt made. The possibility of criminal punishment is so remote that it has little effect upon the conduct of precinct officers. It is necessary to develop other means which may be used more freely.

In Chicago the election commissioners are appointed by the county judge, and the precinct officers are legally officers of the court. The county judge by reason of this fact may punish the precinct officers for contempt, if it is proved to his satisfaction that they are guilty of misconduct or failure to perform their duty. It is not necessary to prove their guilt before a jury. In former years this power was used extensively and effectively, and instilled a desirable fear in the precinct officers,¹⁵ but it was permitted to lapse almost into disuse. It has been recently revived, however, by the present county judge.¹⁶ In the hands of an energetic judge, this constitutes a powerful weapon for disciplining precinct officers. It may be objected to, however, on the ground that contempt of court should be restricted to purely judicial procedure.

In a few cities the election office has resorted to the device of withholding the salary of the precinct officers, or threatening to do so, as a means of securing compliance with certain provisions of the law and instructions. This has always had excellent results. In Columbus, for example, the precinct officers in former years never returned the supplies, such as ink, pens, and pencils. A few years ago the election office threatened to withhold the salary of any board which failed to return the supplies, and since that time they have been returned in every case. Other cities have had similar results from the use of this threat.

It would be entirely feasible and practicable to authorize the election office to refuse to pay the salary of any precinct

¹⁵ This was particularly true of the administration of Judge Orrin C. Carter.

¹⁶ Judge Edmund K. Jarecki.

board or member for failure to perform in any respect their duty as election officers. A provision of this kind would be much more effective than a threat of criminal punishment, for it could be applied without the formality of a trial and could be used more freely. It should not displace in any way the present lengthy penal provisions in the election laws, but should provide a supplementary means of discipline. Hearings before the election commission should be conducted in a summary manner and its findings should be final with respect to whether the salary should be paid or forfeited. The pay of all precinct officers should be held up for a week or ten days following an election or registration. This would permit the election office, before mailing the officers' compensation, to check over the records to ascertain whether any officer or board had failed to comply with the law or to perform the required work, and also to entertain any complaints.

Election and registration records should always be checked over on their return to the main office, in order to make sure that they have been made out properly. Any officer failing to comply with the law and instructions should be called in and required to explain his failure, and to make corrections wherever possible. If precinct or field officers know that their work will be inspected and that negligent work will not be accepted, there will be little trouble encountered on this score. This is probably the most effective means of securing thorough and careful work, especially if the election office has the power to withhold salary. Most offices at the present time make no sort of inspection of the work of precinct officers, thus inviting negligent and irregular work.

Summary and Conclusions. Most of the existing ills in the organization and personnel of election and registration administration are caused by the degradation of the service to spoils politics. The registration and election officers, from top to bottom, are frequently incompetent and sometimes corrupt. The bitterest and most unscrupulous partisans are placed in

charge, whereas public policy should indicate that they keep hands off. The most fundamental reform in the administration of elections and registrations is to take it out of the hands of the politicians. This is easier said than done. The principle of bipartisanship has broken down wherever it has been tried. It is based upon an assumption which is usually untrue—that the two party machines are actively opposed to one another. It is common for the dominant political machine, particularly in the wards of a large city where election frauds occur, to control the party organizations of both major political parties.

As long as the chief election officers of the city or county are selected and controlled by the political machines, no progress can be made. It is difficult to devise any law which will definitely and surely take the administration of elections and registrations out of the hands of the party machines. The most feasible steps in that direction are: first, provide for a single election commissioner or place the administration in the hands of one of the regular officers of the city or county; second, do away with all requirements of bipartisanship all along the line; third, eliminate the requirement of residence in the precinct for precinct officers; and fourth, place full power and responsibility for the administration squarely upon the chief officer, with the hope that he will shoulder this responsibility and refuse to turn over the office to the political machines.

Technical advancement in election administration will probably come through greater state supervision. The state election laws are ineffective as a means of securing uniform and thorough administration, and should be largely displaced by administrative regulations and instructions, issued by a professional state office in charge of elections and registrations. The gross mismanagement of elections and registrations, which is always brought out in election contests, indicates that the present methods of supervision and control exercised by a decentralized administration are ineffective.

CHAPTER V

BALLOTS

The written ballot made its appearance in the New England colonies very early. It was adopted for the election of the governor and deputies in Massachusetts in 1634, and continued thereafter, though the corn and bean ballot was used for a period for the election of assistants.¹ Other New England colonies within a few years followed Massachusetts and adopted written ballots. The Hartford Constitution of 1638 provided for the election of officers by written ballots² and when the government of Rhode Island was organized in 1647 the use of a written ballot was required.³ The constitutions of all of the New England states during or immediately following the Revolutionary period provided for paper ballots.

Paper ballots were not used so widely in the Middle Atlantic group of colonies. Pennsylvania provided for paper ballots in 1682 and 1683, but it appears that ballots were not actually used in all elections for some time.⁴ Delaware also used ballots for a period during the proprietary government, but when it reverted to the Crown in 1701, voting once more returned to the *viva voce* or show of hands methods.⁵ These methods were also used in New York until the adoption of the constitution of 1777, when provision was made for experimentation with the paper ballot.⁶ New Jersey in 1794 provided by statute for the election of members to the legislative

¹ Bishop, C. F., History of elections in the American colonies, p. 141.

² *Ibid.*, p. 150.

³ Rhode Island Colonial Records, Vol. I, p. 148.

⁴ McKinley, A. E., The suffrage franchise in the thirteen English colonies, p. 277.

⁵ Evans, E. C., History of the Australian ballot in the United States, p. 4 (1917).

⁶ Constitution, 1777, Secs. 6, 17.

council and to the general assembly, and sheriffs and coroners by ballot.⁷

In Southern colonies *viva voce* voting prevailed widely during the colonial period, and was not abandoned until the Revolutionary period or after.⁸

With the adoption of written ballots various abuses and frauds appeared, sometimes followed by a temporary return to *viva voce* voting or to a show of hands. A common fraud was the placing of more than one ballot in the box, and several colonies accordingly provided that the ballots should not be rolled up. With the increase in the number of officers to be elected, various states legalized the use of a printed ballot, though at first the voter was required to write out his own ballot, or to have it written out for him. In 1829 a voter of Massachusetts was denied the right to present a printed ballot to the election officers, and in the famous case of *Henshaw v. Foster*⁹ the supreme court of the state held that a printed ballot was valid. The necessity for printed ballots was obvious, for even at this early date the voter cast his ballot for fifty-five different persons.

With the legalization of the printing of the ballots, other abuses and sharp practices arose. The political parties printed their ballots upon colored paper so that they could be readily distinguished at the polls, and by this method secrecy was destroyed. Often the ballots were printed in flamboyant colors, with distinctive designs so that they could be recognized across the street. The state legislatures recognized these abuses and enacted laws to protect the secrecy of the ballot, requiring the use of white paper, or official envelopes. The latter provision, adopted in Massachusetts and Rhode Island,¹⁰ was within a few years nullified by an amendment

⁷ Evans, p. 7.

⁸ North Carolina abandoned *viva voce* voting in 1776; Maryland and Georgia in 1799; Arkansas in 1846; Missouri in 1863; and Kentucky not until 1890. See Evans, p. 5.

⁹ Pickering 312.

¹⁰ Massachusetts Acts and Res., 1851, Chap. 226; Rhode Island Laws, 1851-53, pp. 83-84.

making it optional, while the requirement that white paper be used for the ballots was ineffective, since the party organizations used different shades and thicknesses of white paper. Even where the ballots were not distinguishable, there was nothing to prevent the vote buyer from placing a ballot in the hands of the bribed voter and watching him until he placed it in the box. The elections were not secret, and bribery and intimidation were rampant throughout the country. Congressional investigations from time to time revealed this state of affairs.¹¹

Other serious abuses developed in the use of paper ballots which were prepared and distributed by the party organizations. Often fake ballots, which appeared to be of one party, but which in actuality contained only a few candidates of that party—just enough to fool the unwary—were distributed. With a large number of officers to be elected, even the discriminating and intelligent voter might be victimized by such tactics. In some elections the political organizations agreed upon a common slate and the ballots put out by both organizations were identical. Candidates whose names were not printed on these ballots stood no chance whatever of election.

The cost of printing and distributing the ballots was large, and constituted an excuse for the party organizations to raise large sums of money and to assess the candidates of the party. Often this money was used corruptly. Another defect was that the voting public was often not acquainted with the names of various candidates, nominations frequently being made upon the eve of the election. Another evil was the rowdy tactics and disorderly conduct at the polls, caused in large part by the bribery, intimidation, and drinking which went along with the use of unofficial ballots.

History of the Australian Ballot.¹² These were the principal election abuses which led to the rapid adoption of the Australian ballot in this country from 1887 to 1900. The Aus-

¹¹ Evans, pp. 10-14.

¹² The most complete account is given by Evans.

tralian ballot, as the name implies, was first adopted in Australia. The evils of the *viva voce* voting appeared in a virulent form in Australia, where elections were frequently conducted with great disorder. As early as 1851 Francis S. Dutton proposed the secret, official ballot. For several years no action was taken, but in 1857 Dutton became a member of the government of South Australia and the measure was adopted. It had already been enacted in Victoria in 1856, and was later adopted in Tasmania and New South Wales in 1858, New Zealand in 1870, Queensland in 1874, and West Australia in 1877. In England the secret ballot had been agitated for since 1830, owing to the abuses of *viva voce* voting. It was supported by such statesmen as Macauley, Bright, Cobbett, Hume, and O'Connell, but was opposed by Lord Derby, the Duke of Wellington, Lord Palmerston, and John Stuart Mill. In 1868-69 the speech from the throne advocated the creation of a committee to inquire into the conduct of elections, and such a committee was appointed, headed by the Marquis of Hartington. It inquired into election practices in various countries, including Australia, and as a result a secret ballot was enacted into law in 1872.

In the United States the adoption of the Australian ballot was advocated in a pamphlet, on "English Elections," published by the Philadelphia Civil Service Reform Association in 1882. This publication was followed in 1883 by an article from the pen of Henry George in the *North American Review*, recommending the English system as a cure for our election abuses. A bill providing for an Australian ballot was introduced in the Michigan legislature of 1885 and again in 1887, but failed of passage. A Wisconsin bill of 1887, applying to cities of over 50,000 population, was passed, but with the compromise provision that the ballots were to be printed by the party organizations and distributed by state officers. Kentucky in 1888 passed the first Australian ballot law, but it applied only to municipal elections in the city of Louisville. Even at that time the state constitution of Kentucky still re-

quired *visa voce* voting in state elections. Later in the same year Massachusetts enacted an Australian ballot law. In 1889 seven states enacted election laws providing some form of the Australian ballot,¹³ and during the next ten years it was adopted widely throughout the country.

The Form of the Ballot. The term "Australian Ballot" is generally used to designate an official ballot, printed at public expense, by public officers, containing the names of all candidates duly nominated, and distributed at the polls by the election officers.¹⁴ The principle of such a ballot is now well established. The latest adoption was by North Carolina, which enacted an Australian ballot law in 1929 for the entire state, having had only a law of limited application prior to that time. While the principle of the Australian ballot has become practically universal in this country, many variations of it have been enacted into law, and few states have followed the original Australian ballot law in all of its details. Ballot laws have been enacted in most states as a result of a compromise between the ballot reformers and the political forces opposed to any change, and as a result modifications designed to retain the strength of the political parties have been adopted. This is particularly true of the form of the ballot. The true Australian ballot contained the names of the candidates under the name of the office for which they were running, grouped together, and without party designation. The Massachusetts law of 1888 added the party designation of each candidate following his name. Because of the length of the ballot in this country it was thought that the voter would not be able to know the candidates of his party without this information on the ballot, whereas in Australia and the British Dominions, with usually only a single candidate elected at a time, this

¹³ Indiana, Minnesota, Missouri, Montana, Rhode Island, Wisconsin, and Tennessee. See Evans, Chaps. II and III, for an account of the spread of the Australian ballot in the United States.

¹⁴ In Delaware official ballots are distributed to the party organizations prior to the election and may be brought to the polls by the voter already marked.—Election Laws, Sec. 1728.

was not necessary. The next step was the Indiana law, which provided not merely party labels, but also that the candidates of each party should be grouped together in a separate column, and with a party circle at the top of each column so that the voter could vote a "straight ticket" with a single mark. The Indiana ballot also includes a party emblem at the head of the party column.

The controversy over ballot laws in this country has shifted from the question of the adoption of an official ballot, which has been definitely accepted, to the form of the ballot. Fifteen states have adopted the Massachusetts, or office group, type, while thirty-two have provided for the Indiana, or party column, type. In both groups, however, there have been important variations which will be noted below. Evans pointed out that at first the office group was more popular, and by 1891 had been adopted in nineteen states, while the party column had been adopted in only thirteen. In that year, however, Washington and Wisconsin abandoned the office group type and went over to the party column ballot, and for the next ten years there was a decided trend toward the party column ballot. Since 1900 the trend has been toward the office group type, though the party column form still prevails in two-thirds of the states. Five states have abandoned the party column type since 1900 and adopted the office group type, namely: Pennsylvania, New York, Maryland, California, and Kansas. New Jersey adopted this form in place of the separate party ballots used previously.

On the other hand, Rhode Island and Alabama have abandoned the office group type and adopted the party column type, while Texas, Connecticut, North Carolina, and Georgia, in adopting an official ballot for the first time, provided for the party column type.¹⁵ Bills providing for the office group type of ballot have been introduced in a number of legislatures within recent years. Such a bill was passed in Ohio in 1926, but was vetoed by the governor. The merits and de-

¹⁵ Evans, p. 37.

fects of each type of ballot have been set forth on many occasions. The opponents are agreed as to the effects of each type of ballot, but disagree as to which result is socially desirable. Obviously, the office group ballot is conducive to independent voting. The voter must vote separately for each officer to be elected; it is as easy to vote a "split" ticket as to vote a "straight" ticket; the voter who desires to "split" his ticket does not incur any extra danger of spoiling his ballot thereby and having it thrown out. The party column type, however, is conducive to straight party ticket voting. The voter may vote the ticket straight merely by making a single mark. If he goes further and tries to vote a "split" ticket for candidates from various parties, he does so at his peril. He incurs the danger of spoiling his ballot, which, though it may appear slight to the seasoned and informed voter, is very real to many voters. The tendency, therefore, with the party column type of ballot, is for the voter to vote the ticket straight. This encourages partisan voting and discourages consideration of the qualifications of the individual candidates.

The principal support for the party column type of ballot comes from the party organizations, who view with alarm the growing independence in elections, the breakdown of the strength of the party organizations in many states, and the spread of non-partisanship in judicial, school, municipal, and now county and state elections. The party organizations have on many occasions fought proposals for the adoption of the office group ballot with all their strength. They insist the party column ballot is essential to the life of the party. This argument is based, to be sure, upon the fundamental assumption that political parties are essential in our form of government and that anything which tends to weaken or destroy the strength of the parties is unwise.

The advocates of the office group ballot, on the other hand, believe that independent voting is wholly desirable, and that the voter should be encouraged to consider the qualifications

of the individual candidates. They maintain that the party column, circle, and emblem are artificial inducements to indiscriminate voting, and that the strength of political parties should not be bolstered up by a form of ballot which penalizes the 'discriminating, independent voter who considers the qualifications of all the candidates for the several offices. They maintain further that this independence is a healthful condition of party life, for it makes the party organizations more careful of the candidates whom they nominate and tends to prevent abuses which have in the past so greatly lowered the standing of the political parties.

Regardless of the type of ballot, independent voting has become very wide-spread in this country. In 1890 it was probably true that only the occasional voter desired to vote a split ticket, while at the present time it has become the rule rather than the exception, even in states where the party column ballot operates to discourage independent voting. Since this is true, the party column ballot is now out of date and should be discontinued. Whereas it formerly inconvenienced only a relatively small proportion of voters, undoubtedly now, where it is used, it hampers the majority of voters.

Another vital consideration in the argument between the office group and the party column ballots is the development of the direct primary, the nonpartisan primary, and nonpartisan elections. In the majority of states the direct primary has become more important than the election itself, and the ballot of each party, to be sure, is of the office group type. Not only that, but the ballot used in the nonpartisan primary and the non-partisan election, which prevail very widely for municipal, judicial, school, and in a few states for county and state elections, is also of the office group type. These forms of election have been adopted, for the most part, since the adoption of the Australian ballot. The voter becomes acquainted with the office group type of ballot in these elections, and then is required to vote the party column type in other elections.

Since he must vote an office group ballot in some of the elections in all states, the use of the office group ballot throughout would tend to simplify matters.

There are a number of minor considerations which are always advanced in a controversy over the merits of these two types of ballots. The arguments against the Massachusetts type of ballot are: first, it takes too long to mark the ballot and this causes delay at the polls; second, it causes the less educated to stay away from the polls, or if they vote, to make mistakes; third, the office group ballot gives an undue advantage to the candidates standing at the head of each group; and fourth, the fatigue of marking the ballot causes a dropping off toward the bottom of the ballot. In reply it may be pointed out, first, that a sufficient number of voting booths may be provided at the polls to take care of the voters, and that, as a matter of fact, the largest precincts in the country, running up to two thousand registered voters, are to be found in Massachusetts. The second argument is purely theoretical and fanciful. Certainly it is not subject to proof or disproof. The office group ballot is, in the main, easier to vote than the party column ballot, and it is doubtful whether the loss of the vote of a person too illiterate or ignorant to mark it is a public loss. It is true that the candidate at the top stands a better chance than the candidate in a lower position, but this can be easily taken care of by rotating the names. In hotly contested elections, position on the ballot is of small importance. The dropping off of the vote for the minor offices is not caused by the position on the ballot, but rather by the fact that many voters are not informed about the candidates for minor offices, and follow the plan of not voting at all when they are uninformed. If the voter wishes to register his vote for all the nominees of his party, not knowing anything further about the candidates for minor offices, he may do so under the office group type, but he is not required to do so.

The principal arguments against the Indiana or party column ballot, aside from a consideration of the definite in-

ducement to indiscriminate straight party voting, are that it is more difficult to vote, that it results in more spoiled ballots, and that it increases the size of the ballot. The principal defense of the party column ballot, aside from its influence in bolstering up the party strength, is that many voters desire to vote a straight ticket, and it permits them to do so with a minimum of effort.

The party column ballot, with a party circle for voting a straight ticket, is a perversion of the Australian ballot. It places a premium upon blind party voting by making it difficult for the voter to cast an independent vote. With the growing use of nonpartisan elections, the use of the direct primary, the decline of partisanship in local elections, the increase (notwithstanding ballot difficulties) of independent voting, the decrease of illiterate voters, and the spread of literacy tests in several states, it can no longer be justified. The difference in voting the two types of ballots is well indicated by the instructions to voters which are required under each. The Oregon ballot, of the office group type, for example, merely directs the voter to "Mark X between the number and the name of each candidate voted for." The instructions to voters in states where the party column type of ballot is used are so long that they are ordinarily not printed on the ballot at all, but are printed upon a separate placard posted in the polling booth. It is incredible that a ballot requiring such lengthy instructions, so fraught with danger of errors, and which in practical effect partially disfranchises a large number of electors in order to strengthen political parties, can be defended and continued.

Variations from the Usual Types of Ballots. The party column ballot ordinarily carries a party circle at the top, whereby the voter may by one mark vote for all the candidates of the party. Four states, however, which have the party column ballot, do not provide for the party circle, namely: Montana, New Jersey, North Dakota, and Wyoming. The ballot in these states requires the voter to make an individual

mark for each candidate for whom he desires to vote. An examination of the ballots used in these states shows that they are about twice the size which would be required if the office group ballot were used, since always there are several party columns with but one or two candidates. The party lines are emphasized more than on the office group ballot, and split voting is somewhat more difficult.

Another variation is the office group ballot with a party circle, which may be used by the voter to vote a straight party vote. Nebraska and Pennsylvania use this type. The argument for this type of ballot is that the voter should be permitted to vote a straight ticket, if he so desires, with a minimum of effort, and that the ballot should accommodate him. At the same time, the discriminating, independent voter is not required to use a ballot which may cause him to spoil his vote. The practical results of this ballot are not the same in Pennsylvania and Nebraska. Pennsylvania voters, facing a long ballot and with strong party organizations in the state, usually vote a straight ticket. Nebraska voters, on the other hand, with a shorter ballot and weak party organizations, apparently vote split tickets as a rule. Both of these variations are preferable to the party column type, though not as desirable as the Massachusetts or office group type.

Party Emblems. Fifteen states provide for the use of a party emblem on the ballot. All of them, with the exception of New York, have the party column ballot, and the emblem is placed at the head of the party column, close to the circle for voting a straight party ticket. Obviously this is designed to make voting easy for the illiterate voter. The emblems used vary from state to state. The Democratic party uses a rooster in the act of crowing in Indiana, Kentucky, Louisiana, Oklahoma, Utah, and West Virginia; an eagle in New Mexico; the Statue of Liberty in Missouri, a plough in Delaware, a star in New Hampshire, New York, and Rhode Island, and a hand holding the American flag in Michigan. The Republi-

can party uses an eagle in Delaware, Indiana, New Hampshire, Oklahoma, Rhode Island, Utah, West Virginia, and New York; the American flag in New Mexico, an elephant in Louisiana and Missouri, a log cabin in Kentucky, and a picture of Lincoln on an American flag in Michigan. The Socialist emblem is usually two clasped hands, but an extended hand is used in Oklahoma. The Prohibition party uses a camel in Missouri, a fountain in several states, and the sun rising over a body of water in Indiana.

The use of emblems is an insult to the intelligence of the voter. It puts him in the ridiculous position of voting for birds, elephants, stars, etc. A few years ago there was formed in Cincinnati a "Birdless Ballot Association," whose cardinal principle was that there could be no improvement in government as long as voters cast their ballots for birds instead of men. The story is told in Cincinnati, where the Republican party uses an eagle and the Democratic party a rooster as emblems, of a Republican precinct captain who once instructed his voters how to vote in the following words: "Now all you fellows have to do to vote right is to put your cross under the rooster with the short legs"! In Louisville the writer was told that the illiterate negro voter does not require assistance at the polls, for he simply puts his cross under the "chicken coop" (the log cabin). For a number of years prior to 1928 the Democratic party in Michigan used a picture of Wilson on an American flag as its emblem; then it was changed to a hand holding the American flag. The national committeeman of the Democratic party explained at the time that it was thought that many voters, seeing the picture of Lincoln on the American flag over the Republican circle, and that of Wilson on the American flag over the Democratic circle, believed that they were expressing a choice between Lincoln and Wilson, and the Democrats were losing votes thereby.

The absurdity of the use of emblems is well illustrated by

the ballot used, reproduced on the opposite page, in a municipal election in Kentucky, where each candidate is permitted to have an emblem printed over his name.

Use of Party, Residence, Occupation, etc., on the Ballot. The ballot must always contain the names of the candidates. In partisan elections it contains also the party designations, except in four Southern states (Florida, Virginia, Tennessee, and Mississippi). In these states the partisan voter must know the candidates of his party before he goes to the polls. In these states, except in Tennessee, however, the Democratic candidates are always printed at the top of the list, and the Democratic voter may follow a rule of thumb in marking his ballot. It would seem that the use of such a ballot, particularly when party organizations and primary elections are authorized by law, is designed to gain a partisan advantage and to make voting more difficult for the ignorant and illiterate, particularly the negro voter. It is significant to note, however, that the original Australian ballot and the ballots used in England and Canada do not contain party designations. The number of candidates, however, is so small, that the voter has no trouble in knowing who are the candidates of each party.

In the party column states, the general practice is to list the name of the party at the top of each column, without any party designation after the name of each candidate, but Indiana and Vermont display the name of the party at both places. The office group ballot states, with the exceptions listed above, print the name of the party after the name of the candidate.

In addition to the name of the candidate there may be printed also his address and occupation. Eight states provide for the addition of the address,¹⁶ and Minnesota permits the addition of the occupation and residence if two or more candidates for the same office have the same surnames. In some

¹⁶ Kansas, Maine, Maryland, Massachusetts, Rhode Island, South Dakota, Vermont, West Virginia.

X of the Canadian provinces the occupation and address are given, and this practice obtains in England. It is not particularly important whether the address is given or not. The election law should provide, however, as it does in Minnesota, that when the names of two candidates for the same office are similar or identical the address and occupation may be added in order to help the voter identify each candidate. A political trick occasionally used is to nominate against a prominent public officer some unknown person having the same or similar name. This was used against Senator George W. Norris of Nebraska in 1930. If the address and occupation can be added in such cases, this political trickery can be prevented. Another method would permit a candidate for re-election to use the word "incumbent" after his name in such cases.

A number of states provide also for some phrase or slogan to be added to the name of the candidate. Ordinarily this is confined to nonpartisan elections; for example, in Wisconsin, the candidates for judicial positions have printed after their names under the statutory authorization the slogan, "A Nonpartisan Judiciary."¹⁷ This is uniformly printed after the name of every judicial candidate. It serves no useful purpose, except perhaps to emphasize the nonpartisan aspect of the election. In Oregon, however, the candidate in the direct primary election may add a slogan or shibboleth to his name, not exceeding twelve words. The practical operation of this may be illustrated by the following typical statements printed on the ballot:

Experienced legislator; fighting always for constructive and against selfish and pernicious laws.

Present state senator; my legislative record is your guarantee of capable service.

For re-election.

Lower taxes on homes; will strive to improve conditions for wage-earners.

Stability, economy and honesty in government; only sane, constructive legislation.

¹⁷ Wisconsin Statutes, Sec. 6.24.

Reduce public expenditures; fewer new laws.

A bigger and better Oregon.

Less laws; less taxes; more economy.

Present sheriff, I stand on my record. Public welfare first always.

A new broom.

You can gamble on O. V. Gamble.

Of all that's good Oregon has the best. Let's go.

Am not with the merger crowd; for reduction telephone rates; honest government.

During the war period the shibboleths on the ballots indicated the prevailing patriotism. One candidate for commissioner of labor stated: "Will use one hundred dollars of salary monthly to purchase liberty bonds." A candidate for water superintendent printed after his name: "Economy and efficiency; world democracy; our fight; win the war." It would seem that such slogans serve little or no purpose. Certainly the voter who made his choice upon the basis of such statements would be quite unsophisticated. Such generalities as honesty, efficiency, patriotism, economy, lower taxes, business administration, bigger and better Oregon are commonly used.

Placing Names of Candidates on the Ballot. The adoption of the Australian ballot required official certification of candidates to the officer charged with printing ballots, and the whole problem of nominating candidates became vastly more important than formerly. It was not by chance that the movement for the direct primary started a few years after the spread of the Australian ballot. The provision of an official ballot involved necessarily some regulation of the nominating process. The immediate problem of placing the names of candidates on the ballot is related very closely to the larger and more significant problem of the nomination of candidates—the controversy over the relative merits and defects of the direct primary, the party convention, and nonpartisan primaries. The problem of the direct primary versus the convention system of nominations turns largely upon the con-

sideration of whether the nomination should be determined by the party organization or by the voters of the party. This highly controversial question, which has raged for the last two decades, promises to continue as a leading public issue for some time to come, but it is not included within the scope of this study. The literature on the subject is voluminous.¹⁸

There are three principal considerations in connection with the procedure for certifying candidates to the officer in charge of printing the ballots in primary and non-partisan elections, namely: (1) The procedure should be simple and direct, to the end that no serious candidate or person supported by a substantial group of the voters will be debarred or thrown out on a technicality; (2) it should effectively restrict the election to really serious contenders, preventing the cluttering up of the ballot with self seeking advertisers who have no chance of election and no hope of winning; and (3) abuses of one kind and another, unnecessary expense, and bother should be reduced to a minimum. In the general, partisan election, however, the problem is somewhat different. The candidates for this election have been nominated either by convention or by direct primary, though provision is also usually made for independent nominations. The treatment of minor or new political parties and independent candidates constitutes the principal administrative problem here.

The simplest method of nomination is that of permitting the candidate to file a statement of candidacy, which is used in Delaware, Indiana, Oklahoma, and West Virginia.¹⁹ Ten other states—Florida, Idaho, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Montana, North Carolina, and Washington—require a filing fee in addition to the declaration by the candidate. In the remaining states the method generally used is that of a petition signed by a specified num-

¹⁸ See the excellent work by Charles E. Merriam and Louise Overacker, *Primary elections* (New York), with a complete bibliography.

¹⁹ The laws of the several states for the placing of names on the ballot in primary election are summarized in Merriam and Overacker, p. 75 ff.

ber or percentage of the voters, though two states—Ohio and Virginia—require a filing fee in addition; six states—Kansas, Nebraska, Nevada, New Hampshire, Oregon, and Texas—permit the use of either a declaration of candidacy or a petition. A number of states using the petition method require an acceptance by the candidate.

These methods are used in direct primaries and in nonpartisan primaries and elections. In partisan elections the candidates nominated in the preceding direct primary, or by partisan conventions, are certified to the officer in charge of printing the ballot by the appropriate party or public official. Provision is made in most states for independent candidates or third parties to secure a place on the ballot in one of the above methods. In nonpartisan elections, preceded by a nonpartisan primary, only the successful candidates in the nonpartisan primary are printed on the ballot, no provision being made for independent candidacies.

The operation of these various methods requires discussion at this point. The first method—that of declaration of candidacy, unaccompanied by a filing fee or a petition—has resulted frequently in a large number of candidates, often necessitating the nomination or election, as the case may be, of a candidate supported by only a small percentage of the voters. This has been particularly true of Indiana. Under this method there is nothing to discourage frivolous and crank candidates from filing.

The requirement of a fee in addition to the declaration of candidacy is fairly common in this country, though uniformly the fee required is so nominal that it serves little or no purpose. Ohio, for example, requires a fee of only one half per cent of the annual salary of the office sought,²⁰ Washington and Idaho, only one per cent,²¹ while in a number of states, including Oregon, Maryland, Minnesota, and others, a scale is provided by state law, but the amounts provided are small,

²⁰ Election Laws, 1930, Secs. 4785-73.

²¹ Idaho Election Laws, 1930, Sec. 546; Washington Rem. Code, Sec. 5182.

usually ranging from one to ten dollars for local offices, and from fifty to one hundred dollars for state offices. In Minnesota, for example, a candidate for governor must pay a filing fee of fifty dollars, though he may have to expend fifty thousand dollars in his race for the nomination. It would hardly seem likely that a fee as small as this or a ten-dollar fee for county or city officers, would serve to deter any candidates.

In Canada (following the English practice), on the other hand, the fees required for nomination for public office are usually substantial. For candidates for the Dominion Parliament the filing fee is two hundred dollars.²² This fee is used also for candidates for the provincial parliament in Manitoba, while Alberta and Saskatchewan require a filing fee of one hundred dollars for the same office, and Ontario and British Columbia permit nomination by petition, without filing fee. It should be added, however, that in municipal elections the more common practice is to provide for nomination by petition rather than nomination by declaration accompanied by a fee. The substantial fee is refunded to the candidate if he is elected or if he polls a vote half as large as that of the candidate who is elected. This system apparently works very well in Canada. It does not prevent any serious contender from running, nor does it result in any technical disbarments. It does operate to keep off the cranks and self-advertisers from the ballot. It is not at all unusual in Canada for candidates to be unopposed, in which case no poll is conducted, the single candidate being declared elected. Candidacies in municipal elections, where fees are not customarily required, are more numerous, though probably not as numerous as in the United States.

The third method, and the one most widely used in this country, is that of a nominating petition. No general rule can be laid down as to the number of signers required, except that

²² Dominion Elections Act, Sec. 40.

the number is almost always very low, not serving to discourage frivolous candidacies or to make difficult the placing of a name on the ballot. In a number of states the requirement of the number of signers is expressed in a percentage of the voters of the party, but in other states a fixed scale is provided for candidates in various jurisdictions. In Wisconsin, for example, candidates for state offices must secure at least one per cent of the voters of the party to sign their nomination papers (using the last general election to determine the number of voters of the party), but candidates for Representative in Congress must secure two per cent, and candidates in cities and counties must secure three per cent. Illinois, on the other hand, provides that state-wide candidates must submit a petition signed by a minimum of one thousand electors with a smaller number for local candidates.

In general, any qualified elector, whether registered or not, is permitted to sign a nomination petition. Ordinarily the printed form for nomination petitions contains a statement at the top to the effect that the signers are qualified electors and support the candidacy of the person nominated. A few states, notably Ohio under its recently enacted election code, require that signers of the petition shall be registered voters, and provide for throwing out all other names.²³ Where it is not required that the signers be registered voters, there is no practicable way to check up on the validity of the signatures or the qualifications of the persons signing. The nominating petition in most states contains an affidavit form to be filled out by the person securing the signatures, to the effect that the persons signed in his presence, and that to the best of his knowledge and belief they are qualified electors.

These formalities do not prevent abuses in the securing of signatures for nominating petitions. The greatest abuses, to be sure, are found in connection with the petitions for placing initiative and referendum propositions on the ballot, for

²³ Election Laws, Secs. 4785-34.

the required number of signers is usually quite high and the temptation to forge nomination papers and thus avoid the expense and trouble of securing signers is far greater. It is a matter of common knowledge that initiative and referendum petitions in many states where they are not checked against the registration lists are full of forgeries and fictitious names and addresses. This situation has prevailed in Cleveland for years, and, as a matter of fact, the series of charter elections which have been held since 1925 have been called by such defective petitions. The latest petition, the Danceau-Walz petition, was given careful scrutiny by the Citizens League and the findings were set forth in its bulletin as follows:²⁴

When the Danceau-Walz petition was filed last June, with a blare of trumpets and a declaration of the advocates that the people were demanding a change in the form of government, the League made its usual cursory examination before the petition was referred to the city clerk for investigation as to its sufficiency. A letter was then sent to the council committee pointing out that the petition was permeated with fraud and was one of the worst that has been filed with the council. Confident that the petition was full of fraud and irregularities the League obtained consent of the council to test a large number of the separate petition papers by comparing the petition signatures with the actual signatures on the permanent registration records in the Board of Election offices. This took several weeks of tedious work.

The League gave 127 petition papers a closer scrutiny than had been given by the clerk. Out of this number the League presented clear cases of fraud and forgeries in 101 of the petition papers. A test of a number of other typical papers showed that a host of names were signed from addresses which did not exist. The League employed a handwriting expert who examined 102 other petition papers and reported:

"From the examination I have made, I would say that there are hundreds and perhaps thousands of signatures on these 102 petition papers examined that are not genuine signatures."

COUNCIL ORDERS RE-EXAMINATION

The League's findings were reported to the council committee which instructed the city clerk to test out the League's findings. He

²⁴ *Greater Cleveland*, February 1931.

found that his own conclusions tallied with about 90 per cent of the League's findings, threw out 70 more petition papers containing 4,225 names and then reported to the council committee that the 238 papers which he examined showed:

	Signatures
Registered voters	7,396
Non-registered persons	5,929
Fraudulent and defectives	10,735

The remedy for such frauds in nominating petitions is to require that every signer shall be a registered voter, and to check the petitions against the registration records. This, however, is not only expensive, but is practically impossible in some of the larger cities. In Portland, Oregon, the state law requires the county clerk to check a minimum of two hundred names daily, and he has declined to check more than that number unless the clerical expense is paid for by the petitioners. Actual experience in that city, with an efficient office force and a card system of records, shows that it costs approximately seven cents per name to check the signatures on the petitions with the registration records. Owing to the fact that the petitions are not secured by precincts, but voters are requested to sign, irrespective of their residence, the clerical work involved in checking them with the registration records is very substantial. It would be difficult or impossible in many jurisdictions to check a large number of petitions in the limited time allowed. But if no check at all is made, experience indicates that the petition as a device to safeguard the ballot against frivolous candidacies or unsupported propositions is fundamentally defective.

Another important consideration in connection with the petition process is the willingness of the voter to sign almost any petition. Even where the signatures are bona fide, and are made by qualified electors, the significance which should be attached to them is an open question. It is generally known that the signers of a nominating petition do not feel obligated to support the candidate, but merely sign because they are requested to do so. It is easier for the citizen to sign such a

paper than to explain his reason for not signing. Candidates seeking nomination usually find it very easy to secure the required number of signers with small expense and bother. In many states, where there is no check up made, the candidate, if he so desires, may submit a petition with many forged names, but this is ordinarily unnecessary because of the small number of signers required. There is usually some expense attached to the routine work of securing the necessary number of signers, which depends upon the number of signatures required. Where it is not prohibited by law, it is customary for candidates or persons interested in initiative and referendum propositions to employ workers to secure such signatures, paying them a fee of five to ten cents per name. The worker then approaches the voter with a plea to sign so that he can collect the fee, without regard to the merits of the candidate or the issue. Indeed, it is not unusual for such signature collectors to ask the citizen to sign several of the petitions at one time; particularly is this true of initiative and referendum petitions.

The only conclusion which can be drawn from these practices is that the petition system as a basis for placing candidates or propositions on the ballot is fundamentally defective. If the petition is checked to ascertain whether the signatures are genuine and the signers are qualified voters, the cost is high, both for the petitioner and for the election office. If it is not checked, it is liable to be fraudulent, particularly if the number of signers required is large. But even where the signatures are genuine, the petition may have little significance, and in many instances it does not indicate any considerable support of the candidate or the proposition.

A few years ago the Commonwealth Club of San Francisco proposed the so-called sponsor system of nominations. This is somewhat similar to the petition system, but operates quite differently. The committee of the Commonwealth Club appointed to study nominating methods reasoned that with our long ballot, particularly in large cities, the voter has little to

guide him at the polls. His problem at the direct primary election or the non-partisan election, where there are no party labels to follow, is particularly difficult. It is, of course, absurd to assume that the average voter has any personal knowledge or acquaintance with the hundreds of candidates, and such other information as he may glean from the newspapers is confined to the most prominent candidates. Political meetings he no longer attends. In San Francisco an official election pamphlet is used and the candidate may there set forth his qualifications and claims for support. Many candidates in the past have listed their prominent supporters or sponsors, and this has served to inform the voter of the backers of each candidate. It was thought that this was a useful device, which might well be used in the nominating process. The city charter of San Francisco and the state election laws have been amended to provide for the sponsor system of nomination, but the number of sponsors provided—from twenty to one hundred, depending upon whether it is a state or local office—is so large that the beneficial effect of the system would seem to be lost. If the voter could learn who are the, say, ten citizens supporting or sponsoring each candidate, he might be able to use this information in making his choice, but if the number is to be from twenty to one hundred, the value of the device is largely nullified through the sheer length of the list of sponsors.

It should be borne in mind, however, that the list of sponsors is not printed on the ballot. It is generally printed in the official election pamphlet. The sponsor system emphasizes the persons supporting the candidate, while the petition system obscures them. The sponsor system is designed to assist the voter in making his choices by letting him know who the backers are of each candidate, while the petition system is designed rather to guarantee that there are a few voters who will support the candidate. It may be objected that the sponsor system will give an undue power and influence to persons widely known, who may virtually control elections by reason

of the importance attached to their support. This is hardly tenable. It is unlikely that such weight will be given to the names of the sponsors of the candidates. In fact, it is quite likely that the practical operation of the system will result in too little attention being paid to the names of the sponsors. A strong defense may be made for the sponsor system. In the appointment of persons to responsible private positions the recommendations of persons whose opinions may be relied upon has a very important influence. The discriminating and well informed voter to-day looks more to the backers of the candidate than to anything else. Other information is apt to be fragmentary, prejudiced, or false. The sponsors vouch for the integrity and ability of their candidate, and, if proper traditions are built up with the system, and if it is emphasized, it may go far toward making an unintelligible ballot intelligible.

The petition system of nominating, widely used in this country, is seriously defective. It results in a ballot, necessarily long because of the number of positions to be filled, being unnecessarily long because of the number of frivolous and negligible candidates, who have no hope or thought of election. It is further defective because of the expense attached, the abuses which prevail, and the willingness of the public to sign such petitions indiscriminately. It does not fulfill a single requirement of a sound nominating system. It is an obsolete procedure, ill adapted to present conditions. The declaration of candidacy system is only slightly better. It opens wide the ballot, subjecting it to numerous candidacies, though it does not produce the abuses of the petition system in other regards, and may not be manipulated by eliminating candidates on technical grounds. The requirements are so simple that the duty of the election office is largely ministerial in character, and the occasion for throwing out petitions upon technicalities is avoided. The requirement of a filing fee, as now provided in a number of states, is of little value, for the amount required is in all cases nominal,

and no provision is made for a return of the fee to the candidate who polls a reasonably large vote.

A combination of the sponsor system and the requirement of a substantial fee, to be refunded in case the candidate poll, say, twenty-five per cent of the vote cast for the office, would seem better adapted to the requirements than the existing provisions. The number of sponsors should be strictly limited so that they will not become meaningless. It may be anticipated that each candidate will secure the maximum number of sponsors, lest it may be thought that he was unable to secure the full number. For local offices the number might well be limited to ten, while for state-wide offices it might be advisable to permit a slightly larger number. The filing fee should be fixed upon the basis of either the importance and honor of the office, or else upon the compensation. Candidates for the United States Senate and for governor in populous states might be required to make a deposit of, say, one thousand dollars, while candidates for other state offices and for Representative in Congress might be required to pay a filing fee of five hundred dollars. Candidates for the state legislature, following the practice in the Canadian provinces, should be required to pay a filing fee of one hundred to five hundred dollars, depending upon the population of the state and the salary paid. The filing fee for local office should be somewhat in proportion. If one were to attempt a general rule on the subject, instead of one per cent of the annual compensation of the office, as is now provided by several states, ten per cent should be required. It may appear that these suggested filing fees are too high, but it should be borne in mind that the fee is to be returned to all candidates who poll a substantial vote, even though not elected. The serious candidate would not be deterred from entering the race because of the requirement of a deposit. A substantial filing fee would not only shorten the ballot and thus simplify the task of the voter, but it would also substantially reduce the cost of printing ballots and simplify the task of the election of officers.

The present laws, which permit frivolous and self seeking or advertising candidates, confessedly without hope of election, to impose themselves upon the electorate, are little short of preposterous.

Provisions for Candidates Not Named on the Ballot. All but seven states provide for, or permit, the elector to vote for persons who have not been nominated, and whose names are not printed on the ballot.²⁵ This is usually accomplished by providing for writing in the name of the person in a designated space on the ballot, though in a few states specific provision is made for the use of pasters as an alternative,²⁶ and in some other states pasters may be used, though not specifically authorized by law.²⁷ To be able to vote for any person regardless of whether the name of such person is printed on the ballot, is often looked upon as a matter of right of the voter; and in some states, the courts have held that the suffrage implies this right.²⁸ Practically, however, this right is of no value except when exercised in a concerted movement, when it sometimes results in the nomination or election of the candidate. It should be pointed out, though, that this is infrequent, and the candidate whose name is not printed on the ballot stands little chance of election or nomination, as the case may be. Write-in candidacies are usually put forward under one of several contingencies: the election officers may corruptly and technically throw out the nomination papers of one or more candidates, thus keeping them off the ballot; one of the leading candidates may die or withdraw after it is too

²⁵ Delaware, Georgia, Maryland, Nevada, Oklahoma, South Carolina, and South Dakota.

²⁶ Indiana, Maine, Montana, New Jersey, North Dakota, Washington, and some others.

²⁷ In Massachusetts, Pennsylvania, and other states where the law permits the voter to "insert" name of person not on the ballot.

²⁸ State v. Dillon, 32 Fla. 545; Bowers v. Smith, 111 Mo. 45; Sanver v. Patton, 155 Ill. 553; De Walt v. Bartley, 146 Pa. St., 529; Schuler v. Hogan, 168 Ill. 369; Cook v. State, 90 Tenn. 407; State v. Anderson, 100 Wis. 573; Bradley v. Shaw, 133 N.Y. 493. Contra: Chamberlin v. Wood, 56 L.R.A. 187 (S.D. 1901).

late to fill the vacancy on the ballot; a candidate of retiring disposition may refuse to announce his candidacy, but may offer to serve or to run, as the case may be, if nominated or elected by write-in votes; and, finally, a vacancy in a public office may occur when it is too late to make any nominations to be placed upon the ballot.

It is apparent that most of these conditions which make write-in candidacies necessary might be remedied by statutory provisions. The nominating of candidates by means of petitions signed by qualified voters is subject to grave abuses in several regards, including the throwing out of candidacies upon technicalities for political purposes. The remedy is nomination by declaration of the candidate, accompanied by a reasonable fee, to restrict the race to serious contenders. Under this procedure the duty of the officer who receives such declarations is purely ministerial. There is no occasion for nomination papers to be thrown out. Provision is usually made to fill the vacancy caused by the death of a candidate. This is practically always true of party nominations, but ordinarily no provision is made to substitute a candidate in a nonpartisan election or direct primary. Under the sponsor system of nomination, the sponsors should be permitted to fill the vacancy, even up to the day before the election, thus practically eliminating the danger of an election's being frustrated by an eleventh-hour death. The sponsor system would also provide a dignified way by which the candidate of retiring disposition could be placed upon the ballot without undue embarrassment on his part. Vacancies which occur too late for nominations to be made in the regular way should not be filled by election, but by appointment until the succeeding election.²⁹

²⁹ In the 1930 election in the State of Washington, for example, one justiceship on the supreme court and one local judgeship in King County became vacant after the close of the time for making nominations, and both positions had to be filled by write-in votes, without any official nominations. The results were not desirable. Numerous candidates appeared on the scene, and the vote was light for these offices. There was no opportunity to limit the number of candidates.

If suitable provisions are made in the election law there is little or no need for the write-in vote. Even under existing statutes the number of such votes is extremely small. Many capable election officers have raised the query as to whether they might not be prohibited entirely. Provision for write-in votes makes the use of voting machines more difficult, permits advertisers and humorists to write in their own name, and also lengthens the ballot. Nevertheless, the courts in many states have held that the voter has a right to vote for any person for any office, and hence a legislative attempt to restrict him to those duly nominated would not be held valid. It should be recognized, however, that this right is of little value, and the necessity for its use by serious minded voters should be avoided as far as possible.

Curiously enough, some states prohibit the voter from writing in any name on the ballot, but permit the use of pasters or stickers to accomplish the same purpose,³⁰ while other states prohibit the use of stickers, except to fill eleventh-hour vacancies after the ballots have been printed (when they must be put on the ballot by the election officers), but permit the voter to write-in on the ballot.³¹ A few states permit both methods to be used. If the voter is to be permitted to vote for a person whose name is not printed on the ballot, it matters little whether he may do it by writing in or by using a sticker. It would seem that he should be permitted to use either method. It may be argued, to be sure, that if he is permitted to write-in, he may vote for himself for a minor office, thereby identifying the ballot for the political watcher who has bribed him. This consideration is too remote to carry much weight. Bribery is not done that way.

Twenty states specifically provide for the use of stickers by the election authorities as a means of filling a vacancy after the ballots have been printed.³² Even without statutory

³⁰ Indiana, for example.

³¹ Wisconsin, for example.

³² Delaware, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, New Mexico, New York, North Dakota, Ohio, Oregon, Texas, Vermont, Washington, Wisconsin, and Wyoming.

authority, however, the practice could be followed in other states. This is unimportant for the voter, inasmuch as the ballot when he receives it has much the same appearance as any other ballot, and the use of a sticker is merely to avoid the necessity of printing a new run of ballots. A few states specifically authorize either the printing of new ballots or the use of stickers under such conditions.³³

When the voter writes in a name or attaches a sticker to the ballot, the question is always raised as to whether it is necessary for him to make a cross in the proper place also, or whether the mere writing-in of the name or the use of a sticker is not sufficient to indicate his intention to vote for such person. Fourteen states do not require the use of a cross mark, the mere writing-in being taken as sufficient, but the remaining states require the voter to make his cross mark as for other candidates. The better practice is not to require the cross mark. It frequently happens that the voter, after writing-in a name, thinks that that is sufficient. If a cross is necessary, this must be impressed upon him over and over again, making the use of the write-in procedure all the more difficult. A few states require the voter to strike through the names of other candidates and write-in the name of the person for whom he would vote.³⁴

States which permit the voter to write-in ordinarily provide a blank line or space for that purpose, but this is not true in a few states.³⁵ If the office group ballot is used, as it always is in nonpartisan elections and direct primary elections, as well as the final elections in fifteen states, the blank line is placed immediately below the name of the last candidate in each office group. In elections where party column ballots are used, two practices obtain; in some states a blank line is placed below the name of each candidate of each party,³⁶ while in most states blank spaces or lines are provided in a

³³ Iowa, for example.

³⁴ Georgia, Missouri, Texas, and Virginia.

³⁵ Illinois, for example.

³⁶ Arizona, Arkansas, Iowa, Kentucky, Maine, Montana, Ohio, Vermont, Wisconsin, and Wyoming.

separate column on the right side of the ballot.³⁷ The office group ballot, with a space below the name of the last candidate in each group, is obviously superior in this regard.

The Order of Offices, Parties, and Candidates. A number of states specify the order in which the candidates for the various offices shall be printed on the ballot, beginning practically uniformly with the presidential candidates or electors, members of Congress, state officers, county officers, city officers, and, finally, precinct or other local officers. The order, as will be observed, is a geographical one, from the largest district to the smallest, and with the chief officers first in each district. This is an orderly arrangement and no fault can be found with it. It is a matter of small importance. In a number of states, however, separate ballots are provided for referendum propositions and judicial candidates, and frequently state officers are printed on a separate ballot from that used for county or city officers. If proportional representation is used, a separate ballot is required.

In the states which use party column ballots the order in which the parties are placed on the ballot, from left to right, is determined in the following ways: (1) Alphabetical,³⁸ (2) definitely fixed by state law,³⁹ (3) in order of the vote received by the party for some particular office at the last regular election,⁴⁰ (4) determined by the officer charged with printing the ballot,⁴¹ and (5) by lot.⁴² The first column is most desired, but the advantage gained thereby is not great. When the order is definitely fixed by the state legislature, as it is in a number of states, the party in power is always given the first column.

³⁷ Alabama, Connecticut, Idaho, Rhode Island, Texas, Utah, and others.

³⁸ Alabama, Arizona, Arkansas, and Wisconsin.

³⁹ Delaware, New Mexico, Oklahoma, Rhode Island, Vermont, and Washington.

⁴⁰ Connecticut, Indiana, Kentucky, Missouri, Michigan, New Hampshire, North Dakota, Ohio, South Dakota, West Virginia, and Wyoming.

⁴¹ Illinois, Iowa, Montana, and Utah.

⁴² New Jersey.

Much more important is the order in which the names of the candidates appear in office group ballots. This is particularly true in direct primary and nonpartisan elections, and is of most importance in cases where several persons are to be elected to the same office; for example, a number of councilmen elected from the city at large. It is not at all flattering to the intelligence of the American voter that the position at the top of a list of candidates is of material help to the candidate thus favored, but such is the case, especially for minor positions. It has been reported to the writer that in Oregon a few years ago, as a result of the use of an alphabetical arrangement, both in primary elections and in the final election, with the candidate at the top of the lists of the several counties having the advantage, many offices were filled by persons whose names began with the letters A and B and a few with W. It seems that a few voters, to be different, would go to the bottom of the list after exhausting the names of candidates for whom they had a real choice. The legislature therefore changed the law and provided for rotation of names.

Various examinations of returns where the names are not rotated seem to indicate that the order is not important in hotly contested elections. If the voter has his mind made up when he goes into the booth, the order in which he finds the names will not influence him. But if he does not know for whom to vote, and is impelled to vote anyway, for some reason or another, he is more likely to mark his ballot for the candidates at the top than for those lower down the list.

In order to overcome the advantage of superior positions on the ballot, many states provide for rotation of the names. Some states make no such provision, using an alphabetical arrangement, while still others leave the determination of the order to the officer in charge of printing the ballot, or specify that the order shall be determined by lot or by the time at which the nominating petitions are received. As a matter of fact, many states provide one method of determin-

ing the order for some offices and another for other offices. Twelve states use a strictly alphabetical arrangement for certain elections. This has simplicity and economy in printing the ballots to commend it. It gives to candidates whose surnames begin with the first letters of the alphabet an obvious and sometimes an appreciable advantage. Where the names are rotated, one of several methods may be used. As many sets of ballots may be printed as there are candidates for any office, and the ballots for each precinct picked up from various sets and bound together, so that each ballot is different from the previous one. This results in absolute fairness to the candidates, but the cost of printing is increased, and, more important, the difficulty of counting is greatly increased and mistakes are more apt to be made. Where rotation within each precinct is required, voting machines, which obviously have only one set up for each precinct, can not be used. Such rotation is neither necessary nor desirable. The same end can be secured with less expense and trouble.

Another method is to provide that the names shall be rotated from precinct to precinct. Starting with an alphabetical arrangement for the first precinct, the top candidate of each office group is placed at the bottom for the second precinct, and each other candidate moved up one place, and this process is kept up from precinct to precinct. Instead of rotating by precincts, sometimes provision is made for rotation by wards or assembly districts, and in some states certain offices rotate by one district and other offices by other districts. The printer often has a complicated task to work out the order of the names in the various precincts. Inasmuch as the end to be gained is merely that each candidate shall share alike every position on the ballot, this can be secured merely by providing that the ballots shall be rotated sufficiently to attain this purpose. For example, suppose in a city election there are five candidates for a given office, and five hundred precincts. If one set up is used for the first hundred precincts, another for the second hundred, and so on, each candidate will fare

equally with all the rest, and only five sets of ballots will be required. There should be no occasion for rotating the names of candidates for state offices at all within a county, the rotation being taken care of by a different order in the several counties. Some states provide that the names shall be rotated only when there are three or more candidates for the office,⁴³ and other states provide that candidates for units less than a county in size will not have their names rotated.⁴⁴

In the states which use the office group ballot for the regular partisan elections the more common arrangement is to fix a definite order for the placing of the candidates of the various parties, either alphabetically according to the first letter of the surname,⁴⁵ or by parties in the order of the vote received at the last general election,⁴⁶ but several states provide for rotation also in this election.⁴⁷ The best practice would seem to be the rotation of the names, although it is not a particularly important matter. The uninformed voter is more likely to rely upon the party designations than upon position.

In states with the office group ballot, the names of independent candidates in partisan elections are usually placed at the bottom of the list, and in party column ballot states, to the right in a separate column. Many states are unduly lenient in permitting third parties to be represented upon the ballot, with the result that the ballot is sometimes cluttered up with so-called party columns, having in fact only one or two candidates in each column. The best example was a recent judicial election in Chicago, in which there were some thirty separate party columns—a ridiculous procedure which could have been easily avoided by permitting such candidates to run in a general independent column.

Another problem is whether the name of any candidate may appear on the ballot twice for the same office. Nine-

⁴³ Montana.

⁴⁴ Iowa, for example.

⁴⁵ Colorado, Maryland, Massachusetts, Nevada, and Tennessee.

⁴⁶ Minnesota, Nebraska, New York, and Pennsylvania.

⁴⁷ California, Kansas, Nebraska (part), Minnesota (certain offices).

teen states specifically prohibit any name from appearing on the ballot more than once for the same office, but in all probability other states prohibit such practice by implication. States with the office group ballot in partisan elections are not faced with this problem, for there would be no point in printing a candidate's name twice in immediate succession, but there is the problem as to whether a candidate may have more than one party designation after his name. Six of the office group ballot states permit the candidate to have after his name on the ballot the name of as many parties as may have nominated him, while Massachusetts requires him to select which designation he will use, and Oregon requires the candidate to use only the party designation of the party in which he is registered. In California it is a common practice for candidates in the Republican primary to solicit write-in votes in the Democratic primary, so that if they capture the nomination in both primaries, the election will be virtually closed. It is accordingly very common for a candidate to be the nominee of both political parties, but to prevent a defeated candidate from running against the nominee of his own party, the state law provides that a candidate defeated for nomination in his own party primary cannot be the nominee of another political party. In New York, where party emblems are used with every candidate in partisan elections, the candidate who is nominated by more than one political party has the emblem of each party printed after his name.

Instructions to Voters. The need for some instructions to voters with our long and complicated ballot, particularly the party column type, is universally recognized, and provided for by law in almost every state. The instructions to voters generally used take one of several forms; namely, printed instructions on the ballot, a card of instructions which is posted at the polling places and inside the voting booths, and a set of instructions which is included in the advertisement of the ballot in newspapers shortly before the election. There is, to

be sure, provision in most states also for the assistance of voters at the polls by election officers or others, a matter which is treated separately.⁴⁸ Where voting machines are used certain additional methods of instructing voters are generally provided, particularly when machines are first adopted.

Practical experience indicates a real necessity for instructions of some kind to the voters. Voting, after all, is not a simple matter with our long and complicated ballot, and the average voter cannot remember from one election to another the rules for marking the ballot. The laws in various states are different, and with our mobility of population, instructions are essential to take care of voters who move from one state to another. In some states the ballot must be marked with a lead pencil, while in other states this is not permitted; in some states a rubber stamp must be used, while in other states this is not the practice; in a few states the voter must strike through the names of persons for whom he would vote, but in other states his ballot would be thrown out if he did so. The most effective work of political organizations often consists in the careful instructions which they give to their voters. Undoubtedly there are many voters who stay away from the polls because of timidity about voting, fearing that they may make some mistake which would embarrass them. Other voters unquestionably find voting unpleasant because of uncertainty about the proper procedure, and are unwilling to inquire and thus show their ignorance. The instructions generally used at the present time are poorly designed to help the voter cast his ballot correctly. For the most part they are too detailed and involved.

In about half of the states some brief instructions are printed on the face of the ballot. This practice is excellent. It should be uniformly provided in every state and for every election. The particular wording of the instructions printed on the ballot, however, could be easily improved. The following instructions printed on the ballots are typical:

⁴⁸ See below, Chap. VI.

California

INSTRUCTIONS TO VOTERS: To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface the ballot, return it to the inspector of election and obtain another.

Colorado and Massachusetts

To vote for a person, make a cross mark (X) in the square at the right of his name.

Missouri

To vote a "straight" party ticket, place a cross mark (X) in the circle immediately below the party name at the top of the ticket.

To vote a "split" ticket, place a cross mark (X) in the circle immediately below one party name, and put the cross marks (X) in the squares at the left of the names of candidates voted for on other tickets.

A "split" ticket may also be voted by eliminating the cross mark (X) in the circle under the party name, and placing cross marks (X) in the squares at the left of the names of candidates voted for. If ticket is voted in this way votes will be counted only for those candidates in front of whose names the cross mark (X) appears.

To vote for a candidate whose name does not appear on the printed ballot, draw a line through the printed name of the candidate for such office and write below that name the name of the person for whom the voter desires to vote and place a cross mark (X) in the square at the left of such name.

Minnesota

Put a cross mark (X) opposite the name of each candidate you wish to vote for in the squares indicated by the arrow.

New York

1. Mark only with a pencil having black lead.
2. To vote for a candidate whose name is printed on this ballot

make a single cross X mark in one of the squares to the right of an emblem opposite his name.

3. To vote for a person whose name is not printed on this ballot write his name on a blank line under the names of the candidates for that office.
4. Any other mark than the cross X mark used for the purpose of voting or any erasure made on this ballot is unlawful.
5. If you tear, or deface, or wrongly mark this ballot, return it and obtain another.

Wisconsin

If you desire to vote an entire party ticket for state, congressional, legislative and county offices make a cross (X) or other mark in the circle (O) under the party designation at the head of the ballot. If you desire to vote for particular persons with regard to party, mark in the squares at the right of the name of the candidate for whom you desire to vote, if it be there, or write any name that you wish to vote for in the proper place.

The instructions in Massachusetts, Colorado, and Minnesota illustrate how simple instructions printed on the ballot may be, particularly in states with the office group ballot. The instructions in other office group ballot states are usually about the same. On the other hand, the instructions in Missouri and Wisconsin show the complexity of voting the party column ballot. A number of states print no instructions whatever on the ballot,⁴⁹ while a few states print only instructions covering the voting of a straight party ticket, usually printing this adjoining or around the party circle.⁵⁰ The instructions to voters are usually set forth in the statute, though minor variations are necessary and permissible from one election to another. A few states merely provide that the officers in charge of printing the ballots shall print suitable instructions on how to mark the ballot, how to obtain assistance, and how to obtain another ballot if one is spoiled.

The ideal instructions to voters to be printed on the ballot should be brief, and still complete enough for the average

⁴⁹ Alabama, Arizona, Arkansas, Delaware, Illinois, Kentucky, Maine, Maryland, Mississippi, Oklahoma, Tennessee, Texas, and Utah.

⁵⁰ Georgia, Indiana, Louisiana, Nebraska, New Hampshire, Ohio, Rhode Island, and West Virginia.

person. If the instructions are too long, they will defeat their own purpose. They should cover the method of marking the ballot, the instrument to be used if there are particular requirements, how to obtain a new ballot if one is spoiled, how to write-in, and one or two of the most important "don'ts." The following instructions set forth what the author believes to be satisfactory with these requirements in mind:

Model instructions to voters for an office group ballot:

1. Mark this ballot with a pen or pencil. Place a cross (X) in the square by the name of the persons for whom you wish to vote.
2. Do not make any other mark or erase any mark. If you spoil your ballot, return it and get another.
3. You may write in the name of any other person for whom you desire to vote.

Model Instructions to voters for a party column ballot:

1. Mark this ballot with a pen or pencil. To vote a straight party ticket, place a cross (X) in the party circle.
2. You may vote a split ticket in either of two ways: (1) vote for each person separately by placing a cross (X) in the square by his name, or (2) place a cross (X) in your party circle and then vote individually for candidates in other party columns by placing a cross (X) in the squares by their names.
3. Do not make any other mark or erase any mark. If you spoil your ballot, return it and get another.
4. You may write in the name of any other person for whom you desire to vote.

The instructions should be printed conspicuously upon the ballot at the top, and not at the bottom, as is the practice in some states. The instructions given above for use in office group ballots, it should be pointed out, apply to nonpartisan and direct primary elections, as well as to final partisan elections where this form of ballot is used.

Printed cards of instructions as now generally provided are useless. They are inordinately long and detailed, containing copious quotations from the penalty sections of the election laws. They are so forbidding that undoubtedly they are rarely ever read. They might as well be printed in Chinese. Nevertheless, printed cards of instructions, posted in the voting booths and at the polls, might be useful. They should be used for material too lengthy to be printed on the ballot. No use has been made in this country of sample fictitious ballots, printed to show the correct way to mark a ballot. This method has been used with great success in proportional representation elections in Calgary. The value of a typical ballot correctly marked is that the voter can see at a glance how to mark a ballot, which is much more effective than printed instructions. If party column ballots are used, several samples should be printed to show a straight ticket and the two ways of voting a split ticket. The sample ballots should also show a name written in for some office, and also votes cast on referendum propositions. The practice of printing penal sections of the election code should be discontinued, but a summary statement might be made of a few of the most important penal provisions, particularly those dealing with electioneering at the polls.

Sample Ballots and Ballot Advertising. It is generally recognized that provision should be made to enable the voter to examine the ballot before the day of the election. It is a common experience for the voter to discover, in marking the ballot, the names of many candidates on it of whom he has never heard, to find that he is called upon to vote for a number of officers that he did not know previously were to be elected, and to find several referendum questions of which he had not heard. He is called upon to vote for these candidates and upon these propositions within a few minutes' time, and there is no opportunity whatever for him to secure information upon which to base his vote. There are two methods

used to permit the voter to examine the ballot before the day of the election; namely, sample ballots, which are made available to the public, and usually posted in each precinct; and advertising the ballot in newspapers shortly before the election.

Sample ballots are specifically provided by law in two-thirds of the states, but are probably provided without specific statutory authorization in most of the other states. Several uses are made of them. In California and New Jersey a sample ballot is mailed to every registered voter. This is the ideal arrangement, though it involves considerable expense. In many instances, however, the cost is not much greater than advertising the ballot in newspapers. Under new systems of registration it is becoming common for registration officers to install addressograph or similar equipment, which enables them to mail out material to the voter at small cost. It is usually provided by law that sample ballots shall be posted in each precinct, ordinarily at the polling place, that a specified number shall be sent to the polls, and that the election office shall distribute them to the general public. The last provision means, to be sure, that party workers call for the ballots, mark them, and distribute them to the voters. While this practice is to be commended, perhaps, it does not uniformly reach every voter. The Republican organization of Douglas County, Nebraska (in which the city of Omaha is situated), has followed the practice of mailing to every voter a sample ballot, reduced in size so that when folded once it will fit into an ordinary envelope. This ballot is not marked for the Republican nominees, but the voter is told how to vote for the Republican party, invited to inspect the ballot, mark it according to his own wishes, and take it to the polls with him. The cost is slight. The size of the sample ballot is such that the voter may readily mark it at home, put it in his pocket, and use it in the voting booth. This practice is to be commended. It should be provided by state law, and such

Make Up Your Ballot NOW

This Memorandum Ballot is sent you by the Republican Committee for your convenience.

Before you vote, please give the same consideration and scrutiny to the qualifications of the candidates that you would if you were employing them personally.

You can vote the Republican ticket by marking a cross in the Party Circle.

Election Tuesday, Nov. 6, 1928
8:00 A. M. to 8:00 P. M.

Memorandum Ballot

To Vote a Straight Ticket Make Cross within your Party Circle

- REPUBLICAN
- DEMOCRAT
- SOCIALIST

PRESIDENTIAL TICKET

Vote in ONE square only

- | | | |
|--------------------------|------------------------------|------------|
| <input type="checkbox"/> | { HERBERT HOOVER.....Pres. | } Rep. |
| | { CHARLES CURTIS.....V-Pres. | |
| <input type="checkbox"/> | { ALFRED E. SMITH.....Pres. | } Dem. |
| | { JOSEPH T. ROBINSON V-Pres. | |
| <input type="checkbox"/> | { NORMAN THOMAS...Pres. | } Soc'ist. |
| | { JAMES H. MAURER..V-Pres. | |

NATIONAL TICKET

Vote for ONE For U. S. Senator

- R. B. HOWELL.....Republican
- RICHARD L. METCALFE...Democrat
-

STATE TICKET

Vote for ONE For Governor

- ARTHUR J. WEAVER.....Republican
- CHARLES W. BRYAN.....Democrat
- F. PHILLIP HAFFNER.....Socialist
-

Vote for ONE For Lieutenant Governor

- GEO. A. WILLIAMS.....Republican
- FRANK A. DUTTON.....Democrat
- SAMUEL LERNER.....Socialist
-

ballots should be mailed out at public expense. This would save a great deal of bother at the polls, enable the voter to vote more quickly and intelligently, and save the cost of advertising the ballot in the newspapers. A part of the Omaha memorandum ballot is reproduced here as an illustration.

Sample ballots are generally printed upon colored paper to distinguish them from the official ballot, and are usually labeled "Sample Ballot." The number is frequently prescribed by law, often so many to each precinct, or ten or twenty per cent of the number of registered voters. These

ballots are printed at the same time as the official ballots, and the cost is slight. As ordinarily distributed, however, they are not effective in providing the voter with a ballot prior to the day of the election. Few voters call at the election office to inspect a copy or to secure a sample ballot, and the posting in the precincts is probably of small value.

Another practice followed in a few states is to publish a facsimile copy of the ballot in one or more newspapers a week or more prior to the election.⁵¹ This practice is to be commended. It probably is not as effective in reaching the electorate as a direct mailing of a sample ballot, but it is ordinarily less expensive. If there is any useful advertisement in connection with elections, certainly the official ballot is one. It is well known that a great deal of money is foolishly spent upon advertisements made necessary by statutory provisions; such, for example, as the advertisement that an election is to take place and the enumeration of the officers to be elected, which is provided in many states, the advertisement of a list of the polling places throughout the city, or, even worse an advertisement of the boundary lines of precincts. In some states the election statutes foolishly specify an excessive number of times which the advertisement must be run, or the inclusion of lengthy instructions to voters and a list of the polling places. The usual practice is to print the ballot in full size, or nearly in full size, which also seems to be unnecessary. Another criticism of the advertising practice is that of running the advertisements in minor newspapers with small circulation, for political reasons. The better practice would be to require the advertisement in newspapers of the largest circulation, regardless of party lines.

Printing. Many states provide by law the number of ballots to be printed, usually in proportion to the number of registered voters or the number of votes cast at a recent election. Massachusetts, for example, provides that not less than sixty

⁵¹ For example, Minnesota, Iowa, Michigan, and Wisconsin.

shall be printed for each fifty voters or fraction thereof; Ohio and Michigan, twenty-five per cent more than the number of votes cast at the last election; and Maryland provides that there shall be printed as many ballots as there are registered voters, plus twenty-five per cent, which shall be held in reserve. These statutory provisions take no cognizance of the enormous variation in the percentage of eligible voters who vote in different elections. The states which fix the number of ballots to be printed on the vote cast at a preceding election follow a fluctuating basis, which may often be too large and in some elections too few. The number to be printed varies greatly from state to state. Some states provide that one ballot shall be printed for each registered voter,⁵² others provide a slightly larger number,⁵³ while still others provide for as many as double the number of registered voters,⁵⁴ and Delaware tops them all by providing for the printing of fifteen ballots for each voter, part of which are turned over to the political parties. This unusual law is to be explained only by reason of the fact that ballots are distributed prior to the day of the election in Delaware, and the voter is permitted to mark his ballot and bring it with him when he comes to the polls. A few states provide that "a sufficient number" of ballots shall be printed, leaving the actual determination to the officers in charge of printing the ballots.⁵⁵ This would seem to be wise in view of the variation from election to election, and at the same time it incurs little danger that the supply printed will run short.

Another problem in connection with the printing of ballots is the use of a single blanket ballot versus the use of several ballots. Many states provide for the use of two or more ballots at the same election, though a number of states, for example, California and Oregon, follow the practice of print-

⁵² Oklahoma.

⁵³ Many states.

⁵⁴ Alabama, Florida, Illinois, South Dakota, Utah, Vermont, and Virginia. Arkansas and West Virginia provide for three times as many ballots as there were votes cast in the last election.

⁵⁵ Kansas, Louisiana, and Mississippi.

ing the entire ticket upon a single ballot. At least twenty states provide that constitutional amendments shall be submitted to the voters on a separate ballot. Six states provide for a separate presidential ballot.⁵⁶ Many states provide for separate judicial and nonpartisan ballots, when voted upon at the same time as partisan elections. A few states provide separate ballots for each group of officers, such as national, state, county, and city. New Mexico provides that if more than one constitutional amendment or question is to be submitted to popular vote, each constitutional amendment or other question shall be printed upon a separate ballot. Ohio and South Dakota require a separate ballot for questions other than constitutional amendments.

The use of separate ballots is carried to the extreme in some states, where the number used at a particular election may run as high as five to eight. There is some merit to placing the constitutional amendments and other referendum propositions on a separate ballot, particularly where the party column ballot is used. If the ballot is large it is somewhat more convenient to have two ballots instead of one very large one. Some years ago Illinois provided for separate ballots as a means of stimulating voting upon referendum questions. The Illinois election commission recommended in 1931 that the referendum questions should be put back on the general ballot, with the thought that it would increase the vote cast upon them. The practice in Louisiana, and perhaps some other states, of printing constitutional amendments under the party column, provided the party has taken a position on them, so that a straight party vote is a vote in favor of the amendment, is questionable, to say the least.

There is also considerable merit in the use of separate ballots for judicial, presidential, and nonpartisan elections, when held at the same time with partisan elections of the state and county. The printing of a separate presidential ballot helps to divorce state politics from national politics. The better

⁵⁶ New York, North Carolina, Ohio, Vermont, and Wisconsin.

practice is to hold state and county elections at another time. Similarly there is much to be said for using a separate ballot for judicial and other nonpartisan elections, as a means of separating them from the partisan elections. However, care should be taken not to burden the voter with too many ballots. Unless there are reasons to the contrary, the practice of using a single ballot at each election is preferable.

The ballots are ordinarily printed by the city or county officer in charge of elections. Several states, however, provide for the printing of state ballots by the state itself, and delivery of such ballots to the local officers. In Canada the provincial government supplies the local returning officer with ballot papers, which are printed locally, but the paper is uniform throughout the province. State laws usually provide for the letting of the contract for printing the ballots to the lowest bidder or to the lowest responsible bidder, after sealed bids with suitable bonds have been received. In a few states this is written into the election laws, but even when absent, general provisions regulating the letting of contracts and the purchasing of supplies by county officers are applicable to elections. Nevertheless, these provisions do not always secure bona fide competition in the printing of ballots. The cost of ballots, as well as other election supplies, is often excessive owing to favoritism and politics in the letting of contracts.

Presidential Electors and the Ballot. In some states the ballot has within recent years been simplified and shortened by eliminating the names of the candidates for presidential electors and the substituting therefor the names of the candidates for President and Vice President of the several parties. The majority of states still cling to the old system of printing the names of the candidates for presidential electors on the ballot, but as time goes by this practice will be discontinued by state after state. The election of a President and Vice President in the United States is indirect in form, though direct in reality. The voter is not concerned with the candidates for

electors. He expects them to vote for the nominees of the party, and in voting for them he casts his ballot indirectly for the nominees for President and Vice President. The candidates for electors are not persons known throughout the state. Without the party labels the voter would be hopelessly lost. Many states, recognizing this, have grouped the candidates for electors of each party together with the names of the candidates of the party for President and Vice President, and have permitted the voter to vote for all the candidates for electors in bloc. A few states go further and require the voter to vote for the group in bloc, preventing the voting for them individually or splitting a vote between two political parties—an obviously absurd vote. The next step is to take the names of the candidates for electors off the ballot entirely, and substitute therefor the names of the candidates for President and Vice President. Six states had enacted such laws before 1930; namely, Nebraska (1917), Iowa (1919), Wisconsin (1925), Illinois (1927), and Ohio and Michigan (1929).

This practice is obviously desirable, inasmuch as it materially shortens the ballot, reduces the cost of printing, and simplifies voting. The only question which may be validly raised about its use is that of constitutionality. The Federal Constitution specifically grants to the state legislatures the power to determine the method by which presidential electors shall be selected in Article 2, Section 1, as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress.

But the Constitution goes on to empower Congress to determine the day upon which the electors shall be chosen, as follows:

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

In accordance with this power, Congress has provided that the electors

Shall be appointed in each state on the Tuesday next after the first Monday in November in every fourth year succeeding every election of a President and Vice-President.⁵⁷

These are the only provisions in national law dealing with the election of presidential electors. The power of the states to determine the method of election has been clearly set forth by the United States Supreme Court in *McPherson v. Blackmer*,⁵⁸ Chief Justice Fuller delivering the opinion as follows:

The appointment of these electors is thus placed absolutely and wholly with the legislatures of the several states. They may be chosen by the legislatures, or the legislature may provide that they shall be elected by the state at large, or in districts, as other members of Congress, which was the case formerly in many states; and it is, no doubt, competent for the legislature to authorize the governor, or the supreme court of the state, or any other agent of its will, to appoint these electors. This power is conferred upon the legislatures of the states by the Constitution of the United States and cannot be taken away from them or modified by their state constitution any more than can their power to elect senators of the United States. Whatever provisions may be made by statute, or by the state constitution to choose electors by the people, there is no doubt of the right of the legislature to resume the power at any time, for it can neither be taken away or abdicated.

It is significant that in the early history of the country presidential electors were generally appointed by the legislature, though after 1832 they were uniformly elected by popular vote, except in South Carolina. This state continued the practice of the legislature appointing the presidential electors until after 1860. There can be no constitutional question about the recent development of taking the names of the candidates for electors off the ballot and providing that a vote cast for the candidates for President and Vice President of each party shall be counted for the candidates for presidential electors of that party, whose names are filed with the secretary of state.

⁵⁷ U. S. Code Annotated, Title 3, Par. 1.

⁵⁸ 146 U.S. 1, 34 (1892).

The present practice in electing presidential electors varies greatly. Eight states require the voter to cast his ballot individually for the presidential electors, not permitting a group vote.⁵⁹ Only two of these states print the names of the candidates for President and Vice President on the ballot.⁶⁰ In this group, Florida, Mississippi, and South Carolina do not indicate on the ballot the party designation of the candidates, though the Democratic candidates are always placed first and are grouped together. This practice is indefensible.

A second group of twenty-three states permit the electors to be voted for either individually or as a group.⁶¹ Twelve of these states print the names of the candidates for President and Vice President on the ballot,⁶² but the others do not. A third group of twelve states require the voter to cast his ballot for the candidates of a political party as a group, without provision for split or individual voting.⁶³ In all of these states the names of the candidates for President and Vice President are also printed on the ballot. The fourth and last group of six states, already enumerated, take the names of the candidates for presidential electors off the ballot and substitute therefor the names of the candidates for President and Vice President. In these states the voter is instructed that a vote cast for the nominees of a political party for President and Vice President will be counted for the nominees of the party for presidential electors. He is not permitted, however, and for obvious reasons, to vote separately for President and Vice President, the two names being uniformly bracketed together and only one voting square provided. The Iowa statute providing for the

⁵⁹ Florida, Montana, Mississippi, Nevada, North Carolina, South Carolina, and Tennessee.

⁶⁰ Nevada and Tennessee.

⁶¹ Alabama, Connecticut, Delaware, Idaho, Indiana, Kentucky, Louisiana, New Hampshire, New Mexico, Washington, Georgia, Maine, Missouri, New York, Texas, Utah, Vermont, West Virginia, New Jersey, California, Maryland, Pennsylvania, and Colorado.

⁶² Georgia, Maine, Missouri, New York, Texas, Utah, Vermont, West Virginia, New Jersey, Maryland, Pennsylvania, and Colorado.

⁶³ Arizona, Arkansas, Massachusetts, North Dakota, Oklahoma, Oregon, Kansas, Minnesota, Rhode Island, South Dakota, Virginia, and Wyoming.

election of presidential electors may be quoted as typical of the group.

A vote for the candidates of any political party or group of petitioners for president and vice president of the United States, shall be conclusively deemed to be a vote for each candidate nominated in each district and in the state at large by said party, or group of petitioners, for presidential electors and shall be so counted and recorded for such electors.⁶⁴

⁶⁴ Election Laws, Sec. 965.

CHAPTER VI

THE CONDUCT OF ELECTIONS

Under the historical practice in England there is a definite call for each election, based upon a writ authorizing it.¹ Parliamentary elections, of course, do not occur at stated intervals, but may be called at any time.

The Call of the Election. The practice in the United States is to hold elections for all officers, national, state, county, city and other districts, at regular stated intervals, provided by law. These are known as regular elections. Special elections to fill a vacancy or to vote upon referendum questions, such as bond issues or a new city charter, are called when required by law or deemed necessary or expedient. Special elections can be called only by the officer or body authorized to do so and in the manner prescribed in the statutes. In either case, regular or special election, the local election officer in charge is ordinarily required to publish a notice of the fact that an election will be held, including a list of offices to be filled. For state elections the secretary of state publishes a notice of the holding of the elections, which is sent to the local officers to be published, along with the list of the local officers to be elected.

It is highly desirable that a facsimile copy of the ballot be advertised or distributed to the voters prior to the election,² but the advertising and posting of the official certificate or call of the election is a pure waste of public funds. Often the call contains lengthy referendum propositions or constitutional or charter amendments and, according to law, must be published in newspapers for weeks at a considerable cost. As an illustration, the school election held in Kansas City in March 1928, cost \$32,000, of which \$22,800 was spent for

¹ Such a call is reproduced on the opposite page.

² See Chap. V.

WARD OF WALBROOK.

By virtue of a precept from the **Right Honourable the LORD MAYOR**, you are hereby required by the **Worshipful Sir PERCY VINCENT, J.P., Alderman of this Ward**, to make your personal appearance at a Wardmote to be holden before him on Monday, the Sixteenth day of June, 1930, at Twelve o'clock noon precisely, at The Hall of the Worshipful Company of Salters, St. Swithin's Lane.

For the purpose of Electing a fit and proper person to be of the Common Council of this Ward for the remainder of the current year in the room and stead of Henry Percival Monckton, Esq., who held such Office of Common Councilman, but who has resigned the same.

Hereof fail not.

EDWARD KERRY COX,

2nd June, 1930.

Ward Beadle,

The Vestry Hall, Vine Street,
Crutched Friars, E.C. 3.

NOTE.—Every Candidate for Election must not less than seven days before the day of holding the Wardmote be nominated in writing by two Electors of the Ward as Proposer and Seconder whose names must be on the Ward List.

Forms of Nomination can be obtained from the Ward Clerk, Mr. Saml. Hugh Price, 3, Bond Court, Walbrook, E.C. 4, and when completed must be lodged with him.

No person who has not been so nominated is eligible for Election.

CALL FOR LONDON COUNCILMAN ELECTION

advertising. The state law required the publication of a notice of the election for twenty consecutive days, and bond buyers refused to buy school bonds voted upon at such elections unless the advertising conformed to state law in every respect.³ This large waste of public funds would be made unnecessary by a slight change in the state election law. This is not at all an isolated or exceptional case. In many states, changes in city charters must be advertised for days in the newspapers, though everyone who is informed will agree that such publication serves little or no purpose. The Canadian practice under which the returning officer posts a notice at his office of the call of the election is quite sufficient, and avoids this unnecessary expense. In this country the election laws should similarly provide that the call for each election shall be posted by the secretary of state, and by the chief election officer of the cities and counties at their respective offices, and let it stop there. It may be advisable to publish constitutional amendments and charter amendments in full, as well as complete details of proposed bond issues, but this can be done better in connection with the publication of the ballot.

The Frequency of Elections. All students of elections in this country are well agreed that we are afflicted with too many elections. Public attention and interest is frittered away by frequent elections, one crowding upon another. Many examples were impressed upon the writer during his travels throughout the country. He was told in Minneapolis, for example, in June 1929, that already during that year there had been held five separate and distinct elections, on separate days, in certain wards in the city. The Illinois Commission on the Revision of Election Laws reports that in one city in Illinois three elections were held within eleven days.⁴ The writer served as an election officer in the City of Chicago for six separate elections (including primaries) in one year, sev-

³ Letter to writer from Mr. J. Seaton of the Kansas City Public Service Institute.

⁴ Report, 1931, p. 11.

eral years ago. In many states there are four regular elections held within a year—a city primary and election, and a state and county primary and election—aside from school, special district, and special elections, which are held from time to time. Fortunate indeed is the community which has only two elections (a primary and an election following) within a single year.

Another problem in connection with the holding of elections, of equal importance to that of the number and frequency, is that of holding elections of different jurisdictions at the same time. It is very common for state and county elections to be held together, and usually at the same time as national elections. Such a mingling of elections results in the overshadowing of important local elections by the more sensational national or state elections. The minor offices are lost in the shuffle and the election becomes little more than a form. This problem has attracted considerable attention within recent years, and a few states have altered their election laws in order to segregate elections. The ideal arrangement would be to hold elections on a four-year cycle, with national elections one year, state elections another, county elections another, and city elections the remaining year. This can be accomplished only by lengthening the terms of office to four years, and by definitely arranging the term of all the officers of each governmental unit so that they will coincide. Congressional elections, to be sure, will have to be held biennially, but a limited amount of mingling of elections is unavoidable.

These two objectives—that of holding fewer elections and that of separating the elections of the several governmental units so that they will not occur together—are somewhat opposed to each other. It would be easy to lump all the elections together and thereby have fewer elections. This is the practice in a few states, notably Oregon, but the result is not desirable. It is better to have more elections than to burden the voter with too long a ballot at one time, confusing na-

tional, state, county, and city issues, and thus destroying effective responsibility. On the other hand, it would be easy to separate the elections of the various units if we did not care how many elections we had. An ideal schedule would provide, first, not more than one election (with an accompanying primary where necessary) annually; second, that each election be confined, as far as practicable, to the election of the officers of one governmental unit only; and third, a fair balance in the number of officers and the referendum propositions to be voted on at the several elections, so that one election would not present an extremely long ballot and the next election a very short one.

The steps necessary for securing such a schedule of elections may be indicated. First, longer terms of office are necessary. There is already a decided trend throughout the country for longer terms. The early doctrine that "where annual elections end, there tyranny begins" has long since been discarded. Many offices now have four-year terms, but usually no attempt has been made to make the terms of office within the same jurisdiction coincide so as to reduce the number of elections. Altogether, aside from the problem of election administration, many valid considerations may be advanced in favor of a four-year term generally for elective officers, particularly executive officers. A two-year term usually means that the officer must start campaigning for re-election very soon after entering office. This makes the office unattractive to capable persons and greatly affects the work of the office. The case of legislative bodies, whether the city council, the county board, or the state legislature, is somewhat different. Many well informed persons believe that a four-year term is rather long for members of a legislative body.⁵ There is a growing tendency, however, for such offices to carry a four-year term, and with no noticeable evil effect.

It is very common also for provision to be made for over-

⁵ Professor Charles E. Merriam is doubtful of the wisdom of four-year terms for city councils.

lapping terms of members of city council, county boards of commissioners, school boards, and the state legislature. The principle of overlapping terms is designed to provide continuity of policy and to reduce political influence, and when applied to appointive boards and commissions, may be altogether salutary, but for elective legislative bodies it has little validity. It must be borne in mind that a clean sweep of a legislative body in an election is almost unknown. A councilmanic election, for example, in which as many as half of the persons elected are new is highly unusual. Consequently, overlapping terms are unnecessary. Not only are they unnecessary, but valid objections may be raised against them. With overlapping terms and a half or a third of the members coming up for election at one time, it is difficult to conduct the campaign upon the basis of the record of the existing council, or to fix definitely the responsibility for the policies which have been followed. Unquestionably the interest in municipal elections is dissipated in many cities by the practice of electing a few of the councilmen each year. Attention can be centered more effectively, public interest better aroused, and responsibility more definitely fixed by electing all members at one time.⁶ Longer terms of office should be adopted, and the terms of office within each unit of government should be made to coincide as a means of segregating elections and reducing their number.

It is not at all uncommon for elections to be held at which only a single officer or one or two officers are elected, and minor officers at that. In Milwaukee, for example, the state law, prior to 1929, required an election to be held every spring in even numbered years, though the city charter had been amended to provide four-year terms for municipal officers, and at one election every four years only a single justice of peace was to be elected. The city had to hold an election at a cost of \$30,000 to elect an officer whose salary was

⁶ This position is maintained by Dr. Mayo Fesler, Director of the Citizens League of Cleveland.

\$600, and whose duties had been largely removed and turned over to the police department. The board of election commissioners wisely went to the legislature and secured a change in the law whereby the justice of peace could be elected at another time. This is not an unusual case. Similar cases have been related to the writer in other states. A careful study of the elections within any state will bring such cases to light. Such elections should be abolished and the officers involved elected at other times.

In many communities special elections are held too frequently. The practice of holding a special election to fill a vacancy is of doubtful wisdom. Vacancies should be filled by appointment by the appropriate officer or body, either until the expiration of the term of office, or until the next regular election. The public should not be subjected to the added bother and nuisance of a public election, and the expense should be avoided. Since the vote cast is often very small, the results secured are not satisfactory. Special elections upon referendum questions or bond issues should be held only when there is a real urgency or an important reason for holding such election at a time other than at a regular election. It is difficult, however, to safeguard against the promiscuous calling of special elections by the local authorities. It is necessary to authorize the calling of special elections, and it would probably be unwise to attempt to hedge about or to restrict the exercise of this power. The necessity for special elections should be removed as far as possible. The attempt of certain states to do away with all elections in certain years has proved to be rather ineffective, for special elections during these off years are common.⁷ The better practice is to separate the elections more evenly, holding one regular election each year.

Election Precincts. In this country it is the well established practice in nearly every state to divide the county or city into a number of geographical districts for the purpose of holding elections. Each elector is required to vote at the polling place

⁷ This has been the experience in Oregon.

of his own precinct, which by custom is ordinarily located within the precinct, and, in cities, within a few blocks of his residence. In some other countries large election districts are used, even an entire city being polled as one district in a suitable hall centrally located. The size of the precincts greatly influences the cost of the elections. It is quite obvious that the larger the precincts, the smaller will be the cost. The variation in the size of election precincts among various states and cities is extremely wide, and cannot be explained by reason of the difference of the work in the different jurisdictions, but is rather due to custom and to state law.

The election laws of the various states authorize some local authority, usually the county board of commissioners or the city council, to divide the city or county into election districts, and regulate the exercise of this power.⁸ Many of the more populous states provide by law that no precinct shall contain more than a specified number of voters, the number ranging from two hundred in California to two thousand in Massachusetts. A few states provide also for a minimum number of voters to the precinct, prohibiting the creation of a new precinct unless there are, say, fifty voters within the territory. Other states require that precincts shall be of compact and contiguous territory, and often provide that precinct lines shall not cut across congressional, state senatorial, or assembly district lines. In a few states, however, specific provision is made authorizing the creation of precincts which contain some territory within a city or town and some without, requiring the keeping of separate records of the voters of each part. A very common restriction upon the creation and alteration of precincts is that of time, requiring any changes in precinct boundaries to be made thirty, sixty, ninety days, or, in one state, six months prior to the election. The purpose is to safeguard the voter against the alteration of the precincts for political purposes on the eve of the election.

⁸ Delaware and South Carolina actually divide the state into election districts by state law.

These various restrictions upon the local officers charged with the creation of election precincts are, in the main, unwise. They serve little purpose, for it can be assumed safely that the local city council or the board of commissioners of the county, or other officer or board charged with this function, will perform it in such manner as to facilitate voting, and will not abuse the power. Take, for example, the provision that election precincts shall not contain more than three hundred voters. Such a requirement in the state law makes it necessary for the local officers to divide precincts and to re-district when the number of voters exceeds that amount, regardless of whether more precincts are actually needed. Following the presidential election of 1928, when an unusually large vote was cast throughout the country, it became necessary, according to state laws, for many large cities to redistrict the entire city, creating many new precincts and altering precinct lines generally. This had to be done despite the fact that the election officers knew full well that such a large vote would not be cast again for several years, and that, except for the state law, there was absolutely no necessity for redistricting. This creation of many new precincts has greatly increased the cost of the conduct of elections.

The great variation in the number of voters to the precinct authorized by the state laws indicates in itself that such provisions are unwise. If the precinct officers of Massachusetts are able to take care of two thousand voters, there can be no justification for state laws restricting the number of voters to the precinct to two hundred in California, two hundred and fifty in Indiana, three hundred in Washington, Oregon, Nebraska, and Colorado, and so on. In a number of cities of Wisconsin the public officers disregard the state law requiring precincts to be divided when they reach five hundred voters, and in practice permit precincts to contain as many as two thousand voters, many precincts running over one thousand voters. Practical experience indicates that less than half of

the voters actually vote in most elections, and that even in the largest elections the precinct officers can handle the voters with ease. By failing to divide the precincts as required by state law the cost is kept down and the elections are conducted quite satisfactorily. This is proof of the contention that state laws should not limit the size of precincts, leaving the size to the discretion of the local officers.

If the state law provides that any precinct containing more than four hundred (or other number) voters shall be divided (based either upon the vote cast at any election or the number of registrations), it inevitably works out that precincts must be very appreciably smaller in size than the maximum set by state law. The local election officers must take into account the possibility of growth in population of the precincts, and consequently, when there is a redistricting, an attempt is made to place approximately three hundred voters, say, within each precinct. Many precincts will be smaller. With an average of three hundred voters to the precinct, many elections, if not most elections, will have only from one hundred to one hundred and fifty votes cast. The result is that the precinct officers find their work very slight—in fact, negligible during most of the day—and the cost of elections is high in proportion. A maximum set by state law of four hundred actually results in an average vote cast per precinct in all elections of about two hundred. The cost per precinct of conducting an election, taking into account the salary of five or more officers usually required, the rental of the polling place, the purchase of supplies for the precinct, etc., usually runs from fifty dollars to one hundred dollars for each election. Taking the lower figure for illustration, if the precinct cost is fifty dollars and one hundred votes are cast, the cost is fifty cents per vote; but if instead of one hundred votes there are five hundred votes cast (which should be handled with ease by any set of competent precinct officers), the cost per vote cast is only ten cents. The size of the precincts—the number of vot-

ers to the precinct—is unquestionably the most important factor determining the cost of elections.⁹ The cost is inversely in proportion to the size of the precinct. The cost of conducting the election in the precincts is by far the largest single cost in the administration of elections, running from fifty to seventy per cent of the total cost, and this cost is determined largely by the number of voters to the precinct.

There are other considerations beside the state laws which influence the size of precincts. The length of the ballot, the provisions in the state laws about counting the ballots, the hours for voting, the tradition of having the polling place near to the residence of the voter, the use of voting machines, and the influence of the size of the precincts upon the party organizations, particularly the patronage involved—all of these factors influence the size of precincts. There is by far too much red tape involved in the procedure at the polling place: the signing of ballots, the use of several ballots, the writing out of two poll lists of voters, the various forms which must be made out, and the clumsy methods for counting ballots. All of this makes it difficult to handle the voters quickly and to count a large number of ballots. The procedure should be simplified. Proposals for simplification are suggested below. If an insufficient number of voting booths are provided the voters will have to wait to mark their ballots and cannot be taken care of promptly. The solution is simple—more voting stalls or booths. If the ballot is particularly long in certain elections (as it is in California, Oregon, Illinois, and Pennsylvania, for example) the job of counting the ballot is difficult. In many states the hours of voting are poorly adapted to the handling of a maximum number of voters to the precinct. The closing of the polls at six o'clock in the afternoon, or even earlier, is apt to cause a line of waiting voters prior to the close of the polls, while during the morning hours

⁹ This point has been emphasized in various studies of election costs by the Citizens League of Cleveland, Ohio, the Mayors' Conference of New York State, and in some studies made by Mr. C. A. Crosser of the Des Moines Bureau of Municipal Research.

very few voters appear. More sensible hours would be, say, from twelve o'clock noon until nine or ten P.M.

One of the principal arguments or sales talks for the voting machines is that they permit the use of larger precincts, since the election officers are relieved of the tedious task of counting the ballots. This is true, though the number of voters which can be handled successfully upon one voting machine depends upon the length of the ballot and other factors. The most economical way to use voting machines is to provide several machines to each precinct, with a thousand or more voters to the precinct. When more than one machine is provided it is the practice to use one extra officer for each extra machine, though several states foolishly use two or even three officers extra for each machine. No saving may be made by the use of larger precincts if the machines are manned by more officers than are needed.

There are several other important considerations why larger precincts should be used in cities. The amount of supervision which the central office exercises over the precinct officers is practically negligible at present. Usually no pretense whatever is made to inspect their work during the day of the election. The actual supervision is confined almost wholly to the investigation of complaints. Because of the large number of precincts, particularly in the larger cities, supervision is difficult, though not impossible. If this number could be reduced substantially, it would be much easier for the central office to supervise the work. The practice followed in some of the Canadian cities, where as many as five thousand voters are handled within a single hall, by several election boards, is highly significant. The voters within the electoral district are divided alphabetically for the polling of the vote, and one person is placed in charge of all these boards. This practice has much to commend it. The number of precinct officers or boards used at each election may be adjusted readily to the size of the vote expected, and the present absurd practice of using the same number of precinct officers at all

elections, large or small, thereby avoided. In many light elections the cost could be reduced to a half or even a fourth of that of the larger elections. This saving would probably cut the whole cost of elections into nearly a half.

The principal consideration against the use of large precincts is that the voters would have to go farther to vote and would therefore seriously object. It cannot be gainsaid that the voters in this country have become so accustomed to having the polling places near their residences that considerable protest would be raised against any other arrangement. The use of larger precincts, however, does not necessarily mean that the voters will have to go much farther to vote. If the precincts are carefully laid out with reference to public buildings or suitable polling places, the voter will not be required to go an unreasonable distance. In several large cities which make considerable use of public buildings for polling places it is quite customary to locate several precincts within the same building. This is particularly true, for example, in New York City and in Milwaukee. In the latter city as many as seven polls have been placed within one school building. A few years ago Dr. Mayo Fesler of Cleveland counted the number of polling places on Euclid Avenue for thirty blocks, and found that there were some sixty within that distance. On several street intersections he found four portable voting booths—one on each corner. Obviously under such circumstances the size of the precincts could be increased without increasing at all the distance required of the voter. If the election precincts were laid out with respect to public school buildings, each school building being located near the center of a precinct and serving as a polling place for approximately the same area which it serves as a school, the size of the precincts could be increased greatly, and yet there would be little ground for complaint. Where the children walk to school daily, surely their parents should not complain for having to make the trip once or twice a year. In this day of improved streets, better transportation facilities, and the widespread

use of the automobile, the necessity for having the polling places near the residences of the voters has passed. One great advantage in the use of larger precincts is the fact that the polling places could be located uniformly in public buildings. The use of larger precincts and public buildings as polling places would make it necessary for some of the voters to go farther to vote, but this is offset to a large extent by the fact that the polling places would be the same from year to year and would be known to the voters, whereas with smaller precincts and the use of shops or homes for polling places, the voter may be put to considerable trouble to learn where to go to vote. The use of small precincts with a definite, limited number of voters to the precinct requires also a constant shifting of precinct lines as population increases, or when an election brings out an unusually large number of voters. With larger precincts, using several boards to the precinct, this would be unnecessary. Greater flexibility would be provided, and the precincts might be varied in size so as to fit the requirements.

In rural communities the problem of the size of precincts is quite different from that of cities. It is usually necessary to have a separate precinct for each township or other local unit, and little can be done to increase the size of precincts. With improved roads and the well nigh universal use of automobiles, large precincts would not occasion any particular hardship upon rural voters, and should be used where the political units permit. In the small city, say up to twenty-five thousand population, elections might be held in the city hall or other central location as conveniently as in precincts. Some cities, notably those in Connecticut, follow this practice.

Polling Places. Elections are conducted in this country generally in one of the following types of building: public buildings, shops, churches, homes, and portable houses. The state laws often provide that the polling places shall be within the precinct, though in New York State it may be within the

adjoining precinct, and in Wisconsin it may be anywhere within the ward. In these states the election officers have much greater discretion as to the location of polling places, and in many cities they follow the practice of putting several polling places within a single school building. In some states when it is desired to have more than one polling place in a single public building it is necessary to lay the precinct boundaries

Average Number of Registered Voters and Votes Cast at the General Election per Precinct in Selected Cities, 1930¹

City	Number of registered voters	Number of precincts	Average no. of reg. voters per precinct	Votes cast November election	Average no. of votes cast per precinct
New York	1,568,305	3,421	458	1,413,717	414
Chicago	1,208,599	3,009	402	979,881	326
Los Angeles ²	853,676	3,433	247	500,801	146
Detroit	522,842	852	614	224,482	263
Newark ³	326,662	630	518	156,497	249
St. Louis	300,635	670	447	157,999	234
Baltimore	295,929	668	443	271,580	406
Cleveland ⁴	312,900	1,105	283	289,073	262
Minneapolis	218,840	353	617	128,252	364
Milwaukee	184,530	360	512	106,590	296
Rochester, N.Y. ⁵	159,617	339	472	131,764	388
Portland, Ore. ⁶	148,459	540	275	96,351	178
Syracuse, N.Y. ⁷	130,350	236	554	108,678	461
Omaha, Neb.	88,979	218	407	63,667	292

¹ The statistics have been supplied by the respective election offices.

² Los Angeles County.

³ Essex County. Registration in Newark, 147,790; outside, 178,872.

⁴ Cuyahoga County.

⁵ Monroe County.

⁶ Multnomah County.

⁷ Onondaga County.

in such manner that the building is at the intersection of the precincts. While this device is expedient, it should not be necessary.

The ideal qualifications for a polling place include the following: sufficient size to take care of the voters without crowding; well lighted; well ventilated and heated; permanent, so that the voters would not be inconvenienced by changes of location; accessible; suitable surroundings for the conduct of the election; and procurable at a reasonable cost. The polling

place greatly influences the conduct of the elections, both from the standpoint of service and satisfaction to the voters and from that of election frauds. Several years ago the writer made a tour of the voting places in one of the wards of Chicago which was notorious for election frauds, kidnappings, and violence. During the day a negro candidate for ward committeeman was shot by a machine gun from a high powered car. The writer was greatly impressed by the type of place used for the polls: small, dark rooms in the basement of shabby flats, accessible only through a narrow dark hallway; the rear end of small shops; barber shops with business going on as usual; one livery stable; and one beauty parlor; while large public school buildings nearby went unused. Such crowds were gathered in and around the polls that voters had difficulty in edging their way through. Confusion reigned supreme, and in the turmoil it was difficult to know what was going on. Carloads of thugs and gunmen toured the ward, repeating, and intimidating the voters. It was evident that the polling places had been selected to make election frauds and violence easy. It was almost inconceivable that the same throngs and the same tactics could have been used in public school buildings or places of decency and respectability.

Public buildings, particularly school buildings, are unquestionably the most desirable polling places from almost every viewpoint. In Milwaukee the board of election commissioners within recent years has followed the policy of locating practically all of the polls within public buildings, using portable houses where there is no public building within easy walking distance. The board has refused to place the polling places within shops, churches, or homes. The cost of the election is substantially reduced by the use of public buildings, for ordinarily no rental is paid. In some cities an additional wage is paid to the janitor of the public buildings because of the extra work required, which is the only rental cost involved. Public buildings are roomy, airy, well lighted and heated, accessible, and respectable. The school authorities in some cities

object to the use of school buildings on the ground that there are no rooms available for use as polling places without disturbing the school. It has been suggested that school be dismissed on election days, but with this suggestion the writer cannot agree. Ordinarily there is some room or wide hallway where the polls can be conducted without serious inconvenience to the school work. Basement rooms in the school building are used in many cities, though it should be noted that some election officers object to the use of basement rooms or hallways. The writer has visited many polling places in school buildings, many of which were in basement rooms, and has found them to be highly satisfactory in every case. Other public buildings frequently used include fire stations, the city hall, and public libraries. If large precincts were the rule in cities, no difficulty would be encountered in using public buildings exclusively for the polling places.

Shops, particularly tailoring and cleaning establishments, are commonly used as polling places. A few are quite satisfactory, but usually they are small, poorly lighted, badly heated and ventilated, and subject to frequent changes. Churches are used only infrequently. Private residences are unsatisfactory as polling places. People object to having to go into a residence to vote, and often damage is done to the home, involving a claim against the city. Portable houses are used in only a relatively few cities. Baltimore, Cleveland, Detroit, Milwaukee, New York City, and Rochester, New York, are among the cities using portable houses. They are used practically exclusively in Rochester and quite generally in Cleveland, but in the other cities they are used only in precincts where some other satisfactory place is not available. The consensus of opinion seems to be that on the whole they are not satisfactory and should be used only as a last resort. They have to be placed on the curb or street, or on a vacant lot, and are somewhat unsightly. They are not ordinarily well lighted and heated, and if the weather is cold they are rather

unsatisfactory. In Cleveland, however, arrangements have been made to light the portable houses, and in Rochester, where the election commissioner has gone into the matter thoroughly, the portable houses are well constructed and equipped. When account is made of the various factors of the cost—original cost, interest, depreciation, upkeep, rental of storage space, drayage to and from the precinct—it is evident that portable houses are quite expensive, and a rented shop, even at a high rental, is more economical.

The procedure used in the selection of polling places is not at all uniform. In many large cities the party organizations are permitted to select the polling places, in some cities each party controlling in alternate precincts. In other cities an employee of the election office is sent out to locate and rent polling places in the precincts where it becomes necessary to secure a new location. In many states the county board of commissioners or the city council determines upon the polling places and the selection is made by each councilman or commissioner for his own district. In former years there was a considerable element of patronage and sometimes graft in the location of the polling places, but with the mounting cost of rent this is no longer of much importance. In many precincts it is difficult to find a suitable polling place. If the selection is turned over to the party organizations and merely ratified by the authority charged with the selection, unsuitable polling places will be selected in the machine controlled districts of the city, and will be conducive to intimidation, violence, and election frauds.

Public buildings should be used practically exclusively for polling places. In order to permit a freer use of public buildings, state laws which require the polling place to be located within the boundary of the precinct should be repealed. The practice of permitting the party organizations, and hence the precinct captains, to select the polling places is unwise, particularly in the districts of large cities where frauds are liable

to be committed. Many, if not most, of the election frauds and bad practices which now prevail would be avoided if public buildings were used.

Delivery of Election Equipment and Supplies. Various equipment, supplies, records, ballots, etc., must be delivered to the polls before the election starts. Some of the items, such as tables, chairs, voting stalls or booths, and ballot boxes or voting machines are always trucked out to the polls a day or more prior to the election. In rural precincts the officers are frequently left to their own resources to secure such supplies, and in some cities the tables and chairs are supplied by the person who rents the polling place. Many cities, however, own the equipment, which is kept from one election to the next. The ballots, registration records, and certain other forms and records are regarded as too important to be delivered to the polling place, and are usually delivered to one of the election officers, who is required to call at the election office for them, or are delivered to the home of the chairman of the precinct board on the day prior to the election and a signed receipt secured for them. The latter practice is by far the better. In many places the election authorities short-sightedly require the precinct officers to make trip after trip to the election office to perform trivial duties which could be done without this bother, thus making the position unattractive to the most desirable type of person.

Hours for Voting. Considerable variation exists as to the hours for voting, even within the same state, and, indeed, within the same city from one election to another. In Illinois, for example, different acts of the legislature, applying to different elections and to different jurisdictions, provide for the following voting hours: 6 A.M. to 5 P.M.; 6 A.M. to 4 P.M.; 8 A.M. to 7 P.M.; 7 A.M. to 5 P.M.; and in certain jurisdictions the local authorities may change the hours.¹⁰ In

¹⁰ Report of the Illinois Commission on Revision of the Election Laws, 1931, p. 36.

Chicago it often happens that two elections are held on the same day; for example, a judicial election and a city election, one closing at four o'clock and the other at five o'clock. Voters arriving at the polls between these hours are permitted to vote only in the election which has not yet closed. Such a situation obviously is absurd. Years ago, when the State of Illinois was largely rural, it was quite satisfactory to close the polls at four or five o'clock, for the farmers had to go home to do the chores at about that hour, but to continue such hours for a great city, where it is normally more convenient for the voters to vote after five o'clock P.M. than before that hour, is even more absurd.

Little attention or thought has apparently been given to the problem of the hours of voting. In many states long hours obtain, making the position of election officer very tedious, while in other places the polls close so early that it is not convenient for many voters to vote, and people at work have to leave their work for several hours in order to vote. Despite the fact that the habits of the city dweller of to-day are quite different from those of the rural dweller of a generation or more ago, often the hours for voting have not been changed.

For the city dweller to-day it is desirable that the polls be kept open during the early evening so that several members of the family may vote together after the employed persons return home from work. Experience in cities which keep the polls open until eight o'clock P.M. shows that in the average election more people will vote after five o'clock than prior to that hour. In a very hotly contested election, however, many persons will vote during the day to avoid the evening rush and waiting in line. From the standpoint of taking care of the voters, it would be desirable to continue the polls open until nine or even ten o'clock P.M.; but, on the other hand, people are anxious to have their election returns on the evening of the election, and the newspapers press particularly hard for returns in time for the morning papers of the next day, and hence it is probably not practicable to keep the polls

open longer than nine o'clock P.M. unless voting machines are used. In many states the polls are opened early in the morning in order to permit persons to cast their ballot on their way to work. While this is desirable, it entails long hours for the election officers, frequently with very few voters until the evening rush. A much better practice would be to open the polls at noon, thereby reducing the hours of the election officers and the cost of the election, and to keep them open until eight o'clock P.M., with extra clerks to assist during the rush period and to help count the ballots.

Organization of the Precinct Election Board. In a number of states one member of the precinct election board is made chairman, either by selection of the precinct officers themselves, or by appointment as chairman by the central election office. There is much merit to the practice of placing one man in charge. The power of the chairman, however, varies a great deal in different states. In Omaha and in Detroit the chairman is in general charge and is responsible for what takes place. In Omaha all decisions are finally made by the chairman, and because of this, a strong effort is made to secure a satisfactory and experienced person to serve in that capacity. In some states, however, the position of chairman carries little or no added authority. Where the chairman has no extra powers and is only one among the other members of the board, or where there is no chairman at all, responsibility is divided so completely that when irregularities or frauds take place it is always practically impossible to establish the guilt, and bickerings and disputes between the election officers themselves are liable to occur. Common sense would dictate that one person be placed in charge. The principal argument against placing one person in charge is the outworn principle of bipartisanship.

The division of work between the several members of the precinct election board is rarely set forth in the statutes, though quite commonly it is contained in the instructions to the precinct officers by the central election office. In most juris-

dictions there are two poll books to be written out and two registers of voters to be examined and checked when the voter applies to vote, and consequently the two clerks are usually assigned to write out the poll books, and two of the judges take charge of the registers. One person is placed in charge of the ballots, and sometimes another person receives the ballots after they have been marked and deposits them in the ballot box.

Identification of the Voter. The first step in permitting an elector to vote is to see that he is registered and to identify him as the person registered. The elector announces his name as he approaches the officer in charge of the register, who examines the records to see that he is duly registered. In many states, unless there is a challenge, no attempt is made to identify the elector at this stage. In rural sections and in small cities there is little or no need for any particular formality in identifying the voters, for the election officers are acquainted with the voters and recognize them upon their appearance. In large cities, however, the election officers are personally acquainted with only a small part of the voters of the precincts and, if the ballot box is to be guarded against spurious votes, the voter must be identified. Two principal methods are available; namely, the signature of the voter and the personal description recorded in the registration record. The signature method is much superior. If every voter is required to sign one of the poll lists¹¹ or a special certificate provided for that purpose,¹² and the signature is compared with that on the registration record, there is little possibility of repeating. It is uniformly reported that the precinct officers are frequently negligent about actually making the comparison, but the effect is about the same. The person who would vote under the name of another person cannot be sure whether a comparison will

¹¹ This is the case in Omaha and California. In New York the voter signs one of the four registers when he votes—a clumsy arrangement.

¹² This has been used in Minnesota for a number of years with good results, and was adopted in Michigan with permanent registration of voters in 1932.

be made or not, and even if the precinct officers fail to make the comparison, a comparison may be made by a watcher.¹³ It must be remembered, also, that the signatures made by the voters may be examined later and compared with the signatures on the register, and if repeating or ballot box stuffing is undertaken by the election officers themselves, it can be detected. The election crook has a high regard for the ability of handwriting experts, and if he must sign the name of another person and thus make a permanent record, he is unwilling to do so.

When it is proposed to require the voters to sign before being permitted to vote, the objection is always raised that this procedure would slow up the conduct of the election and cause confusion and delay at the polls. This has not been the experience in the states where it has been tried. In New York State, under an extremely clumsy procedure, where the voter must sign on the exact line of his registration record in the register, no difficulty whatever is reported in handling precincts which run in many cases over 500 voters. In other states where the voter is permitted to sign a certificate or the first vacant line in the poll book, a thousand or more voters could be handled with great ease. In fact, the use of the signature of the voter at the polls tends to speed up rather than to delay the voting. The election officers often have difficulty in understanding the names of voters when stated to them orally, and may be uncertain about the exact spelling. This often causes delays. When the voter writes out his name this delay is avoided. It is not an undue hardship to require the voter to sign. It is rather a protection to him in that no one else can vote under his name. There is no objection raised by the voters themselves to signing. The point is often made that many persons are unable to sign their names. This is not the case. Even many illiterates are able to sign. The number of persons unable to sign their names is negligible.

¹³ The laws of several states specifically provide that watchers may make the comparison. See New York Election Law, Sec. 202.

Identification by means of the personal description of the voter contained in the registration record is of little value. The precinct election officers rarely pay any attention to the descriptive items, except in cases where the applicant is challenged, and the watchers are unable generally to detect repeaters. Voters object to many of the items of personal description such as age and weight. The signature method is far superior in every respect, and is used as a matter of routine upon all applicants to vote. It has been suggested that the voters should be finger-printed and this method used to identify them at the polls. This method would provide positive identification, provided the precinct officers were able to make the comparison, but, on the other hand, it is too drastic a means for the occasion. There would be undoubtedly much objection to its use by voters, who would feel that this classified them as criminals. Since the signature is effective and so much more easily administered, there is no occasion to use the finger-print method.

Poll Lists. Ordinarily two poll lists are made, containing the names of persons who have voted in the order of their appearance, and usually their addresses. Often the serial numbers of the ballots which they voted are put down after their names, but since the number is removed from the ballot before it is placed in the box, it serves little purpose. It is essential, to be sure, that there be a permanent list of the persons permitted to vote, so that a record may be available in contested election cases. The writer has been told by many election officers, however, that there is no need for a duplicate list, for the original only is used in election contests. A single list is quite sufficient. In the State of Washington one of the election clerks takes the duplicate poll list home with him after the close of the polls.

If the voter is required to sign his name when he applies to vote, this signature should constitute the poll list. He may be required, as in California, to sign a poll list or roster of

voters, which is retained, and constitutes unquestionably the very best kind of a poll list. If the state law provides that the voter shall sign a certificate when he applies to vote, the certificates may be retained and used as a poll list. If it is required that the ballot number be recorded on the poll list, a space can be provided for that purpose. A principal consideration in favor of using the signature of the voters themselves as the official, single, poll list is that this would eliminate the necessity for the two poll lists prepared by poll clerks and thereby cut the precinct personnel cost into nearly half. It may be contended that the poll clerks are required to help in making the count, but this could be taken care of more economically and better by providing for extra help to come on during the rush period or at the close of the day.

Handling the Ballots. One of the essential features of the Australian ballot is that the official ballots are given out only at the polls, and under suitable safeguards to prevent the substitution of a previously marked ballot. In many states one of the precinct election officers is required to call for the ballots and to deliver them with seals unbroken to the polls. In practically every state the officer in charge of the ballots must sign or initial the ballots before they are handed to the voter, and in a few states several officers are required to sign or initial them. In addition to this, a number of states provide for a serially numbered stub on the ballot, which number is recorded on the poll list, and the stub is torn off before the ballot is placed in the ballot box. All of these provisions are designed to prevent the "endless chain" ballot. The vote buyer is very much concerned with making sure that votes are delivered as paid for. If he relies upon the bribed voter to go into the booth and mark the ballot according to instructions, he can never be sure of the results. Accordingly, by hook or crook, he secures an extra official ballot, which he promptly marks and folds for placing in the ballot box. This ballot he then gives to the bribed voter with instructions to

bring back the ballot handed to him by the election officers, and deposit the previously marked ballot in the ballot box. This is kept up all day and is known as the "endless chain" ballot.

The ballot laws in many states are designed to prevent this fraud, and usually with cumbersome procedures. The signatures or initials of the election officers on the back of the ballot are not an effective safeguard. Such initials are too easily forged, and are rarely checked before the ballot is placed in the box. The election officers may neglect to initial or sign the ballots as required by law. In contested elections when the signatures or initials are carefully checked, many bona fide ballots are thrown out because of the negligence of the election officers in failing to comply with the law in this regard. It is not unusual also for the voting at the polls to be delayed while the election officers sign the ballots as required by law. This can be readily understood when account is taken of the fact that in many elections there is not one ballot, but a number of them.

Some other and more satisfactory method should be used to prevent the endless chain. If the ballots are serially numbered and the number is recorded on the poll book when the ballot is handed to the voter, this is sufficient and much more effective than the signature of the election officers. In this case, the numbered stub should be removed before the ballot is placed in the box and the number compared with the numbers recorded, if there is any question about the matter. In many states, however, this is unnecessary; for the danger of ballot substitution has become generally very slight. The signature of the chief election officer, or the seal of the office, printed on the face of the ballot, should prove to be effective ordinarily in safeguarding against ballot substitution.

After the voter has marked the ballot he either returns it to the election officer to be deposited in the ballot box or he places it in the ballot box himself. In some states an extra officer has charge of receiving the ballots, but this would

appear to be unnecessary, since the officer in charge of handing out the ballots should be able to receive them, or to see to it that they are properly placed in the ballot box by the voter. In some states ballots of different types (for example, state, county, city, referendum, etc.) are printed separately upon different colors and the ballot boxes are painted in corresponding colors, each box to receive the ballot of the same color.¹⁴ This would seem to be too much fuss and feathers. The better practice, it would appear, is one ballot and one ballot box. It is probably much easier for the election officers to sort the ballots, if more than one is used, after the ballot box is opened, than to instruct each voter in which box to place each of the several ballots.

When the voter receives the ballot he is ordinarily required by law to retire to a voting booth to mark it. Voting booths or stalls of all sorts and descriptions, sometimes of local make, are used. The principal considerations are to have a sufficient number of them and to have them suitably lighted. Many cities use voting stalls, consisting of a long shelf with divisions between, spaced just far enough apart to permit one person to stand at the shelf in each compartment. With this arrangement, only side curtains to separate the compartments are used, and a large number of voting stalls may be provided at a minimum cost. While the voter is not completely curtained off, effective secrecy in marking the ballot is secured. In a few states no provision is made in the state law for voting booths, and none are provided. The voter upon receiving the ballot goes to the wall or any other place and marks it.¹⁵ It is unnecessary to state that for the convenience of the voters and secrecy of the voting, booths should be required by state law and provided.

State laws vary greatly as to what instrument the voter shall use in marking his ballot. Some states require it to be

¹⁴ This is the practice in Minneapolis.

¹⁵ The writer was present at a recent election in Birmingham where this is the practice.

marked with a lead pencil,¹⁶ others with pen and ink,¹⁷ while California requires the use of a rubber stamp. Such provisions are apt to cause ballots to be thrown out, for the voter is not acquainted with the provisions of the election laws. Since all of these devices are permitted by state law in various states, it would seem to be reasonable to permit the use of any of them within the same state. Surely there is no great value to be gained by requiring the use of one particular method of marking the ballot.

Assistance to Voters. In practically all states provision is made whereby the voter who is unable to mark his ballot may secure assistance. These provisions, however, are frequently abused and are used in connection with bribery or intimidation of voters. They defeat the end of secrecy of the ballot. In certain precincts in many large cities assistance is virtually forced upon the voters by overzealous and intimidating precinct political workers, and persons who have no need of assistance receive it. In controlled precincts the precinct captain of the dominant party may mark the ballot of practically every voter under the guise of assistance, sometimes without the voter's bothering to go into the voting booth at all. Well informed observers of election matters report that this is one of the principal sources of election manipulation and should be strictly regulated.

In some states the law prohibits the giving of assistance except to voters who are physically unable to mark their own ballot, thereby removing illiteracy as a ground for assistance.¹⁸ Other provisions designed to prevent the abuse of the assistance provision are apt to be disregarded by the precinct election officers, and consequently it has been felt that the most drastic restrictions possible should be adopted. The constitutionality of such a provision, however, in a state which does

¹⁶ Ohio, for example.—Election Laws, Sec. 4785.

¹⁷ Colorado, for example.—Election Laws, Sec. 7742.

¹⁸ Massachusetts and Ohio, for example.

not require literacy as a qualification for voting is doubtful.¹⁹ It, in effect, makes it impossible for the illiterate voter to cast his ballot, and thereby practically establishes literacy as a qualification for voting.

In every state the voter desiring assistance is required to state that fact to the presiding election officer, and in most states he may be required by the election officers to take oath as to his inability to mark the ballot. In some states it is necessary for the voter who would receive assistance to state at the time of his registration that he is unable to mark his ballot.²⁰ This is a very effective safeguard, which should be incorporated in the registration law of states in which the assistance to voters is a problem. Under permanent registration systems, however, this requirement should be adopted at the start of the system, as it can be incorporated afterwards only with difficulty.

A number of states require a written record and an affidavit to be made for every person who receives assistance. This is a sound requirement, for it provides a permanent record and tends to prevent the promiscuous use of assistance. Of course, with careless or corrupt election officers, even such a requirement as this may be overlooked. Probably the most satisfactory method of making a record of voters requiring assistance is to provide a separate form for each voter, with an affidavit by the voter, a definite statement of the reason of the disability and perhaps an affidavit by the persons rendering the assistance to the effect that they will not divulge how the voter voted. Such forms should be preserved and turned in with the other records.

When a voter is permitted to receive assistance he may be assisted either by one or two of the election officers, or by other persons of his choice. The requirement that only the election officers may render the assistance safeguards the practice somewhat, but may slow up the conduct of the elec-

¹⁹ See *Wickham v. Coyner*, 12 O.C.C. (N.S.) 433; 20 O.C.D. 765.

²⁰ New York and California, for example.

tion. In New York the voter is permitted to have some close relative, enumerated in the statute, assist him. This would seem desirable. In fact, the only abuse on this score is that political workers, if permitted by law, may assist many of the voters in the precinct and virtually compel them to take assistance. The most sensible provision would be to permit the elector needing assistance, if he desires, to select two persons, who may or may not be election officers, and to prohibit any political worker, watcher, or representative of a political party or candidate to give assistance. Obviously, many persons requiring assistance would prefer to have a member of their own family or a friend give the assistance. There is some protection, also, in having two persons give the assistance instead of one. In Missouri, it is interesting to note, the ballot of the assisted voter is marked by the election officers in the presence of all persons at the polls.²¹ In a number of states a notation is required to be made on the back of the ballot of the assisted voter, giving the names of the persons who assisted him.

In Omaha, it was formerly the practice of one of the political organizations to print a list of candidates which it supported upon cards, and to place these cards in the hands of controlled voters, who were instructed to ask for assistance and then to hand this card to the election officer marking the ballot. Intimidation and bribery could be carried on under this procedure very readily, for the controlled or bribed voter could be required to ask for assistance and to use the printed card in this manner. The election commissioner went to the state legislature and had the election law amended to require that the assisted voter state "by word of mouth" how he wants his ballot marked.²²

Challenges. Provision is made in every state law whereby applicants to vote may be challenged at the polls. The num-

²¹ Election Laws, Sec. 4872.

²² This was bitterly opposed by the political organization and several attempts have been made to repeal it.

ber of challenges actually made is declining, and is almost negligible in many communities, but nevertheless the challenge procedure is important. It should not be looked upon as an effective method of preventing voting frauds and illegal voting, however, for the challengers, unless they are exceptionally well acquainted with the voters of the precinct, are unable to recognize suspicious cases. In Chicago, for example, the bar association at several elections within recent years has manned the polls with watchers and challengers and has thereby prevented some of the most flagrant frauds, but there are decided limitations upon this method of securing honest elections. It is so expensive that it can be used only in an occasional election when the community has been aroused. The challengers in the transient sections of the city have ordinarily little means of recognizing repeaters. An unscrupulous political organization can carry on election frauds under the very nose of the watchers who are strangers in the precinct, without being detected. Despite these limitations, a challenge provision must be included in the election law as a "gun behind the door." Another aspect of the problem is the fact that challenges may be wilfully made for the purpose of obstructing the election and to embarrass voters of the opposing side. It is necessary to safeguard against spurious challenges.

The precinct election officers are not often called upon to administer a challenge, and for this reason they are usually unacquainted with the procedure to be followed. The election laws of a number of states provide in detail the grounds upon which challenges may be made and the exact questions which should be asked covering each type of challenge. The California law, for example, enumerates the following grounds for a challenge, and specifies the exact questions and procedure to be followed in each case:²³

1. That he or she is not the person whose name appears on the register.

²³ Election Laws, Sec. 1230.

2. That he or she has not resided in the state one year next preceding the election.
3. That he or she has not been a naturalized citizen of the United States ninety days prior to the election.
4. That he or she has not resided in the county for ninety days preceding the election.
5. That he or she has not resided in the precinct for thirty days next preceding the election.
6. That he or she has voted before that day.
7. That he or she has been convicted of an infamous crime.
8. That he or she has been convicted of embezzlement or misappropriation of public money.
9. That he or she cannot read as required by the constitution.

The law goes on to specify the oath to be used in the several cases, the questions to be asked, the rules to be used in determining residence, etc. In case of most challenges, such as that the applicant to vote is not the person registered, the oath, if taken by the applicant, is conclusive, but in the matter of residence the election officer determines whether the applicant is legally entitled to vote.

The California provisions, which are similar to those in a number of other states, would seem to be eminently satisfactory. Of particular value are the specific rules for determining the matter of residence. The enumeration of the grounds for a challenge of necessity forces the challenger to specify upon which ground he challenges the applicant, and thereby removes the evil of a general challenge without specifying the ground, which, if permitted, may lead to promiscuous challenging. It would be well, however, to have the list of grounds for challenges and the questions and procedure to be followed in each case printed upon a special challenge record form, with spaces to enter the name of the challenged voter, the challenger, the ground of the challenge, the answers to the questions, the decision in the case, and the signature of the election officers. This may appear to be rather formal, but the number of challenges is ordinarily so small that no difficulty would be encountered. The very fact that a

permanent record is made is a safeguard against numerous and unjustifiable challenges. The challenger should be required to sign, as well as the challenged voter.

In addition, the ballot of the challenged voter should be marked so that it can be identified later on. In Wisconsin, for example, the number of the challenged voter is written upon his ballot, which may be used in a contested election case to identify it.²⁴ The precinct officers are necessarily unable to pass judgment upon the fact when there is conflicting testimony, and if there is doubt as to the qualifications of the voter, it should be resolved in his favor; yet there should be some method whereby the question may be investigated and passed upon after a more complete hearing later on, if necessary, and the ballot discarded if the voter is found to be ineligible. One defect of the voting machine is that it is impossible to identify a vote after it has been cast, and if the precinct officers corruptly or mistakenly permit unqualified persons to vote, nothing can be done about it later on, short of throwing out the entire precinct. In several states the ballots of all voters are numbered and the numbers are left upon the ballots when they are placed in the ballot box, which makes it possible at some later date to throw out the vote of any person found to be unqualified.²⁵ While much may be said for this procedure, it is open to the objection in Missouri and Washington that the election officers, if they so wished, could search out the ballot of any particular voter and ascertain how he voted, thus destroying the secrecy of the poll. The number of the ballot in Colorado, is covered and sealed by a black flap printed as a part of the ballot, which safeguards the secrecy of the voting.

Watchers and Challengers. It is generally believed that the honesty of elections is safeguarded by having at the polls representatives of the several political parties as official watchers and challengers, and, in primary or nonpartisan elections,

²⁴ Election Laws, Sec. 6.52.

²⁵ Missouri, Colorado, Washington, and some other states.

representatives of the individual candidates as well. Consequently, provision is usually made in the election laws for such representation at the polls, with duly authorized credentials. In some states the election office issues the credentials to persons named by the parties or candidates as their representatives, while in other states the law merely authorizes the candidates or parties to issue their own credentials. The state laws ordinarily provide that such representatives shall have the right to be present at the polls and to watch the conduct of the election, to make challenges, to observe the count, and to scrutinize certain records.

The prevailing practice with regard to watchers or challengers varies greatly in different sections of the country and from one election to another. In some communities, particularly large cities, where the party organizations are strong, party representatives are regularly placed at the polls; but in other communities with a weak party organization, watchers are rarely used. Generally speaking, the use of watchers and challengers is becoming less, and in sections where election frauds have practically disappeared, little use is made of party representatives at the polls, except that of a party checker, whose business it is to keep track of the voters who have voted so that the precinct political workers may know which voters to round up toward the close of the day. Of course, it is common everywhere for the precinct captain and other political workers, if there are any at the election, to be present at the count, whether with credentials as watchers or not.

In many states there is a provision in the election law prohibiting persons from loitering at the polls and authorizing and directing the election officers to prevent more than a stipulated number of persons from being present at the polls. One of the prime reasons for issuing official credentials to the representatives of the parties or of the candidates is to prevent them from being ejected from the polls by the election officers. As a matter of practice, however, election officers are

reluctant to force citizens to leave the polls, and usually do so only when the congestion becomes so great that it is difficult to carry on the election. In many communities no question is ever asked of persons who wish to remain at the polls, and even the precinct captain and other political workers may not bother to secure credentials, knowing full well that no question will be raised about their presence at the polls. On the other hand, in the tough sections of some large cities the precinct election officers are not hesitant in ejecting persons from the polls, and at times have refused to recognize even persons with official credentials.

It is difficult to estimate the value of having party watchers or challengers at the polls. In many cities where election frauds have prevailed, their use is regarded as an important means of preventing frauds. A few years ago at a particularly hotly contested election in Chicago, the bar association arranged with the election office to place watchers at every polling place in the city, and many attorneys volunteered their services. After the election was over conflicting statements were made to the writer as to their effectiveness in preventing frauds. Undoubtedly some election frauds were carried on that day, particularly repeating, but the frauds were fewer, especially in the count. It is, however, only the occasional election at which public sentiment is greatly aroused that volunteers of this type, or the necessary funds to pay watchers, can be secured. This means cannot be relied upon to prevent election frauds except in the unusual election. The provision for watchers should not be relied upon as an effective safeguard against voting frauds; the election machinery and procedure should be designed to guarantee honesty in election, regardless of any supposed protection from watchers. It should be borne in mind that watchers of the political parties and watchers of civic organizations, such as the bar association, are quite different. The persons appointed as watchers for party organizations in the tough precincts of some large cities may be intent upon stealing the

election and may cause serious disturbance at the polls. A number of prominent election officers have complained to the writer of the poor class of watchers appointed by the parties in many precincts of the city, and have related incidents of where the watchers were drunk or raised such a disturbance that they had to be forcibly ejected from the polls. In the opinion of these election officers it would be better to have no watchers and challengers at all at the polls, and they favored suitable restrictions.

While no great faith should be placed in the efficacy of watchers, no doubt there should be authorization for them in the election laws. It is simple enough to provide that the political parties shall be entitled to have one or two watchers at the polls and at the count, but it is more difficult to formulate the provisions which should govern nonpartisan and direct primary elections, at which the party organizations as such have no part to play. There is no justification which may be advanced for party representation at these elections, yet at the direct primary elections frauds are more prevalent than at any other election. The simplest provision, and one that is made in a number of states, is that any candidate at these elections may have one or two watchers at each precinct. The objection commonly raised to this provision is that if every candidate, or many of the candidates, availed themselves of this right, the polls would be so crowded with watchers that it would be impossible to conduct the election. Consequently, some states provide that two or more candidates may jointly have watchers to represent them as a group at the polls. The danger of having too many watchers at the polls in these elections, however, is not great, for the cost is prohibitive for individual candidates. Provision should be made to permit civic organizations, such as municipal leagues or voters' leagues, to have watchers at the polls. It is probably unwise to write into the election law itself a provision for representation to civic organizations, since the term "civic organization" might give rise to questionable interpretation,

and the better provision would be to authorize any group of one hundred citizens, say, to have watchers by petitioning the election office. If watchers are to be authorized, they should not be confined to representatives of political parties. Those representing candidates or civic organizations are likely to be more salutary than those appointed by the party machines.

The Count. Probably no part of election administration is conducted so poorly as the count of the ballots. Election contests always bring to light glaring mistakes and irregularities, to say nothing of downright frauds. With the long ballot, so prevalent in this country, the election officers have a difficult task before them at the close of the polls. Ordinarily they have already been on duty since early morning and are quite worn out. If the election is a large one, the count may continue until midnight or even later. The election laws and the instructions from the election office throw little light upon how the count should be conducted, and usually the election officers work out a plan of their own at the moment, frequently taking short cuts and pressing bystanders and sometimes political workers into service. Often the light is none too good, and the counting room may be crowded. A certain amount of confusion is liable to prevail. If, in addition to all of these things, account is taken of the fact that the election officers are frequently incompetent and with little or no clerical experience, it is readily understood why the returns are often erroneous. In a contested election case in Milwaukee several years ago, 123 precincts were recounted for one office only—that of Representative to Congress—and it was discovered that only one precinct had reported a correct tabulation of the votes for this one office. And Milwaukee boasts quite justifiably of honest and capably administered elections. Recounts in Chicago and Philadelphia have indicated such wide variations that apparently the precinct officers did not take the trouble to count the ballots at all. Several years ago

the chief clerk of a large city showed the writer returns from various precincts upon referendum proposals, which upon their face indicated that they were fraudulent, being in round numbers (even hundreds) for and against the various propositions.

The state election laws usually specify in some detail how the ballots shall be counted. The practice varies from state to state, and a number of states make no attempt to set forth the method by which the ballots shall be counted, but merely provide that the election officers shall proceed to conduct the count and make the returns. A common provision is that after the last vote has been cast the precinct officers shall ascertain from the poll list the number of voters who have voted, and sign their names at the bottom of the poll lists. The next step is to count the number of the ballots in the ballot box to ascertain whether there is the proper number. Several states provide that if there is a surplus of ballots, one of the election officers shall approach the box blindfolded and withdraw sufficient ballots so that there will not be a surplus, and destroy these ballots before the count is started. Such provisions were doubtless necessary before the adoption of the Australian ballot, but are out of place now. After the number of ballots has been determined, the state laws ordinarily provide that they shall be counted, one by one, with one judge reading off the ballot and one or more other judges looking on, while the two clerks record the votes by entering tally marks on the return sheets. In addition, the laws in some states provide that the ballots shall be strung as they are counted. In some states with the party column ballot the election officers are authorized to separate the straight ballots from the split ballot-tickets, and to count them separately.

While these are the more common provisions found in the election laws, the actual practice varies considerably from the exact letter of the law. Although not authorized by law, it is very common for some division of work to be made which will speed up the count. This is sensible, and, under proper

arrangement, should facilitate accuracy and honesty rather than prevent it. While the election laws all anticipate that the ballots shall be counted one at a time and for all offices, many election boards find it quicker and more accurate to count all ballots for each office separately. Although the state laws provide that the votes as called shall be tallied upon the official tally sheet, the actual practice usually is for the tallies to be entered upon a sample ballot or other paper available, and later to be transcribed to the official tally sheet. The precinct officers do this in order to avoid erasures if mistakes are made. While many election boards pride themselves upon their ability to conduct the count rapidly and accurately, as a general rule the count is conducted poorly and slowly.

At least five important defects may be indicated in the prevailing method of conducting the count; namely, first, the personnel is unskilled in clerical work, tired because of the long day at the polls prior to the start of the count, and often incompetent; second, the count is conducted with practically no supervision; third, the record of the count is kept in such manner that it is impossible to place responsibility for errors or frauds; fourth, the procedure written into the election statutes is cumbersome and antiquated, or else the election officers are left to work out their own method of counting; fifth, no provision is made for a division of labor so that the counting may be conducted speedily. These various points require comment in detail.

The necessity for improved election boards has been pointed out elsewhere. Nowhere is the need more marked than in the conduct of the count. The solution lies not alone in a general improvement of the character of election officers, but also in the use of extra persons at the close of the day to assist during the rush period and during the count. Capable persons could be readily secured, for such service would not take them away from their regular employment. This practice would also permit the regular precinct officers to get away for dinner and a rest period before having to begin the count.

It is the common sense way of conducting the count quickly and accurately.

At the present time the precinct officers conduct the count with practically no supervision whatever. Obviously some supervision is desirable. If larger precincts were used, the problem of supervision would be greatly simplified. Close supervision from the central election office, particularly in large cities, would make the precinct officers more careful of their work. If large precincts were used, a responsible, reliable, and experienced person should be placed in charge of the election and the count in each precinct.

The tally and return sheets commonly used at the present time are inadequate. It is impossible to fix the responsibility for errors or frauds. It is common for the ballots to be divided into bunches and the various bunches counted by different officers, but when the count has been completed, all the ballots are placed together and the results are transcribed from the informal tally sheets to the official tally sheets. Not infrequently there is a mixup with the ballots and some uncertainty as to which have been counted and which have not. It would be highly desirable to divide the work of counting so that there could be two or more counting teams operating simultaneously, and this would be entirely feasible if the ballots were divided into blocks of one hundred each at the start of the count, and a separate tally sheet provided for each block. These tally sheets should show the ward and precinct number, and the names of the officer who called off the ballots and the officer who recorded them. In this way responsibility would be fairly definitely fixed for the count. The totals could later be transferred from these tally sheets to the official return sheets, and the original tally sheets clipped to the ballots. This would provide a definite record showing the persons counting each block of ballots. If, as has been suggested, a tally is kept of the void and blank votes for each office, a ready check is available as to the accuracy of the count, for the votes of the several candidates plus the void

and blank ballots would always total an even hundred. Not only this, but the tally of each block could be made subject to approval by the election officer in charge, who should make it a point to examine the ballots and perhaps to count the votes for one or two candidates selected at random.

The existing provisions in the election statutes governing the method of conducting the count probably do more harm than good. The procedure generally provided is cumbersome and slow, with the result that the election officers disregard the provisions of the law or else the count takes so long that the election officers become worn out and errors easily creep in. Many well informed election officers believe that the wisest plan is to leave the method of counting entirely up to the precinct election boards. However, if a suitable procedure could be worked out and standardized, much time and effort could be saved. It is only by chance that a board may happen to choose a satisfactory method. The office in charge of elections or the state election office should have the power to issue instructions covering the method of conducting the count.

The writer suggests the following method of conducting the count, but without any thought that it is the best method that could be used, or that it is adaptable to all states. During the day a board of three members should be sufficient to handle the work of a precinct, if useless records were discarded and the procedure simplified as suggested elsewhere. At the close of the polls a number of extra persons should be put on to assist in the count, under supervision of the chairman of the election board, who would be in charge of both the casting and the counting. These extra persons might be used also during the rush period of the voting toward the close of the day. The number of extra persons used should be varied according to the size of the precinct, the number of votes cast, and the length of the ballot. In minor elections or in small precincts no extra persons would be needed. When the ballot box is opened, the first step would be to remove the ballots and serially number them, using a numbering stamp or pen

and ink for the purpose. If the party column ballot is used with the party circle and straight tickets, these should be separated from the rest at this time and counted separately. The ballots should be scrutinized briefly as they are serially numbered, and blank or void ballots rejected and placed in a separate envelope to be returned to the election office. As the ballots are taken out and serially numbered, they should be stapled or clipped together in blocks of an even hundred (except the last block, which would contain less than a hundred). The next step would be the counting of these blocks of a hundred each, which should be done by two clerks, one calling off and the other recording. Party watchers should be permitted to observe the work of each team, thereby safeguarding against frauds. If, for example, the election board consisted of three persons, and four extra persons were put on during the count, making a total of seven persons, there would be three counting teams of two persons each counting the ballots, while the chairman would be in charge and supervise the count.

At the present time the election laws of many states require that the count shall be conducted one ballot at a time, the person calling off the vote announcing the vote on all offices and propositions on that ballot before turning to the next. The writer believes that the other method—that of counting the votes by offices or propositions—is more feasible, particularly if the ballots are grouped into blocks of one hundred each. Under this method only one office is taken at a time, and the entire block of ballots is counted for that office before turning to the next office. This method is often used by election boards at present, despite the fact that the law requires the other method. In actual experience it has been found to be more rapid, since the person making the tally does not have to hunt out the line for each candidate as his name is called, and can easily tally the votes as rapidly as they are called. The void and blank ballots should also be tabulated, and by adding the total number of votes for the candidates, plus the

void and blank ballots (which should always total an even hundred) a check can be secured upon the accuracy of the count.

The tally sheet should be designed to facilitate a rapid and accurate count and also to provide a positive record of the persons who conducted the count. The following form is suggested:

TALLY AND RETURN SHEET NO.

Ward Precinct Number of Ballots

Note: The chairman of the election board is required by law to check the vote cast for at least three candidates or propositions to make sure of the accuracy of the count before approving the return.

Called by
(signature)

Tallied by
(signature)

Approved by
(signature)

Governor

Robert Jones	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
	20	21	22	23	24	25	26	(and so on to 100)											

Samuel Smith	(as above)
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Void and blank	(as above)
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Total

The tally sheet should be prepared by the election office with the names of the candidates printed or typewritten, so that the rather tedious work of preparing the sheets will not be left to the precinct officers. Extra tally sheets should be provided to be used in case errors are discovered and a new count is necessary. The printing out of the numbers, which is the practice in California at present, substantially lessens the fatigue in recording the tallies, and reduces the probability of errors.

After the ballots have been counted by blocks of one hundred each, the totals of each block should be entered upon the official return sheet, which should be suitably arranged for the entry of these totals, and the grand total of the vote for each candidate or upon each proposition entered. This return should be made in duplicate, one copy being turned in to the election office with the ballots and other records, another being mailed immediately and directly to the office of the secretary of state.

Unofficial returns, containing merely the total vote for each candidate and upon each proposition, should be prepared for the use of the press, under the direction of the election office. The purpose of mailing one copy of the official return to the secretary of state is to avoid any tampering with the returns by the local election office, which at present is all too common.

This procedure for conducting the count will undoubtedly be objected to and condemned as theoretical and hare-brained. It is contrary to the well established methods followed in this country. The query might well be raised, is this the type of procedure which would be followed by a bank or a commercial house which had a similar counting task? The writer believes that it is. It will be objected, to be sure, that not enough safeguards are provided against frauds and errors, that the person calling off the votes may fraudulently call them wrong, or that the person tallying the votes may fraudulently tally them wrong. It will be stoutly maintained that there should be one person looking on while another calls off the vote and that there should be two persons tallying instead of one. The count as prescribed by state laws at present requires usually at least five persons, and sometimes more, to do the work which two persons can do as well, if not much better. The writer believes that there is no safety secured by such a waste of man power, and that the experience with existing systems of counting amply indicates that a thorough revision is necessary. As a matter of fact, there is at present often a

division of the labor, but no suitable records are used to fix responsibility for the accuracy of the count under such a division and to facilitate a rapid and accurate count. The merit of the method proposed is that there is a definite record showing the two persons who conducted the count for each block of ballots, and that it is the business of the chairman in charge to see to it that the count is honestly and accurately conducted, to supervise it and to check each block of ballots before approving it. If watchers are desirable, the party organizations or the candidates may provide them, and the safeguard of having the work of each counter under observation will be secured. It is believed that the counters will not be willing to commit fraud when the responsibility for their work is so definitely fixed. It may be pointed out, to be sure, that the responsibility for errors or frauds is not definitely fixed between the person who calls out the ballots and the person who tallies them. This division can be avoided by requiring the person tallying the vote to call out after each vote the number tallied, which would enable the person calling off the vote to keep a constant check upon the tally as well, and hence responsibility for errors or frauds would be pretty definitely fixed upon the person calling off the ballot.

The organization for conducting the count of the ballots may be any one of the following:

1. The regular precinct officers, continuing on duty after the close of the polls.
2. The regular precinct officers, assisted by extra persons in heavy elections who go on duty at the close of the polls.
3. A separate counting board of election officers, who go on duty some time during the day of the election or at the close of the election.
4. A central count made by special clerks under supervision of the election office.

Each of these methods has some merits and faults. The use of the regular election officers is the prevailing practice,

and has the merit of simplicity and supposedly undivided responsibility, though when election frauds are committed in the count by the precinct election board it is usually difficult, if not impossible, to fix the responsibility. In light elections or in small precincts the use of the regular precinct officers is fairly satisfactory, but in heavy elections the count often continues until far into the night, and errors are extremely common. The use of the regular officers, without any assistance during the count, serves as an excuse for small precincts.

The second method is merely that of supplementing the regular precinct officers with extra persons to assist in the count. This is not commonly done, but it is the practice in Boston, and has been used in other places at various times. It would seem to be the sane and sensible method of counting the ballots quickly and without an undue strain upon the regular precinct officers. There should be little difficulty in securing extra persons to assist in the count, since the service would not interfere with their regular employment. It would be unnecessary, of course, to use extra counters in minor elections involving either a small vote or a short ballot. Probably the failure to make use of this type of organization has been due to the provisions in the election laws concerning the manner in which the ballots shall be counted, which require that the precinct officers shall operate as a single counting team, and explicitly or implicitly prohibit the division of the board into two or more counting teams. Under such provisions no use could be made of extra persons to assist in the count.

A separate counting board of precinct officers is used in Colorado, Utah, Kansas, Oregon, Nebraska, and other states. It is, of course, not uniformly used in all precincts or at all elections in any of these states, but it is rather used in large precincts and at the principal elections. The primary purpose of the counting board is to make it possible to conclude the count at an early hour, and for this reason the counting board usually goes on duty during the day. Where this is the case, despite the oath required of members of the counting

board and watchers that they will not divulge the results prior to the close of the polls, the results usually leak out. In some counties in Colorado it was reported to the writer that the candidates sometimes congratulated each other upon victory by the middle of the afternoon of the day of the election. The remedy is to have the counting board go on duty late in the day of the election. At the request of the election commissioner of Omaha the Nebraska legislature amended the election law of the state relative to counting boards at the 1931 session to provide that they should go on duty at four o'clock P.M. instead of at noon.

The chief election officers who have had experience with the separate precinct counting board do not ordinarily look with favor upon the system. It increases the cost of the election, makes the problem of securing precinct officers greater, necessitates the rental of a separate counting room, and divides the responsibility for the honesty of the count.

The central count was used some years ago in San Francisco and was given up as unsatisfactory after trial. Many people believe that this would be the ideal method of conducting the count, since persons with clerical experience could be employed and the count conducted under supervision at a central hall. The San Francisco experience indicated that there is considerable confusion at the central counting place, that the newspapers and the public are dissatisfied because of the delay, and that the results are not more accurate than those obtained from the count by the precinct officer.

CHAPTER VII

VOTING MACHINES

Voting machines were first used in the United States in 1892, in Lockport, New York, their use having been authorized by state law that year.¹ Immediately following the adoption of the Australian ballot the idea of a voting machine to take the place of the paper ballot apparently occurred to many persons of an inventive mind, and many voting machine patents were issued and a number of machines were placed upon the market at that time. The first voting machine law in New York State, passed by the legislature in 1892, authorized the use of the "Myers Automatic Booth," which was the first machine tried out in the state.² In 1893 Massachusetts authorized the use of the McTammany machine,³ and Michigan in the same year authorized the adoption of the Rhines machine.⁴

Extent of their Use. By 1929 twenty-four states had passed laws permitting the use of voting machines, as follows:⁵

New York	1892	New Jersey	1902
Massachusetts	1893	Illinois	1903
Michigan	1893	Iowa	1906
Connecticut	1895	Montana	1907
Indiana	1899	Utah	1907
Minnesota	1899	Colorado	1908
Nebraska	1899	New Hampshire	1913
	1899	Washington	1913
Ohio	1929	Oregon	1913
Rhode Island	1900	Maryland	1914
Kansas	1901	Virginia	1922
Maine	1901	Pennsylvania	1929
Wisconsin	1901		

¹ See T. David Zukerman, *The voting machine* (1925).

² Session Laws, 1892, Chap. 127.

³ General Laws, 1893, Chap. 54.

⁴ Session Laws, 1893, Act. 98.

⁵ The table is based largely upon Chapter III of Zukerman.

The first large city to try voting machines was Rochester, New York, in 1896. The first machine used, the Meyers, did not permit the voter to rectify an error, and gave rise to some trouble. Two years later, after a broadening of the state law, the U. S. Standard machine was tried out, and this type of machine has been used constantly in Rochester since that time.⁶ The first election in Rochester gave rise to the question as to whether voting machines could be used for the election of Representatives to Congress. The defeated candidate in the district in which Rochester is located contested the election on the ground the use of voting machines was in violation to the Federal statute which provided that "all votes for Representatives in Congress must be by written or printed ballot." The congressional committee which investigated the case pointed out that there was no allegation of fraud, or that the results would have been different had paper ballots been used in the precincts in Rochester, and without passing definitely upon the legality of the use of voting machines in congressional elections, reported in favor of the candidate originally elected.⁷ In 1899 Congress amended the section of the statutes to permit the use of voting machines where authorized by state law.⁸

The movement for the adoption of voting machines is indicated somewhat by the above table, though the passage of the necessary legislation was not always followed by adoption. From 1900 to 1910 voting machines were installed very widely throughout the country, particularly in large cities. Some of the large cities which purchased machines during this decade include the following: Buffalo, Hartford, Indianapolis, Jersey City, Newark, Milwaukee, Minneapolis, Denver, Salt Lake City, and San Francisco. The following decade witnessed the continuous spread of voting machines, though at a somewhat lessened pace, and with a number of important

⁶ Zuckerman, p. 32.

⁷ *Ibid.*, p. 23-25.

⁸ Revised Statutes, Sec. 27.

cities, such as Milwaukee, Minneapolis, Jersey City, Newark, Denver, Salt Lake City, and San Francisco discontinuing their use. In the decade from 1920 to 1930 the principal large cities to adopt voting machines were: New York City, Pittsburgh, Philadelphia, San Francisco, and Grand Rapids. In the principal states where voting machines were in use many smaller communities adopted them during this period. The leading manufacturer of voting machines advertised in 1928 that one voter out of every six who voted in the presidential election would cast his vote upon a voting machine. There is at the present time considerable interest in the question of adopting voting machines in Ohio, Pennsylvania, Massachusetts, Michigan, Maryland, and several other states. Pennsylvania voted by an overwhelming vote in 1928 to amend the constitution to permit the use of voting machines in a part of the state (uniformity being required under the constitution prior to that time), and in the following year the legislature passed the necessary legislation to permit their use. At the fall election of 1929 the question of the adoption of voting machines was submitted to the voters in a number of counties of the state, and carried by substantial majorities in the most populous counties, including Philadelphia and Pittsburgh, and some other counties, but was defeated in a few counties. Both Philadelphia and Pittsburgh ran into legal difficulties and lawsuits when voting machines were to be purchased, and neither city has completed the installation at this time (1933).

By an early decision of the supreme court of Ohio voting machines were held to be contrary to the requirement of a written ballot, contained in the state constitution.⁹ A similar decision was made in Massachusetts in 1909.¹⁰ The Ohio court recently reversed its decision,¹¹ and in 1929 legislation was

⁹ State ex rel. v. Supervisors of Elections, 80 O.S. 471, and State ex rel. v. Miller, 87 O.S. 12.

¹⁰ Nichols v. Election Com., 196 Mass. 411, and In re House Bill, 178 Mass. 605; 54 L.A. 438.

¹¹ State ex rel. v. Green, 121 Ohio State 301.

enacted permitting the use of voting machines as a part of the election code passed at that time.¹² With the legalization of voting machines considerable attention is being given to the question of their adoption in the state.¹³ Baltimore has experimented with the use of voting machines within recent years, but under a ruling of the attorney general it is necessary in Maryland to provide five voting machines to each precinct, and until this ruling can be changed it will be impracticable to use machines. Some agitation has been made for the adoption of machines in Detroit, though that city has an unusually difficult ballot to handle upon a machine.¹⁴

These facts indicate that there is a widespread interest in the adoption of voting machines in some of the more populous states which have not yet adopted them, and the question of the advisability of the use of voting machines and the procedure in using them constitutes a leading problem in election administration. The states which are using voting machines at the present time are indicated below, roughly in the order of the extent to which the machines are used throughout the state:

New York	Iowa	Michigan
Connecticut	Washington	Wisconsin
Indiana	California	Pennsylvania

In none of these states are voting machines used exclusively. In New York State they have been adopted by approximately eighty per cent of the precincts in the state; in Connecticut somewhat less; in Indiana, Iowa, and Washington, approximately fifty per cent; in California by the City of San Francisco and to a limited extent in Los Angeles; in Michigan and Wisconsin by a few of the smaller cities, and in Pennsylvania they are being installed, if legal difficulties

¹² Election Laws, Chap. XV.

¹³ See a report by the Ohio Institute, Analysis of the desirability of installing voting machines in Ohio cities, prepared by R. C. Atkinson (1930).

¹⁴ A report on voting machines was made by Oakley E. Distin, Chief Supervisor of Elections of Detroit, on April 7, 1930.

are ironed out, in Philadelphia and Pittsburgh, and also in some other counties.

The large cities which use voting machines at present are given below:

New York	Rochester	Oshkosh
Philadelphia	Hartford	Sheboygan
Pittsburgh	New Haven	Grand Rapids
Buffalo	Indianapolis	Seattle
Syracuse	Des Moines	San Francisco
	Davenport, Iowa	

On the other hand, a number of communities have tried voting machines and have abandoned them after trial. The following states legalized the use of voting machines years ago, but do not use them at the present time:

Massachusetts	Kansas	Utah
Minnesota	Maine	Colorado
Nebraska	New Jersey	New Hampshire
Rhode Island	Illinois	Oregon

In most, if not all, of these states voting machines were tried out and abandoned, for one reason or another. Rather significant and somewhat discouraging to the use of voting machines is the list of large cities which have used voting machines at one time and then abandoned them:

Chicago	Jersey City	Los Angeles (now being resumed)
Milwaukee	Omaha	Portland, Ore.
Minneapolis	Denver	Racine
Newark	Salt Lake City	

In addition to these cities, there are many smaller communities which have abandoned voting machines. Practically all of the larger cities in Wisconsin, for example, used voting machines some years ago, but all except four cities have discontinued their use. The reason was not always the same, and in some instances had little to do with the merits of the machines; but behind the immediate reasons for discontinuing the use of machines was some dissatisfaction and opposition, caused in several instances by serious congestion at the

polls. In almost every community where voting machines are used there is some element of the population opposed to their use, and eager and willing to seize any opportunity to obstruct their use in the future.¹⁵

It is difficult to ascertain now the exact reason why machines were abandoned in these cities, particularly where they were abandoned many years ago. The most sensational case was that of Chicago. In 1904 the voters of the city approved the adoption of machines by a vote of 229,577 to 27,081.¹⁶ For several years thereafter, the election board experimented with machines, called for bids, and examined machines with great deliberation, but was unable to find one which met with its approval. According to reports, the representatives of each type of machine submitted were able to convince the members of the board of the defects in the machines of their competitors. Although the council appropriated \$100,000 to cover the first purchase of machines, the money went unspent. Finally in 1911 the board of election commissioners advertised for bids for one thousand two hundred machines, although no appropriation had been made to cover such purchase, and the board had been unwilling prior to that time to approve any of the machines offered. The Chicago Bureau of Public Efficiency opposed the purchase on the ground that it was unwise to purchase such a large number of machines at one time, without knowing the number which would be required and without further proof that the machines were adapted to the elections in Illinois. In spite of the opposition to the purchase of the machine, the lack of an appropriation, and the opposition of one of its own members, the board of election commissioners went ahead and placed a contract for one thousand two hundred machines. Two hundred were delivered, paid for, and used in the primary election in 1912. Three hundred more were delivered that summer, but the

¹⁵ Even in Rochester, the first large city to use voting machines, there has been continuous, though not serious, opposition to them.

¹⁶ Zukerman, p. 40.

use of machines at the November election of that year was enjoined by the courts on the ground that they could not be voted understandingly within one minute, as required by the statute. The Chicago Bureau of Public Efficiency protested to the council against the recognition of the contract and instituted a taxpayer's action to enjoin payment on the contract.

When the voting machine company brought suit to secure payment the Bureau of Public Efficiency employed counsel to defend the city. The local court held in the case that the board of election commissioners had no authority to make the contract, since no appropriation to cover the purchase of this number of machines had been made by the city. The machines which had not been paid for were returned to the company.

In the meantime, beginning in April 1913, an investigation of charges of fraud and bribery in connection with the letting of the contract was instituted by the state legislature, which continued for two years. It was alleged that more than \$200,000 had been used by the representative of the company to secure the contract. This constituted one of the greatest scandals of the time, and has given voting machines such a bad name in the state that no serious attempt has been made since to secure their adoption. It should be added that serious difficulties were encountered in the primary election of 1912 with the voting machines that had been purchased. At the last moment, by a court order, paper ballots had to be used along with the voting machines for voters who preferred them, and in many sections of the city where there was opposition to the machines by the party organizations, practically no votes were cast on the machines. It is reported that many of the machines were early placed out of commission. A very large machine was required to handle the long Chicago ballot, which was further complicated by the cumulative voting system for members of the state legislature. The machines were so large that they had to be almost exactly level in order to function, and were easily thrown out of commission.

In Milwaukee the use of machines was discontinued about

1912 when the preferential ballot was adopted in the state. While it would have been possible to vote the preferential ballot as provided by state law on the machine, it would have required so much space that not all of the remaining parts of the ballot could be placed upon the machine. The attorney general ruled that unless all of the ballot could be placed upon the machines they could not be used. At several elections it was impracticable to use machines. When the preferential ballot law was repealed, the county board of election commissioners refused to permit the use of voting machines in county and state elections, for which they printed the ballots, and the city election board decided that it would be unwise and confusing to the voters to use the machines only in the city elections. The authority of the county board of election commissioners to refuse to permit their use in county and state elections was not contested at the time. In 1928 and 1929 this legal question was cleared up so that the city was permitted to use machines in all elections, but after experimenting with machines at several elections, the city failed to adopt them. Other cities in the state went through much the same experience, discontinuing the use of machines when the preferential ballot was adopted, and failed to return to their use when this law was repealed. The legal questions involved, however, do not adequately explain the situation, for had the general public and the election officers in these communities been strongly in favor of the use of the machines, these legal difficulties would have been remedied by legislative action, and, at any event, these cities would have returned to the use of machines when the state preferential voting act was repealed.

X In Minneapolis machines were installed on an experimental basis in 1908 and, within a year or so, the entire city was equipped. In 1912 and 1913 the legislature of the state amended the election laws so as to require the provision of paper ballots for the use of electors who preferred them, and under this law the machines were quickly abandoned, presum-

ably because many electors proved by their choice that they preferred the paper ballots, and no economies were effected by the use of machines. It is significant that the machines have never been able to succeed if the voter is given his preference between voting on the machine and voting a paper ballot.

The reason for the discontinuance of voting machines in New Jersey, Colorado, Utah, and other states is more obscure. It seems likely that in most cases some difficulties were encountered and the machines were abandoned because of the opposition to them. Portland, Oregon, tried out machines as recently as 1928, after having purchased some ninety machines, and because of the congestion at the polls has since failed to use them again. The election officers of the county in which Portland is situated are convinced that machines will never be used in the city again. The unfortunate experience in 1928 was not due entirely to the machines, however, for the machines which were purchased were not large enough to take care of the ballot, which consequently was placed on the machine in such manner that each Republican voter had to vote on the machine twice—once on one part of the machine and a second time on another part of the machine. The resulting congestion at the polls was inevitable.

Legislation. The election laws authorizing the use of voting machines are practically identical in the several states, due, no doubt, to the fact that they were enacted at the instigation of the manufacturers. Practically all of the states provide a state board of voting machine commissioners consisting of three persons, either ex-officio, or appointed by the governor or secretary of state. The purpose of this board is to examine and approve or disapprove voting machines submitted to it before they may be used in the state. Provision is always made for one or more of the persons who examine the machine to be mechanical experts. A fee, which varies from a flat \$450 in New York State to ten dollars per day for each examiner in the State of Washington, is provided in the law.

Several of the states which have recently consolidated their administrative departments and abolished unimportant and defunct bodies have abolished the board of voting machine commissioners on the ground that the body had not met for years and was no longer necessary.¹⁷ In New York the duties of the voting machine commissioners were transferred to the secretary of state, but in Wisconsin no provision whatever is now made for examination of machines by a state agency.

Certain specifications or requirements are uniformly set forth in voting machine statutes. The machines must permit the elector to vote for all candidates and on all referendum questions on which he is entitled to vote, and prevent him from voting for any candidates or upon any questions which he is not qualified to vote. The latter provision, to be sure, is not applicable in most states, though written into the law, since most states no longer have any form of limited suffrage. It must secure secrecy of the ballot; permit the voter to vote for any person, regardless of whether the name of such person is printed on the ballot; prevent the voter from voting for more candidates for any office than he is entitled to vote; and must be provided by locks and counters to prevent tampering and fraudulent voting. In most states the machine is used for primary elections, and in such elections it must permit the precinct officers to set it so that the voter can vote only the primary ballot of his party. — in closed primary states.

The city council or the county commissioners are usually authorized to adopt and purchase machines, though in a few states a referendum vote is required before purchase. In a few states there are some mandatory features in the election law requiring the use of voting machines, but this is unusual and is limited actually to only a few communities. The device of mandatory legislation to force local adoption was used in New York State to force the City of New York to adopt machines, but the election commissioners opposed to the purchase of the machines were able to prevent their purchase for

¹⁷ New York and Wisconsin, for example.

a number of years. The body authorized to purchase machines is usually specifically authorized to issue bonds to pay for them or to arrange to pay for them in other ways.

In the states which use the party column ballot, the ballot on the machine must also be arranged in party columns, but these columns may be either vertical or horizontal. As a matter of practice, the current models of voting machines all use the horizontal column, with the title of each office placed above each vertical bank of voting levers. In New York State, which uses the office group ballots, all of the candidates of each political party are placed upon one row on the machine, thus making a party column ballot upon the voting machine. While there is no straight party lever on the machines used in New York State, the voters of the party organizations are taught to vote a straight ticket by one sweep of the hand along the row of keys of the party.

Sample ballots, showing the face of the machine, and containing also instructions how to vote on the machine, are required to be mailed to the voter or advertised in the newspapers prior to the polls. These sample ballots, which may be reduced in size, are also posted in the precincts and at the polling place. Ordinary paper ballots have to be printed for absent voters, whose votes are cast and counted in the usual manner. The objection is often made that if there is only one absent ballot to the precinct, the use of the voting machine destroys the secrecy of the ballot for that elector. This is not an important consideration.

The setting of the machines for an election is regulated in detail by the election statutes, though in actual practice the procedure outlined is not usually followed. The election office is usually required to notify the party organization before the custodian begins the work of setting the machines, in order that they may provide watchers. The provision in some states for the payment of party watchers by the government is wholly unjustifiable.¹⁸ The custodian is required to set all of

¹⁸ For example, New York Election Laws, Sec. 251.

the counters back to zero, record the number on the protective counter, and lock and seal the machine. He also places in the machine the ballot labels and sets the machine so that the voter may not cast more than the right number of votes for each office.

Elaborate provisions are usually made for instructing the precinct officers how to operate the machine and their duties in connection with it. The local office in charge of elections is required to hold a meeting to instruct them, and to pay each of them one dollar plus car fare for attending this meeting. The laws also provide that a certificate shall be issued to each officer attending, and that no officer shall have charge of a machine who has not been issued such certificate. Needless to say, these provisions are not usually complied with. Such a school of instruction is not necessary before each election, and is a needless bother and expense if held so frequently.

Provision is also made for the instruction of voters before the election. The state laws provide that one or more machines shall be publicly exhibited for the voters to examine and operate in order to learn how to vote on it. On the day of the election it is usually required that a sample or model voting machine, sufficiently large to show the method of voting, shall be exhibited at the polls and used for the instruction of voters.

Prior to the opening of the polls the election officers of the precinct are required to unlock the counter compartment of the machine and to examine the counters to see that they are set at zero, to lock it again, and to record the number on the protective counter. The machine is then unlocked and unsealed in the presence of all election officers and made ready for voting. At the close of the election this procedure is reversed, and the election officers read off and record the numbers on the counting registers. After the canvass of the machine has been completed, it is locked and sealed.

During the day of the election one of the officers is placed in charge of the machine, and if two or more machines are

used, additional officers are placed on duty so that one officer shall attend to each machine. The machines are equipped with a release knob, which must be raised before the voter can push the curtain lever from left to right, closing the curtain and unlocking the machine for voting. In some states the officer must again pull up the release knob when the voter has finished voting, in order to permit him to leave the machine. This procedure has little if any merit as a safeguard against spurious voting. In many precincts the election officers tie up the release knob, thus making it unnecessary for an attendant to stand by the machine. It would be better to leave this device off the machine entirely. One person should be able to take care of several machines very readily, except for the useless operation of this release knob.

Following an election the machines are required by state laws to be left locked and sealed, except by an order of a court or the election commissioners, until a specified time has elapsed, usually sixty days, in order to be available for a recount. The recount provisions usually provide that the election office may order a recanvass of the votes if a "discrepancy" appears. This term is ambiguous, and should be replaced by a statement that the election office may order a recount at the request of a candidate or group of voters, who should be required to pay the cost involved.

Operation. There will be presented at this point a discussion of the arguments for and against the use of voting machines, and an analysis of the practical operation of machines. The principal merits claimed for them are the following:

1. Accurate returns.
2. Reduction or elimination of many types of voting frauds.
3. Quick returns.
4. Secrecy.
5. Elimination of mistakes and spoiled ballots.
6. Avoidance of recounts.

7. Reduced cost of elections.
8. Better election officers may be secured.

These claims will be considered in detail below. In the meantime it is worth while to list the principal objections raised against the use of voting machines, which are as follows:

1. They slow up the voting and cause voters to have to wait in line to vote.
2. Many voters object to their use.
3. They are expensive to install.
4. They are more costly to operate than paper ballots.
5. Many voters lose their vote on the machine or vote for the wrong candidates.
6. Many voters find them difficult to operate.
7. They may break down at the polls.
8. They make split voting more difficult.
9. They may not be used for proportional representation.
10. They have been abandoned by many communities.

These arguments, pro and con, as well as the actual operation of the machines with respect to the various considerations, require analysis.

Defects of Manual Counting of Paper Ballots. Many serious criticisms may be made of the results secured by manual counting of the ballots. Whenever a recount is held, subjecting the counting by the precinct officers to examination and scrutiny, appalling evidence is brought to light of the errors and mistakes which have been made, and, in the large cities, of election frauds as well. The situation in New York City prior to the adoption of voting machines, with frequent election frauds and criminal prosecutions of election officers, is described by Zukerman.¹⁹ The situation in Chicago in recent years has been even worse, with a large number of precinct officers being sentenced to prison for election frauds. In Mil-

¹⁹ The voting machine, Chap. I.

waukee, Minneapolis, and other cities which have had recounts within recent years the prevalence of errors is almost equally striking. Election results are frequently altered by recounts, and, if the result is close, rumors of fraud are bound to be spread. Nothing will undermine the morale of the voting public so quickly as a suspicion that the elections are not honestly conducted. The counting of paper ballots, often lasting far into the night, and made by tired and frequently incompetent persons, is highly conducive to mistakes and frauds. Many election officers and men in public life have realized the inherent defects of this procedure and have sought to remedy it. Central counting and separate counting boards have both been tried as means of remedying the situation, but without notable success. Suggestions have been made in the preceding chapter for an improved organization and procedure for making the count. It cannot be denied that the only way to avoid this tedious job of counting the ballots and to guarantee an honest and accurate count is to use voting machines. Adding machines are now almost universally used by commercial houses and their superiority over manual counting cannot be questioned.

Frauds. Voting machines were recently adopted in Pennsylvania largely as a measure to safeguard the elections. While the campaign was under way for the adoption of machines in several counties in the state in 1929, the principal speakers for the voting machines told their audiences that the effect of the adoption of the machine would be to enfranchise the voters, for hitherto they could never tell whether their votes would be counted, or whether they would be offset by fraudulent ballots. The agitation for voting machines in New York City, which was carried on for years and finally forced their adoption against the opposition of Tammany, was caused by a belief that there were serious frauds perpetrated with paper ballots, which would be made at least more difficult with voting machines. The protection which voting machines afford against election frauds is an important consideration.

X To what extent and in what manner do voting machines offer security against election frauds? Are voting machines an effective guarantee that frauds will not be committed? Several of the most prevalent types of voting frauds are made impracticable by the use of voting machines. It is pretty generally agreed that most voting frauds are committed by the election officers themselves, and in the count. The old form of voting fraud—that of repeating—has largely disappeared. It is safer and cheaper to have the election officers steal the election. This may be done by turning in an election return which is not based upon an actual count of the ballots, and does not at all correspond to the votes cast. This has been done on numerous occasions in the past, as is well evidenced by recounts in Chicago and Philadelphia. Until a few years ago the election officers in Pennsylvania could feel secure in making almost any sort of return, for the ballot boxes could not be opened and recounted except on proof of fraud, which made it extremely difficult to secure a recount. Since the election law has been changed to permit the securing of a recount without proving fraud, the election officers are forced to see to it that the returns correspond with the ballots in the box.

Y Another method of stealing an election is to stuff the ballot box with marked ballots, writing in the poll books the names of voters who failed to vote or who have died or moved away. In some large cities it is notorious that certain precincts are held back until the result of the election is pretty well known, so that the required number of votes per precinct may be added. A recent recount in Pittsburgh brought to light many "phantom marked ballots." These ballots showed indentations of cross marks where there was no lead mark, which clearly indicated fraud, for they could have been made only when a group of ballots were marked at a time from a pile—the cross marks made on the top ballot showing on the lower ballots but in blank or phantom. The voter marking a single ballot in the booth would not make any such indentations. In this same recount the examination of ballots by writing

experts showed that in many precincts a number of the ballots were marked by the same person.²⁰

A third method of stealing votes is to alter the ballots as they are being counted. It is said that many of the election officers are able, by means of concealed pencils, to spoil or to alter many ballots during the count. The writer does not believe, however, that this method is used to any appreciable extent to steal elections. In addition, the officers in making the count may fraudulently enter the tally marks for the wrong candidates or deliberately call the ballots wrong as a means of stealing the election. Often the actual counting of the ballots is made by two or more teams, with bystanders assisting, though this not authorized by law. It is not at all unusual for the precinct captains to be permitted to assist in the count.

These election frauds are largely, if not entirely, eliminated by the use of machines. If a satisfactory provision is made for a re-canvass of the machines, the election officers will not dare turn in fraudulent returns of the election. Even with an unsatisfactory procedure for securing a re-canvass of the machine, the fraud would be so apparent if a recount were secured that the election officers would hesitate to falsify the returns. The voting machine will not stop repeating, which may be carried on as readily with the machine as with paper ballots, but it will make difficult, if not impracticable, the "stuffing of the ballot box" in the name of voters who failed to vote. This result can be effected with the machine, to be sure, but the votes must be registered on the machine and this cannot be done without danger of detection. If voting machines are used there are no paper ballots to be altered. When they are used the election returns are expected at the central office within an hour, and any delay would arouse suspicion. At the close of the polls the watchers and bystanders expect the vote to be taken off promptly, and it is not ordinarily practicable to manipulate the returns or to hold them up.

²⁰ See below, Chap. IX.

It is sometimes asserted that the machines may be fraudulently set or manipulated, that rubber bands may be placed in the machine to alter the count, and that in other ways the machines may be beaten. While it may be possible to manipulate the machine and to steal votes, the experience in many cities seems to indicate that it is not practicable, and in actual practice it is not done. The only charge of fraud which the writer has heard in many cities where voting machines are used is that of submitting fraudulent returns. It is, of course, possible for election officers to submit returns which do not coincide with the totals upon the counters of the machines, and in rare cases this has been done. The danger of this type of fraud is slight, and with proper provisions for a re-c canvass of the machines, is quite negligible.

For the community afflicted with election frauds the voting machine provides real relief, though not absolute security against all frauds. Where this is a serious consideration, the case for the adoption of voting machines is particularly strong. It should be added, however, that voting frauds have tended to disappear in many communities, and the honesty of the election safeguarded in other ways.

+ *Cost of Machines and Economies Effected.* One of the principal reasons why voting machines have not spread more rapidly is the high cost of installation. The machines are sold for from approximately nine hundred dollars to one thousand four hundred dollars, depending upon the size. At least one machine is required for each precinct, and these machines, to be sure, can be used only on the few days of election. The average sized machine sells for one thousand dollars or more. In estimating the overhead charges for the use of machines, it would seem to be reasonable to allow five per cent for interest and five per cent for depreciation and obsolescence. Upon this basis a machine costing one thousand dollars would have an annual overhead charge of one hundred dollars. If five hundred votes are cast on the machine during the year,

which is considerably higher than the average, the cost per vote handled is twenty cents.

The principal argument for the use of machines is that they will effect substantial savings in the conduct of elections and thus pay for themselves within five to fifteen years. The economies which are claimed for them are as follows:

1. Fewer precincts.
2. A smaller number of election officers to each precinct.
3. A lower salary to precinct officers, due to the shorter hours.
4. Smaller cost for the printing of ballots.
5. Expensive recounts are avoided.

The state laws of many states permit the use of larger precincts where voting machines are used. As pointed out elsewhere, the cost of elections depends to a great extent upon the size of the precincts, and the use of fewer precincts cuts down the cost of precinct officers, rental of polling places, and other costs all along the line. The claims made for voting machines, however, in the matter of reduction of the number of precincts are often exaggerated. There is no appreciable difference, by and large, between the size of precincts where voting machines are used and where paper ballots are used. Many of the largest precincts in this country—notably in Massachusetts and Wisconsin—are to be found in communities using paper ballots. The claims as to the number of precincts which may be eliminated by the use of machines are seldom realized. If the state election laws should authorize larger precincts, the number could be readily reduced, without adopting voting machines. There is no real reason why precincts may be larger with voting machines than with paper ballots, except the requirement of the state law on the subject. As a matter of fact, a large number of voters may be handled much more readily at the polls with paper ballots than with voting machines. The only justifiable ground for asserting

that machines will accommodate more voters per precinct than paper ballots is the fact that a large number of ballots may require a long and arduous count for the election officers. This may be remedied by the use of extra persons for the count, as suggested elsewhere. It is unsafe, moreover, in any state using voting machines to have more than five hundred voters to the precinct, unless more than one machine is used. The number of voters which a machine will handle depends entirely upon the length and complexity of the ballot. The statistics for one state will throw no light upon the problem in another state. In San Francisco the precincts average less than two hundred voters. The most economical method of using voting machines is to provide large precincts and several machines to the precinct, but this is not commonly done.

Where voting machines are used it is customary, according to state law, to use a smaller number of election officers to the precinct. In New York State, for example, six officers are used with paper ballots and only four with machines. As pointed out elsewhere, there is no reason why three officers cannot handle the work in precincts using paper ballots. In conducting the poll, except perhaps for the requirement of signing or initialing the ballot (which is useless), there is no reason why three officers cannot handle an equal number of voters with paper ballots as with machines. The real reason for the employment of a larger number of officers to the precinct where paper ballots are used is not because they are needed during the poll, but because it is supposed that they are needed during the count. This absurd practice could be remedied readily by the state legislatures, but as a matter of practice, it is not so remedied. As the state laws stand, the use of voting machines ordinarily reduces the number of precinct officers from six to four or from five to three.

It is customary to pay the precinct officers a smaller salary where voting machines are used, because their hours are not so long. In New York City, for example, prior to the adop-

tion of voting machines four inspectors at fifteen dollars each and two clerks at six dollars each were used at general elections, making a total of seventy-two dollars per precinct, while at present, with voting machines, four inspectors at eleven dollars per day are used, making a total cost per precinct of forty-four dollars. This makes a saving of twenty-eight dollars per precinct. At the primary election, however, in which paper ballots are still used, only four inspectors are used, at eight dollars each, or a total cost of thirty-two dollars per precinct. It should be added that the primary elections in New York are not usually contested.

The cost of printing the ballots is reduced somewhat by the use of a machine, but not to any great extent. While paper ballots are not used in the precincts, they are necessary for the use of absent voters. The cost of printing the ballot labels for the machines, which involves usually a set up for each precinct, is expensive.

While these economies are made by the use of machines, certain other expenses in conducting elections are increased. The cost of storing the machines is greater than that of storing the voting booths used with paper ballots, and the drayage to and from the polls is a considerable item. The machines are also ordinarily insured. In many cities permanent custodians of the machines are employed, with a full-time salary, though there is little or no work to be done between elections. New York City, for example, has sixteen voting machine custodians, and, in addition, extra persons are employed prior to the election to assist in setting the machines. The cost of setting a machine for an election varies greatly, depending upon the election and the arrangement made for this work.

Two men can ordinarily set from ten to twenty machines per day, though probably this is a high average for the work as it is actually performed. An allowance of ten dollars per machine for each election should be made to cover the cost of drayage both ways and for setting the machines. Some small

cities avoid the drayage costs by leaving the machines in the school buildings from one election to another, but this is rather unusual.

The experience of New York City with respect to the cost of elections before and after the adoption of voting machines is significant at this point. The financial statements of the board of elections for 1925 and 1929 show the expenditures in detail. These two years have been taken because the elections held in each year were the same. Voting machines were used in fifty-five districts in 1925, but this slight use does not materially effect the cost of elections. The year 1924 would have been used for comparison, but in that year an extra election, the presidential primary, was held. Voting machines were first used throughout the city in 1929.

This table requires some detailed analysis and explanation. The extensive savings which Zukerman estimated in 1925 would be accomplished by the installation of machines, amounting to \$383,000,²¹ were not realized. The actual operating cost increased by \$188,696.03, and if to this is added an interest and depreciation charge of 10 per cent (\$85 per machine), amounting to \$297,500 in 1929, the cost of elections in 1929 increased \$481,501.03 over that of 1925 before the adoption of machines. Instead of a decrease of 500 precincts, as estimated by Zukerman as possible with the use of machines,²² there was an actual increase of 338 precincts in 1929 over the number in 1925. This increase in number of precincts practically wiped out any reduction in the cost of precinct election officers, which was expected from the use of voting machines. The item of supplies, which includes the printing of ballots, remained practically unchanged in the two years. The expected saving in the cost of printing the ballots was not realized. On the other hand, certain other items show a marked increase in 1929 over 1925. The cost of regular employees mounted by \$73,616.23, due in part to the employ-

²¹ Zukerman, p. 61.

²² *Ibid.*, p. 60.

ment of custodians for the machines.²³ The cost of temporary employees also increased, and the cost of transportation and general plant service showed a marked increase, directly traceable to the use of machines.

Although the cost of elections in New York City has substantially increased with the installation of voting machines,

The Cost of Elections in New York City, Before and After the Adoption of Voting Machines¹

Item	1925	1929 ²	Inc. or Dec.
Salaries, Regular employees	\$259,079.20	\$332,695.43	+\$73,616.23
Wages, Temporary employees . . .	9,722.50	24,067.50	+14,345.00
Same, for making duplicate copies of enrollment lists—all parties	39,835.00	45,855.00	+6,020.00
Election officers	683,206.00	670,039.00	-13,167.00
Supplies	333,952.97	321,428.35	-12,524.62
Equipment	16,220.01	12,612.95 ³	-3,607.06
Repairs and replacements	28,573.12	20,621.93	-7,951.19
Transportation	30,940.15	73,733.22	+42,793.07
Telephone service	1,082.83	1,741.33	+658.50
General plans service	11,624.89	62,494.06	+50,869.17
Contingencies	3,831.76	4,973.45	+1,141.69
Rent	217,712.49	230,601.83	+12,889.34
Advertising	87,636.98	111,249.88	+23,612.90
TOTAL	\$1,723,417.90	\$1,912,113.93	+\$188,696.03
Overhead charge of 10% for voting machines	4,695.00	297,500.00	+292,805.00
Total election cost including voting machines	\$1,728,112.90	\$2,209,613.93	+\$481,501.03
Votes cast ⁴	1,261,097	1,564,689	+ 303,592
Cost per vote cast	\$1.37	\$1.41	+ .06

¹ Taken from the Annual Reports, 1925, p. 8; 1929, p. 10.

² These items include expenditures from regular appropriation and also from revenue bond funds.

³ Does not include item of \$275,811.25 spent for purchase of voting machines.

⁴ Includes an estimated vote of 100,000 in the direct primary election for which no statistics are available.

certain other factors should be taken into account. The city is growing and a normal increase proportionate to the increase in population is to be expected. Moreover, in 1928 an unprecedented number of voters registered—2,028,505. This was more than 500,000 greater than at any previous registra-

²³ Sixteen were employed in 1930.—Board of Election, Annual Report, 1930, p. 21.

tion, and the board of elections found it necessary, after the close of registration, to create 648 new election districts. In the redistricting of the following year only eighty-two precincts were eliminated, leaving a total of 3411, as compared with 3073 in 1925. Consequently, there were 338 more precincts used in 1929 than in 1925, or an increase of thirteen per cent. It is only reasonable to suppose that had paper ballots been used throughout this period, there would have been an increase of thirteen per cent in the cost of elections, or approximately \$225,000. The total vote cast in 1929 at the general election was 303,592 greater than that at the 1925 election—an increase of 26.5 per cent. This increase is considerably greater than may be explained by the increase in population and is to be accounted for largely by the fluctuation from year to year in the proportion of voters who cast their ballots. This fluctuation greatly affects the cost per vote at a given election, but, except for an unusually large election, such as the general election of 1928, does not appreciably influence the cost of holding the election.

It should be pointed out also that in addition to the general election, there is also a primary election at which paper ballots are still used, the cost of which is not affected by the adoption of voting machines. The cost of the registration of voters, which is included in the above table, is likewise not affected by the adoption of machines. At the primary election, which in New York is usually relatively unimportant, four inspectors of elections are used at eight dollars each, or thirty-two dollars per precinct. The cost of the precinct officers for this election amounted to \$98,336 in 1925 and to \$109,152 in 1929. The other costs of the primary election—ballots, rental of polling places, transportation, advertising, overhead charges, etc.; probably increased proportionately, but were not affected by the use of machines. Similarly, the cost of the precinct officers for the conduct of registration amounted to \$368,760 in 1925 (at \$120 per precinct) and to \$409,320 in 1929, and the other costs of registration probably increased by a corresponding ratio.

The total expenditures of the board of elections from 1924 to 1930, inclusive, before the adoption of machines until the second year after the complete installation, is shown in the following table:

The Influence of the Adoption of Voting Machines on the Cost of Elections in New York City, 1924-30^a

Year	No. of precincts	Number of machines used (not including reserve machines)	Total operating cost (not including overhead cost of machines)	Vote cast ²	Cost per vote cast	Cost per vote cast including overhead charge for machines
1924	2,889	none	\$1,939,248.75 ³	1,544,588	\$1.25	\$1.25
1925	3,073	55	1,723,417.90	1,261,097	1.37	1.37
1926	3,136	616	1,741,733.90	1,376,916	1.27	1.30
1927	2,996	1867	1,628,432.38	1,252,239	1.30	1.42
1928	3,493	2964	2,213,791.08 ³	2,073,758	1.07	1.19
1929	3,411	3413	1,912,113.93	1,564,689	1.24	1.41
1930	3,421	3426	1,969,328.32	1,543,997	1.27	1.47

¹ Taken from the annual reports of the board of elections.

² No statistics are available for primary elections, and an estimate of 100,000 per year has been made, which has been added to the vote cast at general elections.

³ In the presidential election years, 1924 and 1928, an extra election, the presidential primary, was held.

From this detailed analysis of the election costs of New York City, before and after the adoption of voting machines, the conclusion is inescapable that machines do not lower the costs, but if the overhead cost of machines is taken into account, actually increase it rather substantially. The sales argument that machines reduce the costs of election is not borne out in New York. Similar results have prevailed elsewhere. The claimed savings practically always fail to take into account overhead costs.

Facility of Voting. In considering the paper ballot versus the voting machines the following questions are pertinent and important: Which is used more readily by the voters? Which is liked better? Which requires fewer instructions? Which is voted more quickly and involves less waiting at the polls? Which may be voted more surely according to the wishes of the voter? Several of the leading arguments for and against the machines have to do with these problems. On

the behalf of the machines it is said that they make voting easy and swift and render defective ballots impossible. Against the machines it is said that it is difficult to educate the public to vote upon them, that many persons will stay away from the polls if machines are used, that the public dislikes them, that many persons are unable to vote upon the machines, and that, because many voters do not know how to vote a split ticket on the machine, the machines are conducive to straight ticket voting.

These are judgments of individuals and it is practically impossible to present scientific, accurate, quantitative data on these questions. It is true that the average time required to cast a vote on a machine is somewhat less. The ballot is set forth on a well lighted machine, and the voting levers may be pulled down more rapidly than a paper ballot can be marked. The average person will be able to vote on either quite readily and quickly, and there is not a great deal of choice from the standpoint of such voter. While it is true that voting on the machine is somewhat more rapid, the point is often made against voting machines that while only one machine is used to the precinct, or two in larger precincts, five, ten, or even twenty voting stalls may be used with paper ballots. Such a number of voting machines is out of the question because of the expense. It is frequently pointed out that voting machines can not serve the rush of voters during the closing hours of the polls as readily as paper ballots. This statement is true. There can be no question that voters can be handled more readily and quickly through the use of paper ballots and numerous voting booths. Probably the greatest difficulty in the use of voting machines is their inadequacy in large elections and in the rush period of the day, often requiring voters to wait in line. Many cities have abandoned machines in response to protests after congested elections. In San Francisco, for example, the writer was informed by the election officers that the machines functioned perfectly in the presidential election of 1928, but citizens outside of the office stated that thousands and thousands of citizens were forced

to stand in line. In the 1932 election in Seattle a line formed in every precinct, requiring the voters to wait from one to two hours to vote. A major defect of the voting machine is its inability to accommodate, as a general rule, more than from thirty to sixty voters an hour, and if the voters come in larger numbers than this to the polls, they will be forced to wait in line. It is not at all uncommon for a city using voting machines to have one or two badly congested elections, after which the voters learn to accommodate themselves to the machines.

It is difficult, indeed, to say which method of voting is preferred by the mass of voters. Voting machines are taken as a matter of course in many cities which have used them for years, though there is some opposition even in cities which have used them during the longest period. It would probably be correct, for most communities using machines, to say that most citizens are satisfied with the machines and, if called upon to vote on the matter, would vote in favor of them, while a small minority is strongly opposed to them. Many elderly persons and persons unacquainted with the method of voting upon machines dislike them.

There can be no question whatever that the voting machine requires a great deal more instruction to voters than the paper ballots, even in communities where the machines have been used for years. During a visit to Indianapolis in 1929, which has used machines for twenty-five years, the writer was very much impressed to find lengthy instructions on "How to use a Voting Machine" carried in the news columns of the local papers ten days before the election, with a list of the eleven places throughout the city where practice machines had been set up. This seems to be ample proof that there is necessity for instructions to voters on how to vote on the machines year after year, and not merely at the time machines are installed. However, one should not forget that instructions are also required when the paper ballot is issued, but to a lesser extent.

It is often asserted against the machines that they induce

straight party voting, since many voters are afraid to attempt to split the ballot. This assertion would apply, to be sure, only in states with the party column ballot and the straight ticket lever on the machine. It may be said at once that the same is also true of the paper ballot with the party column and the party circle. It is impossible to state or to prove which method is more conducive to straight ticket voting. The instructions to voters used with the machines in some states, instructing them in general elections first to pull down the lever of the party for which they wish to vote, and so on, is indefensible. They should be instructed to vote by either pulling down the party lever and then making any changes which they may wish to make, or by pulling down the voting levers of the individual candidates for whom they wish to vote. When the polls are badly congested, with a line of people waiting to vote on a single machine, there is usually considerable pressure placed upon the voter to hurry through the machine, thus inducing him to vote a straight ticket or to vote only upon the principal offices.

A principal argument for the use of voting machines is that they are so adjusted and interlocked that the voter may not vote for more candidates for any office than he is legally entitled to vote. That is, if he may vote for only one person, as for sheriff, the machine will lock against a further vote when one voting lever has been pulled down for that office, and, similarly, will permit only the proper number of votes to be cast where a number of candidates are to be elected to an office. Not only will the machine do this, but since there is no paper ballot for the voter to spoil or to mark, he is relieved of the danger of spoiling his ballot with some erasure or identifying mark. This is a desirable feature of voting machines. On the other hand, it is often pointed out by persons acquainted with the actual operation of machines that uninformed voters may put up the voting keys which they have pulled down, before recording their vote, thereby unwittingly casting no vote at all. The best evidence upon the

point is to be found in the reports of the Board of Election of New York City. The following table offers a comparison of the void and blank ballots for the various offices in 1925 when paper ballots were used, and the unrecorded votes cast on the machines for the same offices in 1929:

Comparison of the Wastage of Votes with Paper Ballots and Voting Machines, New York City, 1925 and 1929¹

Office	1925—Paper Ballots			1929—Voting Machines		
	Total votes cast	Blank and void	Per cent wasted	Total votes cast	Unre- corded	Per cent wasted
Mayor	1,161,097	21,893	1.9	1,464,689	34,541	2.3
Comptroller	1,161,097	42,097	3.6	1,464,689	87,530	6.0
President, Board of Alderman	1,161,097	40,971	3.5	1,464,689	89,131	6.1
County Judge Bronx County	186,845	8,855	4.7	263,239	25,478	9.7
Sheriff New York County	363,622	16,267	4.5	373,171	29,462	7.9
Bronx County	186,845	9,650	5.2	263,239	24,149	9.2
Kings County	408,949	10,225	4.7	506,848	38,982	7.7

¹ Taken from the annual reports of the Board of Elections.

The analysis has been confined to offices with only a single vacancy, so that the figures might be strictly comparable. The paper ballots show an appreciably smaller per cent of wasted ballots, though it should be noted that it is possible for the public counters on the voting machines to show a larger number than that of the actual voters who appeared, since at times the election officers may work the curtain lever back and forth in instructing the voter, thus increasing the number rung up on the public counter without a corresponding vote cast.

Quick Returns. One of the advantages of voting machines is the fact that the results of the election are usually known within two or three hours of the close of the polls, and sometimes within a shorter period, whereas with paper ballots the returns for a large election do not begin to come in until several hours after the polls are closed, and are not complete until from twelve to twenty-four hours later. Even the most

bitter opponents of voting machines will concede this merit, but it is sometimes asserted that early returns are of little consequence. Undoubtedly, it is worth while to have early returns. The public is anxious to learn the results of the election, and many persons stay up for hours on the night of elections to hear the results. It is a fine public service to provide quick returns. Another aspect of the matter of the quickness of the returns has a bearing on election frauds. If the returns come straggling in throughout the night and the following day, late returns excite no suspicion, while as a matter of fact certain precincts may be purposely held out so that the persons who have control of these precincts may steal votes, if necessary to win the election. During these hours throughout the night and the following day there is plenty of time to manipulate the ballot, or to write in the names of voters who failed to vote, and cast ballots for them—provided the election officers of the precinct are corrupt and are willing to carry out such frauds. Where voting machines are used, this is not practicable; for any delay in the returns would immediately arouse suspicion. The work of reading off the counters and recording the vote on the return sheets requires such a short time that it is likely to be carefully watched by party representatives and voters, who would not think of remaining at the polls for hours to watch the count of paper ballots. The election officers, where voting machines are used, do not have the time and opportunity to vote the names of persons who have failed to vote or to manipulate the ballots which have been cast.

Recounts. Another advantage of the use of voting machines is the virtual avoidance of expensive and annoying recounts. A recount may be had with the machines, and consists merely of re-opening the counter compartment and taking off the numbers recorded for the candidates in question. This can be done quickly and inexpensively, but in actual practice recounts are seldom asked for where machines are used. If paper ballots are used and the election is close, the defeated candidate

is not satisfied unless the work of the precinct officers is checked, for he knows that many mistakes are inevitable, and that a recount may change the result of the election. But when voting machines are used, the probability of errors is very small, and the results are usually accepted at face value. Many cities which have used voting machines for years have never had a single recount.

It is impossible to estimate the savings made by the avoidance of recounts. The cost of recounts varies a great deal, and it would be impossible in any community to predict what the cost would be over a period of years. If the work is efficiently organized, the recount for any office can be conducted expeditiously and economically, but, as a matter of fact, it is not ordinarily so conducted. The cost of the recount in some states is borne by the persons petitioning for it, but it is, nevertheless, a matter of public concern.

Secrecy. Another argument for the use of voting machines is that they guarantee the secrecy of the vote more effectively than paper ballots. When the voter goes to the machine to vote he is curtained more completely than when he goes into the voting booth to mark his paper ballot. This, however, is not important, and, if more effective curtaining were desired, it could be readily provided with the voting booths for paper ballots. It is a mistake to suppose that there are persons at the polls peeking around the voting booths to see how the voters mark their ballots.

Another basis for the claim that secrecy is more effectively secured by machines is that paper ballots may be marked in such manner as to identify them, or that the election officers may recognize the markings of certain voters. With paper ballots it is possible, to be sure, for the bribed voter to mark his ballot in such manner that it may be recognized by the party watchers when it is counted, but such a pre-arrangement and identification of ballots is too clumsy to be used except on the most rare occasions.

Election Officers. It is often said that the use of voting

machines makes it possible for the election office to secure the services of more capable persons to serve as election officers, for they avoid the long and arduous count which may last far into the night. No doubt the count is one of the worst features of the work of the election officer, and, for that reason, election officers as a general rule are strongly in favor of machines. How much difference the use of voting machines may make in the selection of precinct officers is not subject to definite statement or proof. There are many other considerations much more important than the use of voting machines or paper ballots. There are other methods also, suggested in the preceding chapter, to avoid the long and tedious count of the ballots.

Proportional Representation. One of the arguments against the use of machines is that they will not serve in proportional representation elections. This is not a serious objection. Proportional representation is now used in only three cities in the United States: Cincinnati and Hamilton, Ohio, and Boulder, Colorado. It is not likely to spread so rapidly as to affect the problem. Even in the cities which have proportional representation, voting machines could be used as effectively and economically as elsewhere. The proportional representation ballot would have to be cast and counted separately, but at each election there would be other candidates which could be voted for on the machines, and at state, county, and national elections the machines could be used without question. The proportional representation ballots should not be, and usually are not, counted in the precinct. There should be no confusion whatever with the use of proportional representation ballots, and voting machines for other offices at the same election, and the savings made by the use of voting machines would not be affected. Nevertheless, one of the arguments used against voting machines is that they cannot handle proportional representation elections, and, similarly, one of the arguments against proportional representation is that it cannot be voted upon the machines.

Breakdown of Machines. An argument against machines is

the danger of a breakdown at the polls. Some states even require the printing of ballots, to be kept in reserve as an emergency precaution against breakdowns. This argument and these statutory provisions are based upon theory and not upon facts. Breakdowns, even of a minor character, are extremely uncommon. Many cities using voting machines for years have never had a single machine go out of commission.²⁴ In cities it is customary to have one or more reserve machines ready for use in case of a breakdown, but they are almost never used. The local custodian of the machines is able, except in the most unusual cases, to put any machine giving trouble back into commission within five minutes time.

Liability of Abandonment. One of the arguments commonly used against the adoption of voting machines is that they have been tried out and discontinued in many cities. It cannot be denied that many cities, large and small, have given up machines after trial, and even after they had been purchased and paid for. Probably the same is true for any type of machine that has ever been placed upon the market. Voting machines, to be successful, must be properly used, and provided in sufficient numbers to take care of the voting public without serious congestion. Changes in the election laws which would make difficult or impossible the use of voting machines must be opposed and defeated. This duty devolves upon the local election officers and also upon the manufacturers of the machines. If neglected, as has been the case in some states in the past, it will result in abandonment of the machines. The very wide use of voting machines indicates that they may be used successfully and continuously, if proper care and attention is given to them and a sufficient number of machines is provided. The abandonment of machines, on the other hand, indicates that they may give trouble if not properly used.

Summary. Voting machines are now used in nine states and in about one precinct out of every six. They have been used

²⁴ A new type of voting machine recently adopted by Pittsburgh went out of commission in a few precincts in the general election of 1931.

in some communities for as long as thirty-five years. While a large number of cities, large and small, use them and find them satisfactory, there are many communities, including some large cities, which have abandoned them after trial. If properly used, and the limitations of the machines recognized, they are quite successful.

The laws permitting the use of voting machines ordinarily provide for examination by a state board of voting machine examiners and for experimentation before adoption by action of the local city council or board of county commissioners. The laws governing the use of machines permit larger precincts and fewer precinct officers than if paper ballots are used, and regulate in some detail the procedure to be followed at the polls. It would serve no purpose to summarize these details at this point.

There is a widespread interest in voting machines and movement for their adoption, as is evidenced by recent legislation in Pennsylvania and Ohio, and a renewed interest in Massachusetts, Michigan, and other states. It is quite probable that when the present economic depression has passed, the spread of voting machines throughout the country may be made more rapidly than ever before. This movement brings to the fore the controversy over the merits of the paper ballot and machines. The shortcomings of paper ballots—particularly the necessity of counting them by hand—are very apparent to any one familiar with election practices. The long, tedious count of the large election is marked by errors always, and by frauds in some communities. The voting machines provide an accurate count, available immediately at the close of the polls, and make difficult or impossible many types of election frauds. In many communities, particularly the larger cities of Pennsylvania, the voting machines are looked upon principally as a means of stopping election frauds which have prevailed for years. Where election frauds prevail there should be no question about the advisability of adopting voting machines.

Voting machines are expensive, ranging in price from nine hundred dollars per machine up, depending upon the size. To offset the high cost of installation, it is claimed that substantial savings will be made in the cost of election—savings by the reduction of the number of precincts, by using fewer election officers to each precinct, by paying a smaller per diem for shorter hours, by reducing the cost of printing ballots, and by eliminating recounts. The experience of various communities indicates that the cost of these items will be reduced somewhat by the use of machines, but that these savings will be more than offset by the overhead cost of machines. The experience in New York City with paper ballots and voting machines shows an actual increase in operating expenses with voting machines, without taking into account the overhead cost of machines. No city should adopt voting machines as a measure of economy without carefully scrutinizing the claims of savings which will be made.

Voting machines tend to cause congestion at the polls. It is imperative that a sufficient number of machines be provided to take care of the voting public without serious delay. Various claims are made as to the public attitude on voting machines, both for and against. While it is impossible to state definitely and exactly the situation, it seems apparent that in all communities where the machines are used some voters dislike them and are opposed to their use, but the majority of voters are favorable, unless voting machines have resulted in serious congestion.

It is sometimes asserted that it is more difficult for a split ballot to be voted on the machine than upon a paper ballot, and that the machines are conducive to straight ticket voting. There is no proof of this assertion. An argument for the use of the voting machine is that it avoids spoiled and defective ballots. The machines are so adjusted and interlocked that only the proper number of votes may be cast for any office, and a vote cannot be spoiled by any marks or erasures which might cause a paper ballot to be thrown out. There are other

ways, however, by which the voter may spoil his vote on the machine. He may put up the voting levers before his vote is recorded. The statistics on the wastage of votes in New York City with paper ballots and also with voting machines indicate a slightly higher wastage with the latter. As pointed out, however, the figures are not entirely conclusive.

X | Voting machines provide quick returns, which are desirable. They also avoid expensive and annoying recounts. The influence of the use of voting machines upon the character of persons secured for election officers is not appreciable, despite claims to the contrary. Other factors are more important. Proportional representation ballots may not be cast upon voting machines, but this is not an important consideration.

CHAPTER VIII

ABSENT VOTING; MAIL VOTING; THE CANVASS; RECOUNTS

Absent Voting.¹ Voting was provided for the soldiers engaged in the Civil War, and this precedent was followed during the Spanish-American War and the World War, but with these war time provisions we shall not be concerned. The first state law authorizing absent voting for the civilian population was enacted in 1896 by Vermont, which provided that voters who were away from their home precinct on the day of the state election could, by presenting a certificate to show that they were qualified, vote at any polling place within the state. Such voters were confined to the state offices in casting their ballots. Kansas followed suit in 1901, and extended the scope of the law ten years later. In 1913 five states enacted absent voting laws, and within a few years others followed in rapid succession. At present only three states—Connecticut, Indiana, and Kentucky—have no absent voting law of any kind. The remaining forty-five states provide absent voting, but the classes of voters who may cast an absent ballot, as well as the procedure which must be followed, vary greatly from state to state. New Jersey repealed its absent voting law for civilians in 1926, after serious complaints of frauds, and Indiana repealed its law in 1927 upon the same grounds. The absent voting law of Kentucky was held to be unconstitutional by the supreme court of the state,² and the Pennsylvania law

¹ A systematic and thorough digest of absent voting laws is given by Miss Helen Rocca, *Brief digest of laws relating to absentee voting and registration*, published by the National League of Women Voters, Washington, D.C., 1928. See also Edward M. Sait, *American parties and elections*, pp. 552-53; Robert C. Brooks, *Political parties and electoral problems*, pp. 413-15, and P. Orman Ray, *Introduction to political parties and practical politics* (third edition), pp. 280-86. The history of the enactment of absent voting laws may be traced in Professor Ray's articles in the *American Political Science Review*, Vol. VIII, pp. 442-45 (1914); Vol. XII, pp. 251-61 (1918); and Vol. XX, pp. 347-49 (1926).

² *Clark v. Nash*, 192 Ky. 594; 234 S.W. 1.

which applied to civilians was similarly held unconstitutional by the supreme court of that state.³ The Kentucky supreme court found that the absent voting law passed in 1918 was contrary to Section 147 of the state constitution, which declared that "all elections by the people shall be by secret official ballot, furnished by the public authorities to the voters *at the polls*, and marked by each voter in private *at the polls*, and then and there deposited." Obviously, such a constitutional provision is impossible to reconcile with an absent voting law. The Pennsylvania decision was somewhat more strained. The law was held to be contrary to the state constitutional provision which required the voter to reside in the election district where he offered to vote, and also contrary to the specific provision in the constitution for absent voting for persons in the military service, which was held to exclude persons who were not in the military service under the rule of *inclusion unius est exclusio alterius*. In other states, however, there has been little or no question in regard to the constitutionality of absent voting.

Scope of Legislation. The scope of absent voting laws varies widely in different states. In four states—Maryland, New Jersey, Pennsylvania, and Rhode Island—the law applies only to those who are in the military service during time of war. In a number of other states there are special provisions dealing with voters absent on military duty in time of war. At the other extreme is the majority of the states—twenty-five in number⁴—which extend the privilege to all absentees "unavoidably" or "necessarily" absent, without limiting it as

³ Lancaster City's Fifth Ward Election, 281 Pa. St. Rep. 131-38 (1925).

⁴ The following list has been taken from Rocca, p. 7:

Arizona	Montana	South Dakota
Arkansas	Nebraska	Texas
Florida	Nevada	Utah
Idaho	New Hampshire	Vermont
Maine	New Mexico	Washington
Massachusetts	North Carolina	West Virginia
Minnesota	North Dakota	Wisconsin
Mississippi	Ohio	Wyoming
	Oklahoma	

do some other states to commercial travelers, persons whose occupations require them to be away from home, or other particular classes or conditions. Fourteen states go further and permit persons who are disabled or infirm to cast their ballot without appearing at the polls.⁵ Michigan and Virginia extend the privilege to only specified classes, but enumerate such broad classes, as for example, the ninth reason for absence in the Michigan law—"any person necessarily absent while engaged in the pursuit of lawful business *or recreation*"⁶—that no person need be denied the privilege of casting an absent ballot. New York limits the privilege to persons absent because of their duties, occupation, or business, and (except for specified classes) requires the voter to give "a brief description of the duties, occupation or business which requires such absence . . . (and) . . . the special circumstances by which such absence is required."⁷

The simplest and the best provision defining the scope of an absent voting law is that all persons absent from their home precinct on the day of election, or who expect to be absent, may vote under it. It is unwise to attempt to restrict absent voting to particular favored classes, or occupational groups, or to persons engaged in a business which requires their absence. If there is any point in enacting an absent voting law it is to make it possible for persons who are absent from their homes on the day of election to cast a ballot without the bother and expense of returning. The cause of the absence is immaterial to the state. The voter who is away for pleasure, education, health, or travel is as much entitled to use this method of voting as the voter whose business necessitates his absence. If it is desirable that citizens exercise their

⁵ Rocca, p. 7, lists the following:

Arizona	Michigan	South Dakota
California	Nevada	Vermont
Delaware	New Hampshire	Virginia
Idaho	North Carolina	Wisconsin
Iowa	South Carolina	

⁶ Election Laws, Sec. 461.

⁷ Election Laws, Sec. 117.

rights of the franchise, absent voting should be extended to all alike. Furthermore, provisions in the election laws restricting the use of absent voting laws to persons of particular classes or persons absent upon business are likely to be disregarded except by the conscientious and highly scrupulous voters. In any case, they are practically impossible to administer. The New York law which, in effect, requires the voter to submit a petition for an absent voter's ballot is indefensible, since no satisfactory scrutiny and judgment of such reasons, in the nature of things, can be provided by the election authorities.

Fourteen states extend the privilege of absent voting to persons who are unable to attend the polls because of illness or infirmity. It would appear that there is no sound reason for not so extending the absent voting laws, except, perhaps, the danger of voting frauds. The danger of frauds from this class of voters is surely no greater than from absentees. Voters who are unable to go to the polls because of illness or infirmity, and who desire to exercise the right of franchise, should be afforded an opportunity to vote. If the absent voting law does not apply to such voters, it is not uncommon for the precinct election officers, without legal authority, to make a trip to their bedsides to poll their votes. The better procedure is to take care of such voters under the absent voting provisions.

The absent voting laws ordinarily apply to all elections held within the state—general, special, primary, state, and local—but in a few states the statutes limit their application to certain elections. In Massachusetts, for example, the law applies only to biennial state elections and does not apply to municipal or other local elections; while in New Hampshire the act applies only to the election of presidential electors. The South Carolina law applies only to primary elections, and four states—Delaware, Kansas, New York, and Utah—limit absent voting to the general elections. There would seem to be no rhyme or reason for limiting the application of absent voting provisions to particular elections.

Procedure. There are many variations in the provisions governing the steps which the voter must take to cast an absent ballot. In all except a few states, to secure an official ballot of his home district, an elector must make application to the local officer in charge of elections in the city or county of his residence prior to the election. In view of the length of the ballot and the importance attached to official ballots as a means of preventing frauds and securing secrecy, this requirement is easily understood. But, on the other hand, a few states—Kansas, Missouri, Florida, Oklahoma, and Oregon—provide that the voter absent from his precinct may appear at any polling place within the state and, upon presenting a certificate of registration or taking a required oath of his qualifications, be permitted to vote. These two methods require detailed analysis and comment.

The first method requires the voter to anticipate his absence and to take the necessary steps to secure a ballot prior to the day of election; the second permits him to cast his ballot at any polling place on the day of the election. Inasmuch as the second method is the less important of the two and is used in only a few states, it may be more convenient to describe it in detail before taking up the first method.

Of the five states which permit the voter to cast his ballot in the precinct where he happens to be on the day of the election, two states—Oregon and Florida—also provide that he may apply to the election officer of his home county or city ahead of time to secure an official ballot of his home precinct. These two states, therefore, use both methods. Missouri and Kansas also provide that any person in the federal service or the national militia may write to his home election office to secure an official ballot, to be voted and returned similarly. It will be seen that only the state of Oklahoma uses the "voting in another precinct" method exclusively.

In Oregon, Florida, and Oklahoma the voter who appears at the polling place of a precinct other than his residence and applies to cast an absent ballot must present a certificate of his

registration.⁸ In Oregon and Florida he must apply to his home registrar prior to the election in order to secure this certificate, but in Oklahoma such certificate is a part of the registration system, and all registered voters are provided with them. In Florida, Missouri, Oklahoma, and Oregon the voter may not cast an absent voting ballot at any precinct within the county of his residence. This limitation is designed to compel the absent voter who is only a short distance from his home polling place to return to vote.

The absent voter is required also to subscribe to an affidavit covering his qualifications to vote and the fact of his absence, giving his name and address. He is given an official ballot of the precinct where he applies to vote, but is permitted to write in the names of local candidates of his own county or other local districts, whose names do not appear upon the official ballot which he receives. The ballot and the affidavit are placed in a suitable envelope, sealed, and returned to the election officer of the city or county to be forwarded to the canvassing board of the home county or city of the voter, where the ballot is counted and added to the returns of his home precinct when the official canvass is made.

This method of absent voting has the merit of permitting the voter to vote wherever he is on the day of election, provided he is within the state. In states where the voter is required to secure an official ballot from his home precinct and return it before the election, the number of voters who avail themselves of absent voting is disappointingly small. If the voter could simply go to the nearest polling place on the day of the election and then and there cast his ballot, without any other formalities, doubtless many more would avail themselves of the privilege. But, it should be noted, in Oregon and Florida the voter must present a certificate of registration in order to vote in another precinct than that of his residence. This, to be sure, tends to limit the number of persons who use

⁸ Oregon Election Laws, Sec. 4069; Florida Election Laws, Sec. 430; Oklahoma, State Code, Sec. 6190.

the system. Otherwise this method of absent voting involves a minimum of bother and red tape and a nominal expense.

On the other hand, certain valid objections may be made to this system. In many elections the ballot is so long that the voter casting a ballot of another county will be unable to remember the names of the candidates (or perhaps will not even know their names) for the local officers in his own county, and consequently will be unable to vote for them. The requirement that he write in the names of the local candidates for whom he desires to vote may serve to identify his ballot. Another criticism is that it does not apply to voters who are beyond the state lines. Perhaps there are as many absent voters beyond the boundaries of the state as within the state. Another objection is that this method places more clerical work upon the precinct election officers, who, in important elections, may not be able to perform adequately the work which they already have to do.

We now turn to the other and usual procedure of absent voting—that in which the voter applies for and secures a copy of the official ballot of his home precinct before the day of the election. Here we find two important variations: first, the voter who anticipates that he will be absent on the day of election is permitted to apply to the local officer in charge of elections for an absent ballot prior to the day of the election, and then and there to mark it and deliver it to the election officer; and second, the voter who is away may mail a written application to the local election officer for an official ballot and the necessary instructions and forms. Both procedures are useful and should be authorized by law. The voter who is present at his legal residence within a few days prior to the election may find it much more convenient to apply in person for an absent ballot, mark it in the presence of the election officer, and complete the whole operation at one time, than to have the ballot mailed to him. On the other hand, if provision is not made for the voter to apply by mail for an absent vot-

er's ballot, many voters will be unable to use the privilege of absent voting without making a trip to their homes. The voter may find himself several hundred miles from his legal residence shortly before the election, and if he is required by state law to make an application in person before the local election officer of his home, the procedure will be of no avail. Obviously, if it is desired to extend the absent voting privilege to a maximum number of voters, they should be permitted to secure an absent ballot either by applying in person before they go away, or by sending in a written application.

The application for an absent voter's ballot is customarily made to the local officer in charge of elections—the city or county clerk, auditor, board of elections, or other office. In some states application is made to the county clerk, auditor, or other county officer in charge of printing the ballots for county, state, or national elections, and to the city clerk for municipal elections. In large cities or other communities where a board of elections handles all elections, applications are made to that office. The better procedure is for all applications for absent ballots to be made to the office in charge of registration of voters, for such office can readily determine whether the applicant is registered, and, in states where the registration record contains the signature of the voters, the signature of the applicant may be compared with that on the registration record. This is a desirable check. For the sake of simplicity it is desirable to have one office take care of applications for absent voter's ballots for all elections.

The voter who desires to secure an absent voter's ballot is required in practically every state to submit an affidavit, signed and sworn to before an officer authorized to administer oaths, or executed in person before the local election office. He is required to secure an affidavit form, which ordinarily necessitates a letter to the election officer of his home city or county. When the voter receives the affidavit form he is required to subscribe to it before an officer authorized to administer oaths and to forward it to his home election office, in order to

receive a ballot and the necessary instructions and forms. The voter then must appear again before a notary and in his presence, but in such manner that the secrecy of the ballot is preserved, mark the ballot and subscribe to a second affidavit covering his absence and his qualifications as a voter. Then he must forward this by mail (in some states by registered mail) to his home election office, and if it reaches there in time it will be counted. This ordinarily requires five letters; three by the voter and two by the election office. It is no wonder that few voters avail themselves of the privilege of casting an absent voter's ballot.

In many states the law requires the absent voter's ballot to reach the election office several days prior to the election, though in other states it will be counted if it reaches the election office by noon of the day of the election, and in California, where the absent voters' ballots are counted by the canvassing board, the ballot will be counted if it is mailed on the day of the election and is received by the election office within fifteen days thereafter. The ballots are usually returned to the election office, but in Minnesota they are mailed directly to the precinct officers. The city clerk notifies the postmaster of the location of the polling places, and the postmaster holds the ballots until the day of the election and delivers them directly to each precinct. The absent voter in Minnesota is required to pay a fee of thirty-five cents for the privilege, and the county auditor sends him an envelope with postage attached, including special delivery postage, so that the ballot may be delivered by special messenger to the polling place.⁹ In a few states the absent voters' ballots are required to be sent by registered mail, but this is not ordinarily the case.

The absent voters' ballots may be counted either by the precinct officers or by the canvassing board. If counted by the precinct officers, the ballots must be received in time to be turned over to them, or to be delivered to them on the day of the election. One advantage of this method is that the bal-

⁹ Election Laws, Secs. 501, 505.

lots thus received are deposited in the ballot box with the other ballots and thus lose their identity, preserving the secrecy of the ballot. Another advantage is that they are passed upon by the precinct election officers, who may from personal knowledge judge whether the voter is qualified to cast his ballot, and thereby detect and refuse to cast the ballots of spurious voters. A third advantage is that the election is over when the polls close, and all of the votes are counted. The principal disadvantage of this method is that some voters may be unable to mail their ballots early enough to arrive in time to be delivered to the precinct officers. Where voting machines are used, many of the arguments for counting by the precinct officers do not apply. The absent voters' ballots are cast and counted separately, ordinarily, and added to the returns taken from the counters on the machine. This procedure is usually prescribed by law, though in some precincts the officers "ring up" the absent voters' ballots upon the machine. When the ballot of an absent voter is cast in the precinct, his name is announced and his vote may be challenged just as that of voters who appear at the polls. In the case of a challenge, the election officers interrogate the challenger and decide the case, or, if authorized by state law, they may place the ballot aside to be passed upon by the election office after investigation. Obviously the precinct election officers, without the presence of the voter himself to defend his right, cannot pass upon challenges at all satisfactorily. It is quite unusual for the vote of an absent voter to be challenged.

When the small number of absent ballots cast is taken into account, it would appear to be the better procedure to have these few ballots counted by a special counting board under the jurisdiction of the canvassing board. This permits absent voters to vote as late as the day of election. If the signature of the absent voter is compared with that on his registration, this will serve to identify him and prevent frauds. If there is reason to fear frauds through the absent voting provisions, a list of persons who have applied for an absent voter's ballot

within each precinct may be sent to the precinct officers, and posted at the polls, so that challenges may be made. The challenges should be investigated before the absent voters' ballots are counted. The form used for ordinary challenges could be employed here.¹⁰

The extent of the use of absent voting is decidedly disappointing to its proponents. Although statistics are limited, owing to the failure of most election offices to keep a record of the number of absent votes cast, such as are available indicate that absent ballots constitute usually less than one-half of one per cent of the total vote cast. The number, indeed, is so small that many election officers question the wisdom of its continuance. In a number of states (for example, Georgia, Illinois, Washington, and others) absent voting is very limited in application or the procedure is difficult to comply with and the number using this method of voting is almost negligible. Such statistics as the writer has been able to gather upon the use of absent voting are given in a series of tables below. Estimates have been secured in many other cities, but these appear, in comparison with actual statistics, to be uniformly high, and consequently are not reproduced here. The record of New York City for the period, 1921-30 is here presented:¹¹

Absent Voting in New York City

Year	Total vote general election	Absent vote	Per cent of total vote
1921	1,262,340	188	.015
1922	1,179,842	329	.028
1923	1,105,016	126	.011
1924	1,500,006	773	.051
1925	1,234,119	237	.019
1926	1,276,916	384	.030
1927	1,152,239	141	.012
1928	1,973,752	1,927	.097
1929	1,464,689	258	.018
1930	1,443,997	284	.019
Totals	13,592,916	4,647	.034

¹⁰ See above, Chap. VI.

¹¹ Taken from the annual reports of the Board of Elections.

It is almost incredible that so few voters in New York take advantage of the absent voting provisions. The statistics show that there is a very appreciable increase in the percentage of absent ballots cast in presidential years, but even in the banner year of 1928 there was less than one-tenth of one per cent of the total vote cast through absent voting. During the ten-year period only 4647 absent votes were cast, or an average of 464 annually. This number, in proportion to the total vote cast, which averaged 1,359,291 annually, is surprisingly small. For every vote cast by an absentee, 2921 votes were cast in the regular manner. Accurate statistics were not procurable for other cities in New York State. The estimates for Onondaga county (of which Syracuse is the county seat) for 1928 general election was two hundred, out of a total vote cast of 108,678, or less than two-tenths of one per cent of the total vote.

The failure of the citizens of New York to take advantage of the absent voting provisions may be explained in part by the limiting features in the state law. Voters whose duty, business, or occupation requires them to be absent from their home county may cast an absent ballot, but they are required to make an affidavit of application, not earlier than thirty or later than seventeen days before the election, and to state upon the application the reason for their absence. The requirement of filing an application for the ballot at least seventeen days before the election is unusually rigorous. The voter who is absent may have to write to the election office to secure the affidavit blank prior to that time, which consumes time. The practical effect is that the person who desires to cast an absent ballot must attend to the matter from three to four weeks before the election. Obviously, the average voter will not be very much concerned about the election that far ahead of time and will neglect to attend to the matter. Then, many other voters who are absent on the day of the election do not foresee their absence that far in the future. The requirement of a statement of reasons for absence may also serve to deter applications.

The annual reports of the New York City Board of Elections indicate not only the total number of absent votes cast, but also the number of persons who applied for absent ballots and the number who failed to comply with certain requirements of the law and consequently failed to cast a valid absent ballot. The statistics for 1929 are given below as typical:¹²

	Number	Per cent
Number of persons who applied for absent ballots . . .	405	100.00
Number of applications rejected for lateness or other reasons	60	14.8
Number of ballots received too late	17	4.2
Number of ballots returned as undeliverable	9	2.2
Number of ballots returned by electors intending to vote personally	2	.5
Number of ballots rejected because of failure to take the required oath	3	.7
Number of ballots not returned	56	13.8
Number of ballots cast	258	63.8

The statistics on absent voting in Detroit for some recent elections are given below:¹³

Absent Voting in Detroit

Year	Election	Total vote	Absent vote	Per cent of total vote
1928	General election	369,473	2,349	.64
1929	Spring primary	94,599	137	.14
1929	Spring election	128,907	346	.27
1929	November election	255,482	468	.18

While the amount of absent voting in proportion to the total vote cast is much higher in Detroit than in New York, nevertheless the highest percentage indicated is slightly over one-half of one per cent, and for most elections it is about one-fourth of one per cent of the total vote. This small absent vote cannot be explained by the state provisions governing absent voting in Michigan, which are about the most liberal in the country. Any person who is unable to attend the polls by

¹² Annual Report, p. 21.

¹³ Taken from the records of the election office.

reason of illness or physical disability or absence may vote an absent ballot, and the only time requirement is that the ballot shall be received by the city, township, or village clerk before the close of the polls. Application for an absent voter's ballot may be made in person or in writing. The affidavit of the elector applying for an absent voter's ballot and also the affidavit which accompanies the marked ballot may be witnessed by two citizens in lieu of the usual requirement that they shall be taken before a notary or a person authorized to administer oaths. From every point of view the Michigan law is liberal, yet the number of electors who make use of the absent voting provisions is small.

The statistics of absent voting for the general November elections in Omaha, 1922-28, are given in the following table:¹⁴

Absent Voting in Omaha

Year	Total vote	Absent vote	Per cent of total vote
1922	51,054	247	.47
1924	66,723	765	1.11
1926	53,430	352	.66
1928	91,126	1,667	1.83

It should be noted that the above statistics are confined to the general fall elections of even-numbered years. The percentage of voters who use the absent voting procedure at local and primary elections, judging from the statistics in other jurisdictions, is much lower than that for the principal elections. The legal provisions governing absent voting in Nebraska are liberal, and there are no onerous restrictions as to the time for the return of the ballots.

Miscellaneous statistics are available for other cities for certain years. The number of absent ballots cast in Boston in 1928 was 860, out of a total vote of 279,938, or less than one-third of one per cent of the total vote. The number cast

¹⁴ Secured from the office records of the election commissioner.

in a municipal election in Minneapolis in 1929, with a total vote of 112,607, was 492, or less than one-half of one per cent of the total vote. St. Louis reported an absent vote of 312 out of a total vote of 339,272 at the 1928 general election, or less than one-tenth of one per cent of the total vote.

Several years ago Professor James K. Pollock compiled statistics upon absent voting for the State of Ohio, securing returns from county election boards for over eighty per cent of the precincts of the state. The table below indicates his findings upon the extent of absent voting in the state, for the period 1920-24, the statistics covering those counties reported on.¹⁵

Absent Voting in Ohio

Year	August Primary			November Election		
	Total vote	Absent vote	Per cent	Total vote	Absent vote	Per cent
1920	111,515	1,040	.93	1,636,620	14,766	.89
1922	286,713	3,787	1.32	1,352,149	14,363	1.05
1924	331,143	5,118	1.54	1,893,779	23,224	1.22

These statistics show a much higher percentage of absent voting than for other jurisdictions listed above. One suspects that many of the election boards, not having on hand accurate statistics, reported estimates which were greater than the actual absent vote.¹⁶

The statistics indicate very strikingly the limited use of absent voting. Taken by and large, it appears reasonably accurate to say that less than one-half of one per cent of the total vote is cast in this manner. It should not be supposed, however, that this limited use of absent voting indicates that it

¹⁵ James K. Pollock, "Absent voting with particular reference to Ohio's experience," *National Municipal Review*, Vol. XV, pp. 282-92 (May 1926).

¹⁶ The writer was unable to secure accurate statistics from the election offices of Cleveland and Cincinnati, but was told that the absent vote cast in Cuyahoga County in the general election of 1929 was 532. The total vote for the county for this election was approximately 200,000, which would make the absent vote about one-fourth of one per cent.

is unsuccessful or unwise. The extent of the use, however, does not justify an expensive procedure. The small amount of absent voting indicates that the existing laws provide a procedure which is too cumbersome, and some states restrict the privilege unwisely. While only a relatively few voters may exercise the privilege, it may be very important for those particular voters and may relieve them of an arduous and expensive trip. In 1928 Mr. Hoover was forced to make a trip across the continent in order to vote, because at that time the California law made it impossible for him to use the absentee procedure. If the absent voting provisions are liberalized it is to be expected that greater use will be made of this form of voting in the future.

One of the principal objections to the use of absent voting is the alleged danger of voting frauds. The writer has been told of voting frauds practiced through absent voting in a number of states with defective laws on the subject. In one Southern state he was told of a wholesale theft of an election during the World War, when ballots were supposedly sent away to the soldiers in camp and later duly returned to the proper officers, but were actually fraudulently marked and returned by corrupt political workers who secured a list of the registered voters away at camp. The writer was also told of one case where an enterprising politician ascertained the names of all married women in the county who were expecting childbirth and sent in marked ballots for them. In other states it was pointed out to the writer that political workers who desire to secure one or more official ballots to use on the day of the election to work the "endless ballot chain" could do so by having persons apply for an absent ballot. Serious objections were raised to absent voting in New Jersey on the score that it permitted frauds, and led eventually to its repeal in 1926.

These alleged frauds, however, are isolated and exceptional cases, made possible by defective provisions in the state laws. The small number of votes cast by absent voting

indicates that it does not occasion serious frauds. A signed affidavit is always required to accompany an absent voter's ballot. This constitutes considerable protection against frauds, especially when it is required that this signature be compared with that on the registration record. The registration records of many states do not include the signatures of the voters, however, and this protective measure is not available. Indeed, many precincts, particularly in rural sections, have no registration of voters. But even so, the affidavit of the voter affords a real protection against frauds. Where the signature is compared with that on the registration record, the danger of impersonation is practically eliminated.

Another danger incident to the use of absent voting is that the ballot mailed to an alleged absent voter may be used to start the "endless chain" ballot at the polls. This danger is not serious, and may be readily avoided by using a special ballot for absent voters, or by serially numbering the ballots given out at the polls. It is safe to say that this form of ballot fraud is rarely carried on through securing unused absent ballots.

Summary. The principles which should govern a sound absent voting law may be summarized as follows:

1. The privilege should be extended to all persons who for any reason whatever are absent, or expect to be absent, from their precincts on the day of election, and a reasonable distance away. It should apply also to persons who are unable to attend the polls because of illness or infirmity.

2. Absent voting laws should apply to all elections: general, primary, state, local, and special.

3. The procedure for casting an absent voter's ballot should be simplified so that greater numbers of voters may make use of the privilege. The provisions which will accomplish this end are as follows:

- a. Voters should be permitted to apply in writing for an absent voter's ballot, without the use of any particular form

or affidavit. The signature of the voter when he makes written application is sufficient, particularly in view of the fact that he is required to file an affidavit with his ballot.

b. Voters who expect to be absent on election day should also be permitted to apply in person to their home election offices before they go away, and to secure and vote an absent voter's ballot.

c. Time restrictions for making application for an absent voter's ballot, and for delivery of the ballot after it has been marked should be removed, provided that the ballot is mailed on or before the day of the election and before the hour for closing the polls.

4. The state laws which permit the absent elector to cast a ballot by applying at any polling place in the state are unsuited to the long ballot, and are unnecessary with a simplified procedure for securing an absent voter's ballot from the home election office.

5. Ballots cast by electors should be counted and canvassed under the direction of the official canvassing board of the city or county prior to the official canvass.

6. If the registration records contain the signature of the voter, this should be compared with the signature on the affidavit accompanying the ballot before the latter is accepted and counted. This would provide an effective safeguard against fraudulent voting.

7. The vote of an absent elector should be challengeable. The election office should investigate the case and decide upon the challenge at the time that the official canvass is made. The voter should be notified in writing and be permitted to appear to defend his right to vote, or to submit in writing a statement concerning his qualifications to vote, which statement should be considered as evidence in the case. In states where there is danger of frauds certain further precautions may be taken.

8. The limited use of absent voting indicates that the expense attached to it should be reduced to a minimum. State

laws should permit the use of a special ballot for absent voters, with a single ballot for the entire city, or for all the precincts in a ward, thereby reducing the printing cost.

Mail Voting. Related somewhat to absent voting is the proposal to permit all voters to cast their ballots at home and to mail them to the election authorities. This is usually called "mail" or "home voting." It has been proposed to the Wisconsin legislature for several years, receiving considerable support, including that of two members of the Milwaukee board of elections. The proposal in more detail is that the election office should mail to every voter an official ballot and an envelope in which to return it; that the voter should mark the ballot at his home and return it to the election office through the mail, signing a statement on a perforated stub of the envelope to the effect that the ballot had been marked secretly, and without coercion, intimidation, or corrupt influence. The election office would file these ballots as they are received, sorting them by precincts or other divisions. On the day of the election the envelopes would be examined and the signatures compared with those on the registration record. If the results of this examination were satisfactory, the signature stub would be removed and filed as a poll list, and the ballot deposited in the ballot box, thus losing its identity. After all the ballots had been passed upon in this way, the count would be conducted in the usual manner, but by the counting clerks employed by the election office.

The arguments for home voting are that it would greatly increase the vote cast, make possible a more careful consideration of the ballot by the voter, perhaps in consultation with other members of his family, reduce the cost, avoid the loss of time on the part of the voters, and avoid the necessity for making election day a legal holiday. The principal argument against mail voting is that bribery and intimidation would be practiced upon a large scale, especially in cities, that the secrecy of the ballot would be destroyed, and that

the history of elections in this country and elsewhere shows clearly the need for a secret ballot, marked and cast at a public polling place.

Mail voting resembles the method of voting used in this country prior to the adoption of the Australian ballot. Although the voter was required to come to the polls to deposit his ballot, he brought it with him already marked. Under that system bribery, intimidation, corruption, and party machine domination were rampant.¹⁷ If the safeguards of secrecy were removed at this time, there is nothing to indicate that we might not have a return to such a system. While it is probably true that home voting would work out quite satisfactorily in some communities, there would be grave danger of a return to the former vicious practices in the poorer districts of our large cities, particularly the machine controlled wards. Bribery is feasible only when the briber is sure of getting the votes for which he has paid. It would be entirely reasonable to expect a return of bribery if a scheme of mail voting were adopted. The amount of intimidation now exercised by the precinct captain in many sections of large cities is very great; with mail voting it would be enormously increased. The overbearing and dominant precinct captain would insist upon seeing how each voter under obligation to him had marked his ballot, and the voter would have no protection against such tactics.

An event occurred several years ago in the election of state's attorney in Chicago, which illustrates convincingly the need of a secret ballot. Robert T. Crowe was a candidate for re-election. A secret poll of the bar association indicated a heavy majority for his opponent, John A. Swanson. Just before the election, Crowe published a list of attorneys who had signed a statement endorsing his candidacy. The list contained the names of over two thousand Chicago attorneys, many of whom were known to their friends to be opposed to Crowe. The explanation is obvious. These attorneys did not dare refuse to sign the endorsement when they were

¹⁷ See Seymour and Frary, *How the world votes*.

asked to do so by Crowe workers, for fear of reprisals. If attorneys can be intimidated in this way, it is readily apparent that the voters in machine controlled districts of large cities would be easily controlled without the protection of a secret ballot. Nor would the intimidation and corrupt influence be confined to such districts.

The evidence is quite strong that even in the most respectable districts there is considerable danger of corrupt influence in hotly contested elections, when the conflicting forces are determined to win at all costs. One could well imagine the pressure which under a system of home voting would be brought to bear upon voters in a hotly contested election, say, when different religious groups were battling with one another, or when some question like public ownership or prohibition was at stake. Home voting would lay open the election process so widely to intimidation and corrupt influence that such practices would be inevitable, and having once been started, they would become a tradition.

It is argued by the proponents of this form of voting that the severe penalty against election frauds would protect the voter against bribery and intimidation. This is utterly unconvincing. Bribery, corruption, and other election frauds have not been stopped or seriously deterred in this country by penal provisions. These election frauds are usually carried out by a political machine which can offer security against the criminal provisions of the law. Conviction for election frauds is so rare that the criminal provisions in the statutes do not insure honest elections.

It is contended also that the natural pride of the great majority of voters will prevent them from being corruptly influenced. Custom and traditions are more powerful factors than pride and conscience in such matters. The wholesale corruption of voters, both in this country and in England in the past, under an election system which made it possible, indicates that when once such practices are established they are looked upon as a matter of course, and do not incur so-

cial disapprobation. We cannot look to the pride and good conscience of the mass of voters to protect us against such practices.

The proponents of home voting assert also that this method of voting will greatly increase the total vote cast, and even though there is a small amount of dishonest voting, corrupt influence, and bribery, it will be offset by the larger vote cast which will be honest. This argument hinges, to be sure, upon the assumption that a larger vote will actually be polled under the use of home voting. There is no proof that such will be the case. The extremely limited use of absent voting would tend to disprove this. A large percentage of the absent ballots mailed out are never returned. The experience which private organizations have had with mail voting does not warrant any optimistic prophecies that mail voting will greatly increase the vote cast.¹⁸

The argument has been advanced that even though it be granted that home voting is unsuitable for some of the large cities with strong party machines, this should not prevent experimentation with it in other communities and its adoption in case it proves to be satisfactory. It would, indeed, be foolish to shape our election laws and practice to meet the requirements of a few of the largest cities. It is possible that home voting might work quite satisfactorily in some communities where the dangers of bribery and intimidation were slight. This form of voting would seem to be particularly suited to sparsely settled rural districts, where the holding of elections at official polling places is both expensive and troublesome to the voters. On the whole, however, it must be said that the danger of bribery and corrupt influence of voters is not confined to a few large cities, and consequently the adoption of mail voting would appear to be dangerous in almost any community.

To summarize, mail voting does not offer any great

¹⁸ No particular investigation has been made on the point.

promise of improvement in election administration; it is by no means certain that it would increase the vote cast, and it might have just the opposite effect; it would be contrary to the election experience of this and other countries in that it would nullify many of the protective features of the Australian ballot and would incur the danger of a repetition of the bribery, coercion, and corrupt influence which once existed widely. It is undoubtedly true that home voting would be a convenience to many voters, and would afford the members of the family an opportunity to discuss their votes together and to mark the ballot with greater deliberation and care, but this advantage could be secured by mailing to each voter a sample ballot, preferably reduced in size, which the voter could study and mark, taking it with him to the polls.¹⁹

Canvass of Elections. The official canvass of elections is usually made by the board of elections in the city or county, by a special canvassing board, or by the city council or the board of county commissioners. In jurisdictions where a single officer has charge of elections, it is not uncommon for the state law to require him to select some other officer or member of the opposing party to serve with him as a canvassing board. The work of the official canvass is purely clerical routine, the canvassing board having little or no discretion. In case of any errors, incomplete returns, or apparent frauds, the board, as a general rule, can only summon the precinct officers to come in and correct the returns. The canvassing board is not authorized to examine the ballots or to go behind the election returns filed by the precinct officers. It is not ordinarily empowered to reject the return of any precinct. There is no need for a canvassing board. A single officer may do the work just as well. Any arbitrary action on his part may be rectified by a court action. As a matter of fact, the actual clerical work is done by clerks in the election office.

¹⁹ See above, Chap. V.

The clerical work involved in tabulating the returns from the individual precincts is relatively small, as is evidenced by the fact that the newspapers tabulate the results unofficially as rapidly as the returns are received. In some election offices, however, the work of the official canvass is made an excuse to employ party workers and is stretched out for several days at considerable expense.²⁰ Such action indicates quite well that the office has no regard whatever for economy, and is motivated by the worst type of political considerations. The election offices which are capably conducted rarely require more than two days to complete the official canvass.

One other factor in the official canvass is the danger that the precinct returns may be tampered with prior to the official canvass. This is by no means uncommon in close elections. The writer has been told in several communities of the alteration of election returns in order to change the result of an election.²¹ The provision for a canvassing board in the place

²⁰ In Jefferson County, Kentucky (of which Louisville is the county seat), the cost of the official canvass for the November election of 1928 was \$5,078, and for the corresponding election in 1929, \$6,290, while the cost of the precinct officers in the 1928 election was only \$9,517. There were 722 precincts in the county making the cost of the canvass \$8.71 per precinct in 1929. In the 1929 canvass the chief tabulator was paid \$500, an assistant tabulator, \$350, sixteen tabulators at \$200, and so on. This, of course, was an inexcusable waste of public money. Several years ago the writer witnessed the canvass of an election in Chicago, and was amazed at the large corps of official tabulators, working at snail pace.

²¹ A striking illustration is afforded by the vote on the state reapportionment initiative measure in the State of Washington in 1930. Owing to the failure of the state legislature to redistrict the state as required by the constitution from 1900 to 1930, according larger representation to the populous counties along the Puget Sound, an initiative measure providing for a redistricting was placed upon the ballot. It was favored by six counties which would have their representation increased, and opposed by the remaining thirty-three counties which would suffer a loss of representation, or remain unaffected by the measure. The early reports indicated that the measure had passed by a majority of over five thousand votes, but this was reduced by the official returns to a majority of only several hundred votes. Every county opposed to the bill sent in an official return with a larger vote against the bill than the unofficial returns indicated, and every county in favor of the bill reported a larger majority for it than the unofficial returns had indicated. It is very striking that the alterations from the unofficial returns were in accordance with the wishes of the election offices of the respective counties. The backers of the bill went to great

of a single officer does not help matters, for the alterations of the returns is made prior to the official canvass. The only feasible safeguard is to make public a duplicate copy of the official returns, thereby removing the possibility of alteration of the returns. This can be done by providing that a carbon copy of the official return shall be turned over to the police department for the use of the press, or by providing that a duplicate copy shall be mailed directly by the precinct officers to the secretary of state, where it may be consulted in case any question arises. The former practice, coupled with the provision that the police department should retain such returns for public examination for a period of thirty days, would seem to be more useful and expedient.

Recounts. Provision is made in most states whereby any candidate or group of citizens interested in the vote upon a referendum question may secure a recount of the votes, in case they believe that the official returns are erroneous or fraudulent. The provisions governing recounts are of great significance. An easy and cheap recount is one of the most salutary provisions safeguarding the purity of elections. If, on the other hand, the precinct election officers can be sure that there will be no recount, they may falsify the returns with impunity, or even neglect to count the ballots altogether. The possibility of a recount makes the precinct officers careful of their work.

The state laws governing recounts may be divided into two classes: first, those which permit the candidate to secure a recount as a matter of right, without proof of misconduct or errors; and second, those which require proof of misconduct or errors on the part of the election officers before the ballot box may be opened and the ballots recounted. Most of the

lengths to prevent the returns from being altered sufficiently to change the results of the election, and had to threaten a court action to get the returns from one of the counties opposed to the measure, which, it was alleged, was holding out so that the officers would know exactly how many votes were needed to defeat the bill.

states fortunately are in the former class, but inasmuch as this classification is based upon court decisions rather than statutory provisions, no attempt will be made here to list the states in each class. Usually there is little opportunity for proving fraud without opening the ballot box; the proof is in the ballots themselves. If the ballots cannot be scrutinized until fraud or error has been proved, then, of course, it is ordinarily impossible to do anything about it. Much of the evidence upon which interested parties may have cause to be suspicious of the returns of particular precincts is in the nature of rumors, and, before an unfriendly judge, will be ruled as insufficient grounds for a recount. The requirement of proof of fraud before the ballots may be recounted provides an open invitation to falsification of the returns and affords relative security to the election thieves.

The only explanation which may be offered in defense of the laws which make it difficult to secure a recount is the feeling that it is desirable to settle an election at once, and to avoid expensive and wearisome election contests, which may tend to discredit the integrity of the ballot box. It is well known that errors, particularly with paper ballots, are inevitable. If an election is close and recounts are easily secured, the defeated candidate will reason that the results may be changed by a recount, and demand one. He may do this even when he has no evidence of misconduct on the part of the precinct officers, but merely with the thought that there may be enough errors to change the result. Many prominent election officers believe that safeguards should be provided to avoid useless recounts. It would appear that a compromise might be reached between these two extremes, and a recount procedure adopted which will be neither too difficult nor too easy, which will always make it possible for a recount to be had, but which will also place some responsibility upon the candidate or the persons asking the recount. The solution is obvious. Any candidate or group of persons interested in the outcome of a proposition vote should always be able to secure

a recount, but, in order to avoid useless recounts, should be required to pay the cost.

In most states the candidate or person desiring a recount is required to submit a petition to a court of proper jurisdiction, setting forth the grounds for the recount or contest of the election. It would seem that the better procedure would be to permit the recount petition to be submitted directly to the office in charge of elections.²² There are two reasons for this procedure in preference to a judicial hearing; namely, first, there should be no discretion vested in the officer to whom the petition is submitted, and second, the election authorities should have charge of the recount.

Let us examine these considerations in detail. It is a well accepted rule of law that a court will not take jurisdiction over a matter in which it is given no discretion. If the state law made it mandatory that a recount be ordered upon the submitting of a petition therefor, accompanied by the required deposit, the courts would refuse to take jurisdiction in the matter. It is also apparent that the recount should be conducted by the regular election authorities in the interest of securing a prompt, economical, and correct count. The election office is organized to conduct the work and understands the provisions of the state law in regard to conducting a count or recount. If the recount is made by other persons under jurisdiction of the court (which, to be sure, is unusual), the count will be more expensive because it will be conducted with greater formality than is necessary. Placing the matter directly in the hands of the election office will strengthen its control over the precinct officers, which at best is very weak.

It is customary to require that any person desiring to contest an election or to secure a recount shall file a petition within a specified time after the completion of the official canvass. The contestant is given thirty days following the of-

²² This is the law in Wisconsin, Election Laws, Sec. 6.66; and in Michigan, Election Laws, Sec. 523.

ficial canvass in a number of states,²³ but Wisconsin requires that the petition for a recount be filed within three days.²⁴ A reasonable length of time should be allowed in which to file a petition for a recount. Three days is too short. It is suggested that six days should be permitted after the completion of the official canvass for the filing of a petition for a recount before the election office, and that thereafter within thirty days any candidate or interested party should be permitted to file a contest of the election before the courts.

The provisions for filing a petition should permit the amendment of the petition while the recount is in progress, and should also permit other candidates for the office recounted, or other interested citizens (in the case of the recount of a proposition vote) to file a petition and to amend their petitions while the recount is in progress. It often happens that while a recount is in progress further irregularities in other precincts are brought to light. On the other hand, it is not uncommon after the recount of a few precincts for the petitioner to decide to drop the recount. This should be permitted. In Wisconsin the results of some elections have been altered by a recount of a few precincts. In these cases the contesting candidate petitioned for a recount of the precincts in which his opponent polled the largest majority. When the recount was conducted it usually happened that a number of ballots were thrown out on technicalities, such as the failure of precinct officers to initial the ballots, and since only the precincts which gave heavy majorities to the winning candidate were recounted, the vote of such candidate has at times been reduced enough to change the election. Obviously a recount of the entire district, or of an equal number of precincts in which the contesting candidate polled a heavy vote, would offset these changes, but owing to the provision in the state law requiring a recount petition to be filed within three days, the other candidate has sometimes found

²³ California, for example.—Sec. 1115, Election Laws.

²⁴ Election Laws, Sec. 6.66.

that the time had passed before he realized what was taking place. This situation should be rectified by the provisions suggested above.

In a few states the person petitioning for a recount is required to put up a deposit to pay for the cost. The amount required varies from state to state. Wisconsin requires two dollars per precinct, while Michigan requires ten dollars per township or ward, but limits the total deposit required to one hundred dollars.²⁵ The more common provision is that the costs shall be allocated by the court ordering the recount. Usually under the latter provision the contesting persons are required to bear the costs unless the results are altered. A fee of one hundred dollars will not go far in payment of the cost of the recount in a large city. The better practice is to provide a flat fee per precinct. In view of the fact that a recount usually involves only a single office, two dollars per precinct, as provided in Wisconsin, should be sufficient to cover the cost. If the cost is actually greater than this amount, it should be borne by the government, under the theory that recounts maintain the purity of the election. If, however, the results of the election are changed, the fee paid by the contestant should be returned to him, and if the cost of the recount is less than the amount deposited, the surplus amount should be returned. Similarly, if the petitioner withdraws his petition, he should be charged for only those precincts actually recounted. If he amends his petition, however, he should be required to post the fee for all new precincts requested to be recounted. In no event should the candidate elected according to the original returns be required to pay the cost of the recount, except for such precincts as he himself may petition to be recounted.

The method to be used in conducting the recount is not prescribed by statutes, except as to a very few details. The officers in charge of the conduct of the recount are directed by law to open the ballots and to proceed to recount them

²⁵ Election Laws, Sec. 524. A larger deposit is required for a statewide recount.

for the offices concerned. It is customary, however, for a notice to be served upon the candidates concerned before the recount is started, so that they may be present or be represented by watchers. In a number of states the law requires the re-sealing of the ballot boxes after the recount. The detailed conduct of a recount might well be covered by the instructions and regulations issued by a state office in charge of elections.

Certain elections require particular examination with respect to recounts. Obviously, the recount of a state election is quite different from that of a local election. A state-wide recount is expensive and presents certain administrative difficulties. In some states the defeated candidate may file with the secretary of state or some other state officer a petition to have the vote throughout the state recounted. If the recount is conducted by state officers, it requires the sending of the ballots from all of the counties to the state capitol, and involves a large amount of clerical work and delay. The better practice, it would seem, would be to require the candidate for a state office to file a recount petition in each county he wishes recounted, prior to the submission of the election returns to the state canvassing board. This would avoid the expense of a state-wide recount, limiting it to those counties and to those precincts which the contesting candidate had some reason to request to be recounted.

It is quite common for legislative bodies, such as the city council or the state legislature, to conduct its own hearings and make its own recounts in the case of contested elections. Needless to say, this practice, wherever followed, is unsatisfactory. The legislative body is not equipped, nor has it the time to bother with such recounts. It may be appropriate for the legislative body to pass upon the qualifications of persons whom it admits to its membership, but it is not appropriate for it to try election contests or to conduct recounts. These are matters which should be passed upon by the election authorities and the courts. Recounts should normally

be conducted by the election authorities, and charges of frauds, violation of corrupt practices acts, lack of qualifications, and the like should be passed upon by the courts in contested election litigation. The courts, however, should have the power to order recounts of the ballots, which should be in addition to the provisions for a recount upon petition to the election authorities. If any candidate distrust the election office, he should be permitted to appeal directly to the courts for a recount. He should be permitted also to appeal to the courts for a recount after the time has elapsed to secure a recount by petitioning the election office. The time permitted for a petition to the election office must necessarily be short, otherwise the official declaration of the result of the election and the filing of the returns with the state office will be delayed too long. In view of the fact that malpractices may be brought to light after this time has elapsed, a way should be left open for a somewhat longer period for the candidate to secure a recount upon offering reasonable proof to support his petition.

Where voting machines are used the conduct of the recount consists merely in unlocking the counting compartment of the machines and taking off the totals for the offices concerned. This may be done quickly and inexpensively. The only difficulty involved is due to the fact that the machines are frequently stored at different parts of the city, and in some cities are left at the polling places from one election to the next. Where voting machines are used, however, recounts are seldom requested, owing to the fact that the candidates feel confident that a recount will not alter the results.

An easy, certain, inexpensive, and prompt recount procedure is essential to a sound administration of elections. It constitutes a valuable protective feature against election frauds and errors. The precinct election officers should always feel that a recount is not unlikely. This will serve to make them more careful of the accuracy of their work. A recount is, in effect, an inspection, a check upon the work of

the precinct officers, and from every consideration is salutary. The state election laws should provide that any candidate may secure a recount as a matter of right by filing a petition therefor with the local election office, accompanied by a deposit of a fee of, say, two dollars per precinct to be recounted, and should be permitted to amend his petition while the recount is in progress. Other candidates should be accorded the same privilege. The fee should be returned to the candidate in case the result of the election is changed and the petitioning candidate is thereby elected. This recount procedure should be in addition to the existing provisions for a recount through a court order, which should be continued as a supplementary method. The state laws and judicial decisions which require proof of fraud, misconduct, or errors on the part of the precinct officers before a recount may be secured, are unwise. The proof often lies in the ballot box itself. This rule of law serves in most cases to prevent a recount, regardless of how suspicious the circumstances may be surrounding the election.

CHAPTER IX

ELECTION FRAUDS

At the second session of the United States Congress, 1791-93, James Jackson contested the election of Anthony Wayne from Georgia, charging:

That the election in Effingham County was contrary to law, being held under the inspection of three persons, *one* of whom was a justice of the peace, although the law requires that all three shall be justices; (2) that there were 9 more votes given than there were duly qualified voters in the county; (3) that the votes of Glynn County were suppressed, the return of them having been committed to the Hon. Judge Osborne, who had taken them to transmit them to the governor, but instead thereof had conveyed them to Anthony Wayne, the sitting member; (4) that after the closing of the legal poll of the county of Camden the return of the votes (being 15 for General Wayne and 10 for General Jackson, the petitioner) was delivered to Judge Osborne, the presiding officer, who with some other persons, did afterwards hold a second election, and augmented the votes considerably in favor of General Wayne; (5) undue and corrupt practices at the election, as the setting down the names of persons as voters who were not present, and the keeping back the tax returns for the county of Camden, which was the only check upon the persons offering to vote.¹

Congress unanimously voted to unseat General Wayne, but after long debate refused to seat General Jackson, declaring the seat vacant instead. At the following Congress the election of Francis Preston from Virginia was contested on the ground of violence, intimidation, and irregularities in the conduct of the election. It appeared that a company of Federal troops, stationed near the voting place in one county, had intimidated the voters. A number of altercations and fights occurred during the day, a magistrate was knocked down by troops, and voters were refused admission at the polling place if they stated that they were going to vote for

¹ Quoted in Chester H. Rowell, *Contested election cases*, p. 39 (1901).

the petitioner. The defense made for the sitting member was that "riots and intimidation were an established custom and quite a matter of course in all Southern elections of the time." The sitting member retained his seat.²

Practically every session of Congress from that time until the present has witnessed numerous election contests, practically all based upon allegations of voting frauds and irregularities. The informal methods with which elections were conducted in many communities during the early history of the country is somewhat humorously illustrated by the following summary of the procedure in one voting precinct in Tennessee in the election of 1828:

In the precinct of Berry's, Claibourne County, a large gourd was used as a (ballot) box; on the evening of the first day it was stopped and tied with a handkerchief and taken charge of by one of the inspectors who locked it in his house overnight. There was no evidence of fraud, and the officers of election were proved to be men of good character.³

A few years later it was proved in a congressional contested election that in one Philadelphia precinct the officers were sworn on a city directory instead of the Bible, and took oath "to do justice by their party."⁴

Violence and intimidation at the polls, which now have all but disappeared, were formerly quite common. In a contested congressional election case in 1857 from Maryland the committee report, as summarized by Chester Rowell, stated:

The committee quoted from the governor's message on the subject, the proclamation of the mayor, and the accounts in non-partisan newspapers to show that it was a generally conceded fact that the election in question was marked by riots and violence. It was claimed by some that the disturbances were the results of attacks by members of the American Party upon naturalized citizens, and by others that the foreign born citizens were the aggressors; but in either case the effect upon the validity of the election would be the same. The fatal results

² *Ibid.*, p. 43.

³ *Ibid.*, p. 90.

⁴ *Ibid.*, p. 113.

of the riots at previous elections had left the city in a state of alarm, and the rioters at this election took advantage of this feeling and were largely able to exercise the same intimidation as at previous elections without the necessity of resorting to the same degrees of violence. An abstract of all the testimony was given, showing at each precinct the presence of large bodies of excited men, who prevented the Democratic challengers from acting and intimidated the Democratic voters, especially those of foreign birth, from approaching the polls. Individual cases of assault were shown at most of the polls. The witnesses for the sitting member, on the other hand, testified that the election was much quieter than usual, and that the pushing and shouting around the polls was not such as to prevent anyone from voting who desired to do so.⁵

Following the Civil War election frauds and violence were widely prevalent throughout the country, but especially in the Southern states. In a contested election from South Carolina in 1875 the House committee found:

The testimony showed in every precinct in the city of Charleston such fraud, repeating, bribery and intimidation committed by friends of the contestee, apparently with the aid and collusion of the election officers, that the committee unanimously agreed that the vote of the whole city must be thrown out.⁶

In New York City during this period, particularly during the reign of Tweed, gross frauds marked the elections. Tweed openly testified as to these frauds before the Board of Aldermen some years later:

Q. Now, Mr. Tweed with regard to elections—to the management of the elections for the city and county officers—and generally, the elections for the city and county: When you were in office, did the Ring control the elections in this city at that time?

A. They did, sir; absolutely.

Q. Please tell me what the *modus operandi* of that was. How did you control the election?

A. Well, each ward had a representative man, who would control matters in his own ward, and whom the various members of the general committee were to look up to for advice how to control the elections.

⁵ *Ibid.*, p. 157.

⁶ *Ibid.*, p. 321.

Q. The General Committee of Tammany Hall?

A. Of the regular organization. . . .

Q. What were they to do, in case you wanted a particular man elected over another?

A. Count the ballots in bulk, or without counting them announce the result in bulk, or change from one to the other, as the case may have been.

Q. Then these elections really were no elections at all? The ballots were made to bring about any result that you determined upon beforehand?

A. The ballots made no result; the counters made the result. . . . That was generally done in every ward by the gentleman who had charge of the ward. . . .

Mr. Cole: Mr. Tweed, did you ever give any directions to any persons, to falsify or change the result of the actual *bona fide* ballots cast in any election?

A. More in the nature of a request than a direction.

* * * *

Q. Can you state now, at this time, whether the election which took place in the City of New York at that time (1868) was a fair and honest election?

A. I have not the details in my memory.

Q. What is your best impression?

A. I don't think there was ever a fair or honest election in the City of New York. . . . I think that was the year in which a great many people were naturalized. . . .

Q. Was that the year the Inspectors of Election lumped the votes and declared them without counting the vote?

A. I shouldn't be surprised if it was. . . . I think it was. . . .

Q. What I desire to find out is whether or not the vote which was given in the City of New York wasn't made so as to get some way or other of offsetting the vote which was given from the rest of the state?

A. I do not know that. I know we took means to prevent them from doing what they wanted to do. . . . Well, one of the means, I know, was to get entire possession of the telegraph wires and keep them busy, one of us proposed to telegraph the whole Bible over them, if it was necessary.⁷

⁷ Tweed Ring Investigation, pp. 133-37, 225. Quoted in M. R. Werner, Tammany Hall, pp. 130-32.

A committee of the House of Representatives which investigated the election frauds in connection with the election of 1868 reported:

On the 30th and 31st of October, when only two days intervened until the day of the election, gangs or bodies of men hired for the purpose, assembled at these headquarters where they were furnished with names and numbers, and under a leader or captain, they went out in ones and twos and threes and tens and dozens, in nearly every part of the city, registering many times each, and when the day of election came these repeaters, supplied abundantly with intoxicating drinks, and changing coats, hats, or caps, as occasion required to avoid recognition or detection, commenced the work of "voting early and often," and this was carried on by these vagabonds until, wearied and drunken, night closed on the stupendous fraud which their depravity had perpetrated.

With all the concealment which cunning could invent, or perjury secure, or bribery purchase, or the fear of punishment inspire, or the dread of violence from bands of conspirators and democratic desperadoes could command, or the blandishment of more accomplished knaves could entice, or the hopes of office could buy, or fear of the loss of place could bring, all of which would naturally conspire to throw obstacles in the way of or defeat the investigation of the committee, it is by no means possible that the extent of these frauds has been revealed, even in any one ward.⁸

Following the Civil War election frauds were rampant throughout the country. They flourished particularly in the large cities under the boss and machine rule of this period. Drinking, rioting, bribery, and intimidation of voters at the polls were looked upon as the normal conduct to attend the election. Gradually, however, these practices came to be looked upon with disfavor, and state election laws were amended to correct the worst abuses. Registration laws, stricter election laws, and finally the Australian ballot marked the progress in election reform. Honest elections have become the established rule in most sections of the country, and boisterous conduct at the polls is confined to a few large

⁸ House Report No. 41 on election frauds in New York, pp. 40-45 (1868). This and other parts of the report are quoted in Werner, pp. 135-52.

cities. Election frauds have not disappeared, but they are going. No community can longer afford to tolerate election thievery.

In order to present the problems of election frauds to-day as a phase of election administration, it is necessary to introduce at this point a detailed account of the frauds which prevail in the large cities. The accounts are offered as case studies. Official reports and documentary evidence are quoted in considerable detail. Election frauds are by no means confined, however, to these cities. Recent investigations have brought to light election scandals in the particular cities covered, but it would be a mistake to assume that other cities are free of election frauds.

Following the detailed account of election frauds in Philadelphia, Chicago, Pittsburgh, and Cleveland, an analysis is made of the various types of fraud and the factors and conditions which produce them, and finally suggestions are offered of means to prevent frauds.

Philadelphia. Philadelphia has been notorious for many years for its election frauds. Before the requirement of personal registration in 1906 it was commonly said that all of the signers of the Declaration of Independence were still regularly voted in the city. In the early case of *Page v. Allen*, Justice Reed said:

I was counsel for Mr. Kneass in 1851 and for Mr. Mann in 1856 and from what I saw in those contested elections I was fully convinced that the election laws were totally ineffective in preventing frauds, and subsequent exposures have confirmed me in my opinion. In some districts of the city's plague spots fraudulent voting is the rule and honest voting the exception.⁹

In 1894 it was estimated by the *Philadelphia Times* that there were 50,000 fraudulent names on the assessors' lists in Philadelphia. The *Press*, a leading Republican paper,

⁹ 59 Penn. State Reports 365.

estimated the number at 80,000.¹⁰ At this time the assessment lists constituted the registration system for the city. The method of padding the registration (assessment) lists and carrying on voting frauds was brought out in the case of *Commonwealth v. Hogan*, as summarized in an editorial in the *Record* at the time:

That the assessor of the division kept a house of prostitution.

That he padded the list with fraudulent names registered from his house.

That two of the names used as election officers were assessed from his house.

That he was already under a criminal charge for like frauds as assessor.

That a burglar only a month out of prison acted as an election officer under the name of one of the regular officers.

That this burglar had formerly lived in the assessor's house and had been registered therefrom.

That the constable of the division likewise kept a disreputable house and had the assessor's list padded with fraudulent names as living in his house.

That two others of the pretended election officers were assessed from that infamous place.

That the constable's son fraudulently acted as election officer under the name of someone else.

That a policeman was likewise assessed as living in this abominable resort.

That the major part of more than 200 names on the assessor's list were registered from brothels, badger houses, gaming houses, and other places of revolting wickedness.

That the election was held in the house of prostitution maintained by the assessor.

That the man named as judge had also a criminal charge for a like offense pending against him.

That 252 votes were returned in a division that had less than 100 legal votes within its boundaries.¹¹

One man who was convicted of repeating in the November election of 1898 admitted that he had voted thirty-eight

¹⁰ Cited by Clinton Rogers Woodruff "Election methods in Philadelphia," *Annals of the American Academy*, Vol. XVII, pp. 188-89 (Mar. 1901).

¹¹ Also cited by Woodruff.

times, while another confessed to having voted thirty-three times at that election. Intimidation also played an important rôle in the carrying of elections, especially intimidation by policemen. The Municipal League of Philadelphia issued a pamphlet entitled "Stumbling Blocks" following the election of November 1900, citing ten cases of brutal police interference and intimidation at the polls.

Professor Austin F. MacDonald has written a significant and interesting account of the election frauds in the Republican primary and in the general election of 1925.¹² The interest in the Republican primary (which, of course, is equivalent to an election in Pennsylvania) centered around the contest between Benjamin H. Renshaw and Leopold Glass for one of the judgeships in the municipal court. Renshaw had been appointed by Governor Pinchot to fill a vacancy; Glass was the nominee of the Republican machine. The candidacy of Judge Renshaw would not have been taken seriously but for the fact that the re-election of the sitting judge was traditional. The Republican organization was intent upon winning the election because of the fact that there were some six hundred employees under the municipal court, involving an annual pay roll of approximately \$1,000,000. As the primary campaign drew to a close, the nomination of Glass was generally conceded, but the actual results exceeded the expectations of the organization leaders. The vote stood: Glass, 229,077; Renshaw, 72,600. To quote from Professor MacDonald:

In division after division huge totals piled up for Glass, while not a single vote was recorded for Renshaw. In many sections of the city 300 to 0 was a typical division vote. And then came the reaction. Scores of letters were sent to Judge Renshaw by outraged citizens who declared that although they and many of their friends had voted for him, ciphers were placed opposite his name on the tally sheet displayed outside their polling place. The "errors" were not confined to one division or ward, but were found in practically every part of Philadelphia.

¹² "Philadelphia's political machine in action," *National Municipal Review*, Vol. XV, pp. 28-35 (Jan. 1926).

Judge Renshaw charged that he had been cheated out of at least fifty thousand votes. The Committee of Seventy, an organization of citizens which had worked for years for clean elections in Philadelphia, took up the case of Judge Renshaw and started out to make a door-to-door canvass in some of the zero divisions to secure affidavits from voters who had voted for him. The organization was thoroughly frightened and proceeded to warn the voters. In one precinct the Vare division leader received word that his precinct was to be investigated only a few minutes before the representatives of the Committee of Seventy arrived. From house to house he and his workers went telling the residents always that "The Committee of Seventy is coming. When you are asked if you voted for Renshaw, say you never heard of him." When the representatives of the Committee of Seventy called they had the same reply house after house: "Renshaw? We never heard of him." Later on many of the residents complained that they had been deceived; they expected a committee of seventy, and only two persons appeared. The division leader who later told the story said: "It wasn't that we were afraid that they would find somebody who had voted for Renshaw. My division is made up mostly of foreigners who can be depended upon to do the right thing. But many of those whose ballots were cast never went to the polls, and we couldn't let them tell the committee that they stayed home on election day."

In other districts, however, particularly before the organization realized what was taking place, the committee was more fortunate. In one district, for example, where Renshaw was recorded as having received no votes, eleven affidavits were secured from voters to the effect that they had voted for Renshaw, and still other voters stated that they had also voted for Renshaw, but declined to sign an affidavit for fear of reprisals from the organization. The Committee of Seventy with evidence of this kind went into court to secure a recount of certain districts, but the court, favorable to the political organization, ruled that fraud or error had not been proved,

and refused to permit a recount. At that time the state law required positive proof of fraud or error before a ballot box could be recounted. In the meantime many of the zero returns for Renshaw were mysteriously altered. Ciphers were transformed into sixes, and in some precincts a "2" or "3" became a "5." Later on more evidence was collected and the courts finally held that fraud had been established, and some of the precincts were recounted. Many of the precincts showed a substantially accurate return of the ballots, but in others the discrepancy between the recount and the original return was startling. In one division the original return showed Glass 120 votes and Renshaw 6, while the recount gave Glass 65 and Renshaw 56.

T It was at this time that the discovery was made that many fraudulent names had been placed upon the registration books. Under the Dunn Act, passed several years earlier, the registrars in each district were supplied with a copy of the registration books of the previous year, ostensibly to speed up the registration, so that each voter formerly registered would not need to be required to answer all of the many questions usually asked. The answers could be filled in from the previous registration book. Actually, in many precincts the registration officers simply copied into the new registration books the names of all of those formerly registered, and if the voters failed to show up to sign the new books, the registrars signed for them at the close of the day. This process resulted in a highly padded registration in the transient sections of the city, where frauds are most commonly practiced. As one attorney familiar with election matters put it: "Why, that law simply played right into their hands. The division registrars couldn't have thought up all of the fictitious names necessary to pad the list, with the various items of age, birthplace, etc. This gave them a list ready made, and when they copied in these names during the day with no one present and registering, even bystanders would not suspect that frauds were being perpetrated."

At the final election in 1925 Judge Renshaw was again a candidate, but the event which attracted most attention was the death of the Republican organization candidate, Judge Patterson, for the office of district attorney. His serious illness and operation shortly before the election caused the Republican organization to have stickers printed bearing the name of a substitute candidate, Frederick J. Shoyer. By noon on the day of election, Judge Patterson was rapidly sinking and it became apparent that he could live only a few hours longer. The organization was greatly concerned about the office of district attorney, and believed (erroneously as it later turned out) that if the successful candidate died, Governor Pinchot would fill the vacancy by appointment. The leaders went into conference about three o'clock in the afternoon and decided to distribute the stickers to the precincts throughout the city, but at this late hour it was impossible to get the stickers to many of the precincts until four o'clock or even later. In spite of the fact that the polls closed at seven o'clock that evening, many of the districts rolled up a miraculous vote for the sticker candidate. In many precincts the election officers promptly pasted the stickers on the ballot before handing them out to the voters, which, of course, is contrary to state law, and is equivalent to marking the ballot for the voters. In some districts the Shoyer stickers were actually pasted over the name of Patterson. In other districts the precinct officers pasted the stickers on the ballots when they were taken from the ballot box at the close of the election. But the final result stood: Patterson, 168,795; Shoyer, 124,895. The machine was not able to substitute its candidate at that late hour. To the amazement of many politically informed persons the vote cast for Shoyer in some of the districts where election frauds are usually expected was very small. MacDonald quoted the explanation of one of the election inspectors of this phenomenon as follows:

"It wasn't a lack of time that beat us. After the polls closed we could simply have opened the ballot boxes and pasted on as many stickers as

we pleased. The trouble was that we had made out the tally sheets early in the day, and given Patterson enough votes to make his election sure. Those tally sheets go to the judges of the Court of Common Pleas, and as they are marked in ink on special paper, it is almost impossible to erase them."

"Isn't it rather dangerous to prepare the final record of the election before even half the votes have been cast?" he was asked.

"No, indeed," he assured his auditors. "We always do that. If we actually counted the ballots our job wouldn't be finished until the next morning. At any rate, the division leader is at the polling place all day, and he knows how almost every person will vote. By checking them off as they deposit their ballots he can tell exactly how the election is going. In our division there was only one person of whom we weren't sure. We were determined to learn whether she voted for or against us, so while she was marking her ballot the judge of election dipped his pen in a bottle of ink and then drew it around the slot in the ballot box. The woman's ballot naturally became smeared with ink as she deposited it, and when we later opened the box we had no difficulty in distinguishing it from the others."

"Weren't you afraid to take such chances?" queried another listener. "You fellows are in trouble already because of what happened at the primary election."

"We didn't take any chances this time. There was a lot of fake voting at the primary election, but not at the November election. We didn't record a man as voting unless he actually voted, or unless we knew he could be depended on. For example, I was sure my mother wouldn't come to the polls, so it was quite safe to cast her ballot for her. The people who live next door to us are the right sort, but they're lazy and like to stay at home. So I told them I would cast their votes for them. But we played the game fair."

The investigation conducted of the 1926 election in Pennsylvania by a special committee of the United States Senate, touching upon the legality of the election of William S. Vare, brought to light widespread and flagrant election frauds. It had been generally supposed in Philadelphia prior to 1925 that the city was free of election frauds, but the testimony of the best informed witnesses was to the effect that these election malpractices had prevailed for years. Nowhere in the country is the power of the party organization more secure than it is in Philadelphia, which raises the significant

query of what occasion there is for election frauds to be committed. Indeed, at the elections when frauds were exposed, the popular majority of the machine candidates was overwhelming, showing that there was no need for illegal practices to win. The explanation usually offered in Philadelphia is that many of the precinct workers, anxious to make a good showing in their districts and to procure political advancement, stole votes and engaged in other corrupt practices. The "higher ups" in the organization complained that these tactics were quite unnecessary and indicated unjudicious zeal on the part of the district workers. Another explanation offered was that many of the division committeemen were so "hard boiled" that they committed these frauds in order to boast of them.

The Senate special committee did not investigate the election frauds of the 1926 election until after more than a year had elapsed, when it was too late to uncover many details. As a matter of fact, the investigation was confined almost entirely to an examination of the ballots, poll lists, registers, and other records of the election, and the only frauds discovered were those which were apparent upon the face of the records or from an inspection of the ballots themselves. It is hardly necessary to point out that these probably represent only a small part of the total frauds which were committed.

In the local election of 1925 and in the Republican primary of 1926 the returns from many precincts showed a unanimous vote for the favored candidate. This was almost inexplicable in view of the fact that the other candidates had paid watchers in each precinct, and the unlikelihood that several hundred voters would all cast their ballots for a single candidate. In many of the zero precincts voters reported that they had voted for the candidate who was not credited with any votes. This experience taught the machine a lesson—that it was always advisable to report at least a few votes for the unfavored candidate, and this mistake was not made again. However, despite this experience, the records and the ballots for the

1926 general election showed upon their face that serious frauds had been committed. The committee employed handwriting experts, attorneys trained in election matters, and detectives. The work of the counsel for the committee was well done, though confined, as previously stated, almost entirely to the ballots and the records.

The recount of the vote cast for United States Senator in the one thousand five hundred election districts of the city showed that only 181 had reported a correct count, or, as the Committee pointed out, the average chance which a Philadelphia voter has to have his vote counted correctly is, according to this recount, less than one in eight. In the entire city, Vare gained 894 votes upon the recount in 258 election districts, and lost 6096 votes in 958 divisions, a net loss of 5202 votes. Wilson gained 5918 in 958 divisions, and lost 418 in 148 districts, a net gain of 5500. These changes in relation to the whole vote are not as striking as the results of recounts in Chicago and some other cities, but they unquestionably indicate fraud. Unless there is connivance, the errors tend to offset each other, but in this case Vare lost over five thousand votes and Wilson gained a similar number. Of course, this does not indicate the extent of voting frauds. The committee discovered from an examination of the ballots and the records substantial evidence of other and greater voting frauds.

The types of frauds and irregularities discovered by the committee were classified as follows: (summarized from the report):¹⁸

1. *Fraudulent returns.* Indicated by a net gain of over 10,000 votes by Wilson upon the recount.

2. *Failure to tally votes.* The state law requires the precinct officers to tally the votes upon the official tally sheet as they are counted. The tally sheets from many precincts contained no tally marks, but merely a straight line instead. This

¹⁸ Senatorial campaign expenditures, 70 Cong. 2 sess., S. rept. 1858, pp. 30-40.

does not necessarily indicate fraud, but does prove failure to comply with the state law on the subject.

3. *Records of persons voting.* In Pennsylvania there are three records kept of voters who cast their ballots: the two registration books, one of which is checked when the voter applies for a ballot and the other when he deposits in the box, and the poll list, which is prepared as the voters are checked off the first register. A comparison of these three records showed a great deal of discrepancy between them as to the names of persons who voted.

4. *Voters not registered.* Registration is a requirement for voting by state law in Pennsylvania for cities of first class, Philadelphia. Nevertheless, more than two thousand unregistered persons were permitted to vote contrary to state law. These names were discovered by a careful check of the registration books with the poll lists. The defense was later made by the attorneys for Mr. Vare that these persons were actually registered, but that the election officers made mistakes in taking down their names. For example, one of the names of unregistered persons permitted to vote was that of Joseph Rodgers, but the registration lists contained the name of Gus Rodgers, and it was insisted that Joseph Rodgers and Gus Rodgers were one and the same person. Similarly it was insisted that Thomas Hogan was George Hogan, that Alfred McGovern was Joseph McGovern, that Hyman Goldstein was Henry Goldstein, and so on. Doubtless a few of these cases were caused by the failure of the precinct officers to record the names correctly, but certainly this explanation will not stand up where the first names were entirely different, unless, as may have been the case, the election officers actually permitted one member of a family to vote for another.

5. *Repeaters.* In a number of districts, the names of some voters appeared twice or more on the poll list, indicating that the voter was permitted to vote a second time. In the entire city there were 635 cases of this kind.

6. *More ballots than voters.* In 395 divisions there were more ballots in the box than there were names on the official poll lists. In many more districts there were more ballots in the ballot box than the number of names checked on the registration books, but in most cases this was probably due to negligence. In one precinct, the fourth division of the eleventh ward, there were seventeen more ballots in the box than names on the voting list, and in addition, three of these ballots were unfolded and could not possibly have been deposited through the slot in the box. An examination in this division showed also seven forged signatures on the registration books.

7. *Padded lists of voters.* According to state law the poll list is made up as the voters appear to vote, and in consecutive order. In many precincts, however, blocks of names were discovered on this list in alphabetical order, indicating very strikingly that the election officers had written these names in the poll list without the voters actually appearing, and had not even bothered to mix them up so as to conceal this fraud. Where the election officers are corrupt and willing to carry it out, the cheapest and easiest method of stealing votes is simply to have them write in the names of persons who have failed to vote during the day, or of persons who the precinct captain has assurance will not vote, and deposit ballots for them. It is inconceivable that the actual voters would come to the polls in alphabetical order, with those whose names begin with A first, B next, and so on. Yet this is what the poll books of some election districts indicated. The two following samples of alphabetical lists have been taken from the Committee report. It will be noticed that there are some breaks in the alphabetical arrangement, presumably the names of voters who came in while this was being done, and who were permitted to vote, probably not at all suspecting the voting frauds being carried on under their very eyes.

An example of two alphabetical groupings in the list of voters from the twenty-second division of the twenty-fifth ward is given below:

Bell, Frank	Nellingher, Emma	Johnson, Elizabeth
Binns, Robert	Parker, Edward	Kaiser, Elizabeth
Carbeck, Elizabeth	Parker, James	Karcher, Frieda
Donnelly, John F.	Parker, Robert	Karcher, Ernest
Edelman, George	Renzi, Tony	Mulhearn, Daniel
Grossmiller, Howard	Schnitzler, Emil	Moffert, Elizabeth
Hofkin, George	Smith, Catherine	Moffett, John
Kline, Sarah	Trevinson, Anna	MacMullen, Leona
McAnney, Howard		McGovern, Chas. P.
McAnney, Ida.	Ball, George	Rielly, Elsie
McCortney, Edward	Ball, Jean	Rielly, Thomas
McMillian, William,	Davis, Marie	Rielly, John
Jr.	Gerson, Sarah	Schmertzler, Robert,
Nickel, Raymond	Gerson, Leonard	Jr.
Nickel, Harry	Grunthall, Benjamin	Sober, Abraham
Nugent, Mahlon	Hines, Chas.	Sullivan, Murial
Nellenger, John	Johnson, William	Sullivan, Marion

(The last twenty-four names above are the last twenty-four names in the list.)¹⁴

8. *Unfolded ballots in the ballot boxes.* Many ballots were found without any creases whatever, indicating quite clearly that they were not placed in the box legally during the day of the election through the small slot. Other ballots were found to have been folded only once, also indicating that they were not deposited in the ballot box through the slot. Still other ballots were discovered with identical folding creases, indicating that a group of ballots were folded together, for otherwise the creases could not have been identical. Seventy hundred and seventy-five ballots were found which could not have been legally deposited in the boxes, but this, again, does not at all represent the total number of ballots illegally stuffed into the box at the close of the day. In many precincts, doubtless, the election officers were careful to fold and crease the ballots which were stuffed, for this method of discovering fraudulent votes was not new. During the hearings the attorneys for Mr. Vare attempted to prove that ballots could be rolled and deposited in the boxes, thus with-

¹⁴ *Ibid.*, pp. 34-35.

out creases, but upon trial it was discovered that this highly improbable method of depositing ballots actually could not be done with the large ballot.

9. *A few persons marked many ballots.* The handwriting expert employed by the Committee discovered that in many precincts a large number of ballots had been marked by one or a few persons. Some of these cases were doubtless assisted voters, but the number in many precincts greatly exceeded the number of voters who were assisted.

10. *Crosses added to the ballots.* Seven hundred and thirty-eight ballots were found in the thirty-six districts to have been marked by two persons. This was readily discoverable by a handwriting expert, sometimes because of different pencils or different colored ink being used for the different marks.

11. *Ballots marked in piles.* Evidence was discovered that many ballots had been marked while in a pile, which, of course, is a plain indication of fraud. The evidence consisted largely of "phantom" crosses. If a group of ballots are marked in a pile, it is inevitable that some of the marks will be carried through to the ballot underneath, but in phantom, or only the indentation showing. Other indication of ballots marked in this way were stray lead marks extending over to the edge of the paper.

12. *Ballots unaccounted for.* Although the law provides that all ballots, used and unused, shall be returned to the election office and accounted for, the investigations showed that this law was not observed. The total number of ballots unaccounted for was 18,954, divided between 144 election districts. Ballots unaccounted for do not necessarily prove fraud, but there is at any rate a considerable suspicion of fraud, for ballot box stuffing, the substitution of ballots, and the "endless chain" fraud (later described) all involve the use of extra official ballots.

The following account of the results of the investigation of some of the election districts may indicate more clearly than

the above classification of types of fraud the extent and character of these frauds. These accounts have been taken from the report of the committee.

Second ward, nineteenth division.—In the nineteenth division of the second ward, the ballot box contained no less than 32 stuffed ballots; but the voters' list contained 60 names arranged in alphabetical order in groups of 7, 15, 17, 8, and 13. Included among the 32 ballots which had been stuffed in the box were 16 which were all found together, and which, as was apparent from the tears where the ballots had been detached from the stubs, had all been torn off the stubs at the same time. The same thing was true of another group of 13 ballots included in the 32, while the remaining three were scattered through the box.

Fourteenth ward, ninth division.—The ninth division of the fourteenth ward affords an instance where the fraudulent practices began with the registration preceding the election. Here, according to the report of Mr. Ullmer, 15 signatures were falsified by one or more of the registrars and one additional signature was falsified by some other person. The recount of the votes showed that Vare lost 20 votes and Wilson gained 18. The ballot box contained seven ballots, all marked straight Republican, found together in the box, containing identical creases, indicating that they had been placed in the box at the same time by the same person, as well as having been marked by the same person. It also contained a group of eight ballots similarly marked and found together and containing identical creases, indicating that they had been placed in the box at the same time by the same person, as well as having been marked by the same person. It also contained eight other ballots, not found together in the box, but also all marked straight Republican, all folded together so as to indicate that they were all placed in the box at the same time and also containing distinctive tears, indicating that they had been removed from the stubs at the same time. Finally, it contained one ballot, marked straight Republican, and totally lacking in the creases necessary to enable it to have been inserted through the slot.

The voters' list contains the names of six persons who were not registered and seven erasures and alterations.

Twenty-second ward, fifty-eighth division.—In the fifty-eighth division of the twenty-second ward the tally sheet was bare of tallies; the recount netted Wilson a gain of 19 votes and there were 15 ballots returned as spoiled and canceled which had probably been fraudulently tampered with by the election officers. The latter, however,

accounted for 100 more ballots than had been issued to them, according to the records of the county commissioners, and the list of voters clearly indicated the full extent as well as the wide variety of fraud perpetrated. It contained the names of 10 "repeaters" and 7 names which were not on the registration books, and yet the voting check list fell short of accounting for the total ballots in the box by 29 votes.

Twenty-fifth ward, twelfth division.—In the twelfth division of the twenty-fifth ward seven signatures were reported to have been falsified by the registrars and nine by other persons, according to Mr. Ullmer.

The tally sheet contained no tallies whatever and the recount of the votes showed that Vare had been credited with 23 more votes than he was entitled to, and Wilson with 20 less. Thirteen ballots in the box bore indications of having been tampered with after having been marked by the voters, and in the list of voters were found the names of 5 persons who had not registered, and of 10 "repeaters." The number of persons checked in the voting check list as having voted was 15 less than the number of ballots in the box.

Thirtieth ward, ninth division.—The ninth division of the thirtieth ward is one of those examined by Mr. Melcher. In this division a large number of ballots were segregated and submitted to him for expert examination of the markings. To account in part for the deposit of these ballots in the box, 49 names were inserted in alphabetical order in the list of voters, but no attempt was made to have the voting check list correspond with the other figures, since the checks contained therein failed to account for the number of ballots in the box by 11.

Thirty-second ward, twenty-ninth division.—In the registration books of the twenty-ninth division of the thirty-second ward appeared, according to Mr. Ullmer, six names were falsified by one or more of the registrars.

Ninety-two ballots were segregated after the opening of this box, upon the request of the investigators of the committee, because of the opinion that these ballots represented the efforts of a small group of political workers rather than the bona fide votes of citizens. This opinion was strongly confirmed by the discovery in the list of voters of 32 names in alphabetical order. The only conclusion possible is that the box was stuffed with at least 32, and probably the whole 92 ballots, even though the precaution of folding them was not overlooked.¹⁵

¹⁵ *Ibid.*, pp. 40-43.

The testimony of Mr. Fox, district attorney of Philadelphia from 1926 to 1928, and assistant district attorney for fifteen years prior to that time, who had charge of the prosecution of many of the registration and election fraud cases, is particularly significant. Perhaps no one in Philadelphia was better informed about election fraud cases than Mr. Fox. He was summoned before the Committee and testified on May 8, 1928. The following excerpts have been taken from his testimony:¹⁶

Mr. Fox: Yes, The thirty-fourth division, thirty-ninth ward, you asked about, Mr. Clapp?

Mr. Clapp: Yes.

Mr. Fox: In that case there were three men named Cleary, the sons of a ward committeeman, I believe, who was not indicted; and in that case there was a total registration of 446, and a vote of 450. In other words, not only was there the extraordinary situation of every person who had registered coming out to vote, but four additional persons who had not registered coming out to vote. It is very uncommon, in the usual course of things, that everyone who registers, of course, comes out to vote; and vice versa. We produced about 25 men and women who testified that they had not voted, and with regard to whom the records showed, the ballot check list and the voters' list, that they had been recording as having voted, by the defendants, these three Clearys. I can not recall whether they plead guilty, or were acquitted; but at any rate, they were sentenced to six months apiece.

* * * *

Mr. Clapp. What is the next case?

Mr. Fox. The twenty-second division of the forty-fifth ward. In that case there was an acquittal. There, the total registration was 375; and again we had the phenomenon of every person who had registered voting, and 3 additional, because the total in this case was 378.

Mr. Kelly. What was the registration?

Mr. Fox. The registration was 375.

The Chairman. What ward was that?

¹⁶ Hearings before a special committee investigating expenditures in Senatorial primary and general elections, United States Senate, 70th Congress, 1st Session, May 8, and 19, 1928, Part 2, pp. 25-46.

Mr. Fox. The twenty-second division of the forty-fifth ward. The principal complaint of our witnesses in that case was that a number of them, perhaps 12 or 15, working people up in the northeastern section of the city, some of them some distance removed from the polls and their work, had arrived late, two or three or four minutes after 7, and were told that they should go home, that the polls had closed; and then our examination of the voters' check list and the ballot check list and the voters' voting list showed that they had been voted in spite of that fact.

The Chairman. You say there was an acquittal?

Mr. Fox. There was an acquittal in that case.

The Chairman. How did that happen? Did that happen because you could not show that the judges knew that these people who had voted in the name of some one else were voting in that way?

Mr. Fox. It is pretty hard, as you know, to diagnose what passes in the minds of a jury or certain members of it. I assume that would be as good an explanation of that acquittal as any other. It was the opinion of the Commonwealth that there would be a conviction in that case.

Senator King. Their contention was the same there, that they had been imposed upon by persons impersonating voters; is that it?

Mr. Fox. Yes, except for this rather unusual incident, that these people who had been told to go home had voted, according to the records.

* * * *

Mr. Clapp. Referring to the registration and election cases generally, without going into specific details, can you give the committee some idea of the typical evidence produced from those cases, covering both 1925 and 1926 cases in your experience as district attorney?

Mr. Fox. The registration cases are easily described. They consist in forgeries of names of eligible voters, or the names of persons who are dead or who have moved out of the division. I remember one case I think in the second ward, where the name of a young girl 10 years old, secured from a tombstone down in one of the old cemeteries there, was used. They were wholesale frauds, forgeries, ranging from the case of one man who forged, according to our handwriting experts, 200 and some odd names, down to forgeries of four or five names. That, in the rough, is a description of the methods of registration frauds. The election frauds took on various characteristics. They were votes cast growing out of these illegal registrations. That is, the forged names or persons bearing them were thereafter voted. That

was the most common one. There were cases where ballots had been put in the ballot box, and if I remember in one case the ballots were gotten out of the box without a single crease on them. The sitting judge referred to that himself. It would have been manifestly impossible for them to have been cast in a legal way because of the small aperture in the ballot box through which the ballot must go, requiring it to be folded and refolded at least four times. These ballots were entirely virgin of any creases.

The Chairman. Is it the law that they shall be folded?

Mr. Fox. No; the law says that the ballot must be deposited during the voting hours, and then the ballot box must be locked during those same hours. The conclusion is that the ballots must be put into the ballot box, and in the only way possible, through this small aperture.

One of the points brought out in the testimony of Mr. Fox was the activity of the political organization in defending the election officers charged with frauds, and also in obstructing investigations of election frauds. After the registration investigations of 1925 and 1926 were well under way, the detectives found that in every precinct the residents had been warned of their coming and told what to say. They readily admitted that certain voters on the registration lists no longer resided at the addresses from which they were registered, but always said that these voters had moved away since the day of the election. The testimony of Mr. Fox upon the efforts of the organization to obstruct investigations of election frauds follows:

Mr. Clapp. While you were district attorney, were there reported to you any instances of pressure being exerted on complainants and witnesses in election cases?

Mr. Fox. That is a pretty broad question. May I give several instances in connection with the very last election?

Mr. Clapp. Yes.

Mr. Fox. In which I was one of the victims, so to speak.

Mr. Clapp. Go ahead.

Mr. Fox. We had two cases where complaints came from the same ward downtown, the Thirty-ninth ward. In one case the charge was that under the new voters' assistance act, a small coterie of men connected with the division headquarters were voting practically all of

the voters, were going into the booths with them and forcing them to accept their assistance to mark their ballots. We had complaints in that division from perhaps a dozen different sources, not related, which led me to believe that the complaints were well founded. I sent a number of my district attorney's detectives there, and they gathered a number of witnesses. Two of them were particularly intelligent and presented the case to me on the basis of which I was about to issue an arrest. When they came to me, they told me that they would refuse to testify, that they would go back on the affidavit which I had drawn up and which they had never signed, because they had been served with notice that if they prosecuted, they would be run out of the ward and their business would be boycotted in the ward. We abandoned that case. There was another case in another division of the Thirtieth ward, but I forget what the charge was. It did not have to do with illegal assistance, but I think it had to do with chain ballots.

The Chairman. Chain ballots?

Mr. Fox. Yes.

The Chairman. What is a chain ballot?

Mr. Fox. An original ballot, so the prosecutor told me, had been procured in some way by the division leader. He stood outside and marked the ballot as he thought it should be marked, and he gave it to the voter who went into the booth with his own ballot that he had been given by the judge of the election, folded that and put it in his pocket, deposited the ballot that had been marked for him, and then brought out the original ballot to the man outside who marked it in turn for another voter. This man, a little merchant down there, stated that he had observed that being done I think he said in 35 or 40 cases. I drew up an affidavit for him, and he gave me a list of the people who had been helped in that way. About 12 o'clock that night his wife called me on the phone and weepingly told me that I must keep her husband from testifying in that case or swearing out a warrant, because he had been visited since the time he had been at my office—I had him come to my private office because I felt he would not want to come to the district attorney's office—between the time he had come to my private office and the time that he had gone back to his home he had been visited by a dozen different people who had threatened that he would be put out of business there, and I never could get anything further in that case. They are the only two cases I recall at the moment.

Mr. Fox also pointed out in statements to the Committee that these election frauds in Philadelphia had been carried

on for years, and should not be regarded as isolated cases, but rather as a general system.

Mr. Clapp. You have told the committee about your experience for about 15 to 20 years as district attorney in the prosecution of election frauds as well as other cases. Is it your opinion that the registration and election frauds which have been committed from time to time while you have been in office are isolated or unconnected, or do you have definite opinion in regard to their relation one to the other?

Mr. Fox. I do not see how they can be considered as isolated. It seems to me that there is a similarity of method and identity of object that smacks as part and parcel of this same general system. I do not mean to even infer or insinuate that what happens in some divisions of the twenty-fourth ward is directed from sources all the way at the top, but I can recall a case in the very lowest section of the city, the very southwestern corner of the city, having much resemblance to a case in the geographically opposite end of the city, with the same methods pursued, the same objective aimed at; so that I cannot believe, looking at it dispassionately at this time, that they are isolated cases. I feel it is all part and parcel of the same system, yes; but I am bound to say that that is merely an observation, and it is not fortified by any provable facts that I would offer in the trial of a case. That is a conclusion of mine—a general conclusion.

The Chairman. Is that your conclusion, based upon your whole experience there as prosecutor and a citizen in Philadelphia?

Mr. Fox. That is correct, sir.

* * * *

The Chairman: And these crooked methods that you have been describing here, would you say that they have been in general use, generally speaking, throughout the city of Philadelphia, for a number of years?

Mr. Fox. Yes.

The Chairman. And they have been in use by this organization?

Mr. Fox. Yes.

The Chairman. Do you believe you have had anything approximating an honest and fair election in the city of Philadelphia for a number of years, based on your information and your examination? I am asking for an opinion based upon your examination and your experience and observation.

Mr. Fox. I believe that there has not been an election in my experience that has been thoroughly honest; that there have been tricks

and corrupt methods used in every one; but I believe that the result in some has been more affected by those corrupt methods than in others.

Chicago. Chicago has also had a long and notorious history of election thievery. Before registration of voters was required by state law in 1865 charges of election frauds were common. The two following accounts taken from the *Chicago Tribune* in 1863 and 1864 are illustrative of the time:

The main causes of our defeat are these: first, frauds of an enormous and most flagrant character. . . . In the Sixth Ward there were almost as many illegal votes as legal votes polled. Both parties canvassed the ward thoroughly before election, and agreed that there were about seven hundred votes in the ward, and yet over twelve hundred were polled on election day. Can any sane man doubt that the most disgraceful frauds were perpetrated? But for the illegal votes in Third Ward alone, Mr. Bryan (the defeated candidate) would be mayor of Chicago. The same frauds were perpetrated in Bridgeport and in other wards. A wagon load of voters openly attempted to vote in four wards, and finally succeeded in voting by leaving their wagon at a corner and scattering themselves around.

Early yesterday morning crowd after crowd of imported voters passed up Clark Street with their carpet bags in their hands, on their way to the depot, whence they took their departure for Joliet, Sycamore, and other places where they belong. They had accomplished their mission. They had received a dollar per head voted, and were satisfied.¹⁷

The shameless manner in which the voting was carried on in the Seventh and Eighth Wards is the occasion of indignant comment all over the city. It is undoubted that both of these wards were carried by gangs of men who had already voted in the Fifth and Sixth wards. For some reason, perhaps through the connivance of the Board of Police Commissioners, there was but a single police officer at each precinct in these wards, and it was as much as a man's life was worth to challenge the cattle who came in droves of fifty and deposited their ballots, first in the Fifth, and afterwards in the Seventh and Eighth Wards. Some four men attempted to challenge these scamps at one precinct of the Eighth Ward, but O'Rafferty, he who is elected alderman, ordered the thing stopped, and threatened to throw the first man

¹⁷ *Chicago Daily Tribune*, April 23, 1863.

who objected into the gutter. There was a large gang of shoulder hitters around the polls, and had the attempts been made to continue the challenges, our men would have been driven from the ground.¹⁸

In 1865 because of these widespread fraudulent practices a registration law was enacted. This law, however, was weak and did not prove to be effective in preventing these practices. In 1885 the legislature passed the City Election Act, which was quickly adopted by Chicago. While this law apparently worked satisfactorily for a number of years, especially under the vigorous administration of Judge Orrin C. Carter, by 1908 a special grand jury was called to investigate the conduct of elections, and 179 indictments, principally against precinct election officers, were returned. These persons, however, were freed when later the entire direct primary law under which they had operated was held unconstitutional. From that time on it was generally believed that election frauds were widely practiced in hotly contested elections in Chicago. The annual report of the Citizens' Association for 1919 contains the following statement:

It has been a matter of common knowledge in Chicago during recent years that thousands of fraudulent votes have been counted in each election in certain wards.

In a special report by the same organization upon election fraud prosecutions, December 18, 1925, the following account of election thievery is given:

At the election of April 7, 1925, the Citizens' Association placed investigators in certain precincts in the Forty-second Ward where we had found that frauds were habitually committed. Late in the forenoon of that day one of these investigators, who was stationed in the polling place of the sixteenth precinct at number 1016 North Wells Street, telephoned to us that only one election official was on duty in that polling place and that he was busily engaged in writing names in the poll-books without regard to the number of persons actually voting. He reported that up to that time not more than 60 persons had cast their ballots, while 373 names had been recorded in the poll-books as voting. We made complaint to Mr. Anthony Czarnecki, Election

¹⁸ *Ibid.*, April 21, 1864.

Commissioner, who immediately went with our Secretary to lay the matter before Judge Jarecki.

According to the observation of our investigators, one or the other of whom was in the polling-place continuously from 6:30 A.M. to the time that the polls closed, only about 125 persons actually voted during the day. The number recorded on the poll-books as having voted was 509, and that number of ballots was found in the ballot box. Only one election official was on duty in the precinct from 8:15 A.M. until 3 P.M., the others absenting themselves apparently under orders to give him a free hand in manufacturing votes.

OFFICIALS TAKEN INTO CUSTODY

By order of Judge Jarecki the three election officials on duty in the precinct when the polls closed, Charles Newman, Fred Nehring and William Burke, were arrested and brought to the Election Commissioner's office, where they were examined that night by Mr. Joseph B. Fleming, Attorney for the Election Board, and by Mr. Neil J. Harrington, his assistant. Judge Jarecki held them under bonds on the sworn complaint of Robert Jeske, one of our investigators.

Knowing that a hard fight would be made for Burke and his associates by the influential politicians back of them, we requested the coöperation of the Chicago Bar Association in prosecuting the cases, in a letter to Mr. John M. Cameron, its president, under date of April 11. The Bar Association promptly responded to our request and Mr. Russell Whitman and Mr. Fleming, representing jointly the Bar Association, the Election Board and the Citizens' Association, called upon State's Attorney Crowe with a view to getting the cases put before the Grand Jury. They requested that this be done without the preliminary hearing which State's Attorney Crowe makes it a practice to require in criminal cases. The State's Attorney refused, however, to allow the case to go to the Grand Jury without a preliminary court hearing, which in such a case necessarily lays bare the evidence against the accused and greatly diminishes the likelihood of success in the prosecution.¹⁹

Failing to secure the coöperation of the prosecuting attorney, the Citizens' Association, with the assistance of the Chicago Bar Association, urged Judge Jarecki to make use of the power vested in him by state law to punish the precinct

¹⁹ Citizens' Association of Chicago, Special report upon vote fraud prosecution, December 18, 1925, pp. 2-3.

officers guilty of election frauds under his power of contempt. In Illinois the election commissioners of cities which have adopted the City Election Act are appointed by the county judge, who in reality is the head of the election system. After the judges and clerks of election are commissioned and sworn in they become officers of the court, subject to punishment for contempt in case of misbehavior. The important fact about this is that contempt proceedings before the county judge do not require a jury trial, but are tried summarily, without the usual technicalities and delays. It is notorious that election fraud cases are difficult to prosecute because the witnesses are intimidated or are bought off, and after serious delays have been secured, it is always practically impossible for the state to present a case. The juries, too, are always appealed to by the defending attorney, even when the guilt is quite obvious, that these persons are the "small fry"—that back of them stands the real offenders who profit by the frauds and who should be punished. The power of the county judge to impose sentences under his power to punish for contempt had not been tested before the supreme court of the state at that time, and it was necessary for test cases to be carried before that court. This was done, and the power upheld. A large number of election officers have since been punished for misconduct at the election, being sentenced by the county judge under his contempt power. The Illinois special commission on the revision of election laws recommended to the state legislature in 1931 that this power be extended to county judges throughout the state as a means of securing effective punishment of election frauds.²⁰

Notwithstanding these prosecutions and convictions for election frauds, the Republican primary of 1926 probably was the worst election ever held in the city. Violence, intimidation, repeating, kidnapping, ballot-box stuffing, and every sort of malpractice prevailed. In certain sections of the city gangs of thugs and gunmen went from precinct to precinct,

²⁰ Report, pp. 40-41, (March, 1931).

terrorizing the election officers and watchers. Following the election the county judge, upon the request of the Citizens' Association, secured the services of a private detective agency to make a house-to-house investigation in some of the wards where fraud seemed to be most rampant. The detective agency hired for this purpose had previously been used in similar work for the Association, and the men knew their business. The investigation started in the Twentieth Ward, where it was commonly believed that frauds had been practiced for years. It required a month to complete the canvass of ten precincts of that ward. The canvassers were threatened by gunmen and then were promised soft jobs if they would make satisfactory reports. Two policemen were secured to accompany and give protection to each team of canvassers, but it soon proved necessary to secure two additional policemen for each team, so that when the canvassers went into a residence to make inquiries, the four policemen stood at the door to protect them. Eight persons registered from the home of the ward boss were found not to be living there. The results of the investigation of this ward have been summarized in part as follows.

In the investigation of ten precincts of the 20th ward it was found that 211 persons were willing to sign affidavits that they had not voted; 37 admitted not voting, but would not sign; 112 were listed as voting more than once; the names of 20 dead persons were affixed to ballots; 918 voters had moved, more than 80 per cent of them before primary election day, and 1611 voters were unknown at the addresses from which they were registered. There were 22 voters of whom information was not available; 100 registered from non-existent numbers; 42 registered from down town houses; 22 from vacant lots; 21 from school houses; and 18 from outside the precinct. Votes were also cast in the names of five children who did not vote, the McQueeney investigation shows.²¹

A few precincts of the Twenty-Seventh and Forty-Second wards were investigated, making a total of twenty-three precincts. The investigation was confined to persons who were

²¹ *Chicago Daily News*, September 29, 1926.

recorded as having voted in the election. In these twenty-three precincts it was found that 5690 fraudulent votes were cast in the primary, or an average of 247 votes per precinct—approximately 44 per cent of the total votes in these precincts. By “fraudulent votes” is meant the number of persons recorded as having voted who testified that they did not vote, or who had moved away prior to the primary, were unknown, registered from fictitious addresses, voted twice, and so forth. The following table, compiled from summaries prepared by field investigators, indicates the results of the investigation:²²

Results of the Investigation of Frauds in the Chicago Primary Election of April 15, 1926

Ward	Precinct	Registered voters	Votes cast	Fraudulent votes
20.....	1	554	529	194
	3	710	552	98
	6	761	660	273
	7	732	610	384
	8	866	665	221
	9	546	530	160
	11	781	780	389
	12	820	785	382
	23	650	462	177
	24	581	566	352
	27.....	8	696	656
10		765	623	246
11		631	580	279
12		745	623	251
13		744	673	352
15		542	461	213
30		586	525	166
42.....	10	743	396	90
	16	646	584	350
	18	922	414	152
	23	563	444	255
	28	395	369	174
	37	503	438	234
	23	15,482	12,925	5,690

A recount was conducted of the vote in the Republican primary for part of the city, with amazing results. The discrepancy between the original return and the vote tabulated

²² Detailed reports of the field investigation and other materials have been supplied to the writer by Judge Edmund K. Jarecki, County Court of Cook County.

upon the recount was so great that it was apparent that no count whatever had been made in many precincts. Many startling discrepancies may be cited. For example, in the Thirteenth precinct of the Twenty-Seventh ward, Joseph P. Savage was credited with 365 votes for county judge, while upon recount he received only 278; for another office Francis L. Boutell received 379 upon the original count, but only 235 upon the recount. In this same precinct Charles L. Gerds was credited with receiving no votes whatever on the original count, whereas the recount showed that he had polled 220 votes, while another candidate for the same office was given 351 votes on the original return, but received only sixty-eight votes on the recount. Also in this precinct, Leo Kline was not given a single vote upon the original return, but received 236 votes on the recount, while Harry Klatso, who stood next to him on the ballot, and who polled 350 votes according to the original return, received only 239 on the recount. Numerous other examples could be cited from this precinct. In the Twenty-Fourth precinct of the Twentieth ward, Charles L. Gerds, who was given 316 votes on the original return, received only 125 upon the recount, while Freeman L. Fairbank was given 382 upon the original return and but 177 upon the recount. On the other hand, William Morgan, credited with sixty-two votes upon the original return, polled 254 upon the recount. The most amazing discrepancy of all, however, was found in the Eleventh precinct of the Twentieth ward, where William R. Fetzer was recorded with 674 votes, but upon recount had only 10! In a number of precincts the total discrepancies between the original count and the recount was approximately five thousand votes each! The deliberate purpose to steal the election, to turn in returns which had no relation to the actual vote cast, was apparent in all of these precincts, though it is not assumed for a moment that this state of affairs was general throughout the city.

The following table shows the original returns and the recount returns in three of the worst precincts:

*Election Frauds as Revealed by a Recount of the Ballots in Three Chicago Precincts,
Republican Primary, 1926¹*

Candidate	7th Precinct 20th Ward		11th Precinct 27th Ward		15th Precinct 27th Ward	
	Original return	Recount	Original return	Recount	Original return	Recount
Joseph P. Savage.....	490	447	309	105	305	289
Daniel P. Trude.....	12	40	2	3	5	4
George B. Arnold.....	485	453	306	100	20	125
Charles J. Peters.....	17	36	2	3	290	139
Titus Haffa.....	482	456	297	102	275	173
Thomas A. Boyer.....	20	28	2	6	30	65
Francis L. Boutell.....	479	437	306	102	170	162
William Busse.....	23	34	—	2	130	66
Charles Gudgel.....	—	—	—	—	—	2
Charles F. Blaine.....	—	3	—	3	—	4
Francis L. Boutell.....	479	451	306	90	260	163
John W. Gibson.....	450	450	302	89	240	136
John A. Pelka.....	462	450	302	86	240	137
Andrew C. Metzger....	463	446	304	89	235	142
Charles S. Peterson....	445	446	306	88	235	142
Louis E. Golan.....	479	446	305	87	—	130
Henry S. Goins.....	425	445	304	87	—	116
Harry A. Newby.....	408	338	303	86	—	133
Louis Nettelhorst....	410	41	305	88	—	127
Charles L. Gerds.....	305	32	301	84	—	115
William H. Wesbey....	—	5	—	2	280	103
Morris Siegleman.....	—	4	—	2	—	28
Charles F. Blaine.....	—	25	—	3	—	57
Charles N. Goodnow....	—	25	—	3	220	74
Charles H. Rosberg....	—	21	—	3	230	66
Albert E. Elmore.....	—	98	—	—	225	60
William S. Braddan....	406	448	—	—	—	63
Joseph Esposito.....	477	21	—	1	20	68
Leo M. Novak.....	—	24	—	—	—	63
Herman M. Mendelsohn	—	21	—	3	—	51
Rudolph Mulac.....	—	21	—	—	200	59
William C. Thorsen....	—	3	—	—	—	24
John Thompson.....	—	1	—	3	—	13
George Albert Strong...	—	1	—	1	—	5
Harry E. McBeth.....	—	—	—	1	—	2
Fred Richard Platt....	—	1	—	3	—	4
Edward A. Russell....	—	2	—	3	—	4
Nathan Ginsburg.....	—	1	—	2	—	4
James J. Sullivan.....	—	2	—	—	—	4
John T. Riley, Sr.....	—	2	—	—	—	6
Danny Goodman.....	—	2	—	3	—	5
Joseph F. Burns.....	—	4	—	2	—	5
William J. Manley.....	—	4	—	1	—	5
Asa G. Adams.....	—	83	—	8	—	14
Harvey M. Adams.....	—	7	—	3	—	19
Stanley C. Armstrong..	445	254	301	89	75	113
Herbert W. Auw.....	451	325	301	87	75	99
William Richard Brand.	—	1	—	5	—	13
John A. Bugee.....	502	383	303	67	285	155

¹ These return sheets have been kindly supplied to the writer by Judge Edmund K. Jarecki.

Election Frauds as Revealed by a Recount of the Ballots in Three Chicago Precincts, Republican Primary, 1926¹ (Continued)

Candidate	7th Precinct 20th Ward		11th Precinct 27th Ward		15th Precinct 27th Ward	
	Original return	Recount	Original return	Recount	Original return	Recount
Joseph P. Burke.....	—	25	—	1	—	32
Arthur Carlsten.....	—	—	—	—	—	12
Robert L. Cohan.....	—	3	—	2	—	8
Lee Cohn.....	—	9	—	1	—	7
Leo P. Day.....	—	1	—	5	—	5
Frederick W. Elliott....	—	20	—	2	—	43
Alfred O. Erickson.....	—	20	—	—	—	12
Freeman Leroy Fair- bank.....	435	289	304	75	75	115
Edwin A. Feldott.....	—	7	—	—	—	5
Robert E. Gentzel.....	380	155	313	64	304	227
J. Kent Greene.....	—	19	—	2	—	14
Henry P. Heizer.....	—	21	—	1	—	17
Samuel Heller.....	502	469	—	3	—	62
George B. Holmes.....	—	81	—	5	—	13
Frederick R. Huber....	—	4	—	1	—	3
Sabato Insalata.....	—	2	—	1	—	2
Laurence B. Jacobs....	502	420	301	88	306	145
Rush B. Johnson.....	—	3	—	2	—	5
Samuel B. King.....	—	66	—	4	—	7
Harry Klatzco.....	502	418	—	94	306	174
Leo Klein.....	446	409	302	95	226	179
Sylvester J. Konenkamp	—	23	—	17	—	55
Edward H. Luebeck....	—	55	—	10	241	100
John R. McCabe.....	—	36	—	6	266	104
Eugene McCaffrey.....	—	2	—	5	—	16
Robert E. McMillan....	415	271	309	92	308	149
Harry C. Moran.....	—	14	—	12	—	16
William L. Morgan....	—	148	301	86	226	110
John Sbarbaro.....	328	337	310	87	287	121
Joseph W. Schulman....	502	423	310	95	301	195
Morton John Stevenson.	—	3	—	6	—	11
Oscar Thonander.....	—	—	—	3	—	15
Samuel H. Trude.....	—	68	—	4	—	50
Henry M. Walker.....	—	17	—	5	—	17

¹ These return sheets have been kindly supplied to the writer by Judge Edmund K. Jarecki.

In order to present another picture of the evidence afforded by this recount, there is given below the results of the original count and the recount for three candidates, covering the twenty-three precincts for which data are available. These three candidates profited in most of the precincts evidently by

deliberate fraud, or failure to count the ballots at all, but it is interesting to note that all three candidates gained votes by the recount in from one to four precincts. By the recount Fairbanks lost 2171 votes in nineteen precincts, an average of 114 votes to the precinct! He gained eighty votes in four

A Comparison of the Original Return with the Recount of Three Candidates for Nomination for Municipal Judge, Republican Primary, Chicago, 1926

Ward	Pre- cinct	Fairbanks			Fetzer			Gentzel		
		Original count	Re- count	Loss	Original count	Re- count	Loss	Original count	Re- count	Loss
20...	1	293	86	207	294	101	193	287	113	174
	3	282	263	19	353	326	27	342	317	25
	6	324	315	9	476	408	68	310	295	15
	7	435	289	146	502	392	110	380	155	225
	8	558	494	64	564	576	+12	576	568	8
	9	368	324	44	368	384	+16	368	321	47
	11	480	349	131	674	10	664	687	351	336
	12	510	485	25	540	522	18	520	449	71
	22	156	59	97	318	262	56	311	264	47
	24	382	177	205	406	208	198	406	218	188
27...	8	290	268	22	410	274	136	433	337	96
	10	326	164	162	295	217	78	351	284	67
	11	304	75	229	100	22	78	313	64	249
	12	361	170	191	328	196	132	321	232	89
	13	349	186	163	335	263	72	378	238	140
	15	75	115	+40	304	235	69	304	227	77
42...	30	361	280	81	378	367	11	400	366	34
	10	86	48	38	88	58	30	72	45	27
	16	5	18	+13	101	164	+64	7	16	+9
	18	180	33	147	122	48	74	106	50	56
	23	10	21	+11	206	50	156	175	43	132
	37	—	16	+16	245	83	162	241	81	160
	28	210	19	191	200	29	171	40	25	15

Total Discrepancy.	2,251	2,595	2,196
Total Loss.....	2,171	2,503	2,187
Total Gain.....	80	92	9

other precincts. Fetzer lost 2503 votes in twenty precincts, an average of 125 votes to the precinct, but gained ninety-two votes in three other precincts; while Gentzel lost 2187 votes in twenty-two precincts and gained nine votes in one precinct. A similar record for certain other favored candidates would show equally striking results. Indeed, in almost every pre-

cinct some other candidates lost as many or more votes upon the recount as any of these three.

The Citizens' Association published a special bulletin on the prosecution of vote frauds, dated September 29, 1927, in which an account of the evidence produced at the trials for a few precincts was summarized. These prosecutions brought to light practically all types of voting frauds—ballot box stuffing, repeating, substitution of ballots, and failure to count the ballots at all. The following excerpt from the report presents a good picture of the situation:

The Quinn Precinct

In the trial of Charles B. Thompson, Edward Heller and Harry T. Hughes, who had served as officials in the 23rd precinct of the 42nd Ward on November 2, 1926, the defendants appeared pleased by the bravado of one of their witnesses who testified that he was a bootlegger. On cross-examination and by other evidence the State subsequently proved that the bootlegger was chauffeur for William J. Connors, who as a Democratic candidate for assessor last year had been one of the principal beneficiaries of election frauds and had furnished bail for several of the officials who perpetrated them. The trial resulted in the conviction of all three defendants, with jail sentences of one year each for Thompson and Heller, and three months for Hughes.

The next trial resulted in the conviction of five officials who had officiated in the same precinct at the mayoralty election on April 5, 1927, namely, Edward Heller, Ernest Moeller, Frank Schadeck, Martin Nelson and Joseph G. Keil. Heller was sentenced to jail for another year, the term to begin upon expiration of his sentence in the previous case; and sentences of one year each were imposed upon the other four defendants.

The nature of the evidence in the last case is indicated by the reports of the investigators which the Citizens' Association had placed in the 23rd Precinct at the mayoralty election. They reported that "Artie" Quinn, Democratic Precinct Captain, carried the key of the ballot box throughout election day, repeatedly removed "bunches" of ballots from the ballot box and either altered them or substituted others in their place; that he directed all proceedings in the polling place; and that when the polls closed it was found that there were 474 ballots in the box and only 464 names on the poll lists, whereupon Quinn burned ten of the ballots. They further reported that all of the remaining 464 ballots were marked for the Democratic candidate for

Mayor, but that Quinn remarked ten of them for the Republican candidate. Upon the trial the reports of the investigators were corroborated in essential particulars by the testimony of more than one hundred witnesses, most of whom testified that they lived in the precinct and voted for the Republican candidate.

The "O'Brien" Precinct

In another case, at the conclusion of the trial of John Sherry, Democratic judge, Sam Cantanzore, Republican judge, and Robert White, Democratic clerk, who served as election officials in the 16th Precinct of the 42nd Ward on November 2, 1926, Judge Jarecki said:

"There is only one thing I can do in this case. There were 401 ballots found in the ballot box, but it is evident that not more than 100 persons voted; and even their ballots are found, upon inspection, to have been tampered with in such a way that the result of the election cannot be ascertained. We have here every kind of fraud imaginable, perpetrated in this election, and I find the defendants, guilty, each and every one of them, and impose the penalty of one year in the County Jail upon each of them. Mr. Sheriff, take them into custody immediately."

That finding confirmed the report of our investigators, headed by James H. McQueeny, which the Citizens' Association had previously furnished to Messrs. Case and Neimeyer, showing that John Sherry, while serving under the alias of Harry J. Smith, had placed about 100 marked ballots in the ballot box at the beginning of the election, although but ten persons had voted, and that from time to time during the day many names of persons who did not vote were copied from the registers into the poll books, and additional ballots stuffed in the box. The report also showed that at the end of the day, when it was found that there were 401 names on the registers but only 371 ballots in the box, 30 additional names were written in the poll books and 30 additional ballots marked and counted.

57 Varieties of Fraud

When there were not voters in the polling place, Sherry would walk to the back door and holler "all right." Then men would come from the rear room and from the second floor with bunches of ballots that they had marked, and Sherry would open the ballot box and the men would drop the ballots in the box. At intervals during the day Sherry and O'Malley (an official who has never been apprehended) would take about ten ballots at a time and go into a polling booth and mark them and put them in the ballot box. About 100

ballots were marked in this way. These, with 100 ballots that were marked before the polls opened and put in the ballot box, and a package of 100 ballots that Sherry took to the rear room and upstairs, made a total of about 300 ballots that were marked for persons who did not enter the polling place to vote, and a like number of names were written in the poll books.

Our investigators further stated in their report that after the polls closed many "straight" Republican ballots were converted into "straight" Democratic ballots by the simple expedient of erasing the cross in the Republican party circle and putting a cross in the Democratic party circle; and even after all the illegal operations mentioned the election officials got into a wrangle about the number of votes to be given to various candidates in the returns, the argument becoming so warm that State Representative Lawrence C. O'Brien, long known as the boss of the precinct, was summoned to settle the controversy. According to the observers, wine and whiskey were drunk on the premises during the day by various persons, including the judges and clerks.

Crookedness at Three Elections Shown

Sherry, White, and Cantanzore were sentenced to jail terms of one year each for offenses committed at the election of November 2, 1926. Sherry and White were then convicted again for offenses committed at the mayoralty election of April 5, 1927, and sentenced to jail terms of two years each. After their admission to bail in habeas corpus proceedings before other judges, further charges were filed against them for misconduct at the judicial election of June 6, 1927. When that case was called for trial White failed to appear and his bond was forfeited. In the trial of Sherry the evidence showed that 126 judicial ballots and numerous proposition ballots had been marked and returned as voted, but that only 26 voters had actually appeared at the polls. The ballots had not been folded, indicating that they had never been placed in the box. Sherry was found guilty and sentenced to an additional term of one year.

The 1928 primary provided a repetition of the frauds and violence which prevailed at the 1926 primary, except that at this election it was fully expected. This was the famous "pineapple" primary. The homes of Senator Deneen and Judge John A. Swanson, the latter candidate for prosecuting attorney, were bombed shortly before the election. In the vernacular of the underworld at the time bombs were called

"pineapples." On Saturday before the election the following amazing story appeared in the Chicago Daily News of April 7, 1928:

HOODLUMS READY FOR VOTE THEFTS
Sluggers and Kidnappers Massed to Save
Crowe-Thompson Ticket

Armed hoodlums by the score have been summoned to serve Tuesday, primary day, as the shock troops of an army of "floaters," "stingers," short pencil artists and ballot crooks who will jam Crowe-Thompson bailiwicks in a desperate attempt to steal the election for their favorite candidates.

Investigation by the *Daily News* reveals that sluggers, gunmen, kidnappers and hoodlums, well trained in terroristic tactics, are being signed up for electoral work in the 1st, 2nd, 3rd, 13th, 17th, 20th, 24th, 27th, 29th, 30th, 42nd, 43rd, and 50th wards among others.

In the 1st ward, where Danny Serritella is carrying the Crowe-Thompson banner for committeeman, a small army of men and women are being lined up to vote early and often. Known hoodlums have been frequenting the last few days a small office that Serritella is using at 407 Garrick building, 64 West Randolph Street.

Bouncer in Command

Abe Ahrends, whilom bouncer at Colisimo's and with a long and unsavory record, will be in charge of the shock troops.

In the 2nd and 3rd wards, where there were signs of revolt against Mayor Thompson's dominance, Dan Jackson, Oscar DePriest, and George Kersey have retained a battalion of common soldiers to mop up after Johnny Woolley, Jack Hardy, Harry Lewis, Porter Hudson, Jeff Starks and other "bad men" of the district do their stuff.

The 13th ward, out near the stockyards, the scene of three ballot box robberies last primary day, appears scheduled for further hectic times. Johnny (Dingbat) Oberta, protege and lieutenant of Joe Saltis, south side beer baron, is running for republican ward committeeman and state senator.

Saltis to Aid Oberta

Oberta, playing lustily on an "America First" calliope, will have the moral and military support of Saltis and Paddy Sullivan and there are reports that even Frank McErlane and his brother Vincent, names to be reckoned with in games where pistols are trumps, may come out of their semi-retirement to aid Oberta.

The 20th ward, where anything might happen—and usually does—will see a fine turnout of the militia. Morris Eller, long the boss there, is seeking nomination for his old job as sanitary trustee and has pledged himself to carry the ward for the Crowe-Thompson ticket. “Leggie” Philipps, Izzy Hochstein and Isadore Goldberg are in as training for Tuesday. Their efforts will be aided by such members of the “Forty-Twos” as are not in jail.

In the 24th ward, “stingers” headquarters are to be maintained in a lunchroom at 1225 South Kedzie Avenue, owned by Bennie Glazer, and Ben “Zuckie” Zuckerman will be in charge. The Mayor Grill, a bar operated by Hirschie Miller at 13th Street and Kedzie Avenue, will also be a gathering place for the hoodlum clan. . . . (There follows an extended similar account of the organization for election thievery in other wards.)

On the day of the primary hundreds of independent watchers were commissioned by Judge Jarecki to safeguard the polls, many of whom were attorneys provided by the Bar Association. These watchers were assigned in pairs. In some precincts their credentials were not recognized, and they were thrown out; in other precincts watchers and challengers were kidnapped and held in confinement for hours. Terrorism prevailed widely, though the presence of independent watchers doubtless prevented many frauds. The following account of the election was printed in the Chicago Daily News on the afternoon of the day of the election:

HEAVY VOTE MARKS FIGHT ON MACHINE; ONE MAN IS SHOT
DENEEN MAN BEATEN ON WAY TO VOTE, “TAKEN FOR RIDE”; THUGS
BLOCK STREETS NEAR BALLOTING PLACES TO SCARE CITIZENS

Clashes as Polls Open

Chicago's primary election campaign, which attracted the attention of the nation with its bursting bombs, gang play and political hoodlumism, was climaxed early today by a series of kidnappings, sluggings and general disturbances at some of the polling places in the river and industrial district wards.

Hardly had the polls opened at 6 A.M. than reports began reaching the offices of the election commissioners in the city hall of voters being intimidated on their way to vote, of precinct election workers being apprehended and slugged on the street and prevented from reaching the polling places where they were to work and of almost continuous

clashes between representatives of the various factions in the two parties.

Deneen Man Slugged

Arthur Robert Taylor, a Deneen captain in the 5th precinct of the 5th ward, was slugged and supposedly kidnapped as he stepped from the front door of his home, 5340 Cornell Avenue, by six men armed with shotguns who threw him into a green sedan, the windows of which were plastered with Crowe campaign posters, and drove away.

Taylor collapsed under the blows rained on his head and was half dragged to the car which had been parked at the curb. He was on his way to the Caroline Hotel, 5480 Cornell Avenue to vote before taking up his duties for the Deneen-Emerson state and county tickets.

His head bleeding profusely from severe cuts and bruises, Taylor was later found at 72nd Street and Winchester Avenue, where he said he was thrown out by the men who had seized him. He was taken to St. Bernard's hospital, where he was placed under the care of physicians.

He is the personal bailiff of Judge Fred Rush.

Mrs. Taylor who witnessed the abduction was hysterical when questioned by the Hyde Park police.

Shot on Way to Poll

A man known as Dotherd, believed to be a Deneen worker in the 13th precinct of the 20th ward, was shot and seriously wounded as he was en route to the polling place at 914 West 14th Street. The Maxwell Street police picked Dotherd up from the sidewalk and rushed him to the county hospital. He was unable to name his assailants.

Titus Haffa, alderman of the 43rd ward and candidate for the ward committeemanship at today's election, who had been reported kidnapped last night, was located by one of the eighty detective squads that scoured the city for him fast asleep in the corner of the 43rd Ward Republican club.

George Ringler, secretary of Haffa, in reporting his disappearance, told the police he had left the alderman in front of the Plaza Hotel, North Clark Street and North Avenue, at 8 o'clock last night, and that he was going inside to complete election plans. Two hours later, when he failed to return to the clubhouse, he was reported kidnapped.

Twentieth Ward Sends Alarm

Election violations were reported from the 16th precinct of the 20th ward and caused a dash of election officials and detective bureau squads to the scene of the trouble. Election hoodlums were said to have

refused to permit a dozen citizens on their way to vote to enter the block in which the polling place was located.

At the polling place in the 18th precinct, 1222 Blue Island Avenue, the stuffing of ballot boxes was reported.

A Deneen worker was reported kidnapped from the polling place in the 23rd precinct of the 20th ward. Ballot box stuffing was also reported there.

A report was received from the 8th precinct of the 31st ward that suspicious characters were frequenting the voting place at 949 West Chicago Avenue, and voting many times each.

David Chesrow, a Deneen leader in the 27th ward, telephoned the election board that repeaters were at work in the 11th precinct at 762 West Monroe Street, the 32nd precinct, 2117 West Madison Street, and 3rd precinct, 704 South Morgan Street.

Autos Await SOS

Fifty automobiles, each assigned to a special squad of election board investigators, were parked in front of the city hall an hour before the polls opened, ready for instant use in event of trouble in any section of the city.

More than 500 volunteer poll watchers reported to County Judge Jarecki at the Hotel LaSalle last night. The meeting had been called through the Employers' Association of Chicago, which was asked to supply citizens to watch the count following the close of the voting places late this afternoon.

Later in the day the violence and terrorism was climaxed by the murder of Octavius Granady, negro candidate for Republican ward committeeman in the Twentieth ward. He was shot down in the street by gangsters in an automobile, armed with a machine gun, who had been terrorizing the ward during the day. Ten days later, April 20, an editorial in the Chicago Tribune summarized the events of the day as follows:

THE CRIMES OF THE ELECTION

More details of the crimes committed election day in many precincts are being made known and it becomes more apparent that the election results saved the city and state from what it is no exaggeration to term a disaster. It also becomes more apparent that there is work still to be done. If it is possible there must be punishment. It must be exemplary and deterrent punishment.

The Murder of Esposito before and of Granady on election day had immediate attention, but they were not detached crimes. They were bits of a planned and schemed terrorism executed by the criminal allies of political organizations. It was the intent to steal the election by illegal voting, by destroying ballots, by stuffing ballot boxes, falsifying returns, terrifying precinct officials, watchers and workers, and by slugging, kidnapping, and killing candidates and their supporters.

It was the experience of Arvid Tanner, a watcher for the Chicago Bar Association, to be kidnapped from a Twenty-fourth ward precinct with two other citizens and confined in a vacant apartment with some fifteen or sixteen other men, both white and black. C. R. Hansen, another watcher for the Chicago Bar Association, was slugged and locked up. Another victim was Morton Pearlman, a judge of election. Earl B. Kribben, a watcher for the City club, was kidnapped by men armed with pistols and sawed-off shotguns, beaten and thrown into a room with four Negroes, two of whom were unconscious from injuries.

Evidently the city does not know the half of it or a tenth of it. Citizens who were attacked, injured and locked up may feel that it would be tempting fate to complain or tell their stories and that it would be futile to tell the police. So far as can be known the police in their duties at the polls and in the precincts were of no protection to the endangered citizens. The number of persons subjected to this organized attack by gangsters may never be known but the known cases are enough.

If criminals engaged by politics to influence an election by violence and intimidation had been successful in doing so there would have been virtually an end of democratic government here. This city and state would have had conditions with which Haitians were familiar before the U. S. marines were sent in.

Luckily the people were in a great state of indignation. They were ready to overturn their scandalous governments, and they came forth to do it in such numbers that the criminal methods could not prevail. With a narrow margin, with the decision in a few votes, they would have done so.

It is unwise to consider a good political outcome as anything more than a check. It is nothing to be relied upon as permanent. It does not destroy. As a check it should be made as exemplary as possible, and with respect to crime as an influence in elections there should be an effort to make it final.

That is the work which faces the city and state, particularly this county, now. These criminal gangs which have been employed in poli-

tics must be punished and broken up and their association with political management discovered if possible. The higher up that responsibility can be traced the more effective the check will be, the more nearly the city will come to eliminating such methods and preventing a comeback undertaken in the same fashion.

It is a contest for unterrified polling places and it is against killers and thugs and their employers. It is up to all reputable and responsible authority in the community and requires the support of all people who realize what they have been through and what they have escaped.

The connection between election frauds and organized crime in Chicago is referred to time and time again in the Illinois Crime Survey, published in 1929. The factors in Chicago which give rise to election frauds, and the conditions under which frauds are carried on are summarized in the following quotation:

Election Frauds. During primaries and elections, the evidence of the alliance of gangsters and politicians has again and again become a public scandal. The mutuality of their services is not difficult to discover. The gangster depends upon political protection for his criminal and illicit activities. He, therefore, has a vital business interest in the success of certain candidates whom he believes will be favorably disposed to him. The politicians, even the most upright, have a lively sense of the active part played in politics and elections by underworld characters. The gangsters and their allies always vote and bring out the vote for their friends, but the church people and other "good" citizens stay away from the polls, except for presidential elections and those occasional local elections, like the April 10, 1928, primary when the issue of good citizenship versus organized crime was dramatically staged.

Election frauds are one of the ways in which gangsters and gunmen have repaid politicians for favors received. Fraudulent voting has been a perennial problem of municipal study in Chicago, and repeated investigations have been made. Only a summary is given here of the history of election frauds in Chicago. It is sufficient, however, to show the conditions responsible for the rise and persistence of election frauds and the failure of attempts to eliminate them.

An examination of vote fraud investigations since 1900 discloses the following facts:

(1) The geographic area within which vote frauds occur is limited and can be traced on the map of the city.

(2) The authorities over the election machinery, the county judge,

the election commission, and the state's attorney's office, repeatedly carry on the same conflicts around the same legal points, arising out of duplication of function and overlapping and division of authority.

(3) The partisanship of the County Board of Commissioners determines its action in appropriating funds for special investigations.

(4) The incumbent state's attorney always opposes and impedes the appointment of special prosecutor and special grand jury to investigate election frauds if possible; (a) by efforts to stop the County Board's appropriation; (b) by efforts to gain priority in the appointment of a favorable special prosecutor and a favorable grand jury. Repeatedly there have been two or more special grand juries investigating vote frauds at the same time.

(5) The incumbent state's attorney tries to capture the services of the attorney general, who is in a position to take charge of as many grand juries as are in the field at any given time.

(6) When the dominant party is in the process of splitting into factions and factional bipartisan alliances occur, there is great activity in vote fraud investigation, with all the jockeying and maneuvering to capture the control of election machinery and prosecution and to secure advantageous publicity. This activity has seemed more often, in the past, to have as its aim factional advantage in political battle rather than the impartial suppression of vote frauds.

(7) The actual frauds that can be legally proved are committed by underlings. They refuse to testify as to the identity of their superiors in the conspiracy and it is, therefore, always impossible to convict the "higher-ups." The underlings under the gag of silence are usually sentenced for contempt of court by the county judge. Where prosecution is undertaken in a criminal court, it fails in a large number of cases because of lack of evidence. The political bosses furnish the money and attorneys to fight the cases, but they are seldom or never implicated by the testimony.

(8) The earlier centers of vote frauds were the areas in which dives, saloons, "flops," and rooming houses abounded, and the homeless or transient man was available in large numbers as purchasable votes. This area was increased by the new immigration into territories dominated by political manipulators of the previous generations. Later, foreign leaders were developed under the tutelage of the earlier crooked politicians. In all of the foreign districts there have always been great numbers of immigrants who would stand aloof from politics because of what they regard as "low-down" local leaders and their crooked methods. The registration, and the voting in these wards has always been small compared to the total population, and largely

limited to the controlled vote. When racial or national group consciousness can be awakened through conflicting situations, the politician can turn out a large number of legitimate votes.

(9) The young of the immigrant groups, beginning with the child at play in the street, were assimilated uncritically into all of the traditions of the neighborhoods in which they lived. Street gangs were their heritage, conflict between races and nationalities often made them necessary—conflict and assimilation went on together. The politician paid close attention to them, nurturing them with favors, and using them for his own purposes. Gang history always emphasizes this political nurture. Gangs often become political clubs.

(10) Through every investigation the most constant element is the connivance of the police, witnessing and tolerating the vote frauds and resisting investigation by refusing to give testimony. Through it all is the evidence that the police defer to the politician because of his power over their jobs.

(11) Slugging and intimidation of voters is a chronic complaint through this entire period. With the advent of bootlegging arose the new phenomenon of the armed wealthy gun chief becoming the political boss of an area.

(12) While every fraud ever committed has been practiced within the last eight years, it can also be said that within the last few years there has been the most effective, impartial fight upon vote frauds through prosecution. For this, civic agencies, supported by private funds, and an honest county judge, impartially driving toward the objective of clean elections should be accredited; the more emphatically because of the disadvantages of the chaotic governmental machinery which the prosecution has to employ and the odds against them in fighting the most powerful political organization in the history of Chicago.

Pittsburgh. Pittsburgh has had a history of voting frauds which rivals that of Chicago and Philadelphia. In 1921 a pamphlet was published by James H. Gray, now (1933) judge of the Common Pleas Court of Allegheny County, and Charles C. McGovern, now chairman of the board of county commissioners, with the title "Stuffing Ballot Boxes," describing the conditions, profits, and various methods of voting frauds. Voting frauds have been regularly committed for years in the organization-controlled wards of the city, which lie in a strip along the river front, locally known as "The

Strip." Election conditions in Pittsburgh have been so notorious that when the referendum vote was held in the city upon the adoption of the voting machines the speakers from civic organizations in urging voters to vote affirmatively on the proposition asserted that the adoption of voting machines would virtually enfranchise the voters of the city, that prior to that time the electors were deprived of the franchise by the corrupt acts of the election officers. A general picture of the situation, which is not overdrawn, is afforded in the following resolution adopted by the Allegheny County Bar Association, October 7, 1927:

WHEREAS, It appears by reason of matters being developed by the official returning board presided over by President Judge John A. Evans, and Judge A. B. Reid in the counting of the returns of the voting by the people of Allegheny County at the Primary on Tuesday, September 20, 1927, the investigation and special count of the ballots in the boxes from various election districts, widely scattered throughout Allegheny County, and many informations which have been ordered by the District Attorney of Allegheny County, that the right of suffrage is denied many of our people, that illegal voting is rampant, that ballot boxes are stuffed, that unofficial ballots are printed, cast and counted, that hundreds of erasures and alterations have been made to mark ballots for candidates other than those marked for by voters, and that in this particular election nominations were made for nine Judges of the Allegheny County Common Pleas court, our most important judiciary, and

WHEREAS, It appears that such outrageous practices and perversion of the ballot are believed by many to have been the custom for many years past but never heretofore so forcibly exposed and positively proven, therefore be it

Resolved, That the Allegheny County Bar Association condemn all such practices . . . and also be it

Resolved, That the President of the Allegheny County Bar Association appoint a special committee of not less than five lawyers to urge and assist the district attorney of Allegheny County in investigating all these matters so destructive of the right of voting, and energetically prosecute each and every violator of the election laws. . . .

The investigations of the special committee of the United States Senate, covering the 1926 election, included Pitts-

burgh, but less intensively than Philadelphia, and was confined to a recount of the ballots and an examination of the records. Nevertheless, this scrutiny of the records and the ballots themselves showed wholesale frauds in the form of ballot-box stuffing, the entry of the names of voters in the poll lists in alphabetical order, unfolded ballots in the box, ballots marked with "phantom" crosses, and other evidence of fraud. The following account is contained in the report of the committee:

The comparison of votes originally returned for senatorial candidates with the results of the recount of those votes shows the existence of less fraudulent counting than in Philadelphia. One hundred and sixty-seven of the 689 election districts of Pittsburgh show a correct count of the senatorial vote by the election officers, and the average chance of a Pittsburgh voter to have his vote counted correctly was therefore more than twice as great as that of a Philadelphia voter. With 689 divisions in the city, Vare gained 184 votes in 90 divisions and lost 1,380 in 320 divisions, a net loss of 1,197 votes. Wilson gained 1,287 votes in 327 divisions and lost 164 in 83 divisions, a net gain of 1,123. Other candidates for Senator gained 30 votes in the entire city.

* * * *

A considerable number of fraudulent ballots were cast, however. One way in which this is made evident is by comparing the total number of names recorded as voting in the voting check list and the total number of names recorded in the list of voters for each division with the highest vote returned as cast for any office in the division and with the total number of ballots in the ballot boxes. In 150 divisions the highest vote for any office exceeds the number of names written in the list of voters (after the deduction of repeated names) and in 170 divisions it exceeds the number of names checked in the voting check list as having voted. These divisions are scattered through every ward in the city.

The total number of ballots in the boxes of 106 divisions exceeds the number of names written in the lists of voters (after the deduction of repeated names), and in 147 divisions there were more ballots in the boxes than there were names checked in the voting check lists. In 7 divisions the number of ballots cast actually exceeded the number of registered voters in the divisions, and in 4 other divisions the

election officers returned more votes than there were registered voters.²⁸

* * * *

The elections in Pittsburgh in 1927 and 1929 were subject to scrutiny by reason of a recount, and the ballots and returns were carefully inspected. As a result of the 1927 recount, which revealed flagrant frauds, a large number of precinct officers were prosecuted, and, after the completion of a test case, many of them pleaded guilty and were sentenced. The 1929 recount, for which detailed data are available, showed quite clearly that the organization was not ready to give up its fraudulent practices without a fight. While, in the main, the returns corresponded to the ballots in the box, a close scrutiny of the ballots in the box showed many ballots fraudulently marked. Large numbers of ballots, running in many precincts to over a hundred each, were marked by one or a very few persons, usually identical in the persons voted for. Part of these were accounted for by the heavy assisted vote, but by no means all. Ballots containing "phantom" crosses were found in forty of the seventy-six precincts inspected. Phantom marked ballots indicate that they were marked while they were stacked up in a pile. Obviously this could not happen to a ballot marked legally in the voting booth. As the report of the investigating committee stated: "Nobody has been able to suggest to the recount board how phantom crosses can be supposed to come upon ballots in any legal manner, therefore it appears that these 356 phantom ballots is evidence of the practice of fraud in connection with the ballots among which it was found."

The chairman of the 1929 recount board, Mr. Ward Bon-sall, who was experienced in election recounts, with great care proceeded to scrutinize the ballots of the seventy-six precincts recounted. The clerks who conducted the recount were able to identify groups of ballots which had been marked by the same person, and also groups on which crosses had been

²⁸ Senatorial campaign expenditures, 70 Cong. 2 sess., S. rept. 1858, pp. 47-51.

made on the same ballot by two persons, and to detect alterations, or other evidences of fraud.

The following summary of the findings in the seventy-six precincts recounted is taken from the report of the recount board:

The attached Table shows that in more than half of the boxes, namely, in 40, we have found ballots containing what we have come to call "phantom crosses," namely, the impressions of crosses being made on a ballot or other paper lying on top of the ballot containing the phantom. The name "phantom" was given such crosses because they can be seen on the back of the ballot along with the crosses actually on the ballot when the light falls upon the side of the ballot toward the eye, but when the ballot is held toward the light, the "phantoms" disappear from view while the lead pencil crosses remain visible.

Many hundreds of ballots contained one phantom cross made when the voter marked his police and firemen's referendum ballot on top of his Primary ballot; but these were always disregarded, and no ballot was reported as containing phantom crosses unless it contained at least two such crosses.

In all, some 356 ballots have been reported as containing two or more phantom crosses.

Nobody has been able to suggest to the Recount Board how phantom crosses can be supposed to come upon ballots in any legal manner; therefore it is proper to report that every one of these 356 phantom ballots is evidence of the practice of fraud in connection with the ballots among which it was found.

There was fraud in the marking of the ballots, as shown in the Table, in 53 boxes, and in 14 of those 53 there was also fraud in the election board's return, while 4 boxes showed fraud in the return without fraud in marking. There were, however, 29 boxes showing fraud in marking without showing fraud in the return—that is, the ballots were illegally marked, and then counted and returned as so marked.

There were 63 of the 76 boxes that showed substantial error in the count or return, while 71, or all of the 76 but 5, showed "fraud or substantial error" sufficient for the return of the \$50 deposit under the Act of 1927.²⁴

²⁴ Pages 7-10 of mimeographed report supplied to the writer by Mr. Ward Bonsall.

Cleveland. Rumors of election frauds persisted in Cleveland for a number of years prior to 1928, when after the primary election of August 14, the Cleveland Bar Association petitioned Governor Vic Donahey for a special investigation of the primary and election generally in Cuyahoga County. Governor Donahey ordered the investigation, which was carried on under the direction of Attorney General Edward C. Turner. The State Emergency Board appropriated \$50,000 for the investigation, over the protest of the Cleveland Republican organization. A special grand jury was impaneled on September 24, with Henry S. Sherman, former president of the National Car Wheel Foundry Company as foreman. In the meantime a suit had been filed to force the burning of the primary ballots, but this was denied by the court. The ballots were delivered to the grand jury, which proceeded to recount 109 precincts, to examine the records and the ballots themselves, and to hear witnesses.

On October 26, a month after the grand jury started work, it recommended the removal of the entire election board and its clerks. A few days later this was done and an entirely new board installed only a few days before the heavy 1928 presidential election. The new board promptly removed 378 precinct officers.

Although less than one-sixth of the precincts of the city were investigated, the grand jury returned forty-one indictments against thirty-one precinct officers. The general election conditions, particularly the count, were quite similar to the state of affairs in Chicago, Philadelphia, and Pittsburgh. The following quotations and summaries of the findings are taken from the Cleveland Plain Dealer, December 8, 1928:

The oral testimony and statements taken before the grand jury and the attorney general consists of many volumes. Some of this testimony discloses that the names of dead persons, of persons on the high seas and in various foreign lands at the time of the last primary election, as well as the names of many other persons who did not go near the polls on August 14, 1928, and who did not vote absent voters' bal-

lots, are recorded in certain of the poll books as having cast their votes.

In one instance where a witness was denied the privilege of voting on the ground that he was too late—that the polls were closed—we found not only the name of this witness, but many other names recorded on the poll books as voting after him.

When we were impaneled no definite charge against any specific persons was available. No transcript from examining courts or magistrates had been filed—no prima facie case had been made up against anyone.

It therefore became necessary for us to make a careful investigation to ascertain whether the rumors and criticisms respecting our election machinery had any basis in fact. As our attention had been directed particularly to the August 14, 1928, primary, we began our investigation with an examination of the poll books, registration records, alphabetical lists, tally sheets, summary sheets, official count and ballots of that election.

Work Not Complete

On account of the very large amount of detail therein involved the work of fixing the responsibility for all of the irregularities found in that election alone has not yet been completed, and cannot be completed within the limits of this term of court.

We realize from the court's charge that careful investigation should always precede indictment. It is further essential that we should first find out what, if anything, was done before attempting to fix responsibility therefor.

Our investigation has disclosed a shocking recklessness and carelessness in the handling of elections in Cuyahoga County, both in the booth and at the board of elections. (No reference is intended to be made herein to the board as now constituted.)

While many of the booth officials were persons of long experience in the work, we have found a claimed ignorance and lack of understanding of duties that is difficult to believe.

There has been an almost universal disregard of the statutes prescribing the method of counting and tallying the vote, with the result that the door to fraud and error has been left wide open. That both fraud and error were prevalent in the last primary election we are thoroughly convinced.

In counting the ballots, instead of the count of each ballot being made, as required by law, by all the judges as each ballot is drawn singly from the box, and instead of the clerks forthwith tallying such vote on the official tally sheets, the ballots were dumped out of the box and divided among teams, the membership of which teams has not always been limited to the regular booth officials, and the tallying has

been made on loose paper and the results thereafter transferred, or attempted to be transferred, to the regular tally sheets. In the last primary, and in primary elections generally, we find it to be quite common for the officials representing the respective parties to count their own party ballots.

Not only does this disregard of the lawful method of counting and tallying result in a multitude of errors, but it makes fraud easily possible. Certainly there is no excuse for the inability of six election officials to count 50 ballots correctly. Yet in Ward 1, Precinct K, the 50 Democratic ballots there cast were counted incorrectly for 55 different candidates. In other words, the officials of this booth made mistakes in respect of each of 55 candidates in counting 50 ballots. In this same precinct there were 71 Republican ballots cast and mistakes in respect of 49 candidates were made in counting them.

In Precinct Y, Ward 1, the report points out the following discrepancies: Peter Witt had 93 votes, but was given credit for 71; George S. Myers had 69 votes, but was given credit for only 6; William G. Pickrel had 13 votes, but was given credit for 56; Cyrus Locher had 53, but was credited with only 43; Graham P. Hunt had 34 votes, but was given credit for only 24. The report continues:

Out of 100 candidates the votes of five only were counted correctly, and of this five correctly counted three candidates had one vote each, one four votes and the other nine votes.

On the Republican ticket in this same precinct the votes of 93 candidates were incorrectly counted.

In Precinct R, Ward 13, the following discrepancies were shown in the report: James T. Begg had 50 votes, given 109; Theodore E. Burton had 59 votes, given 103; J. G. Tomson had 57 votes, given 109; Walter E. Cook had 60 votes, given 102; J. H. Harris had 39 votes, given 100; L. G. Collister had 48 votes, given 107; Fred R. Williams had 43 votes, given 106; Arthur H. Day had 61 votes, given 99.

* * * *

While 31 votes was the highest credit given to any other candidate on the Republican ticket, and this in one instance only, more than 100 Republican candidates received less than ten votes in this precinct. But 26 candidates, other than the ones first above mentioned received more than ten votes.

In Precinct O, Ward 3, East Cleveland, the total number of Republican ballots found in the bag was 60, the report says, although there were 61 names on the poll book.

* * * *

Clarence J. Brown, Republican candidate for secretary of state, uncontested, was given 72 votes as against 47 actually received. Bert B. Buckley had 43 votes, was given 66. Theodore E. Burton had 44, was given 71; Simeon D. Fess had 47, was given 71; Fred R. Williams had 37, given 60; Frank R. Lander had 17, given 23.

For prosecuting attorney Arthur H. Day was given 36 votes as against 21 actually received, while George B. Harris was given credit for 50 votes as against 34 actually received, making a total of 86 votes credited for prosecutor as against 60 ballots found in the bag and 61 names on the poll book.

* * * *

In Ward 30, Precinct M, the following discrepancies are pointed out in the report, among many others: James T. Begg had 79 votes, given 144; Myers Y. Cooper had 29 votes, given only ten; Fred Kohler had 27 votes, given 13; Gilbert Bettman had 47 votes, given 136; Simeon D. Fess had 92 votes, given 154; Theodore E. Burton had 103 votes, given 165; Chester C. Bolton had 101 votes, given 175; John D. Fackler had 26 votes, given 5; George B. Harris had 36 votes, given 19; Arthur H. Day had 115 votes, given 170; Frank R. Lander had 89, given 21; Fred R. Williams had 52, given 161.

* * * *

Analyze Jackson Count

In a partial report filed by the special grand jury heretofore discharged it was pointed out that Perry B. Jackson had been counted in at the Board of Elections.

In Ward 18, Precinct J, Perry B. Jackson was given credit for 191 votes, yet a count of the ballots shows but 139 so marked.

In Ward 11, Precinct K, Perry B. Jackson was credited with 90 votes, although a count of the ballots shows but 38 so marked.

In either two of the foregoing precincts there was sufficient overcounting to have changed the result of the primary election, even if the official count had been correct. (Jackson was counted in by 67 votes.)

We have cited some of the more flagrant cases so far uncovered which need further investigation to fix responsibility therefor. It would make this report unnecessarily long to attempt to give all cases discovered which require further investigation. However, some interesting comparative statistics can be made up from the count of the ballots already made.

As to the examination of the ballots:

This work is slow and tedious. It calls not only for a recount of the ballots, but also a careful inspection of each ballot.

We have found ballots which we are confident were never voted by the electors.

Some of them have never been folded, other than to put them in the bag.

Other ballots indicate plainly that they have been torn off the pack in a bunch.

Some ballots show indentations from some other paper marked on top of them, indicating that they were marked while in the pack or pile.

In several precincts so far examined we have found a number of erasures and the insertions of other "X" marks apparently by a different hand than the rest of the marks.

On many ballots we have found "X" marks which we believe were placed on the ballots by another than the voter.

In many cases voters do not vote for candidates for all offices nor for the full number of possible candidates, and from our examination of the ballots we believe that in many instances "X" marks have been added to such ballots.

In other instances we have found "X" marks placed in front of the name of an additional candidate for some office, thereby nullifying the elector's vote for that office.

Partial Picture of Primary

We have given a partial picture of the August 14, 1928, primary—a picture of which no citizen should be proud. In addition to the indictments herewith returned others will probably follow at a later term of court. While the punishment of those guilty in the past should not be neglected, yet the greater problem is to prevent a recurrence of such things and such conditions as are herein described.

Election Frauds Elsewhere. The voting fraud conditions in Chicago, Philadelphia, Pittsburgh, and Cleveland should not be looked upon at all as unique or exceptional in this country. Similar frauds prevail in many other cities and other type of frauds are practiced in rural districts.²⁵ The numerous contested elections before Congress, practically all of them alleging frauds, form ample proof of this statement. The writer has been told of election frauds in many other parts of the country. In Seattle he has heard from many sources that the returns were altered so as to defeat a city manager charter

²⁵ For an account of election frauds in Louisville, see my Registration of voters, pp. 372-77.

voted upon in 1926. In Kansas City a former chief clerk showed him the returns from many precincts which, being in even numbers of hundreds for and against propositions, could not possibly have been based on an actual count. Another resident of Kansas City, undoubtedly the best posted man on election affairs in the city, related to the writer that in many precincts the election officers make no pretense of counting the referendum votes, and frequently did not count the votes for candidates.

It is sometimes supposed that election frauds are confined to large cities. The plain facts are that the elections in rural districts are conducted much more irregularly than in cities, and often fraudulently. When a hotly contested election takes place election frauds are liable to be committed anywhere. Nevertheless, it should be added that the bulk of frauds are found in the large cities, under lax and unsuitable election laws, where the voters are not acquainted with each other, and in the machine controlled precincts, particularly in sections of the city where bootlegging, vice, and crime are prevalent. In almost every large city in the United States the boundaries of the election fraud area could be definitely located on the map. This, of course, is true of cities with strong political machines. Where the party organizations have lost strength, and are not in a position to accord protection to violators of the election laws, election frauds have practically disappeared. Happily this is the case in many communities throughout the country.

Types of Voting Frauds. From the foregoing pages it appears that fraudulent voting is a matter involving a wide variety of offenses. A discussion of the several types of frauds is, therefore, called for.

*Registration Frauds.*²⁶ Many election frauds may be traced to a padded registration list. If corrupt precinct captains can put on the registers the names of persons who have died or

²⁶ For a more extended account, see my *Registration of voters*, pp. 350-78.

moved away from the precinct, or who have never resided there, or fictitious names, these names can and will be voted on election day. While formerly it was a common practice for the party organizations to use gangs of repeaters on the day of the election to vote such names, sending them from precinct to precinct, the usual method to-day is to have a corrupt precinct election board merely write in these names upon the poll list and place ballots in the box for them. This eliminates the bother, expense, and danger of exposure incident to the use of repeaters. Padded registrations are likely to be found in the transient sections of large cities, in machine controlled precincts containing lodging houses, cheap rooming houses, houses of prostitution, and the like. The technique of padding the registers varies from one place to another. With corrupt and collusive registration officers, there is, to be sure, no problem about it at all. The registrars simply write in the names from a list supplied to them by the precinct captain. Various investigations of registration books in Chicago and Philadelphia by handwriting experts establish the fact that the signatures of many registered voters in certain precincts have been written in by the person who entered the other items in the register. If it is necessary, however, to send in persons to register, this may be easily done in the transient sections by rounding up every adult in the precinct on the day of the registration, the precinct captain knowing full well that many of them will not be on hand on election day. Another method is to organize groups of repeaters (they are called "stingers" in Chicago) to go from precinct to precinct to register under a different name at each place. Still another method is for the precinct captain to watch carefully the list of registered voters, making use of the names of persons who have moved away since registering. This is particularly available where the method of purging the lists and making transfers is defective.

Repeating. The term "repeating" is used to describe the practice, formerly very prevalent, of sending persons from

precinct to precinct to vote under the names of bogus voters, and sometimes under the names of *bona fide* voters. Witnesses have testified in various election fraud investigations and contested elections that they voted eight, ten, twenty, and even forty or fifty times. In an unusual case in Colorado in 1905 one person testified that he had voted over a hundred times on election day. As stated above, this practice is no longer used to any great extent. Ballot-box stuffing and counting frauds have been found to be more suitable, less expensive, and less subject to blackmail.

Ballot-box stuffing. Fraudulent ballots may be placed in the ballot box by the precinct officers in a variety of ways. If the entire board is corrupt, the names of fictitious voters on the registration lists may be entered on the voting list during the day, and the ballots slipped into the box during the day, or at the close of the election. Of course, if this is done, the precinct officers must be careful that no watcher is on hand to see it, and may pick a time when there are no watchers present, or when some honest member of the precinct election board is away. Another method is to write in, after the close of the polls, the names of voters who failed to vote. In order for this to be done, however, the entire board must be corrupt, and watchers have to be ejected. One of the most common indications of voting frauds is the presence on the poll list of a group of names in alphabetical order, indicating quite clearly that the election officers merely wrote in the names of these voters and cast ballots for them. Since the poll lists are uniformly made up in the order that the voters appear, an alphabetical arrangement would indicate that the voters appeared in alphabetical order, which obviously would never occur.

It is relatively easy for a corrupt precinct captain to secure a number of official ballots and to have them marked up and ready to be stuffed into the box when a favorable opportunity presents itself. While at times these alphabetical lists of voters appear at the close of the poll list, more frequently they ap-

pear earlier, sometimes with a sprinkling of other names, indicating that they were written in while the polls were open, perhaps when one or more honest election officers were away. Placing the names upon the poll lists in alphabetical order indicates carelessness on the part of the corrupt officers, who do not even bother to mix the names up so as to avoid suspicion. Doubtless in many precincts the officers, if corrupt, are more careful, and much padding may not be apparent from the poll list.

Chain Ballots. The Australian ballot is designed primarily to prevent bribery, since the corrupt politician who pays the bribe cannot be sure that the elector votes as he has promised. In order to get around this difficulty, the device generally used is for the political worker or precinct captain to secure one or more official ballots at the beginning of the day. These he marks and places in the hands of bribed or controlled voters with the instructions to bring back the unmarked ballot given to them in the polling places, and to deposit the marked ballot in the box. This process, or "chain" is kept up all day, thus guaranteeing to the briber the votes for which he pays. There is no evidence to indicate that this practice is carried on widely. The more common method followed is that of assistance to voters.

*Assistance to Voters.*²⁷ In practically every state some provision is made for assistance to be given to the voters who are unable to mark their ballots. In many cities this device is used to destroy the secrecy of the poll, for all voters under obligation to the precinct captain are instructed to ask for assistance. Many of the voters willingly ask for assistance, though in other cases they are intimidated or bribed and assistance is forced upon them. The number of voters assisted in some of the precincts of our large cities is perfectly amazing, there being no effort whatever to confine the assistance to persons unable to read and write, or unable to mark the ballot because of physical infirmity. In one precinct in Pittsburgh, for exam-

²⁷ See also above, Chap. VI.

ple, the Bonsall report²⁸ indicates that 195 voters were assisted. Intimidation, as well as bribery, may be carried on through this practice. The voter may often ask for assistance because he is afraid of an overbearing precinct captain. All the evidence points to an extremely wide abuse of the provision for giving voters assistance.

Intimidation and Violence. In a number of recent elections in Chicago whole sections of the city were intimidated and even terrorized by the gun play of gangsters. This may be done to scare away from the polls the voters of the opposition, or to subdue and control the precinct officers, who thus intimidated may be willing to commit or to see committed various frauds without raising a protest. Watchers or honest election officers may be reduced to impotence by gun play and intimidation at the polls. Kidnapping has also been used in Chicago to get rid of determined and courageous watchers.

Altering Ballots. Elections may be stolen by altering the ballots. If the voter fails to vote for all of the candidates that he is entitled to vote for, the election officers may add crosses to his ballot for favored candidates. Likewise, they may spoil votes cast for unfavored candidates by placing additional crosses on the ballot, causing it to be thrown out for these offices. The ballots examined in Chicago, Philadelphia, and Pittsburgh were scrutinized for evidences of erasures and changes of the ballots, and many such cases were discovered. Of course, the voter himself might have made these erasures, but any considerable number may be looked upon always with suspicion.

Substitution of Ballots. The ballots cast by the voters may be discarded and other ballots substituted. This is usually done after the close of the election. The evidence in Pennsylvania indicates that many ballots were not accounted for or returned by the precinct officers, indicating that frauds may have been committed. While there have been notorious cases of ballot substitution, this form of fraud is not common.

²⁸ Page 4.

False Count and False Returns. Many election frauds have been perpetrated in the count. There are many varieties of false counting, ranging from failure to count the ballots at all, to such frauds as reading the votes off incorrectly, or if read correctly, recording them incorrectly. In states where fraud or error must be proved as a prerequisite to a recount, the precinct officers have little or no fear of a possible recount, and may turn in false returns with impunity. The conditions which surround the counting of the ballots are usually such as to make errors almost inevitable and fraud easily perpetrated. Although the state laws require the election board to count as a single team, with one person reading off each ballot, another checking, two tallying, etc., the count is not usually conducted in this manner. It is quite common for the work to be divided between two or more teams, and sometimes political workers and watchers are pressed into service. If errors or frauds are made, it is impossible to hold anyone responsible, for no records whatever are made of the counting by each individual or team. The count at a heavy election, involving a long ballot, and lasting far into the night, offers many opportunities for false counting and alteration of ballots. Sometimes the corrupt work is done late in the night after the honest watchers have departed.

Altering Returns. The precinct returns may be altered either by clerks in the election office or by the election officers themselves in charge of delivering the returns. There have been many cases of this kind.²⁹

Factors and Conditions Responsible for Frauds. There is a very close relation between election frauds, machine politics, organized vice and crime, and racketeering. Isolated, individual cases of election frauds are uncommon and unimportant. Election frauds cannot be carried on successfully and upon a wide scale without protection, without the pre-arrangement of election officers who will "deliver" if necessary, and

²⁹ See above, Chap. VIII.

without the backing of a powerful political organization. In all of the election prosecutions in Philadelphia, Pittsburgh, and Chicago the plea was made that the precinct officers who committed the frauds were underlings, and that the real persons who should be punished were the "higher-ups" who ordered the election frauds. By the statements of their own attorneys, these political organizations are convicted of ordering and carrying out frauds on a large scale. A strong, powerful political machine, enjoying the vast spoils of patronage, contracts, favors, privileges, and graft coming from the control of the government of a wealthy city, may be expected to use every weapon at hand to retain this control when seriously threatened. In the ranks of the organization will be found all sorts of persons: some respectable and conscientious, others corrupt and unscrupulous. In the sections of the city where frauds are carried on, the precinct captain is out to win by fair means or foul, and his sharp practices and frauds at the polls often enhance rather than lower him in the estimation of the community. Practices at the polling places which would not be tolerated in other sections of the city attract little attention here. The precinct captain selects precinct officers who will obey his orders, frequently persons who are willing to go to any lengths to win the election.

The alliance between politics and crime, so frequently revealed in Chicago election practices, is a natural one. The bootlegger, the saloon keeper, the proprietor of a gambling house, or the matron of a disorderly house must have protection. Businesses of this kind cannot be operated successfully without protection, and are rarely attempted without it. This element of society, combined with the racketeers and other criminal elements, make a working agreement with the political machine. On election day they throw their weight to their political allies. Election frauds, violence, terrorism, ballot-box stuffing, kidnapping, and even murder are all in a day's work for them. Without this tough element, accustomed to violating the laws and to rough tactics, election crimes of

intimidation and violence would not be committed. Many election frauds may be attributed to an alliance between vice, crime, bootlegging, and politics.

The great majority of election frauds, according to all available evidence, are committed by the precinct election officers, whose sworn duty it is to protect and safeguard the sanctity of the ballot box. In the worst sections of our large cities many election officers appointed upon the recommendation of precinct captains are selected with a view to their usefulness in crooked work at the polls. Several years ago a former election commissioner of Chicago related to the writer that he had sent out to each person just appointed as election officer (some 15,000 persons in all) a form notice of the fact that he had been appointed. The envelope did not bear a return address to the election office, but instead a return to a post office box. The result was that more than six hundred of the notices were returned as undeliverable! These persons had just been appointed as election officers upon their individual and personal application. The conclusion cannot be escaped that the organizations had filed applications for fictitious persons, or persons who had moved away, to serve as election officers and had secured their appointment. The party organizations unquestionably planned to substitute other persons, who in some cases would serve under the names of the persons legally appointed.

Striking evidence of the low character of election officers was submitted by twenty-five citizens of Chicago in a petition for the removal of the chairman of the board of election commissioners in 1930. With the assistance of the prosecuting attorney, these citizens had the list of precinct election officers for fifteen wards of the city checked against the police records. In these fifteen wards there were 2965 election officers. At the hearing 830 police record cards (not including violations of traffic laws) were presented for persons having the same names as those of the election officers. Included in these 830 cards were 364 covering 193 persons appointed as election

officers (there were duplicates in numerous cases) where both the name and the address were identical with the name and address of the person appointed as election officer. There were seventy-five more cards covering these same names, but from other addresses. In addition there were 368 police record cards covering 161 additional persons appointed as election officers of the same name, but from a different address. Many of these names were distinctive, such as Tony Cerra, the bomber, Christ George, and others, and in all probability were the same persons appointed as election officers, while other names were very common and afforded little presumption that they were of the persons appointed as election officers. The total number of election officers involved in this check with the police records was 354. Taking into account the fact that 191 cases involved both the same name and the same address, it would seem to be reasonable to assume that this evidence shows probably from 250 to 300 election officers with police records. The police records showed that these persons had been arrested for various crimes as follows: Accessory to murder, assault and battery, assault to commit a felony, assault with a deadly weapon, attempt to commit rape, attempt to kill, attempted robbery, attempted burglary, bookmaking and pool selling, bombing, burglary, carrying concealed weapons, criminal conspiracy, contributing to the delinquency of a child, crime against nature, disorderly conduct, keeper of a disorderly house, inmate of a disorderly house, patron of a disorderly house, driving away an automobile without owner's consent, embezzlement, gaming, gambling, larceny, malicious mischief, murder, obtaining money under false pretenses, prohibition law violations, rape, receiving stolen property, robbery, robbery with a gun, vagrancy, and others. Some were convicted; some were acquitted; many had long police records.

The following excerpt is taken from the complaint and petition filed, illustrating the type of persons appointed as

election officers in one precinct. Other cases even more sensational and involving longer criminal records, could be cited:

35. Frank Younker, "butcher," 406 South Halsted Street, Judge of Election for the 5th Precinct of the 27th Ward. The said Frank Younker, together with Christ Ross, Mike Russo and Roger Keough were selected for the year 1930 as poll officials for said precinct and in said precinct an investigation recently made shows that many offenses were committed at the registration and canvass in March, 1930, and at the election in April, 1930. The picture of said Younker is No. 48172 at the Bureau of Identification and the records show the following:

May 18, 1910, indictment for attempt to commit burglary. S.O.L.

January 12, 1912, sentenced to jail on plea of guilty to larceny under an indictment for burglary.

January 20, 1917, sentenced to House of Correction on a charge of larceny.

June 4, 1918, plea of guilty to indictment charging burglary.

36. Christ Ross, "clerk," 528 South Halsted Street, Republican Judge for Precinct 5 of Ward 27. The said Christ Ross was chosen a poll official for the year 1930 without investigation to determine whether he is the Christ Ross who in 1928 was arrested on a charge of manslaughter, or the Christ Ross who in 1927 was fined for assault and battery.

37. Roger Keough, "teamster," 408 South Halsted Street, Clerk of Election for Precinct 5 of Ward 27. The said Roger Keough was chosen a poll official for the year 1930 without investigation to determine whether he is the Roger Keough who in 1921 was held to the Grand Jury for robbery, bail \$45,000.00, and sentenced to the House of Correction.

38. Mike Russo, "chauffeur," 520 South Halsted Street, Republican Judge for Precinct 5 of Ward 27. The said Mike Russo was chosen a poll official for the year 1930 without investigation to determine whether he is the Mike Russo who in 1925 was accused of robbery and receiving stolen property and in 1928 was accused of assault and battery and keeping a disorderly house.

39. Frank Gallo, "janitor," 528 South Halsted Street, Republican Clerk for Precinct 5 of Ward 27. The said Frank Gallo was chosen a poll official for the year 1930 without investigation to determine whether he is the Frank Gallo who in 1920 and 1921 was arrested

for disorderly conduct and in 1927 was fined for assault and battery and assault with a deadly weapon, and in 1927 was twice arrested for disorderly conduct and in 1929 was arrested for being an inmate of a disorderly house, and in January, 1930, was arrested for disorderly conduct.

There can be no hope for honest elections when persons with criminal records are appointed as elections officers. A practice almost as bad is the more common one of precinct captains appointing members of their immediate families or close relatives to serve on the election boards. Respectable, honest, capable election officers, under no obligation to precinct captains, are essential to the honest conduct of elections.

The polling places used in some cities are selected with an eye to illegal practices and frauds. The use of public buildings, with plenty of space, light, and air, and with an atmosphere of respectability tends to reduce the rowdyism which sometimes prevails at the polls. The use of basement rooms in apartments, of small shops, and congested quarters tends to facilitate frauds.

The use of paper ballots undoubtedly is conducive to voting frauds. The paper ballots must be counted by hand, frequently requiring several hours or longer, under conditions late at night which are likely to facilitate frauds. The election officers are quite exhausted after the long day at the polls, and are not fit to carry on the count for hours afterwards. The watchers are likely to leave if the count lasts for hours, and various short cuts may be used. In the confusion, poor light, mingling of ballots, etc., it is easy for ballots to be altered or substituted, and for the count to be falsified. If the ballot is short and the count can be completed within a very few hours, these dangers are not present. Another danger of fraud is that the returns may be held up for hours or even days. There have been many cases of returns being held back deliberately to see if more votes are needed, and how many, so that the corrupt precinct officers may, if necessary, write in the names of as many more voters as are needed to swing the election.

Prevention of Frauds. It is quite obvious that election frauds cannot be prevented by the prosecution of the offenders. This method has been used in many cities as a deterrent of election crimes, but always with similar results. Convictions are difficult; in fact, almost impossible to secure. The prosecuting witnesses are bought off or are intimidated. Juries are reluctant to convict the precinct officers, whom they regard as the "underlings" for the machine. Election frauds are generally carried on with the consent and protection of the police department, and frequently with the understanding that the prosecuting attorney will not press the cases. The political machine which profits from the frauds is ready at all times to defend election criminals. Prosecutions, even when accompanied by convictions, have not been effective in deterring voting frauds in Chicago, Philadelphia, and Pittsburgh. Other means must be employed. The election law must be strengthened and the personnel improved. In no other way can election frauds be eliminated.

Honest election officers, removed from political control, particularly that of the precinct captain, are essential. It would serve no useful purpose to review in detail the recommendations made in another chapter on this point.³⁰ The practice of delegating the actual selection of precinct officers to the party organizations, and hence to the precinct captains, must be discontinued. Honest, capable, independent officers can be secured and are being secured in many cities where it is known that the election office itself and not the party organization make the selections.

The procedure of the conduct of the election and count requires improvement. Every voter should be required to sign the poll list when he applies to vote, and the signature should be compared with that on the registration record. This simple device, which facilitates rather than retards the conduct of the election, is a powerful deterrent against ballot box stuffing, repeating, and other frauds. One strong point in this

³⁰ See above, Chap. IV.

procedure is that a permanent record is made, which may be scrutinized after the close of the election. Better supervision and inspection of the work of the precinct officers is needed as a precaution against bad practices.

The use of more desirable polling places is of importance in the prevention of frauds. The best practice is to make no use whatever of rented shops or quarters, but to hold all elections in public buildings. This is entirely feasible, particularly if somewhat larger precincts are used. The adoption of voting machines makes impracticable many forms of frauds, such as ballot box stuffing, the alteration of the ballots, the substitution of ballots, and a false count. The precinct officers, to be sure, may hand in a false return sheet where voting machines are used, but this is unlikely. The adoption of voting machines is highly important in communities afflicted with voting frauds.

An easy, economical, and certain method of bringing about a recount constitutes an important protection against voting frauds. If the precinct officers know that the ballots may be recounted and scrutinized for evidence of frauds, and the records examined, they will be much more reluctant to commit frauds.

ballots were marked in this way. These, with 100 ballots that were marked before the polls opened and put in the ballot box, and a package of 100 ballots that Sherry took to the rear room and upstairs, made a total of about 300 ballots that were marked for persons who did not enter the polling place to vote, and a like number of names were written in the poll books.

Our investigators further stated in their report that after the polls closed many "straight" Republican ballots were converted into "straight" Democratic ballots by the simple expedient of erasing the cross in the Republican party circle and putting a cross in the Democratic party circle; and even after all the illegal operations mentioned the election officials got into a wrangle about the number of votes to be given to various candidates in the returns, the argument becoming so warm that State Representative Lawrence C. O'Brien, long known as the boss of the precinct, was summoned to settle the controversy. According to the observers, wine and whiskey were drunk on the premises during the day by various persons, including the judges and clerks.

Crookedness at Three Elections Shown

Sherry, White, and Cantanzore were sentenced to jail terms of one year each for offenses committed at the election of November 2, 1926. Sherry and White were then convicted again for offenses committed at the mayoralty election of April 5, 1927, and sentenced to jail terms of two years each. After their admission to bail in habeas corpus proceedings before other judges, further charges were filed against them for misconduct at the judicial election of June 6, 1927. When that case was called for trial White failed to appear and his bond was forfeited. In the trial of Sherry the evidence showed that 126 judicial ballots and numerous proposition ballots had been marked and returned as voted, but that only 26 voters had actually appeared at the polls. The ballots had not been folded, indicating that they had never been placed in the box. Sherry was found guilty and sentenced to an additional term of one year.

The 1928 primary provided a repetition of the frauds and violence which prevailed at the 1926 primary, except that at this election it was fully expected. This was the famous "pineapple" primary. The homes of Senator Deneen and Judge John A. Swanson, the latter candidate for prosecuting attorney, were bombed shortly before the election. In the vernacular of the underworld at the time bombs were called

"pineapples." On Saturday before the election the following amazing story appeared in the Chicago Daily News of April 7, 1928:

HOODLUMS READY FOR VOTE THEFTS
Sluggers and Kidnappers Massed to Save
Crowe-Thompson Ticket

Armed hoodlums by the score have been summoned to serve Tuesday, primary day, as the shock troops of an army of "floaters," "stingers," short pencil artists and ballot crooks who will jam Crowe-Thompson bailiwicks in a desperate attempt to steal the election for their favorite candidates.

Investigation by the *Daily News* reveals that sluggers, gunmen, kidnappers and hoodlums, well trained in terroristic tactics, are being signed up for electoral work in the 1st, 2nd, 3rd, 13th, 17th, 20th, 24th, 27th, 29th, 30th, 42nd, 43rd, and 50th wards among others.

In the 1st ward, where Danny Serritella is carrying the Crowe-Thompson banner for committeeman, a small army of men and women are being lined up to vote early and often. Known hoodlums have been frequenting the last few days a small office that Serritella is using at 407 Garrick building, 64 West Randolph Street.

Bouncer in Command

Abe Ahrends, whilom bouncer at Colisimo's and with a long and unsavory record, will be in charge of the shock troops.

In the 2nd and 3rd wards, where there were signs of revolt against Mayor Thompson's dominance, Dan Jackson, Oscar DePriest, and George Kersey have retained a battalion of common soldiers to mop up after Johnny Woolley, Jack Hardy, Harry Lewis, Porter Hudson, Jeff Starks and other "bad men" of the district do their stuff.

The 13th ward, out near the stockyards, the scene of three ballot box robberies last primary day, appears scheduled for further hectic times. Johnny (Dingbat) Oberta, protege and lieutenant of Joe Saltis, south side beer baron, is running for republican ward committeeman and state senator.

Saltis to Aid Oberta

Oberta, playing lustily on an "America First" calliope, will have the moral and military support of Saltis and Paddy Sullivan and there are reports that even Frank McErlane and his brother Vincent, names to be reckoned with in games where pistols are trumps, may come out of their semi-retirement to aid Oberta.

The 20th ward, where anything might happen—and usually does—will see a fine turnout of the militia. Morris Eller, long the boss there, is seeking nomination for his old job as sanitary trustee and has pledged himself to carry the ward for the Crowe-Thompson ticket. "Leggie" Philipps, Izzy Hochstein and Isadore Goldberg are in as training for Tuesday. Their efforts will be aided by such members of the "Forty-Twos" as are not in jail.

In the 24th ward, "stingers" headquarters are to be maintained in a lunchroom at 1225 South Kedzie Avenue, owned by Bennie Glazer, and Ben "Zuckie" Zuckerman will be in charge. The Mayor Grill, a bar operated by Hirschie Miller at 13th Street and Kedzie Avenue, will also be a gathering place for the hoodlum clan. . . . (There follows an extended similar account of the organization for election thievery in other wards.)

On the day of the primary hundreds of independent watchers were commissioned by Judge Jarecki to safeguard the polls, many of whom were attorneys provided by the Bar Association. These watchers were assigned in pairs. In some precincts their credentials were not recognized, and they were thrown out; in other precincts watchers and challengers were kidnapped and held in confinement for hours. Terrorism prevailed widely, though the presence of independent watchers doubtless prevented many frauds. The following account of the election was printed in the Chicago Daily News on the afternoon of the day of the election:

HEAVY VOTE MARKS FIGHT ON MACHINE; ONE MAN IS SHOT
DENEEN MAN BEATEN ON WAY TO VOTE, "TAKEN FOR RIDE"; THUGS
BLOCK STREETS NEAR BALLOTING PLACES TO SCARE CITIZENS

Clashes as Polls Open

Chicago's primary election campaign, which attracted the attention of the nation with its bursting bombs, gang play and political hoodlumism, was climaxed early today by a series of kidnappings, sluggings and general disturbances at some of the polling places in the river and industrial district wards.

Hardly had the polls opened at 6 A.M. than reports began reaching the offices of the election commissioners in the city hall of voters being intimidated on their way to vote, of precinct election workers being apprehended and slugged on the street and prevented from reaching the polling places where they were to work and of almost continuous

clashes between representatives of the various factions in the two parties.

Deneen Man Slugged

Arthur Robert Taylor, a Deneen captain in the 5th precinct of the 5th ward, was slugged and supposedly kidnapped as he stepped from the front door of his home, 5340 Cornell Avenue, by six men armed with shotguns who threw him into a green sedan, the windows of which were plastered with Crowe campaign posters, and drove away.

Taylor collapsed under the blows rained on his head and was half dragged to the car which had been parked at the curb. He was on his way to the Caroline Hotel, 5480 Cornell Avenue to vote before taking up his duties for the Deneen-Emerson state and county tickets.

His head bleeding profusely from severe cuts and bruises, Taylor was later found at 72nd Street and Winchester Avenue, where he said he was thrown out by the men who had seized him. He was taken to St. Bernard's hospital, where he was placed under the care of physicians.

He is the personal bailiff of Judge Fred Rush.

Mrs. Taylor who witnessed the abduction was hysterical when questioned by the Hyde Park police.

Shot on Way to Poll

A man known as Dotherd, believed to be a Deneen worker in the 13th precinct of the 20th ward, was shot and seriously wounded as he was en route to the polling place at 914 West 14th Street. The Maxwell Street police picked Dotherd up from the sidewalk and rushed him to the county hospital. He was unable to name his assailants.

Titus Haffa, alderman of the 43rd ward and candidate for the ward committeemanship at today's election, who had been reported kidnapped last night, was located by one of the eighty detective squads that scoured the city for him fast asleep in the corner of the 43rd Ward Republican club.

George Ringler, secretary of Haffa, in reporting his disappearance, told the police he had left the alderman in front of the Plaza Hotel, North Clark Street and North Avenue, at 8 o'clock last night, and that he was going inside to complete election plans. Two hours later, when he failed to return to the clubhouse, he was reported kidnapped.

Twentieth Ward Sends Alarm

Election violations were reported from the 16th precinct of the 20th ward and caused a dash of election officials and detective bureau squads to the scene of the trouble. Election hoodlums were said to have

refused to permit a dozen citizens on their way to vote to enter the block in which the polling place was located.

At the polling place in the 18th precinct, 1222 Blue Island Avenue, the stuffing of ballot boxes was reported.

A Deneen worker was reported kidnapped from the polling place in the 23rd precinct of the 20th ward. Ballot box stuffing was also reported there.

A report was received from the 8th precinct of the 31st ward that suspicious characters were frequenting the voting place at 949 West Chicago Avenue, and voting many times each.

David Chesrow, a Deneen leader in the 27th ward, telephoned the election board that repeaters were at work in the 11th precinct at 762 West Monroe Street, the 32nd precinct, 2117 West Madison Street, and 3rd precinct, 704 South Morgan Street.

Autos Await SOS

Fifty automobiles, each assigned to a special squad of election board investigators, were parked in front of the city hall an hour before the polls opened, ready for instant use in event of trouble in any section of the city.

More than 500 volunteer poll watchers reported to County Judge Jarecki at the Hotel LaSalle last night. The meeting had been called through the Employers' Association of Chicago, which was asked to supply citizens to watch the count following the close of the voting places late this afternoon.

Later in the day the violence and terrorism was climaxed by the murder of Octavius Granady, negro candidate for Republican ward committeeman in the Twentieth ward. He was shot down in the street by gangsters in an automobile, armed with a machine gun, who had been terrorizing the ward during the day. Ten days later, April 20, an editorial in the Chicago Tribune summarized the events of the day as follows:

THE CRIMES OF THE ELECTION

More details of the crimes committed election day in many precincts are being made known and it becomes more apparent that the election results saved the city and state from what it is no exaggeration to term a disaster. It also becomes more apparent that there is work still to be done. If it is possible there must be punishment. It must be exemplary and deterrent punishment.

The Murder of Esposito before and of Granady on election day had immediate attention, but they were not detached crimes. They were bits of a planned and schemed terrorism executed by the criminal allies of political organizations. It was the intent to steal the election by illegal voting, by destroying ballots, by stuffing ballot boxes, falsifying returns, terrifying precinct officials, watchers and workers, and by slugging, kidnapping, and killing candidates and their supporters.

It was the experience of Arvid Tanner, a watcher for the Chicago Bar Association, to be kidnapped from a Twenty-fourth ward precinct with two other citizens and confined in a vacant apartment with some fifteen or sixteen other men, both white and black. C. R. Hansen, another watcher for the Chicago Bar Association, was slugged and locked up. Another victim was Morton Pearlman, a judge of election. Earl B. Kribben, a watcher for the City club, was kidnapped by men armed with pistols and sawed-off shotguns, beaten and thrown into a room with four Negroes, two of whom were unconscious from injuries.

Evidently the city does not know the half of it or a tenth of it. Citizens who were attacked, injured and locked up may feel that it would be tempting fate to complain or tell their stories and that it would be futile to tell the police. So far as can be known the police in their duties at the polls and in the precincts were of no protection to the endangered citizens. The number of persons subjected to this organized attack by gangsters may never be known but the known cases are enough.

If criminals engaged by politics to influence an election by violence and intimidation had been successful in doing so there would have been virtually an end of democratic government here. This city and state would have had conditions with which Haitians were familiar before the U. S. marines were sent in.

Luckily the people were in a great state of indignation. They were ready to overturn their scandalous governments, and they came forth to do it in such numbers that the criminal methods could not prevail. With a narrow margin, with the decision in a few votes, they would have done so.

It is unwise to consider a good political outcome as anything more than a check. It is nothing to be relied upon as permanent. It does not destroy. As a check it should be made as exemplary as possible, and with respect to crime as an influence in elections there should be an effort to make it final.

That is the work which faces the city and state, particularly this county, now. These criminal gangs which have been employed in poli-

tics must be punished and broken up and their association with political management discovered if possible. The higher up that responsibility can be traced the more effective the check will be, the more nearly the city will come to eliminating such methods and preventing a comeback undertaken in the same fashion.

It is a contest for unterrified polling places and it is against killers and thugs and their employers. It is up to all reputable and responsible authority in the community and requires the support of all people who realize what they have been through and what they have escaped.

The connection between election frauds and organized crime in Chicago is referred to time and time again in the Illinois Crime Survey, published in 1929. The factors in Chicago which give rise to election frauds, and the conditions under which frauds are carried on are summarized in the following quotation:

Election Frauds. During primaries and elections, the evidence of the alliance of gangsters and politicians has again and again become a public scandal. The mutuality of their services is not difficult to discover. The gangster depends upon political protection for his criminal and illicit activities. He, therefore, has a vital business interest in the success of certain candidates whom he believes will be favorably disposed to him. The politicians, even the most upright, have a lively sense of the active part played in politics and elections by underworld characters. The gangsters and their allies always vote and bring out the vote for their friends, but the church people and other "good" citizens stay away from the polls, except for presidential elections and those occasional local elections, like the April 10, 1928, primary when the issue of good citizenship versus organized crime was dramatically staged.

Election frauds are one of the ways in which gangsters and gunmen have repaid politicians for favors received. Fraudulent voting has been a perennial problem of municipal study in Chicago, and repeated investigations have been made. Only a summary is given here of the history of election frauds in Chicago. It is sufficient, however, to show the conditions responsible for the rise and persistence of election frauds and the failure of attempts to eliminate them.

An examination of vote fraud investigations since 1900 discloses the following facts:

(1) The geographic area within which vote frauds occur is limited and can be traced on the map of the city.

(2) The authorities over the election machinery, the county judge,

the election commission, and the state's attorney's office, repeatedly carry on the same conflicts around the same legal points, arising out of duplication of function and overlapping and division of authority.

(3) The partisanship of the County Board of Commissioners determines its action in appropriating funds for special investigations.

(4) The incumbent state's attorney always opposes and impedes the appointment of special prosecutor and special grand jury to investigate election frauds if possible; (a) by efforts to stop the County Board's appropriation; (b) by efforts to gain priority in the appointment of a favorable special prosecutor and a favorable grand jury. Repeatedly there have been two or more special grand juries investigating vote frauds at the same time.

(5) The incumbent state's attorney tries to capture the services of the attorney general, who is in a position to take charge of as many grand juries as are in the field at any given time.

(6) When the dominant party is in the process of splitting into factions and factional bipartisan alliances occur, there is great activity in vote fraud investigation, with all the jockeying and maneuvering to capture the control of election machinery and prosecution and to secure advantageous publicity. This activity has seemed more often, in the past, to have as its aim factional advantage in political battle rather than the impartial suppression of vote frauds.

(7) The actual frauds that can be legally proved are committed by underlings. They refuse to testify as to the identity of their superiors in the conspiracy and it is, therefore, always impossible to convict the "higher-ups." The underlings under the gag of silence are usually sentenced for contempt of court by the county judge. Where prosecution is undertaken in a criminal court, it fails in a large number of cases because of lack of evidence. The political bosses furnish the money and attorneys to fight the cases, but they are seldom or never implicated by the testimony.

(8) The earlier centers of vote frauds were the areas in which dives, saloons, "flops," and rooming houses abounded, and the homeless or transient man was available in large numbers as purchasable votes. This area was increased by the new immigration into territories dominated by political manipulators of the previous generations. Later, foreign leaders were developed under the tutelage of the earlier crooked politicians. In all of the foreign districts there have always been great numbers of immigrants who would stand aloof from politics because of what they regard as "low-down" local leaders and their crooked methods. The registration, and the voting in these wards has always been small compared to the total population, and largely

limited to the controlled vote. When racial or national group consciousness can be awakened through conflicting situations, the politician can turn out a large number of legitimate votes.

(9) The young of the immigrant groups, beginning with the child at play in the street, were assimilated uncritically into all of the traditions of the neighborhoods in which they lived. Street gangs were their heritage, conflict between races and nationalities often made them necessary—conflict and assimilation went on together. The politician paid close attention to them, nurturing them with favors, and using them for his own purposes. Gang history always emphasizes this political nurture. Gangs often become political clubs.

(10) Through every investigation the most constant element is the connivance of the police, witnessing and tolerating the vote frauds and resisting investigation by refusing to give testimony. Through it all is the evidence that the police defer to the politician because of his power over their jobs.

(11) Slugging and intimidation of voters is a chronic complaint through this entire period. With the advent of bootlegging arose the new phenomenon of the armed wealthy gun chief becoming the political boss of an area.

(12) While every fraud ever committed has been practiced within the last eight years, it can also be said that within the last few years there has been the most effective, impartial fight upon vote frauds through prosecution. For this, civic agencies, supported by private funds, and an honest county judge, impartially driving toward the objective of clean elections should be accredited; the more emphatically because of the disadvantages of the chaotic governmental machinery which the prosecution has to employ and the odds against them in fighting the most powerful political organization in the history of Chicago.

Pittsburgh. Pittsburgh has had a history of voting frauds which rivals that of Chicago and Philadelphia. In 1921 a pamphlet was published by James H. Gray, now (1933) judge of the Common Pleas Court of Allegheny County, and Charles C. McGovern, now chairman of the board of county commissioners, with the title "Stuffing Ballot Boxes," describing the conditions, profits, and various methods of voting frauds. Voting frauds have been regularly committed for years in the organization-controlled wards of the city, which lie in a strip along the river front, locally known as "The

Strip." Election conditions in Pittsburgh have been so notorious that when the referendum vote was held in the city upon the adoption of the voting machines the speakers from civic organizations in urging voters to vote affirmatively on the proposition asserted that the adoption of voting machines would virtually enfranchise the voters of the city, that prior to that time the electors were deprived of the franchise by the corrupt acts of the election officers. A general picture of the situation, which is not overdrawn, is afforded in the following resolution adopted by the Allegheny County Bar Association, October 7, 1927:

WHEREAS, It appears by reason of matters being developed by the official returning board presided over by President Judge John A. Evans, and Judge A. B. Reid in the counting of the returns of the voting by the people of Allegheny County at the Primary on Tuesday, September 20, 1927, the investigation and special count of the ballots in the boxes from various election districts, widely scattered throughout Allegheny County, and many informations which have been ordered by the District Attorney of Allegheny County, that the right of suffrage is denied many of our people, that illegal voting is rampant, that ballot boxes are stuffed, that unofficial ballots are printed, cast and counted, that hundreds of erasures and alterations have been made to mark ballots for candidates other than those marked for by voters, and that in this particular election nominations were made for nine Judges of the Allegheny County Common Pleas court, our most important judiciary, and

WHEREAS, It appears that such outrageous practices and perversion of the ballot are believed by many to have been the custom for many years past but never heretofore so forcibly exposed and positively proven, therefore be it

Resolved, That the Allegheny County Bar Association condemn all such practices . . . and also be it

Resolved, That the President of the Allegheny County Bar Association appoint a special committee of not less than five lawyers to urge and assist the district attorney of Allegheny County in investigating all these matters so destructive of the right of voting, and energetically prosecute each and every violator of the election laws. . . .

The investigations of the special committee of the United States Senate, covering the 1926 election, included Pitts-

burgh, but less intensively than Philadelphia, and was confined to a recount of the ballots and an examination of the records. Nevertheless, this scrutiny of the records and the ballots themselves showed wholesale frauds in the form of ballot-box stuffing, the entry of the names of voters in the poll lists in alphabetical order, unfolded ballots in the box, ballots marked with "phantom" crosses, and other evidence of fraud. The following account is contained in the report of the committee:

The comparison of votes originally returned for senatorial candidates with the results of the recount of those votes shows the existence of less fraudulent counting than in Philadelphia. One hundred and sixty-seven of the 689 election districts of Pittsburgh show a correct count of the senatorial vote by the election officers, and the average chance of a Pittsburgh voter to have his vote counted correctly was therefore more than twice as great as that of a Philadelphia voter. With 689 divisions in the city, Vare gained 184 votes in 90 divisions and lost 1,380 in 320 divisions, a net loss of 1,197 votes. Wilson gained 1,287 votes in 327 divisions and lost 164 in 83 divisions, a net gain of 1,123. Other candidates for Senator gained 30 votes in the entire city.

* * * *

A considerable number of fraudulent ballots were cast, however. One way in which this is made evident is by comparing the total number of names recorded as voting in the voting check list and the total number of names recorded in the list of voters for each division with the highest vote returned as cast for any office in the division and with the total number of ballots in the ballot boxes. In 150 divisions the highest vote for any office exceeds the number of names written in the list of voters (after the deduction of repeated names) and in 170 divisions it exceeds the number of names checked in the voting check list as having voted. These divisions are scattered through every ward in the city.

The total number of ballots in the boxes of 106 divisions exceeds the number of names written in the lists of voters (after the deduction of repeated names), and in 147 divisions there were more ballots in the boxes than there were names checked in the voting check lists. In 7 divisions the number of ballots cast actually exceeded the number of registered voters in the divisions, and in 4 other divisions the

election officers returned more votes than there were registered voters.²⁸

* * * *

The elections in Pittsburgh in 1927 and 1929 were subject to scrutiny by reason of a recount, and the ballots and returns were carefully inspected. As a result of the 1927 recount, which revealed flagrant frauds, a large number of precinct officers were prosecuted, and, after the completion of a test case, many of them pleaded guilty and were sentenced. The 1929 recount, for which detailed data are available, showed quite clearly that the organization was not ready to give up its fraudulent practices without a fight. While, in the main, the returns corresponded to the ballots in the box, a close scrutiny of the ballots in the box showed many ballots fraudulently marked. Large numbers of ballots, running in many precincts to over a hundred each, were marked by one or a very few persons, usually identical in the persons voted for. Part of these were accounted for by the heavy assisted vote, but by no means all. Ballots containing "phantom" crosses were found in forty of the seventy-six precincts inspected. Phantom marked ballots indicate that they were marked while they were stacked up in a pile. Obviously this could not happen to a ballot marked legally in the voting booth. As the report of the investigating committee stated: "Nobody has been able to suggest to the recount board how phantom crosses can be supposed to come upon ballots in any legal manner, therefore it appears that these 356 phantom ballots is evidence of the practice of fraud in connection with the ballots among which it was found."

The chairman of the 1929 recount board, Mr. Ward Bon-sall, who was experienced in election recounts, with great care proceeded to scrutinize the ballots of the seventy-six precincts recounted. The clerks who conducted the recount were able to identify groups of ballots which had been marked by the same person, and also groups on which crosses had been

²⁸ Senatorial campaign expenditures, 70 Cong. 2 sess., S. rept. 1858, pp. 47-51.

made on the same ballot by two persons, and to detect alterations, or other evidences of fraud.

The following summary of the findings in the seventy-six precincts recounted is taken from the report of the recount board:

The attached Table shows that in more than half of the boxes, namely, in 40, we have found ballots containing what we have come to call "phantom crosses," namely, the impressions of crosses being made on a ballot or other paper lying on top of the ballot containing the phantom. The name "phantom" was given such crosses because they can be seen on the back of the ballot along with the crosses actually on the ballot when the light falls upon the side of the ballot toward the eye, but when the ballot is held toward the light, the "phantoms" disappear from view while the lead pencil crosses remain visible.

Many hundreds of ballots contained one phantom cross made when the voter marked his police and firemen's referendum ballot on top of his Primary ballot; but these were always disregarded, and no ballot was reported as containing phantom crosses unless it contained at least two such crosses.

In all, some 356 ballots have been reported as containing two or more phantom crosses.

Nobody has been able to suggest to the Recount Board how phantom crosses can be supposed to come upon ballots in any legal manner; therefore it is proper to report that every one of these 356 phantom ballots is evidence of the practice of fraud in connection with the ballots among which it was found.

There was fraud in the marking of the ballots, as shown in the Table, in 53 boxes, and in 14 of those 53 there was also fraud in the election board's return, while 4 boxes showed fraud in the return without fraud in marking. There were, however, 29 boxes showing fraud in marking without showing fraud in the return—that is, the ballots were illegally marked, and then counted and returned as so marked.

There were 63 of the 76 boxes that showed substantial error in the count or return, while 71, or all of the 76 but 5, showed "fraud or substantial error" sufficient for the return of the \$50 deposit under the Act of 1927.²⁴

²⁴ Pages 7-10 of mimeographed report supplied to the writer by Mr. Ward Bonsall.

Cleveland. Rumors of election frauds persisted in Cleveland for a number of years prior to 1928, when after the primary election of August 14, the Cleveland Bar Association petitioned Governor Vic Donahey for a special investigation of the primary and election generally in Cuyahoga County. Governor Donahey ordered the investigation, which was carried on under the direction of Attorney General Edward C. Turner. The State Emergency Board appropriated \$50,000 for the investigation, over the protest of the Cleveland Republican organization. A special grand jury was impaneled on September 24, with Henry S. Sherman, former president of the National Car Wheel Foundry Company as foreman. In the meantime a suit had been filed to force the burning of the primary ballots, but this was denied by the court. The ballots were delivered to the grand jury, which proceeded to recount 109 precincts, to examine the records and the ballots themselves, and to hear witnesses.

On October 26, a month after the grand jury started work, it recommended the removal of the entire election board and its clerks. A few days later this was done and an entirely new board installed only a few days before the heavy 1928 presidential election. The new board promptly removed 378 precinct officers.

Although less than one-sixth of the precincts of the city were investigated, the grand jury returned forty-one indictments against thirty-one precinct officers. The general election conditions, particularly the count, were quite similar to the state of affairs in Chicago, Philadelphia, and Pittsburgh. The following quotations and summaries of the findings are taken from the Cleveland Plain Dealer, December 8, 1928:

The oral testimony and statements taken before the grand jury and the attorney general consists of many volumes. Some of this testimony discloses that the names of dead persons, of persons on the high seas and in various foreign lands at the time of the last primary election, as well as the names of many other persons who did not go near the polls on August 14, 1928, and who did not vote absent voters' bal-

lots, are recorded in certain of the poll books as having cast their votes.

In one instance where a witness was denied the privilege of voting on the ground that he was too late—that the polls were closed—we found not only the name of this witness, but many other names recorded on the poll books as voting after him.

When we were impaneled no definite charge against any specific persons was available. No transcript from examining courts or magistrates had been filed—no prima facie case had been made up against anyone.

It therefore became necessary for us to make a careful investigation to ascertain whether the rumors and criticisms respecting our election machinery had any basis in fact. As our attention had been directed particularly to the August 14, 1928, primary, we began our investigation with an examination of the poll books, registration records, alphabetical lists, tally sheets, summary sheets, official count and ballots of that election.

Work Not Complete

On account of the very large amount of detail therein involved the work of fixing the responsibility for all of the irregularities found in that election alone has not yet been completed, and cannot be completed within the limits of this term of court.

We realize from the court's charge that careful investigation should always precede indictment. It is further essential that we should first find out what, if anything, was done before attempting to fix responsibility therefor.

Our investigation has disclosed a shocking recklessness and carelessness in the handling of elections in Cuyahoga County, both in the booth and at the board of elections. (No reference is intended to be made herein to the board as now constituted.)

While many of the booth officials were persons of long experience in the work, we have found a claimed ignorance and lack of understanding of duties that is difficult to believe.

There has been an almost universal disregard of the statutes prescribing the method of counting and tallying the vote, with the result that the door to fraud and error has been left wide open. That both fraud and error were prevalent in the last primary election we are thoroughly convinced.

In counting the ballots, instead of the count of each ballot being made, as required by law, by all the judges as each ballot is drawn singly from the box, and instead of the clerks forthwith tallying such vote on the official tally sheets, the ballots were dumped out of the box and divided among teams, the membership of which teams has not always been limited to the regular booth officials, and the tallying has

been made on loose paper and the results thereafter transferred, or attempted to be transferred, to the regular tally sheets. In the last primary, and in primary elections generally, we find it to be quite common for the officials representing the respective parties to count their own party ballots.

Not only does this disregard of the lawful method of counting and tallying result in a multitude of errors, but it makes fraud easily possible. Certainly there is no excuse for the inability of six election officials to count 50 ballots correctly. Yet in Ward 1, Precinct K, the 50 Democratic ballots there cast were counted incorrectly for 55 different candidates. In other words, the officials of this booth made mistakes in respect of each of 55 candidates in counting 50 ballots. In this same precinct there were 71 Republican ballots cast and mistakes in respect of 49 candidates were made in counting them.

In Precinct Y, Ward 1, the report points out the following discrepancies: Peter Witt had 93 votes, but was given credit for 71; George S. Myers had 69 votes, but was given credit for only 6; William G. Pickrel had 13 votes, but was given credit for 56; Cyrus Locher had 53, but was credited with only 43; Graham P. Hunt had 34 votes, but was given credit for only 24. The report continues:

Out of 100 candidates the votes of five only were counted correctly, and of this five correctly counted three candidates had one vote each, one four votes and the other nine votes.

On the Republican ticket in this same precinct the votes of 93 candidates were incorrectly counted.

In Precinct R, Ward 13, the following discrepancies were shown in the report: James T. Begg had 50 votes, given 109; Theodore E. Burton had 59 votes, given 103; J. G. Tomson had 57 votes, given 109; Walter E. Cook had 60 votes, given 102; J. H. Harris had 39 votes, given 100; L. G. Collister had 48 votes, given 107; Fred R. Williams had 43 votes, given 106; Arthur H. Day had 61 votes, given 99.

* * * *

While 31 votes was the highest credit given to any other candidate on the Republican ticket, and this in one instance only, more than 100 Republican candidates received less than ten votes in this precinct. But 26 candidates, other than the ones first above mentioned received more than ten votes.

In Precinct O, Ward 3, East Cleveland, the total number of Republican ballots found in the bag was 60, the report says, although there were 61 names on the poll book.

* * * *

Clarence J. Brown, Republican candidate for secretary of state, uncontested, was given 72 votes as against 47 actually received. Bert B. Buckley had 43 votes, was given 66. Theodore E. Burton had 44, was given 71; Simeon D. Fess had 47, was given 71; Fred R. Williams had 37, given 60; Frank R. Lander had 17, given 23.

For prosecuting attorney Arthur H. Day was given 36 votes as against 21 actually received, while George B. Harris was given credit for 50 votes as against 34 actually received, making a total of 86 votes credited for prosecutor as against 60 ballots found in the bag and 61 names on the poll book.

* * * *

In Ward 30, Precinct M, the following discrepancies are pointed out in the report, among many others: James T. Begg had 79 votes, given 144; Myers Y. Cooper had 29 votes, given only ten; Fred Kohler had 27 votes, given 13; Gilbert Bettman had 47 votes, given 136; Simeon D. Fess had 92 votes, given 154; Theodore E. Burton had 103 votes, given 165; Chester C. Bolton had 101 votes, given 175; John D. Fackler had 26 votes, given 5; George B. Harris had 36 votes, given 19; Arthur H. Day had 115 votes, given 170; Frank R. Lander had 89, given 21; Fred R. Williams had 52, given 161.

* * * *

Analyze Jackson Count

In a partial report filed by the special grand jury heretofore discharged it was pointed out that Perry B. Jackson had been counted in at the Board of Elections.

In Ward 18, Precinct J, Perry B. Jackson was given credit for 191 votes, yet a count of the ballots shows but 139 so marked.

In Ward 11, Precinct K, Perry B. Jackson was credited with 90 votes, although a count of the ballots shows but 38 so marked.

In either two of the foregoing precincts there was sufficient over-counting to have changed the result of the primary election, even if the official count had been correct. (Jackson was counted in by 67 votes.)

We have cited some of the more flagrant cases so far uncovered which need further investigation to fix responsibility therefor. It would make this report unnecessarily long to attempt to give all cases discovered which require further investigation. However, some interesting comparative statistics can be made up from the count of the ballots already made.

As to the examination of the ballots:

This work is slow and tedious. It calls not only for a recount of the ballots, but also a careful inspection of each ballot.

We have found ballots which we are confident were never voted by the electors.

Some of them have never been folded, other than to put them in the bag.

Other ballots indicate plainly that they have been torn off the pack in a bunch.

Some ballots show indentations from some other paper marked on top of them, indicating that they were marked while in the pack or pile.

In several precincts so far examined we have found a number of erasures and the insertions of other "X" marks apparently by a different hand than the rest of the marks.

On many ballots we have found "X" marks which we believe were placed on the ballots by another than the voter.

In many cases voters do not vote for candidates for all offices nor for the full number of possible candidates, and from our examination of the ballots we believe that in many instances "X" marks have been added to such ballots.

In other instances we have found "X" marks placed in front of the name of an additional candidate for some office, thereby nullifying the elector's vote for that office.

Partial Picture of Primary

We have given a partial picture of the August 14, 1928, primary—a picture of which no citizen should be proud. In addition to the indictments herewith returned others will probably follow at a later term of court. While the punishment of those guilty in the past should not be neglected, yet the greater problem is to prevent a recurrence of such things and such conditions as are herein described.

Election Frauds Elsewhere. The voting fraud conditions in Chicago, Philadelphia, Pittsburgh, and Cleveland should not be looked upon at all as unique or exceptional in this country. Similar frauds prevail in many other cities and other type of frauds are practiced in rural districts.²⁵ The numerous contested elections before Congress, practically all of them alleging frauds, form ample proof of this statement. The writer has been told of election frauds in many other parts of the country. In Seattle he has heard from many sources that the returns were altered so as to defeat a city manager charter

²⁵ For an account of election frauds in Louisville, see my Registration of voters, pp. 372-77.

voted upon in 1926. In Kansas City a former chief clerk showed him the returns from many precincts which, being in even numbers of hundreds for and against propositions, could not possibly have been based on an actual count. Another resident of Kansas City, undoubtedly the best posted man on election affairs in the city, related to the writer that in many precincts the election officers make no pretense of counting the referendum votes, and frequently did not count the votes for candidates.

It is sometimes supposed that election frauds are confined to large cities. The plain facts are that the elections in rural districts are conducted much more irregularly than in cities, and often fraudulently. When a hotly contested election takes place election frauds are liable to be committed anywhere. Nevertheless, it should be added that the bulk of frauds are found in the large cities, under lax and unsuitable election laws, where the voters are not acquainted with each other, and in the machine controlled precincts, particularly in sections of the city where bootlegging, vice, and crime are prevalent. In almost every large city in the United States the boundaries of the election fraud area could be definitely located on the map. This, of course, is true of cities with strong political machines. Where the party organizations have lost strength, and are not in a position to accord protection to violators of the election laws, election frauds have practically disappeared. Happily this is the case in many communities throughout the country.

Types of Voting Frauds. From the foregoing pages it appears that fraudulent voting is a matter involving a wide variety of offenses. A discussion of the several types of frauds is, therefore, called for.

*Registration Frauds.*²⁶ Many election frauds may be traced to a padded registration list. If corrupt precinct captains can put on the registers the names of persons who have died or

²⁶ For a more extended account, see my *Registration of voters*, pp. 350-78.

moved away from the precinct, or who have never resided there, or fictitious names, these names can and will be voted on election day. While formerly it was a common practice for the party organizations to use gangs of repeaters on the day of the election to vote such names, sending them from precinct to precinct, the usual method to-day is to have a corrupt precinct election board merely write in these names upon the poll list and place ballots in the box for them. This eliminates the bother, expense, and danger of exposure incident to the use of repeaters. Padded registrations are likely to be found in the transient sections of large cities, in machine controlled precincts containing lodging houses, cheap rooming houses, houses of prostitution, and the like. The technique of padding the registers varies from one place to another. With corrupt and collusive registration officers, there is, to be sure, no problem about it at all. The registrars simply write in the names from a list supplied to them by the precinct captain. Various investigations of registration books in Chicago and Philadelphia by handwriting experts establish the fact that the signatures of many registered voters in certain precincts have been written in by the person who entered the other items in the register. If it is necessary, however, to send in persons to register, this may be easily done in the transient sections by rounding up every adult in the precinct on the day of the registration, the precinct captain knowing full well that many of them will not be on hand on election day. Another method is to organize groups of repeaters (they are called "stingers" in Chicago) to go from precinct to precinct to register under a different name at each place. Still another method is for the precinct captain to watch carefully the list of registered voters, making use of the names of persons who have moved away since registering. This is particularly available where the method of purging the lists and making transfers is defective.

Repeating. The term "repeating" is used to describe the practice, formerly very prevalent, of sending persons from

precinct to precinct to vote under the names of bogus voters, and sometimes under the names of *bona fide* voters. Witnesses have testified in various election fraud investigations and contested elections that they voted eight, ten, twenty, and even forty or fifty times. In an unusual case in Colorado in 1905 one person testified that he had voted over a hundred times on election day. As stated above, this practice is no longer used to any great extent. Ballot-box stuffing and counting frauds have been found to be more suitable, less expensive, and less subject to blackmail.

Ballot-box stuffing. Fraudulent ballots may be placed in the ballot box by the precinct officers in a variety of ways. If the entire board is corrupt, the names of fictitious voters on the registration lists may be entered on the voting list during the day, and the ballots slipped into the box during the day, or at the close of the election. Of course, if this is done, the precinct officers must be careful that no watcher is on hand to see it, and may pick a time when there are no watchers present, or when some honest member of the precinct election board is away. Another method is to write in, after the close of the polls, the names of voters who failed to vote. In order for this to be done, however, the entire board must be corrupt, and watchers have to be ejected. One of the most common indications of voting frauds is the presence on the poll list of a group of names in alphabetical order, indicating quite clearly that the election officers merely wrote in the names of these voters and cast ballots for them. Since the poll lists are uniformly made up in the order that the voters appear, an alphabetical arrangement would indicate that the voters appeared in alphabetical order, which obviously would never occur.

It is relatively easy for a corrupt precinct captain to secure a number of official ballots and to have them marked up and ready to be stuffed into the box when a favorable opportunity presents itself. While at times these alphabetical lists of voters appear at the close of the poll list, more frequently they ap-

pear earlier, sometimes with a sprinkling of other names, indicating that they were written in while the polls were open, perhaps when one or more honest election officers were away. Placing the names upon the poll lists in alphabetical order indicates carelessness on the part of the corrupt officers, who do not even bother to mix the names up so as to avoid suspicion. Doubtless in many precincts the officers, if corrupt, are more careful, and much padding may not be apparent from the poll list.

Chain Ballots. The Australian ballot is designed primarily to prevent bribery, since the corrupt politician who pays the bribe cannot be sure that the elector votes as he has promised. In order to get around this difficulty, the device generally used is for the political worker or precinct captain to secure one or more official ballots at the beginning of the day. These he marks and places in the hands of bribed or controlled voters with the instructions to bring back the unmarked ballot given to them in the polling places, and to deposit the marked ballot in the box. This process, or "chain" is kept up all day, thus guaranteeing to the briber the votes for which he pays. There is no evidence to indicate that this practice is carried on widely. The more common method followed is that of assistance to voters.

*Assistance to Voters.*²⁷ In practically every state some provision is made for assistance to be given to the voters who are unable to mark their ballots. In many cities this device is used to destroy the secrecy of the poll, for all voters under obligation to the precinct captain are instructed to ask for assistance. Many of the voters willingly ask for assistance, though in other cases they are intimidated or bribed and assistance is forced upon them. The number of voters assisted in some of the precincts of our large cities is perfectly amazing, there being no effort whatever to confine the assistance to persons unable to read and write, or unable to mark the ballot because of physical infirmity. In one precinct in Pittsburgh, for exam-

²⁷ See also above, Chap. VI.

ple, the Bonsall report²⁸ indicates that 195 voters were assisted. Intimidation, as well as bribery, may be carried on through this practice. The voter may often ask for assistance because he is afraid of an overbearing precinct captain. All the evidence points to an extremely wide abuse of the provision for giving voters assistance.

Intimidation and Violence. In a number of recent elections in Chicago whole sections of the city were intimidated and even terrorized by the gun play of gangsters. This may be done to scare away from the polls the voters of the opposition, or to subdue and control the precinct officers, who thus intimidated may be willing to commit or to see committed various frauds without raising a protest. Watchers or honest election officers may be reduced to impotence by gun play and intimidation at the polls. Kidnapping has also been used in Chicago to get rid of determined and courageous watchers.

Altering Ballots. Elections may be stolen by altering the ballots. If the voter fails to vote for all of the candidates that he is entitled to vote for, the election officers may add crosses to his ballot for favored candidates. Likewise, they may spoil votes cast for unfavored candidates by placing additional crosses on the ballot, causing it to be thrown out for these offices. The ballots examined in Chicago, Philadelphia, and Pittsburgh were scrutinized for evidences of erasures and changes of the ballots, and many such cases were discovered. Of course, the voter himself might have made these erasures, but any considerable number may be looked upon always with suspicion.

Substitution of Ballots. The ballots cast by the voters may be discarded and other ballots substituted. This is usually done after the close of the election. The evidence in Pennsylvania indicates that many ballots were not accounted for or returned by the precinct officers, indicating that frauds may have been committed. While there have been notorious cases of ballot substitution, this form of fraud is not common.

²⁸ Page 4.

False Count and False Returns. Many election frauds have been perpetrated in the count. There are many varieties of false counting, ranging from failure to count the ballots at all, to such frauds as reading the votes off incorrectly, or if read correctly, recording them incorrectly. In states where fraud or error must be proved as a prerequisite to a recount, the precinct officers have little or no fear of a possible recount, and may turn in false returns with impunity. The conditions which surround the counting of the ballots are usually such as to make errors almost inevitable and fraud easily perpetrated. Although the state laws require the election board to count as a single team, with one person reading off each ballot, another checking, two tallying, etc., the count is not usually conducted in this manner. It is quite common for the work to be divided between two or more teams, and sometimes political workers and watchers are pressed into service. If errors or frauds are made, it is impossible to hold anyone responsible, for no records whatever are made of the counting by each individual or team. The count at a heavy election, involving a long ballot, and lasting far into the night, offers many opportunities for false counting and alteration of ballots. Sometimes the corrupt work is done late in the night after the honest watchers have departed.

Altering Returns. The precinct returns may be altered either by clerks in the election office or by the election officers themselves in charge of delivering the returns. There have been many cases of this kind.²⁹

Factors and Conditions Responsible for Frauds. There is a very close relation between election frauds, machine politics, organized vice and crime, and racketeering. Isolated, individual cases of election frauds are uncommon and unimportant. Election frauds cannot be carried on successfully and upon a wide scale without protection, without the pre-arrangement of election officers who will "deliver" if necessary, and

²⁹ See above, Chap. VIII.

without the backing of a powerful political organization. In all of the election prosecutions in Philadelphia, Pittsburgh, and Chicago the plea was made that the precinct officers who committed the frauds were underlings, and that the real persons who should be punished were the "higher-ups" who ordered the election frauds. By the statements of their own attorneys, these political organizations are convicted of ordering and carrying out frauds on a large scale. A strong, powerful political machine, enjoying the vast spoils of patronage, contracts, favors, privileges, and graft coming from the control of the government of a wealthy city, may be expected to use every weapon at hand to retain this control when seriously threatened. In the ranks of the organization will be found all sorts of persons: some respectable and conscientious, others corrupt and unscrupulous. In the sections of the city where frauds are carried on, the precinct captain is out to win by fair means or foul, and his sharp practices and frauds at the polls often enhance rather than lower him in the estimation of the community. Practices at the polling places which would not be tolerated in other sections of the city attract little attention here. The precinct captain selects precinct officers who will obey his orders, frequently persons who are willing to go to any lengths to win the election.

The alliance between politics and crime, so frequently revealed in Chicago election practices, is a natural one. The bootlegger, the saloon keeper, the proprietor of a gambling house, or the matron of a disorderly house must have protection. Businesses of this kind cannot be operated successfully without protection, and are rarely attempted without it. This element of society, combined with the racketeers and other criminal elements, make a working agreement with the political machine. On election day they throw their weight to their political allies. Election frauds, violence, terrorism, ballot-box stuffing, kidnapping, and even murder are all in a day's work for them. Without this tough element, accustomed to violating the laws and to rough tactics, election crimes of

intimidation and violence would not be committed. Many election frauds may be attributed to an alliance between vice, crime, bootlegging, and politics.

The great majority of election frauds, according to all available evidence, are committed by the precinct election officers, whose sworn duty it is to protect and safeguard the sanctity of the ballot box. In the worst sections of our large cities many election officers appointed upon the recommendation of precinct captains are selected with a view to their usefulness in crooked work at the polls. Several years ago a former election commissioner of Chicago related to the writer that he had sent out to each person just appointed as election officer (some 15,000 persons in all) a form notice of the fact that he had been appointed. The envelope did not bear a return address to the election office, but instead a return to a post office box. The result was that more than six hundred of the notices were returned as undeliverable! These persons had just been appointed as election officers upon their individual and personal application. The conclusion cannot be escaped that the organizations had filed applications for fictitious persons, or persons who had moved away, to serve as election officers and had secured their appointment. The party organizations unquestionably planned to substitute other persons, who in some cases would serve under the names of the persons legally appointed.

Striking evidence of the low character of election officers was submitted by twenty-five citizens of Chicago in a petition for the removal of the chairman of the board of election commissioners in 1930. With the assistance of the prosecuting attorney, these citizens had the list of precinct election officers for fifteen wards of the city checked against the police records. In these fifteen wards there were 2965 election officers. At the hearing 830 police record cards (not including violations of traffic laws) were presented for persons having the same names as those of the election officers. Included in these 830 cards were 364 covering 193 persons appointed as election

officers (there were duplicates in numerous cases) where both the name and the address were identical with the name and address of the person appointed as election officer. There were seventy-five more cards covering these same names, but from other addresses. In addition there were 368 police record cards covering 161 additional persons appointed as election officers of the same name, but from a different address. Many of these names were distinctive, such as Tony Cerra, the bomber, Christ George, and others, and in all probability were the same persons appointed as election officers, while other names were very common and afforded little presumption that they were of the persons appointed as election officers. The total number of election officers involved in this check with the police records was 354. Taking into account the fact that 191 cases involved both the same name and the same address, it would seem to be reasonable to assume that this evidence shows probably from 250 to 300 election officers with police records. The police records showed that these persons had been arrested for various crimes as follows: Accessory to murder, assault and battery, assault to commit a felony, assault with a deadly weapon, attempt to commit rape, attempt to kill, attempted robbery, attempted burglary, bookmaking and pool selling, bombing, burglary, carrying concealed weapons, criminal conspiracy, contributing to the delinquency of a child, crime against nature, disorderly conduct, keeper of a disorderly house, inmate of a disorderly house, patron of a disorderly house, driving away an automobile without owner's consent, embezzlement, gaming, gambling, larceny, malicious mischief, murder, obtaining money under false pretenses, prohibition law violations, rape, receiving stolen property, robbery, robbery with a gun, vagrancy, and others. Some were convicted; some were acquitted; many had long police records.

The following excerpt is taken from the complaint and petition filed, illustrating the type of persons appointed as

election officers in one precinct. Other cases even more sensational and involving longer criminal records, could be cited:

35. Frank Younker, "butcher," 406 South Halsted Street, Judge of Election for the 5th Precinct of the 27th Ward. The said Frank Younker, together with Christ Ross, Mike Russo and Roger Keough were selected for the year 1930 as poll officials for said precinct and in said precinct an investigation recently made shows that many offenses were committed at the registration and canvass in March, 1930, and at the election in April, 1930. The picture of said Younker is No. 48172 at the Bureau of Identification and the records show the following:

May 18, 1910, indictment for attempt to commit burglary. S.O.L.

January 12, 1912, sentenced to jail on plea of guilty to larceny under an indictment for burglary.

January 20, 1917, sentenced to House of Correction on a charge of larceny.

June 4, 1918, plea of guilty to indictment charging burglary.

36. Christ Ross, "clerk," 528 South Halsted Street, Republican Judge for Precinct 5 of Ward 27. The said Christ Ross was chosen a poll official for the year 1930 without investigation to determine whether he is the Christ Ross who in 1928 was arrested on a charge of manslaughter, or the Christ Ross who in 1927 was fined for assault and battery.

37. Roger Keough, "teamster," 408 South Halsted Street, Clerk of Election for Precinct 5 of Ward 27. The said Roger Keough was chosen a poll official for the year 1930 without investigation to determine whether he is the Roger Keough who in 1921 was held to the Grand Jury for robbery, bail \$45,000.00, and sentenced to the House of Correction.

38. Mike Russo, "chauffeur," 520 South Halsted Street, Republican Judge for Precinct 5 of Ward 27. The said Mike Russo was chosen a poll official for the year 1930 without investigation to determine whether he is the Mike Russo who in 1925 was accused of robbery and receiving stolen property and in 1928 was accused of assault and battery and keeping a disorderly house.

39. Frank Gallo, "janitor," 528 South Halsted Street, Republican Clerk for Precinct 5 of Ward 27. The said Frank Gallo was chosen a poll official for the year 1930 without investigation to determine whether he is the Frank Gallo who in 1920 and 1921 was arrested

for disorderly conduct and in 1927 was fined for assault and battery and assault with a deadly weapon, and in 1927 was twice arrested for disorderly conduct and in 1929 was arrested for being an inmate of a disorderly house, and in January, 1930, was arrested for disorderly conduct.

There can be no hope for honest elections when persons with criminal records are appointed as elections officers. A practice almost as bad is the more common one of precinct captains appointing members of their immediate families or close relatives to serve on the election boards. Respectable, honest, capable election officers, under no obligation to precinct captains, are essential to the honest conduct of elections.

The polling places used in some cities are selected with an eye to illegal practices and frauds. The use of public buildings, with plenty of space, light, and air, and with an atmosphere of respectability tends to reduce the rowdiness which sometimes prevails at the polls. The use of basement rooms in apartments, of small shops, and congested quarters tends to facilitate frauds.

The use of paper ballots undoubtedly is conducive to voting frauds. The paper ballots must be counted by hand, frequently requiring several hours or longer, under conditions late at night which are likely to facilitate frauds. The election officers are quite exhausted after the long day at the polls, and are not fit to carry on the count for hours afterwards. The watchers are likely to leave if the count lasts for hours, and various short cuts may be used. In the confusion, poor light, mingling of ballots, etc., it is easy for ballots to be altered or substituted, and for the count to be falsified. If the ballot is short and the count can be completed within a very few hours, these dangers are not present. Another danger of fraud is that the returns may be held up for hours or even days. There have been many cases of returns being held back deliberately to see if more votes are needed, and how many, so that the corrupt precinct officers may, if necessary, write in the names of as many more voters as are needed to swing the election.

Prevention of Frauds. It is quite obvious that election frauds cannot be prevented by the prosecution of the offenders. This method has been used in many cities as a deterrent of election crimes, but always with similar results. Convictions are difficult; in fact, almost impossible to secure. The prosecuting witnesses are bought off or are intimidated. Juries are reluctant to convict the precinct officers, whom they regard as the "underlings" for the machine. Election frauds are generally carried on with the consent and protection of the police department, and frequently with the understanding that the prosecuting attorney will not press the cases. The political machine which profits from the frauds is ready at all times to defend election criminals. Prosecutions, even when accompanied by convictions, have not been effective in deterring voting frauds in Chicago, Philadelphia, and Pittsburgh. Other means must be employed. The election law must be strengthened and the personnel improved. In no other way can election frauds be eliminated.

Honest election officers, removed from political control, particularly that of the precinct captain, are essential. It would serve no useful purpose to review in detail the recommendations made in another chapter on this point.³⁰ The practice of delegating the actual selection of precinct officers to the party organizations, and hence to the precinct captains, must be discontinued. Honest, capable, independent officers can be secured and are being secured in many cities where it is known that the election office itself and not the party organization make the selections.

The procedure of the conduct of the election and count requires improvement. Every voter should be required to sign the poll list when he applies to vote, and the signature should be compared with that on the registration record. This simple device, which facilitates rather than retards the conduct of the election, is a powerful deterrent against ballot box stuffing, repeating, and other frauds. One strong point in this

³⁰ See above, Chap. IV.

procedure is that a permanent record is made, which may be scrutinized after the close of the election. Better supervision and inspection of the work of the precinct officers is needed as a precaution against bad practices.

The use of more desirable polling places is of importance in the prevention of frauds. The best practice is to make no use whatever of rented shops or quarters, but to hold all elections in public buildings. This is entirely feasible, particularly if somewhat larger precincts are used. The adoption of voting machines makes impracticable many forms of frauds, such as ballot box stuffing, the alteration of the ballots, the substitution of ballots, and a false count. The precinct officers, to be sure, may hand in a false return sheet where voting machines are used, but this is unlikely. The adoption of voting machines is highly important in communities afflicted with voting frauds.

An easy, economical, and certain method of bringing about a recount constitutes an important protection against voting frauds. If the precinct officers know that the ballots may be recounted and scrutinized for evidence of frauds, and the records examined, they will be much more reluctant to commit frauds.

CHAPTER X

ELECTION COSTS

The cost is one of the most important aspects of the problem of election administration. It is, of course, secondary to honesty, accuracy, and the convenience of the electors, but nevertheless is of great importance. In other chapters the various phases of election administration have been treated, with incidental reference to costs and methods of reducing the costs. In this chapter will be presented a detailed statement and analysis of election costs, with specific recommendations for changes in the laws, personnel, and administration in order to reduce these costs. A certain amount of repetition here is unavoidable.

An Excessive Burden. Election costs in the United States are excessive. It is difficult to make general estimates for the country as a whole with the incomplete data available, but from the detailed cost records of many communities all over the country, it appears safe to estimate that the average cost of elections throughout the country is at least one dollar per vote cast. The only state for which data are available covering the cost of elections for the entire state, rural sections as well as cities, and for all elections, is Ohio. In 1930, which may be taken as an average year, though the vote was somewhat heavier than is usual for "off" years, the cost of elections was \$2,859,312.80, or \$1.27 per vote cast.¹ If the cost of the new permanent registration equipment is deducted from the total cost, the cost per vote cast still stands at the high figure of \$1.18. This does not include any fixed charges for interest, depreciation, and obsolescence, which should be made against the plant and equipment of the election offices, and for many counties does not include any rental charge for office quarters.

¹ See detailed table on Ohio election costs below.

The per capita cost of elections of Ohio for 1930, on the basis of the total population, was forty-two cents. This cost may be looked upon as somewhat typical. There are a number of large cities, and also many rural counties in Ohio. In 1930 two elections were held in the state—a primary and the general election following. While the cost per vote cast for Ohio is probably higher than that for the country as a whole, the number of elections per year in that state is undoubtedly fewer than for the country as a whole. Many communities have an average of three elections per year instead of two, and very few states have fewer than an average of two elections annually. If the per capita cost in Ohio is typical of the entire country, then our average annual cost of elections, based upon the total population, 122,775,046, at forty-two cents per capita, is approximately \$51,565,000. To be conservative, however, let us estimate the annual election costs for the entire country at \$40,000,000, assuming that the election costs in Ohio average somewhat higher than for the country as a whole.

This estimated annual cost of \$40,000,000 for the holding of elections may appear to be small in comparison with total governmental costs, the cost of the national government, or even the cost of some of our large cities. However, it is excessive, not by reason of the large annual expenditure involved, but because it is out of all proportion to the work involved. Obviously, one dollar per vote cast is a high price to pay for the routine work of holding an election, including the necessary office work and registration of voters. The very great difference between the costs of various large cities indicates not only that election costs in many communities are excessive, but also that the costs throughout the country as a whole are excessive. Milwaukee conducts its elections at a cost of fifty-six cents and Minneapolis at a cost of thirty-seven cents per vote cast. Both of these cities could substantially reduce their costs by improved methods, but in comparison with the country as a whole their costs appear extraordinarily low.

Both are large cities. The average for the country as a whole should be considerably lower, owing to the fact that the scale of wages paid in rural sections and smaller cities is much less than in the large city.

The annual cost of holding elections throughout the country could and should be reduced from an estimated amount of \$40,000,000 to \$10,000,000, or from an average cost per vote cast of one dollar to twenty-five cents. With satisfactory methods there is no good reason why the cost could not be further reduced, but twenty-five cents per vote is an attainable standard. If the costs exceed this amount, the laws regulating the conduct of elections, the personnel, and the administrative procedures should be altered to make it possible. For smaller cities and rural communities a standard of twenty-five cents per vote cast is too high; many such communities now operate at less cost. For the largest cities a higher cost than twenty-five cents per vote should be looked upon as excessive, and a cost exceeding fifty cents per vote should be regarded as grossly excessive. It is not supposed, for a moment, however, that election costs can be reduced to twenty-five cents per vote, or even fifty cents per vote, under the existing election laws of many states.

Accurate and complete data on election costs is very difficult to secure for many communities. In most states certain election costs are borne by the city, and others by the county. Often several offices in each unit of government perform certain duties in the conduct of elections. It is not uncommon for election costs to be mingled with other costs of the office in charge of elections, with the result that it is practically impossible to secure accurate data of the actual election costs. Where city and town officers perform certain election functions, as is usually the case, it is practically impossible to secure the local expenditures of the various cities and towns within the county, or to secure statistics upon the total vote cast in all elections throughout the county. Another factor is that in many states the counties bear the cost of county and state

elections, while the municipalities bear the cost of municipal elections. Sometimes school elections and elections of special districts of one kind or another are born by the district, and are not contained in the records of the city or county. When election cost data are available, data on the total number of votes cast may not be available. Even for New York City information is not available as to the total number of votes cast each year, the election office maintaining no record of the votes cast in primary elections.

In view of these difficulties, especial acknowledgment is made here to the election officers in various cities who have generously supplied the writer with detailed statements of election costs over a period of years. The following tables have been either taken from such statements supplied to the writer by the several election offices or have been compiled by the writer from the financial records of the city or county. They cover a number of the largest cities in the country, but they do not include rural sections, except for the State of Ohio. It is regretted that it has not been possible to submit data on the cost of elections in rural sections and smaller cities. A great deal of the work in such communities is performed by regular officers as a part of their other duties, and no separate account is kept of the cost. In Ohio there is a special election board for every county in the state, which conducts all elections and does not perform any other work. These boards are required to submit a financial report to the secretary of state. It is, therefore, possible to present data on election costs for all counties of the state.

The high cost of elections in the large cities, as well as the very great variation between the cost in various cities, is indicated in the following table showing the average cost per vote cast over a four-year period:

New York City	\$1.36
Chicago	1.35
Boston86
Detroit79

Baltimore	1.36
Cleveland (Cuyahoga County) (1930)	1.45
Cincinnati (Hamilton County) (1930)	1.36
Columbus (Franklin County) (1930)	2.13
Dayton (Montgomery County) (1930)	1.76
Milwaukee56
Minneapolis37
St. Louis75
Kansas City, Mo.	1.54
San Francisco	1.42
Omaha62
Denver67
Salt Lake City37

The cost per vote cast in the several counties of Ohio is given in the following table:²

Election Costs in Ohio Counties, 1930

County	Total number of votes cast	Total cost of elections	Average cost per vote cast
Adams	11,140	\$ 6,877.57	\$.61
Allen	24,547	34,597.43	1.41
Ashland	12,915	8,602.50	.67
Ashtabula	29,370	23,820.51	.81
Athens	22,459	13,723.30	.61
Auglaize	10,393	8,497.52	.82
Belmont	40,709	28,134.42	.69
Brown	14,079	6,469.51	.46
Butler	41,708	51,437.54	1.23
Carroll	8,589	5,899.48	.69
Champaign	14,406	10,435.20	.72
Clark	31,185	43,930.02	1.46
Clermont	13,262	12,033.80	.91
Clinton	12,362	7,967.37	.65
Columbiana	35,857	28,717.04	.81
Coschocton	13,644	9,721.61	.71
Crawford	20,163	12,501.87	.62
Cuyahoga	286,007	470,340.62	1.64
Darke	19,666	15,196.07	.78
Defiance	10,691	7,117.43	.67
Delaware	10,598	8,758.66	.84
Erie	13,479	19,303.65	1.44

² From mimeographed report of Secretary of State. It will be noted that the cost given for the several Ohio counties listed in the table above is slightly lower than in the following table for all of the counties of Ohio. In the table above the cost of the permanent registration equipment purchased in 1930 has been deducted before computing the average cost per vote, while in the following table for all counties of Ohio no correction has been made for this item.

ELECTION ADMINISTRATION

Election Costs in Ohio Counties, 1930 (Continued)

County	Total number of votes cast	Total cost of elections	Average cost per vote cast
Fairfield.....	17,927	\$ 15,630.26	\$.87
Fayette.....	10,296	7,857.17	.76
Franklin.....	100,099	223,998.16	2.24
Fulton.....	8,120	6,644.22	.82
Gallia.....	10,418	5,910.01	.57
Geauga.....	4,952	5,541.65	1.12
Greene.....	15,174	9,378.08	.62
Guernsey.....	18,437	13,639.49	.74
Hamilton.....	220,038	336,273.62	1.53
Hancock.....	12,897	18,089.21	1.40
Hardin.....	14,960	8,791.34	.59
Harrison.....	8,770	6,340.89	.72
Henry.....	8,208	9,140.80	1.11
Highland.....	13,827	8,826.06	.64
Hocking.....	10,771	6,824.62	.64
Holmes.....	7,384	4,988.88	.68
Huron.....	14,259	9,207.32	.64
Jackson.....	13,586	6,748.28	.50
Jefferson.....	32,156	53,543.51	1.67
Knox.....	11,444	11,976.22	1.04
Lake.....	17,178	10,239.07	.60
Lawrence.....	27,365	14,567.05	.53
Licking.....	24,618	24,519.51	1.00
Logan.....	12,597	9,489.47	.75
Lorain.....	35,365	44,700.99	1.26
Lucas.....	141,778	212,307.83	1.50
Madison.....	10,298	6,575.63	.64
Mahoning.....	72,765	131,081.83	1.80
Marion.....	16,406	21,302.57	1.30
Medina.....	11,070	9,111.88	.82
Meigs.....	15,352	9,559.85	.62
Mercer.....	13,166	8,158.98	.62
Miami.....	20,585	19,071.67	.93
Monroe.....	9,992	5,929.91	.59
Montgomery.....	65,291	122,210.64	1.87
Morgan.....	7,564	4,682.14	.62
Morrow.....	5,784	5,557.07	.96
Muskingum.....	34,660	33,226.92	.96
Noble.....	9,218	6,347.50	.69
Ottaway.....	10,059	7,332.83	.73
Paulding.....	6,899	5,907.02	.86
Perry.....	15,727	11,750.69	.74
Pickaway.....	13,166	8,184.67	.62
Pike.....	7,852	5,792.66	.74
Portage.....	15,868	12,402.12	.78
Preble.....	8,452	8,529.92	1.01
Putnam.....	14,277	8,148.57	.57
Richland.....	24,769	23,089.97	.93
Ross.....	17,631	17,942.69	1.02
Sandusky.....	16,482	12,225.10	.74
Sciota.....	35,811	26,535.65	.74
Seneca.....	17,252	18,907.62	1.10
Shelby.....	10,720	9,818.05	.92

Election Costs in Ohio Counties, 1930 (Continued)

County	Total number of votes cast	Total cost of elections	Average cost per vote cast
Stark.....	74,894	\$ 98,174.24	\$1.31
Summit.....	88,075	132,340.18	1.50
Trumbull.....	36,159	38,120.10	1.06
Tuscarawas.....	26,016	19,216.85	.74
Union.....	10,970	8,315.78	.76
Van Wert.....	13,109	8,879.74	.68
Vinton.....	6,624	5,886.48	.89
Warren.....	12,221	8,989.01	.73
Washington.....	17,720	13,309.76	.75
Wayne.....	17,936	15,115.83	.84
William.....	9,081	9,792.06	.93
Wood.....	17,939	15,453.57	.86
Wyandot.....	8,371	7,077.74	.85
Totals.....	2,252,302	\$2,859,312.80	\$1.27

Election Costs in Large Cities. Detailed data on election costs in a number of large cities is presented in the following tables. These election costs are compared and analyzed in the succeeding sections of this chapter. The unit used for the measurement of the cost of elections in the following tables is the average cost per vote cast over a period of four years, except in some cities where data are not available for a four-year period. It is recognized that in any community the cost per vote cast will vary from election to election, depending largely upon the size of the vote, the cost of each election being about the same regardless of the number of votes cast, but over a four-year period the large and the small elections counteract each other and offer an average which is reasonably comparable between cities. Some cities are afflicted with numerous minor elections, with the result that the cost per vote cast is rather high, while other cities have relatively few elections over a four-year period and a larger average vote. Detroit, for example, had fourteen elections within the four-year period, while Kansas City had only eight and Baltimore only six elections. Despite this discrepancy, however, it is believed that the use of the average cost per vote cast, not merely for the total cost, but for the individual items covered and discussed below, is fundamentally sound.

Election and Registration Costs of New York City, 1927-30

	1927	1928	1929	1930
SALARIES				
Regular employees.....	\$272,305.76	\$303,698.07	\$332,695.43	\$354,086.75
Temporary employees.....	64,257.50	119,797.75	69,922.50	75,360.00
Election officers.....	622,972.00	723,249.00	670,039.00	697,985.00
Total Salaries.....	\$ 959,535.26	\$1,146,744.82	\$1,072,656.93	\$1,109,431.75
OPERATING EXPENSES				
Supplies.....	254,670.10	564,492.17	321,428.35	327,517.74
Equipment.....	5,181.92	10,889.64	12,612.95	9,421.90
Repairs and replacements.....	24,066.80	20,138.89	20,621.93	18,219.47
Transportation.....	52,702.63	82,123.26	73,733.22	77,593.77
Telephone service.....	1,032.50	1,713.01	1,741.33	1,910.57
General plant service.....	23,765.65	54,142.32	62,494.06	67,017.06
Contingencies.....	3,823.90	6,754.36	4,973.45	58,489.53
Rent.....	215,080.66	239,187.66	230,601.83	234,000.00
Advertising.....	88,573.26	87,604.95	111,249.88	118,634.95
Total Operating Expenses.....	\$ 668,897.42	\$1,067,046.26	\$ 839,457.00	\$ 859,804.99
GRAND TOTAL.....	\$1,628,432.38	\$2,213,791.08	\$1,912,113.93	\$1,969,236.74
Number of elections held.....	2	2	2	2
Total number of votes cast ¹	1,252,239	2,073,758	1,564,689	1,543,997
Estimated interest and depreciation charge upon voting machines at 10 per cent.....	\$ 158,695.00	\$ 251,940.00	\$ 297,500.00	\$ 299,625.00
Total election costs including voting machine charge.....	1,787,127.38	2,465,731.08	2,209,613.93	2,268,861.74
Average cost per vote cast.....	1.42	1.19	1.41	1.47

¹ No statistics are available covering the total vote in primary elections, and an estimate of 100,000 per year has been made. The primary elections in New York are usually uncontested, with a very light vote cast.

Summary and Analysis of Election and Registration Costs of New York City, 1927-30

	Cost	Cost per vote cast (cents)
SALARIES		
Regular employees.....	\$1,262,786.01	19.6
Temporary employees.....	329,337.75	5.1
Election officers.....	2,696,245.00	42.0
Total Salaries.....	\$4,288,368.76	66.7
OPERATING EXPENSES		
Supplies.....	1,468,108.36	22.8
Equipment.....	38,106.41	.6
Repairs and replacements.....	83,047.09	1.3
Transportation.....	286,152.88	4.5
Telephone service.....	6,397.41	.1
General plant service.....	207,419.09	3.2
Contingencies.....	21,041.24	.3
Rent.....	918,780.15	14.3
Advertising.....	406,063.04	6.3
Total operating expenses..	\$3,435,205.67	53.4
Voting machine charge of 10 per cent of cost to cover interest and depreciation charges.....	1,007,760.00	15.6 ¹
GRAND TOTAL.....	\$8,731,334.43	\$1.36
Total number of votes cast....		6,434,683
Average cost per vote cast.....		\$1.36

¹ It should be noted that voting machines were not used throughout the city in 1927 and 1928. In 1929 the average overhead cost for voting machines per vote cast was 19 cents, and in 1930, 20 cents.

Election and Registration Costs of Chicago, 1928-31¹

	1928	1929	1930	1931
SALARIES				
Commissioners and chief clerk.....	\$ 32,749.94	\$ 29,000.08	\$ 28,875.08	\$ 29,500.08
Office force, regular.....	243,717.07	241,483.88	239,387.85	220,400.00
Extra employees and overtime.....	157,875.75	68,079.50	140,391.75	63,789.00
Judges and clerks.....	1,487,726.00	697,215.00	1,147,771.00	981,305.00
Total Salaries.....	\$1,922,068.75	\$1,035,778.46	\$1,556,424.68	\$1,294,994.08
OPERATING EXPENSES				
Office records and supplies.....	2,413.69	2,107.44	5,100.00	5,400.00
Printing.....	206,230.72	55,027.81	193,382.00	121,859.62
Election supplies.....	12,782.93	6,795.74	13,961.20	5,761.79
Election expenses (attorneys, investigations, typing, etc.).....	55,121.90	26,494.37	50,240.62	56,714.95
Furniture and fixtures.....	2,516.50	739.81	1,478.88	1,066.29
Transportation.....	15,503.90	7,671.94	8,194.00	13,708.13
Advertising.....	16,120.10	9,097.50	20,471.00	15,263.21
Posting.....	17,757.50	33,126.50	20,050.00	27,000.00
Ballots.....	276,788.62	44,681.95	300,037.00	66,710.76
Ballot boxes.....	15,312.37	6,144.97	17,210.00	4,553.86
Postage.....	13,250.00	6,000.00	47,100.00	6,600.00
Maps and plates.....	3,937.75	1,085.04	515.00	226.03
Booths and rails.....	46,365.51	104.31	1,901.00	36,220.98
Cartage and storage.....	29,003.74	46,793.89	46,750.00	32,305.45
Rental of polling places.....	205,300.00	120,480.00	192,590.00	158,980.00
Binding.....	145.00			
Total Operating Expenses.....	\$ 918,550.13	\$ 366,351.27	\$ 918,980.70	\$ 552,271.07
GRAND TOTAL.....	\$2,840,618.89	\$1,402,129.73	\$2,475,405.38	\$1,847,265.15
Number of elections held.....	3	2	2	2
Total number of votes cast.....	2,530,447	1,114,792	1,786,995	906,805
Average cost per vote cast.....	\$1.12	\$1.26	\$1.38	\$2.03

¹ The table includes, besides the city of Chicago, the following municipalities under the jurisdiction of the board of election commissioners: Berwyn, Chicago Heights, Cicero, Summit, and Evergreen Park.

Summary and Analysis of the Election and Registration Costs of Chicago, 1928-31

	Cost	Cost per vote cast (cents)
SALARIES		
Commissioners and chief clerk	\$ 120,125.18	1.9
Office force, regular	944,988.80	14.9
Office force, temporary and overtime	430,136.00	6.8
Judges and clerks	4,314,016.00	68.2
Total Salaries	\$5,809,265.98	91.8
OPERATING EXPENSES		
Office records and supplies	15,021.13	.2
Printing	576,500.15	9.1
Election supplies	39,301.66	.6
Election expenses, investiga- tions, etc.	188,571.84	3.0
Furniture and fixtures	5,801.48	.1
Transportation	45,077.97	.7
Advertising	60,951.81	1.0
Posting	97,934.00	1.5
Ballots	688,218.33	10.9
Ballot boxes	43,331.10	.7
Postage	72,950.00	1.1
Maps and plates	5,763.82	.1
Booths and rails	84,951.80	1.3
Cartage and storage	154,753.08	2.4
Rental polling places	677,350.00	10.7
Binding	145.00	
Total Operating Expenses	\$2,756,153.17	43.5
GRAND TOTAL	\$8,565,419.15	135.5
Total number of votes cast		6,339,039
Average cost per vote cast		\$1.35

Election and Registration Costs of Boston, 1926-29

	1926	1927	1928	1929
SALARIES				
Commissioners	\$ 20,167.34	\$ 21,000.00	\$ 21,000.00	\$ 23,671.29
Permanent employees	91,896.85	93,395.55	93,376.87	95,177.44
Temporary employees and overtime	5,494.00	2,240.00	18,447.50	4,629.00
Precinct officers	52,464.00	23,697.00	80,324.00	27,768.00
Janitors in polling places	6,714.00	3,349.00	9,421.50	3,450.00
Total Salaries	\$176,736.19	\$143,681.55	\$222,569.87	\$154,696.23
OPERATING EXPENSES				
Printing and binding	39,215.15	35,486.28	46,596.76	43,510.05
Advertising and posting	622.10	593.90	593.85	847.86
Cartage and transportation	4,467.25	2,410.07	4,618.00	2,187.16
Rental of polling places	6,672.42	3,841.43	8,818.75	3,394.72
Office equipment and repairs	262.74	1,239.90	1,396.77	750.96
Office supplies	6,140.31	4,153.68	6,811.28	4,274.08
Miscellaneous	2,971.06	2,959.52	3,601.33	1,883.77
Total Operating Expenses	\$ 60,351.03	\$ 50,684.78	\$ 72,436.74	\$ 56,848.60
GRAND TOTAL	\$237,057.22	\$194,366.33	295,006.61	\$211,544.83
Number of elections held	2	1	3	1
Total number of votes cast	291,925	110,208	462,711	218,361
Average cost per vote cast (cents)	81.4	176.5	64.	96.7

Summary and Analysis of the Cost of Elections and Registration in Boston, 1926-29

	Cost	Cost per vote cast (cents)
SALARIES		
Commissioners	\$ 85,838.63	7.9
Permanent employees	373,846.71	34.4
Temporary and overtime	30,810.50	2.8
Precinct officers	184,253.00	17.0
Janitors in polling places	22,935.00	2.1
Total Salaries	\$697,683.84	64.2
OPERATING EXPENSES		
Printing and binding	164,808.24	15.2
Advertising and posting	2,657.71	.2
Cartage and transportation	13,682.48	1.3
Rental of polling places	22,727.32	2.1
Office equipment and reprints	3,650.37	.3
Office supplies	21,379.35	2.0
Miscellaneous	11,415.68	1.1
Total Operating Expenses	\$240,321.15	22.2
GRAND TOTAL	\$938,004.99	86.4
Total number of votes cast		1,083,205
Cost per vote cast (cents)		86.4

Election and Registration Costs of Detroit, 1927-30

	1927	1928	1929	1930
SALARIES				
General office payroll	\$ 33,901.96	\$ 37,315.96	\$ 40,225.84	\$ 41,570.88
Extra employees	51,260.38	90,983.98	76,686.78	88,642.15
Election board payroll	254,233.00	213,016.95	352,665.00	232,574.75
Registration board payroll		61,344.50		
Engineers and janitors' roll	9,587.00	13,542.00	9,735.00	7,321.00
Auto service	2,225.50	2,461.77	2,978.03	2,837.55
Total Salaries	\$351,207.84	\$417,665.16	\$482,290.65	\$372,946.15
OPERATING EXPENSES				
Election houses	24,440.00	15,880.00		5,511.45
Polling place equipment	9,011.00	9,173.94	5,719.00	1,864.91
Maintenance of booths and equipment	5,678.51	10,882.45	6,541.52	9,807.83
Transporting booths and equipment	7,439.15	12,087.56	10,622.99	9,807.83
Electrical service for polling places	6,590.84	3,841.10	6,236.17	5,124.95
Shop and warehouse equipment	63.93	250.00	144.00	17.30
Office equipment	85.35	4,263.78	560.12	196.75
Telephones	300.00	325.00	396.00	389.87
Postage	1,515.00	1,125.00	1,615.50	650.30
Stationery supplies	1,032.88	1,693.17	1,508.14	1,549.86
Printing books, forms, etc.	8,348.08	7,244.68	7,314.65	8,998.76
Printing ballots	6,788.75	1,996.40	12,580.39	65,842.24
Advertising and posting notices	11,426.53	12,884.75	12,763.12	7,871.94
Printing maps	1,217.99	999.77	124.00	1,020.00
Total Expenses	\$ 83,938.01	\$ 82,647.60	\$ 66,125.60	\$118,738.96
GRAND TOTAL	\$435,145.85	\$500,312.76	548,416.25	\$491,685.09
Number of elections held	4	3	4	3
Total vote cast	499,696	593,229	652,488	750,520
Average cost per vote cast (cents)	87	63	84	65

Summary and Analysis of the Election and Registration Costs of Detroit, 1927-30

	Cost	Cost per vote cast (cents)
SALARIES		
General office payroll	\$ 153,014.64	6.1
Extra employees	307,573.29	12.3
Precinct officers, elections	1,052,489.70	42.3
Precinct officers, registration	60,344.50	2.4
Engineers and janitors	40,185.00	1.6
Total Salaries	\$1,624,109.80	65.1
OPERATING EXPENSES		
Election houses	45,831.45	1.8
Polling place equipment	25,768.85	1.0
Maintenance, booth and equipment	32,895.28	1.3
Transportation	39,957.53	1.6
Electrical service, polling places	21,813.06	.9
Shops and warehouse equipment	477.23	
Office equipment	5,106.00	.2
Telephones	1,410.87	
Postage	5,005.80	.2
Stationery supplies	5,784.05	.2
Printing books, forms, etc.	31,906.15	1.3
Printing maps	3,361.76	.1
Printing ballots	87,207.78	3.5
Advertising and posting notices	44,946.34	1.8
Total Operating Expenses	\$ 351,448.17	14.1
GRAND TOTAL	\$1,975,559.95	79.2
Total vote cast		2,495,941
Average cost per vote cast (cents)		79.2

Election and Registration Costs of Baltimore, 1926-29

	1926	1927	1928	1929
SALARIES				
Office force and supervisors.....	\$ 38,200.00	\$ 38,200.00	\$ 38,200.00	\$38,200.00
Extra help and overtime.....	4,500.00	4,500.00	4,500.00	4,500.00
Judges and clerks (elections).....	89,424.00	89,424.00	89,424.00	
Judges and clerks (registration).....	99,360.00	39,744.00	59,616.00	
Total Salaries.....	\$231,484.00	\$171,868.00	\$191,740.00	\$42,700.00
OPERATING EXPENSES				
Rent of polling places.....	37,260.00	26,082.00	29,808.00	
Storage.....	3,480.00	3,480.00	3,480.00	
Precinct boundary books.....	2,200.00	1,890.40	1,040.20	
Supplies for election officials.....	3,410.31	2,787.71	2,080.10	
Overhauling and cleaning ballot boxes.....	1,300.00	1,300.00	1,300.00	
Printing miscellaneous forms.....	8,640.00	7,980.40	6,001.20	
Maps.....	3,515.50	3,418.00	2,940.80	
Equipment for polls (new).....	8,340.00	670.40	2,433.07	
Repair of equipment.....	2,840.00	1,422.80	1,489.10	
Transportation and erecting polling booths.....	7,490.00	5,463.80	6,989.16	
Ballots.....	23,960.00	14,335.00	23,725.00	
Printing election returns.....	1,490.00	980.40	1,890.85	
Registration books.....	10,625.00			
Advertising.....	9,605.00	6,611.32	6,448.02	
Miscellaneous.....	10,610.50	9,144.40	4,145.14	
Total Expenses.....	\$134,766.31	\$ 85,566.63	\$ 93,770.64	
GRAND TOTAL.....	\$366,200.31	\$258,434.63	\$285,510.64	\$42,700.00
Number of elections held.....	2	2	2	0
Total vote cast.....	217,385	186,793	293,133	0
Average cost per vote cast.....	\$1.55	\$1.37	\$0.98	

COSTS

Summary and Analysis of the Election and Registration Costs in Baltimore, 1926-29

	Cost	Cost per vote cast (cents)
SALARIES		
Office force and supervisors.....	\$152,800.00	21.9
Extra help and overtime.....	18,000.00	2.6
Judges and clerks (election).....	268,272.00	38.4
Judges and clerks (registration).....	198,820.00	28.4
Total Salaries.....	\$637,792.00	91.3
OPERATING EXPENSES		
Rent of polling places.....	93,150.00	13.4
Storage.....	10,440.00	1.5
Precinct boundary books.....	5,130.60	.7
Supplies for election officials.....	8,278.12	1.2
Overhauling and cleaning ballot boxes.....	3,900.00	.6
Printing forms.....	22,621.60	3.2
Maps.....	9,874.30	1.4
Equipment for polls (new).....	11,443.47	1.6
Repair of equipment.....	5,751.90	.8
Transportation and erecting polling booths.....	19,942.96	2.9
Ballots.....	62,020.00	8.9
Printing election returns.....	4,361.25	.6
Registration books.....	10,625.00	1.5
Advertising.....	22,664.34	3.2
Miscellaneous.....	23,900.04	3.4
Total Expenses.....	\$314,103.58	45.1
GRAND TOTAL.....	\$951,895.58	136.4
Total vote cast.....		697,211
Average cost per vote cast.....		\$1.36

Election and Registration Costs of St. Louis, 1926-29

	1926	1927	1928	1929
General office payroll.....	\$ 62,149.45	\$ 43,660.88	\$112,830.74	\$ 20,980.76
Judges and clerks' payroll.....	130,544.00	68,102.00	200,078.00	90,250.00
Polling place rental.....	55,000.00	17,005.00	38,413.00	20,988.12
General expenditures.....	84,000.00	29,799.31	72,716.60	33,249.06
Total.....	\$331,693.45	\$158,567.19	\$423,768.34	\$165,466.94
Number of elections held..	4	2	2	2
Total number of votes cast	426,982	124,548	475,174	398,980
Average cost per vote cast (cents).....	77.6	127.2	89.1	41.6

ELECTION ADMINISTRATION

Summary and Analysis of the Election and Registration Costs of St. Louis, 1926-29

	Cost	Cost per vote cast (cents)
General office salaries	\$ 239,621.83	16.7
Judges and clerk	488,974.00	34.3
Polling place rental	131,136.12	9.2
Other expenses	219,763.97	15.4
Total	\$1,079,495.92	75.6
Total vote cast		1,425,684
Average cost per vote cast (cents) . .		75.6

Analysis of the Election and Registration Costs of Cuyahoga County, Ohio, 1930¹

	Cost	Cost per vote cast (cents)
SALARIES		
Board	\$ 16,800.00	5.9
Office force (regular)	67,594.73	23.6
Office force (temporary)	28,852.50	10.0
Judges and clerks (elections)	137,735.60	48.2
Registrars	59,788.00	20.9
Total Salaries	\$310,770.83	108.6
OPERATING EXPENSES		
Ballots	8,977.00	3.1
Poll books and supplies	7,003.75	2.4
Permanent registration equipment	54,972.99	19.2
Printing registration lists	23,090.68	8.1
Transportation of precinct equipment	10,655.77	3.7
Storage of precinct equipment	1,225.00	.4
Repair of precinct equipment and voting houses	13,746.97	4.8
Office furniture	405.43	.1
Rent: office of board	13,975.12	4.8
Rent: polling places	14,856.25	5.2
Advertising	160.22	
Miscellaneous	10,500.81	3.7
Total Operating Expenses	\$159,569.99	55.6
GRAND TOTAL	\$470,330.82	164.2
Number of elections held		2
Total number of votes cast		286,007
Average cost per vote cast		\$1.64
Average cost not including permanent registration equipment		\$1.45

¹ Including Cleveland.

Analysis of the Election and Registration Costs of Hamilton County, Ohio, 1930¹

	Cost	Cost per vote cast (cents)
SALARIES		
Board.....	\$ 16,572.00	7.5
Office force (regular).....	54,170.82	24.6
Office force (temporary).....	16,587.46	7.5
Judges and clerks (election).....	87,291.10	39.7
Registrars.....	31,740.00	14.4
Total Salaries.....	\$206,361.38	93.7
OPERATING EXPENSES		
Ballots.....	3,977.65	1.8
Poll books and precinct supplies....	3,636.53	1.7
Permanent registration equipment....	38,252.17	17.4
Precinct registration lists.....	13,613.89	6.2
Transportation of precinct equip- ment.....	2,855.75	1.3
Storage of precinct equipment.....	3,843.71	1.7
New precinct equipment.....	1,810.74	.8
Repair of precinct equipment.....	399.78	.2
Office furniture.....	4,801.29	2.2
Rent: office of board.....	12,266.48	5.6
Rent: polling places.....	26,901.00	12.2
Advertising.....	928.72	.4
Miscellaneous.....	16,634.43	7.5
Total Operating Expenses.....	\$129,912.14	59.0
GRAND TOTAL.....	\$336,273.62	152.7
Number of elections held.....		2
Total vote cast.....		220,038
Average cost per vote cast.....		\$1.53
Average cost, not including permanent registration equipment.....		\$1.36

¹ Including Cincinnati.

ELECTION ADMINISTRATION

Analysis of the Election and Registration Costs of Franklin County, Ohio, 1930¹

	Cost	Cost per vote cast (cents)
SALARIES		
Board.....	\$ 11,887.68	11.9
Office force (regular).....	36,687.00	36.7
Office force (temporary).....	2,765.26	2.8
Judges and clerks (elections).....	72,080.20	72.1
Registrars.....	22,750.00	22.7
Total Salaries.....	\$146,161.14	146.2
OPERATING EXPENSES		
Ballots.....	5,576.79	5.6
Poll books and precinct supplies....	5,816.00	5.8
Permanent registration equipment.	11,471.25	11.5
Printing registration lists.....	14,171.55	14.2
Transportation, precinct equipment		
Storage, precinct equipment.....	895.00	0.9
New precinct equipment.....	1,790.83	1.8
Repair precinct equipment.....	9,148.57	9.1
Office furniture.....	10,090.78	10.0
Rent: office of board.....	3,900.00	3.9
Polling places.....	11,675.43	11.7
Advertising.....	388.72	.4
Miscellaneous.....	2,912.10	2.9
Total Operating Expenses.....	\$ 77,837.02	77.8
GRAND TOTAL.....	\$223,998.16	224.0
Number of elections held.....		2
Total number of votes cast.....		100,099
Average cost per vote cast.....		\$2.24
Average cost, not including permanent registration equipment.....		\$2.13

¹ Including Columbus.

Analysis of the Election and Registration Costs of Montgomery County, Ohio, 1930¹

	Cost	Cost per vote cast (cents)
SALARIES		
Board	\$ 9,432.00	14.4
Office force (regular)	27,902.10	42.7
Judges and clerks	34,366.40	52.7
Office force (temporary)	4,442.56	6.8
Registrars	8,722.00	13.4
Total Salaries	\$84,865.06	130.0
OPERATING EXPENSES		
Ballots	2,595.45	3.9
Poll books and precinct supplies	2,782.31	4.3
Permanent registration equipment	7,391.22	11.3
Registration lists	5,745.73	8.8
Transportation precinct equipment	2,609.20	4.0
Storage precinct equipment		
New precinct equipment		
Repair precinct equipment	519.37	.8
Office furniture		
Rent: office of board	3,925.00	6.3
Rent: polling places	5,430.00	8.3
Advertising	283.60	.4
Miscellaneous	6,063.70	9.3
Total Operating Expenses	\$ 37,345.58	57.2
GRAND TOTAL	\$122,210.64	187.2
Number of elections		2
Total number of votes cast		65,291
Average cost per vote cast		\$1.87
Average cost, not including permanent registration equipment		\$1.76

¹ Including Dayton.

Election and Registration Costs of Kansas City, Missouri, 1925-29

	1925	1926	1927	1928
SALARIES				
General office payroll.....	\$20,400.00	\$ 20,400.00	\$20,400.00	\$ 20,400.00
General office extra help.....	60,112.59	120,725.17	78.12	144,198.27
Judges and clerks (elections).....	45,510.00	28,440.00		45,144.00
Judges and clerks (registrations).....	20,448.00	37,908.00		95,412.00
Total Salaries.....	\$146,470.59	\$207,473.17	\$20,478.12	\$305,154.27
OPERATING EXPENSES				
Booth rental (elections).....	12,120.00	7,540.00		12,020.00
Booth rental (registrations).....	4,080.00	7,550.00		24,130.00
General office rent.....	3,120.00	3,360.00	3,480.00	3,480.00
Light and power.....	479.65	839.30	290.85	1,019.50
Stationery and supplies.....	6,929.50	8,039.16	142.15	17,676.31
Postage.....	2,350.00	3,000.00		2,000.00
Telephone and telegraph.....	754.28	785.56	579.45	955.39
Office furniture and equipment.....	1,021.66	1,145.65		739.80
Booth equipment.....	429.99	2,149.29	5.95	9,752.46
Booth equipment, transfer and storage.....	9,391.90	7,678.85	1,200.00	13,685.30
Auto hire.....	703.50	156.00		4,547.00
Legal advertising.....	5,855.30	10,257.80		18,468.30
Printing: forms.....	13,902.06	20,012.55		45,666.08
Printing: voters' lists.....	9,326.42	17,279.46		36,696.34
Printing: ballots.....	24,747.77	31,060.76		52,335.97
Printing: maps.....	1,151.80	4,486.43	787.94	6,037.43
Miscellaneous.....	2,738.94	2,665.92	177.08	4,415.43
Total Operating Expenses.....	\$ 98,902.77	\$128,479.90	\$ 6,663.42	\$253,625.31
GRAND TOTAL.....	\$245,373.36	\$335,479.90	\$27,141.54	\$558,779.58
Number of elections held.....	3	2		3
Total vote cast.....	244,326	172,151		341,884
Average cost per vote cast.....	\$1.00	\$1.95		\$1.63

COSTS

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Summary and Analysis of Election Costs of Kansas City, Missouri, 1925-28

	Cost	Cost per vote cast (cents)
SALARIES		
General office payroll	\$ 81,600.00	10.8
General office, extra help	325,114.15	43.0
Judges and clerks, elections	119,094.00	15.7
Judges and clerks, registrations	153,768.00	20.2
Total Salaries	\$ 679,576.15	89.7
OPERATING EXPENSES		
Booth rental, elections	31,680.00	4.2
Booth rental, registrations	35,760.00	4.7
General office rent	13,440.00	1.8
Light and power	2,629.30	.3
Stationery and supplies	32,787.12	4.3
Postage	7,350.00	1.0
Telephone and telegraph	3,074.68	.4
Office furniture and equipment	2,907.11	.4
Booth equipment	12,337.69	1.6
Booth equipment, transfer and storage	31,956.05	4.2
Auto hire	5,406.50	.7
Legal advertising	34,581.40	4.6
Printing: forms	79,580.69	10.5
Printing: voters' lists	63,202.22	8.4
Printing: ballots	108,144.50	14.3
Printing: maps	12,463.60	1.6
Miscellaneous	9,997.37	1.3
Total Operating Expenses	\$ 487,198.23	64.3
GRAND TOTAL	\$1,166,774.38	154.0
Total number of votes cast		758,234
Average cost per vote cast		\$1.54

Election and Registration Costs of Milwaukee, 1928-31
City of Milwaukee

	1928	1929	1930	1931
SALARIES				
Commissioners.....	\$ 3,780.00	\$3,780.00	\$ 3,780.00	\$ 3,780.00
Secretary and asst. secretary.....	5,580.00	5,580.00	5,700.00	5,700.00
Extra employees.....	26,893.44	5,363.67	17,287.20	26,973.19 ¹
Inspectors and ballot clerks.....	73,458.50	34,986.00	59,438.00	40,680.00
Total Salaries.....	\$109,711.94	\$49,709.67	\$86,205.20	\$77,133.19
OPERATING EXPENSES				
Office records and supplies.....	194.99	1,701.46	301.09	2,468.59
Printing registration lists.....	16,256.76		8,236.81	
Election supplies.....	4,212.35	2,689.82	2,872.80	3,389.30
Furniture and fixtures.....	432.90	246.10		994.06
Transportation.....	453.70	167.30	227.93	160.76
Advertising.....	3,526.77	3,639.82	1,503.06	3,503.78
Postage.....	50.00	8.00	50.00	50.00
Maps and plates.....	41.19	252.39	135.00	70.30
Cartage.....	511.01	217.00	368.20	252.00
Erecting, maintaining and dismantling polling places.....	10,436.43	4,973.59	9,885.17	5,253.20
Equipment repairs.....	3,286.71	487.25	5,044.34 ²	1,280.50
Fuel and oil.....	339.70	146.39	305.17	115.46
Additional equipment.....	1,948.01	105.00	2,273.78	363.96
Total Operating Expenses.....	41,690.52	14,634.12	31,203.35	17,801.91
GRAND TOTAL.....	\$151,402.46	\$64,343.79	\$117,408.55	\$94,935.10

¹ Including \$13,659.94 to change street names and house numbers on all registration records.

² Including \$4,000 for painting and repairing election booths.

Election and Registration Costs of Milwaukee, 1929-31 (Continued)
 Milwaukee County
 (Eighty per cent charged to City)

	1928	1929	1930	1931
SALARIES				
Commissioners and secretary	\$4,800.00	\$4,920.00	\$5,040.00	\$5,040.00
Temporary employees	1,983.68	89.60	1,482.80	272.40
Total Salaries	\$6,783.68	\$5,009.60	\$6,522.80	\$5,312.40
OPERATING EXPENSES				
Office supplies	983.04	275.48	860.20	832.76
Printing (ballots, etc.)	7,472.74	594.40	5,480.86	923.68
Advertising and publication	16,154.96	5,483.20	10,650.73	3,218.57
Miscellaneous	580.56	83.20	218.92	114.20
Total Operating Expenses	\$25,191.30	\$ 6,436.28	\$17,210.81	\$ 5,089.21
GRAND TOTAL	\$31,974.98	\$11,445.88	\$23,733.61	\$10,401.61
CITY AND COUNTY TOTAL				
Number of elections held	4	2	2	2
Total number of votes cast	441,580	112,184	231,048	118,352
Average cost per vote cast (cents)	41.5	67.7	61.1	89.3

ELECTION ADMINISTRATION

Summary and Analysis of the Election and Registration Costs of Milwaukee, 1928-31

	Cost	Cost per vote cast (cents)
City of Milwaukee		
SALARIES		
Commissioners	\$ 15,120.00	1.7
Regular employees	22,560.00	2.5
Extra employees	76,517.50	8.5
Precinct election officers	208,562.50	23.0
Total Salaries	\$322,760.00	35.7
OPERATING EXPENSES		
Office records and supplies	4,566.13	.5
Printing registration lists	24,493.57	2.7
Election supplies	13,164.27	1.5
Furniture and fixtures	1,673.06	.2
Transportation	1,009.69	.1
Advertising	12,173.43	1.3
Postage	158.00	
Maps and plates	498.88	
Cartage	1,348.20	.1
Erecting, maintaining, and dismantling polling houses	30,548.39	3.3
Equipment repairs	10,098.80	1.1
Fuel and oil	906.72	.1
New equipment	4,690.75	.5
Total Operating Expenses	\$105,329.90	11.6
TOTAL CITY EXPENSES	\$428,089.90	47.5
Milwaukee County, 1928-31 (Eighty per cent charged to City)		
SALARIES		
Commissioners and secretary	\$19,800.00	2.2
Temporary employees	3,828.88	.4
Total Salaries	\$23,628.88	2.6
OPERATING EXPENSES		
Office supplies	2,951.48	.3
Printing (ballots, etc.)	14,471.78	1.6
Advertising and publication	35,507.46	3.9
Miscellaneous	996.88	.1
Total Operating Expenses	\$53,927.60	5.9
TOTAL COUNTY EXPENSES	\$77,556.48	8.6
CITY AND COUNTY TOTAL	\$505,646.38	56.1
Total vote cast		903,164
Average cost per vote cast (cents)		56.1

Election and Registration Costs of Minneapolis, 1926-29

	1926	1927	1928	1929
SALARIES				
Office force	\$ 6,828.33	\$ 7,880.00	\$10,083.25	\$ 8,100.55
Extra help, office	4,806.75	4,258.00	13,057.89	1,554.31
Judges and clerks	51,680.87	46,894.43	54,199.02	61,776.06
School janitors	915.10	397.00	1,110.83	361.40
Labor	4,014.55	5,274.50	1,471.34	889.14
Total Salaries	\$68,245.60	\$64,703.93	\$79,922.33	\$72,681.46
OPERATING EXPENSES				
Postage	753.04	1,587.92	2,283.08	943.98
Trucking	81.75	473.70	541.75	1,790.59
Advertising		85.49	116.52	839.73
Printing and binding	390.50	951.21	519.05	871.84
Ballots	1,250.93	6,630.55	1,385.20	6,331.13
Rental for polling places	2,240.00	2,417.00	2,624.00	3,525.00
Supplies and miscellaneous	3,984.43	4,926.03	4,881.35	3,369.21
Total Operating Expenses	\$ 8,700.65	\$16,855.90	\$12,349.68	\$17,670.48
GRAND TOTAL	\$76,946.25	\$81,559.83	\$91,272.01	\$90,351.84
Number of elections held	2	2	3	3
Total number of votes cast	193,749	198,690	275,224	277,723
Average cost per vote cast (cents)	39.7	41	33	32.5

ELECTION ADMINISTRATION

Summary and Analysis of Election and Registration Costs of Minneapolis, 1926-29

	Cost	Cost per vote cast (cents)
SALARIES		
Office force.....	\$ 32,897.13	3.4
Extra help—office.....	23,676.95	2.5
Judges and clerks.....	214,550.38	22.7
School janitors.....	2,784.23	.2
Labor.....	11,649.55	1.2
Total Salaries.....	\$295,558.24	31.2
OPERATING EXPENSES		
Postage.....	5,568.02	.6
Trucking.....	2,887.79	.3
Advertising.....	1,041.47	.1
Printing and binding.....	2,732.60	.3
Ballots.....	15,327.81	1.6
Rental polling places.....	10,860.00	1.1
Supplies and miscellaneous.....	17,161.02	1.8
Total Operating Expenses.....	\$ 55,578.71	5.9
GRAND TOTAL.....	\$351,136.95	37.1
Total vote cast.....		945,386
Average cost per vote cast (cents).....		37.1

Election and Registration Costs for City and County of San Francisco 1926-29

	1926	1927	1928	1929
SALARIES				
Office force and commissioners.....	\$ 63,328.63	\$ 63,867.66	\$ 62,832.83	\$ 65,161.65
Extra help and overtime.....	72,035.80	49,075.78	141,600.60	39,491.01
Judges and clerks (registrations).....				
Judges and clerks (elections).....	81,340.00	50,230.00	86,560.00	35,830.00
Total Salaries.....	\$216,704.43	\$163,203.44	\$290,993.43	\$140,482.66
OPERATING EXPENSES				
Office rent, light-power.....				
Stationery and supplies.....	1,136.35	834.55	1,177.25	456.65
Office furniture and equipment.....	1,789.52	3,046.72	3,347.00	2,829.99
Postage.....	15,311.42	11,684.75	33,345.21	8,000.00
Printing				
Forms, books, etc.....	14,908.45	13,373.83	20,939.28	14,291.30
Lists of voters.....	23,316.33	5,552.64	12,086.57	4,201.30
Ballots.....	9,040.10	1,494.00	12,219.10	2,960.00
Maps.....		2,167.90	75.00	2,170.00
Rental of polling places.....	13,690.00	15,030.00	25,360.00	10,580.00
Polling place equipment (new) and repair and maintenance.				
Cartage and storage.....	732.90	235.00	1,013.00	450.00
Voting machines—storage and cartage.....	4,789.75	7,988.05	9,672.27	10,852.85
Auto hire.....	1,853.60	1,477.80	4,426.04	1,082.00
Legal advertising and posting.....	1,422.90	912.51	2,222.45	932.15
Miscellaneous.....	1,819.68	1,240.85	1,727.68	1,075.17
Total Operating Expenses.....	\$ 89,811.00	\$ 65,038.60	\$127,610.85	\$ 59,881.31
GRAND TOTAL.....	\$306,515.43	\$228,322.04	\$418,604.28	\$200,363.97
Number of elections held.....	2	2	4	1
Total number of votes cast.....	248,127	236,841	513,674	104,829
Voting machine charge for interest and depreciation.....	\$120,000.00	\$120,000.00	\$120,000.00	\$120,000.00
Combined total.....	\$426,505.43	\$348,322.04	\$538,604.28	\$320,363.97
Average cost per vote cast, including voting machine charge	\$1.71	\$1.47	\$1.05	\$3.20

ELECTION ADMINISTRATION

Summary and Analysis of Election and Registration Costs of San Francisco, 1926-29

	Cost	Cost per vote cast (cents)
SALARIES		
Office force and commissioners	\$255,190.77	23.1
Extra help and overtime	302,203.19	27.4
Judges and clerks (elections)	254,070.00	22.9
Total Salaries	\$811,463.96	73.4
OPERATING EXPENSES		
Stationery and supplies	3,604.70	.3
Office furniture and equipment	11,013.23	1.0
Postage	68,341.38	6.2
Printing: forms, books	63,512.86	5.7
Printing: lists of voters	45,156.84	4.1
Printing: ballots	25,713.20	2.3
Printing: maps	4,412.90	.4
Rental polling places	64,660.00	5.9
Cartage and storage	2,430.90	.2
Voting machines: storage and cartage	33,302.92	3.0
Auto hire	8,839.44	.8
Legal advertising and posting	5,490.01	.5
Miscellaneous	5,863.38	.6
Total Operating Expenses	\$ 342,341.76	31.0
GRAND TOTAL	\$1,153,805.72	104.4
Total vote cast		1,104,471
Voting machine charge, interest, and depreciation		\$480,000.00
Combined total		\$1,633,805.72
Average cost per vote cast, including voting machine charge		\$1.42

Election and Registration Costs for City of Omaha and Douglas County, 1927-30

	1927	1928	1929	1930
SALARIES				
Office force and commissioners.....	\$ 7,560.00	\$ 7,560.00	\$ 7,590.00	\$ 7,749.96
Extra help and overtime.....	8,008.29	22,238.09	4,573.10	22,257.73
Judges and clerks (elections).....	21,562.25	42,980.60	no election	72,235.94
Total Salaries.....	\$37,130.54	\$72,778.69	\$12,163.10	\$102,243.63
OPERATING EXPENSES				
Stationery and supplies (printing).....	767.92	4,997.33	2,788.95	11,209.75
Office furniture and equipment.....	168.70	1,104.57	1,220.50	876.53
Postage.....	640.00	1,050.00		900.00
Ballots.....	3,803.50	14,972.20		15,093.29
Maps.....			691.98	
Rental of polling places.....	1,552.00	1,809.60		5,527.50
Janitor hire.....	332.00	517.00		1,075.50
Polling place equipment (new).....	178.30	2,842.69	484.55	1,509.33
Repair and maintenance.....	100.00	174.00	88.00	
Cartage and storage.....	1,265.50	2,007.20		3,853.25
Auto hire.....	200.00	300.00		
Legal advertising and posting.....	578.20	4,720.02		7,167.58
Miscellaneous.....	48.20	137.14	15.71	46.38
Total Operating Expenses.....	\$ 9,636.32	\$ 34,631.75	\$ 5,289.69	\$ 47,259.11
GRAND TOTAL.....	\$46,766.86	\$107,410.44	\$17,452.79	\$149,502.74
Number of elections held.....	2	3	0	5
Total number of votes cast.....	94,102	167,699	0	255,834
Average cost per vote cast (cents).....	49.6	64		58.5

ELECTION ADMINISTRATION

Summary and Analysis of Election and Registration Costs of Omaha, 1927-30

	Cost	Cost per vote cast (cents)
SALARIES		
Office force and commissioners.	\$ 30,495.96	5.9
Extra help.	57,077.21	11.0
Judges and clerks.	136,778.79	26.4
Total Salaries.	\$224,315.96	43.5
OPERATING EXPENSES		
Printing—stationery.	19,763.95	3.8
Office furniture and equipment.	3,372.30	.6
Postage.	2,590.00	.5
Ballots.	33,868.99	6.5
Rental of polling places.	8,889.10	1.7
Janitor hire.	1,924.58	.4
Polling place equipment (new).	5,014.87	.9
Polling place equipment (repair).	362.00	
Polling place equipment (cartage and storage).	7,127.95	1.4
Auto hire.	500.00	.1
Legal advertising.	12,465.80	2.4
Miscellaneous.	247.43	
Total Operating Expenses.	\$ 96,816.87	18.7
GRAND TOTAL.	\$321,132.83	62.0
Total vote cast.		517,635
Average cost per vote cast (cents).		62

Election and Registration Costs for Denver, 1928-31

	1928	1929	1930	1931
SALARIES				
Commissioners	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Office force	7,645.25	4,071.50	5,614.75	6,217.00
Judges and clerk	57,340.00	29,192.50	61,121.25	30,432.50
Labor and janitor hire	964.00	248.00	819.75	795.50
Total Salaries	\$67,949.25	\$35,512.00	\$69,555.75	\$39,445.00
OPERATING EXPENSES				
Office supplies	2,559.25	1,199.91	1,668.00	616.98
Equipment repair	2,202.50	619.50	1,530.00	744.48
Drayage	1,017.50	736.00	357.50	820.75
Ballots and election supplies	8,709.95	2,130.65	5,816.36	4,419.38
Advertising	490.60	545.04	1,383.60	523.50
Rent of polling places	10,752.00	6,240.00	11,544.00	6,240.00
Election building	2,000.00	1,981.82	2,000.00	1,999.98
Other expenses	1,137.82	2,292.19	444.27	577.55
Total Operating expenses	\$28,869.42	\$15,745.01	\$24,743.73	\$15,942.62
GRAND TOTAL	\$96,818.67	\$51,267.01	\$94,299.48	\$55,387.62
Number of elections held	2	1	2	1
Total number of votes cast	156,234	49,147	138,865	94,874
Cost per vote cast (cents)	61.9	104.1	68.0	58.4

ELECTION ADMINISTRATION

Summary and Analysis of the Registration and Election Costs of Denver, 1928-31

	Cost	Cost per vote cast (cents)
SALARIES		
Commissioners	\$ 8,000.00	1.8
Office force	23,548.50	5.4
Judges and clerks	178,086.25	40.6
Labor and janitor hire	2,827.25	.6
Total Salaries	\$212,462.00	48.4
OPERATING EXPENSES		
Office supplies	6,044.14	1.4
Equipment repair	5,096.48	1.2
Drayage	2,931.75	.7
Ballots and election supplies	21,076.04	4.8
Advertising	2,942.74	.7
Rent of polling places	34,776.00	7.9
Election building	7,981.80	1.8
Other expenses	4,451.83	1.0
Total Operating Expenses	\$ 85,300.78	19.4
GRAND TOTAL	\$297,762.78	67.8
Total number of elections		6
Total vote cast		439,120
Cost per vote cast (cents)		67.8

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Cost of Elections in Salt Lake City and Salt Lake County, 1928-31¹

	1928	1929	1930	1931
SALARIES				
Temporary employees.....		\$ 2,989.49		
Judges and clerks.....	\$ 9,314.79	4,221.80	\$ 8,546.84	\$ 5,658.35
Registrars.....	8,732.20	4,822.81	13,192.17	8,624.55
Total Salaries.....	\$18,046.99	\$12,034.10	\$21,739.01	\$14,282.90
OPERATING EXPENSES				
Advertising, ballots, and supplies, etc.....	4,178.77	3,199.53	7,372.70	8,653.24
Booths and repair.....	1,394.93	1,143.50	1,500.72	12.67
Rent of polls.....	1,725.50	2,195.00	2,788.00	2,803.50
Miscellaneous.....	154.86		322.59	14.00
Total Operating Expense..	\$ 7,454.06	\$ 6,538.03	\$11,994.01	\$11,583.41
GRAND TOTAL.....	\$26,501.05	\$18,572.13	\$33,733.02	\$25,876.31
Number of elections held.....	1	2	2	4
Total vote cast.....	69,511	45,749	69,732	89,638
Average cost per vote cast (cents).....	38.2	40.7	48.2	28.9

¹ In this table the expenses of the city and county have been combined. The county elections were held in even-numbered years, there being only the one election throughout the county in each of these years, though there was also a special city election in 1930. The total vote cast item for 1928 and 1930 includes the vote cast in the general election throughout the county. The regular city elections are held in odd-numbered years, and the cost of holding the elections in these years is a city cost. The registration cost amounted to \$9,102.94 in 1929 and \$10,438.24 in 1931. It should be noted that no item is included in the table for the clerical work of the office of the county clerk and that of the city clerk in connection with registrations and elections. This cost is not large, and would be difficult to estimate. The work is done by the regular employees of the state along with their other duties. The omission of this item of overhead clerical costs is offset by the fact that the registration charges for odd-numbered years includes the cost throughout the county, whereas properly only the city registration costs should be included, since the statistics on the total vote cast for the odd-numbered years cover only city elections. The total population of Salt Lake City in 1930 was 140,267, while that of the county was 194,102

Summary and Analysis of the Registration and Election Costs of Salt Lake City and Salt Lake County, 1928-31

	Cost	Cost per vote cast (cents)
SALARIES		
Temporary employees.....	\$ 2,989.49	1.1
Judges and clerks.....	27,741.78	10.1
Registrars.....	35,371.73	12.8
Total Salaries.....	\$ 66,103.00	24.0
OPERATING EXPENSES		
Advertising, ballots, supplies, etc...	23,404.24	8.5
Booths and repair.....	4,051.81	1.5
Rent of polls.....	9,512.00	3.5
Miscellaneous.....	501.45	.2
Total Operating Expenses.....	\$ 37,469.50	13.7
GRAND TOTAL.....	\$103,572.50	37.7
Total number of votes cast.....		274,630
Average cost per vote cast (cents).....		37.7

Election and Registration Costs for the State of Ohio, 1930¹

	Cost	Cost per vote cast (cents)
SALARIES		
Members of the boards	\$238,626.07	10.6
Clerks of the Boards	91,125.44	4.3
Deputy Clerks	49,536.54	2.2
Assistant Clerks (Full Year Time)	204,624.77	9.1
Employees (Part Time)	120,089.86	5.2
Total Office force	\$ 704,002.68	31.4
Precinct Judges and Clerks	1,008,135.14	44.4
Precinct Registrars	241,429.00	10.7
Total Salaries	\$1,953,566.82	87.0
OPERATING EXPENSES		
Printing ballots	103,183.09	4.6
Poll books	100,511.03	4.4
Registration Equipment	201,834.66	
Precinct Registration lists	88,212.92	
Transportation of Precinct equipment	40,387.55	1.8
Storage of Precinct equipment	10,933.56	.5
New polling booths and precinct equipment	15,889.36	.7
Repairs on old polling booths and precinct equipment	41,068.82	1.8
Office furniture and equipment	42,919.03	1.9
Rent:		
Offices of boards	54,930.99	2.4
Registration places	44,214.48	1.9
Polling places	69,200.48	3.1
Advertising	6,953.52	.3
Miscellaneous expenses	95,506.72	4.2
Total Operating Expenses	\$ 905,745.98	40.0
GRAND TOTAL	\$2,859,312.80	127.0
Total vote cast		2,252,302
Average cost per vote cast		\$1.27
Average cost per vote, not including new permanent registration equipment		\$1.18

¹ From the report of the Secretary of State.

Personnel Costs. It is quite apparent that the personnel item is the most important factor—seventy per cent—in election costs, and that any substantial saving must come largely through a reduction of this cost. The range of the salary costs per vote cast is from twenty-four cents to \$1.46 in the cities listed below:

Election Personnel Costs in Selected Cities

City	Per cent of total cost	Cost per vote cast (cents)
New York City	49.1	66.7
Chicago	67.8	91.8
Boston	74.4	64.2
Detroit	82.3	65.1
Baltimore	66.9	91.3
Cleveland ¹	66.1	108.6
Cincinnati	61.4	93.7
Columbus	65.0	146.2
Dayton	69.3	130.0
St. Louis	67.6	51.0
Kansas City	58.2	89.7
Milwaukee	63.7	35.7
Minneapolis	84.2	31.2
San Francisco	70.3	73.4
Omaha	69.8	43.5
Denver	71.4	48.4
Salt Lake City	63.8	24.0
State of Ohio	68.4	87.0

¹ The statistics for the Ohio cities are for the counties in which they are located.

The first item to be considered in personnel costs is that of the board of election commissioners, or the officers in charge of the conduct of elections. In most large cities there is a special board in charge, but in smaller communities elections are usually under some regular city or county officer.³ Where the latter is the case, it is difficult to make any reliable estimate of the cost of general supervision and control. In general, elections are more economically handled when the work is entrusted to a regular city or county officer instead of to a special board. Election boards are notoriously political in their administration, frequently using the election positions

³ See Chapter III above.

to take care of partisan workers and employing many more regular and extra employees than are actually needed.

The salaries paid to the members of the election board in some cities are out of all proportion to the work involved. It sometimes exceeds that of the regular employees, which is obviously absurd. In Kansas City, for example, the salary of the board members over a four-year period was \$48,000, each of the four members being paid \$3000 annually, while the salaries of the permanent employees of the office for this period amounted to only \$23,600. In a study made of election costs in Ohio by the Ohio Institute, it was discovered that in the largest counties of the state the salaries of members of the board of elections exceeded that paid to the members of the board of county commissioners. The following table, which has been taken from this report, gives a comparison of salaries of boards of elections and boards of county commissioners in the fifteen largest counties for 1930:

Comparative Salary Costs of Election Boards and County Commissioners in Fifteen Ohio Counties¹

County	Total salaries paid boards of elections ²	Total salaries paid boards of county commissioners ³
Cuyahoga.....	\$16,800	\$12,075
Hamilton.....	16,572	12,000
Franklin.....	11,888	12,075
Lucas.....	11,744	11,675
Summit.....	12,064	6,986
Montgomery.....	9,432	10,847
Mahoning.....	8,744	7,162
Stark.....	8,272	7,066
Trumbull.....	4,304	4,837
Butler.....	4,688	6,024
Lorain.....	4,776	5,517
Belmont.....	4,584	5,175
Clark.....	4,320	6,034
Jefferson.....	3,920	4,802
Columbiana.....	4,152	5,465

¹ Ohio Institute, *Election costs in Ohio and how they may be reduced*, p. 22 (1931).

² From Secretary of State's Annual Report of Elections, 1930.

³ From county financial reports. Figures do not include fees from ditch, sewer, and water district improvements.

The report went on to point out that the members of many public boards, such as school boards, library boards, hospital boards, and others serve without pay, and advocated the elimination of the salaries of members of election boards altogether. In 1930 the salaries paid to election boards in the several counties of Ohio amounted to \$238,626. To quote from the report:

Aside from meeting occasionally to approve payrolls and vouchers, there is little for a board of elections to do except during the period preceding and immediately following an election. The conduct of elections is a routine matter, which can and should be left largely to the clerk of the board.

In the cities where large salaries are paid, prominent party leaders are often appointed as members of the board. It is hardly necessary to point out that this practice, since it places the bitterest partisans in control of elections, and turns the office over to the party machines for use as patronage, is indefensible. Lower salaries would make the membership somewhat less attractive to professional politicians. The way out, however, for most communities is to place elections under a regular official of the city or county, or to provide for a single election commissioner, thus dispensing with a board altogether.

The cost of election boards per vote cast over a four-year period (except where otherwise indicated) is given in the table on the following page.

It is interesting to note that the average cost of the election boards in Ohio per vote cast, during 1930, was 10.6 cents, while the cost in the several Ohio cities listed in the table ranged from 5.7 to 14.4 cents per vote. The cost per vote in Boston, Baltimore, and Kansas City is only slightly less. Such costs are out of all reason. These facts offer further proof of the exorbitant salaries paid to boards of election.

Cost of Election Boards in Selected Cities

City	Cost for a four year period	Total number of votes cast	Cost per vote cast (cents)
New York City.....	\$128,000.00	6,434,683	2.0
Chicago.....	72,000.00	6,339,039	1.1
Boston.....	85,838.63	1,083,205	7.9
Detroit.....	<i>ex officio</i>		
Baltimore.....	40,000.00	697,211	5.7
Cleveland.....	16,800.00 ¹	286,007	5.9
Cincinnati.....	16,572.00 ¹	220,038	7.5
Columbus.....	11,887.68 ¹	100,099	11.9
Dayton.....	9,432.00 ¹	65,291	14.4
St. Louis.....	48,000.00	1,425,520	3.0
Kansas City, Mo.....	48,000.00	758,324	6.3
Minneapolis.....	<i>ex officio</i>		
Milwaukee.....	15,120.00	903,164	1.7
San Francisco.....	20,000.00	1,104,471	1.8
Omaha.....	19,200	517,635	3.7
Salt Lake City.....	<i>ex officio</i>		
Portland, Ore.....	<i>ex officio</i>		
State of Ohio.....	238,626.07 ¹	2,252,302	10.6

¹ One year.

Regular Employees. The problem of regular election office employees as it bears upon the cost of elections is indicated in the table on the following page.

While the clerical work involved in holding elections is by no means the same in various states, the table below indicates an extraordinary variation in the size of the clerical force, which cannot be explained by differences in the elections laws. Disregarding the unusually fine showing of Milwaukee in the number of registered voters handled per permanent employee, we may take Minneapolis, Omaha, or Detroit, each with approximately 43,000 registered voters to the employee, as a norm. In comparison with this standard, New York has two and a half times as many employees as it should have; Chicago four times as many; Boston seven times the necessary number; Cleveland, four times; San Francisco, five times; and Cincinnati has nearly six times the number of employees needed. It would seem to be reasonable to set up as a standard one regular employee per 40,000 registered voters, and a cost for the regular office force of not more than

Number and Cost of Regular Election Office Employees in Selected Large Cities, 1930¹

City	Number of registered voters	Number of office employees	Average no. voters per employee	Total cost	Annual cost per registered voter (cents)
New York	1,568,305	96	16,336	\$332,086.75	20.6
Chicago	1,264,234	117	10,805	239,387.85	18.9
Boston	279,313	47	5,942	95,177.44	32.9
Los Angeles County	853,676	25	34,147	58,367.48	6.8
Detroit	522,842	12	43,570	32,570.68	6.2
St. Louis	300,653	14	21,475	28,399.00	9.5
Baltimore	295,929	18	16,440	35,200.00	11.9
Cleveland	312,900	31	10,096	67,594.63	21.6
San Francisco	227,979	27	8,443	67,522.20	29.7
Milwaukee	184,530	2	92,265	5,700.00	3.1
Minneapolis	218,840	5	43,768	7,860.00	3.6
Rochester, N. Y.	159,617	10	15,961	18,666.00	11.7
Portland, Ore.	148,454	4	37,113	6,168.00	4.2
Syracuse, N. Y.	130,350	2	65,175	1,820.00	1.4
Omaha	84,029	2	42,029	2,949.96	3.6
Cincinnati	186,241	24	7,760	54,170.82	29.1

¹ The statistics for Boston are for the year 1929; the statistics for Chicago include the outlying municipalities under the jurisdiction of the board of election; the statistics for Cleveland, Rochester, Syracuse, Portland, and Cincinnati include the entire county in which they are situated, or the registration area within the county.

five cents annually per registered voter. Milwaukee, Minneapolis, and Omaha each has a cost of less than this amount. In each city the office handles the permanent registration of voters and performs the various election duties efficiently and thoroughly.

The discrepancy between the cost per registered voter in the several cities is equally startling. The best record is made by Syracuse, with a cost of only 1.4 cents, but since much of the work is done by the commissioners of election, this showing is not entirely accurate. Milwaukee and Minneapolis each has a cost slightly exceeding three cents, while Detroit and Los Angeles have a cost of over six cents. These are all reasonable costs. Little explanation can be made of the excessive costs in New York, Boston, Cleveland, San Francisco, and Cincinnati, except political patronage. So long as the clerical positions in the election offices of our large cities are used as political spoils, it is too much to expect that the number employed will be kept within reasonable bounds. The only

solution is to place the employees of the office under civil service, thus restricting the opportunity to use the office as a dumping ground for political henchmen who can not be placed elsewhere. The work of elections is highly seasonal in character, and it is unwise to employ a large number of persons who will have little or nothing to do between elections. In Detroit, which holds perhaps more elections per year than any other large city in the country, the chief supervisor of elections related to the writer that since there is so little to do between elections he asked the council to assign other duties to the department as a means of keeping the men occupied and maintaining morale. In some states there are no elections at all held on certain years, and it would seem to be particularly absurd to have a large office force during these years.

The salary scale paid to election office employees in many cities is also out of all proportion to the duties and type of work performed. To quote from the report of the Ohio Institute on Election Costs in Ohio:

The reduction in the size of the election personnel should be accompanied by a revision of salaries. Salaries of \$150 and more per month are usual in the larger counties. Such salaries are not warranted by the type of work performed. Election office service consists chiefly of typing, filing, and other routine clerical work. Salaries in election offices should be adjusted to the normal standard for similar service in private employ. Excluding the clerk and deputy clerk in large counties, salaries of \$125 per month would be ample in most cases.⁴

Temporary Employees. The cost of the temporary employees must be considered in connection with the cost of the regular employees, and the total clerical costs of the election. Some offices follow the policy of using regular employees to do the work which is done in other offices by temporary employees. There is, accordingly, presented in the table below, the separate costs of regular and temporary employees and the combined costs for a number of large cities. The cost is

⁴ Page 17.

given in cents per vote cast and covers a four-year period, except for the cities in Ohio and Ohio State. It will be noted that this does not conform to the preceding table, which gave the annual cost per registered voter.

Cost of Temporary Election Employees in Selected Cities (in cents per vote)

City	Regular employees	Temporary employees	Combined cost
New York.....	19.6	5.1	24.7
Boston.....	34.4	2.8	37.2
Chicago.....	14.9	6.8	21.7
Detroit.....	6.1	12.3	18.4
Baltimore.....	16.2	2.6	18.8
Cleveland.....	23.6	10.0	33.6
Cincinnati.....	24.6	7.5	32.1
Columbus.....	36.7	2.8	39.5
Dayton.....	42.7	6.8	49.5
Kansas City.....	4.5	43.0	47.5
Minneapolis.....	3.4	2.5	5.9
Milwaukee.....	2.5	8.5	11.0
San Francisco.....	21.3	27.4	48.7
Omaha.....	3.6	11.0	14.6
State of Ohio (1930).....	15.6	5.2	20.8

It will be noted that the highest cost of temporary employees is in Kansas City and San Francisco, but for the other cities there is considerable variation. In general, the cost of temporary employees is considerably smaller than that of permanent employees. The combined cost in Minneapolis is only 5.9 cents per vote cast, while for most of the other cities it runs from twenty to nearly fifty cents per vote. The explanation is that the Minneapolis office is efficiently run without political interference and with a satisfactory system of records, while other offices are usually called upon to employ political workers in the interest of the political parties.

The rate paid for temporary employees varies, with fifty cents per hour being the prevailing rate in many cities. In general it is sound policy for most of the clerical work of the election office to be performed by temporary employees, thus avoiding the necessity for maintaining a staff of permanent employees during the slack seasons between elections. The clerical work involved in the conduct of registrations and elec-

tions in the central office is not large, and a combined expenditure for both permanent and regular employees of over ten cents per vote cast would seem to be excessive.

Precinct Officers. The largest single item of the cost of elections is that of the precinct officers, usually amounting to about half of the total cost. The cost of precinct officers may be divided into registration and election work, and the detailed analysis of the costs for the various cities usually contains such itemization. In many cities with permanent registration there is no cost involved in precinct registration, the work of registering the relatively small number of new voters being done by employees at the main election office of the city or county. In other cities, however, there is a heavy registration charge, particularly during the year of the start of a new registration.⁵

The cost of precinct officers for registrations and elections over a four-year period, in some of the large cities in the country is indicated in the following table:

Costs of Precinct Officers in Selected Cities (in cents)

City	Cost per vote cast registration	Cost per vote cast elections	Combined cost
New York.....	—	—	42.0
Chicago.....	—	—	68.2
Boston.....	none	17.0	17.0
Detroit.....	2.4	42.3	44.7
Baltimore.....	28.4	38.4	66.8
Cleveland.....	20.9	48.2	69.1
Cincinnati.....	14.4	39.7	54.1
Columbus.....	22.7	72.1	94.8
Dayton.....	13.4	52.7	66.1
St. Louis.....	—	—	34.3
Kansas City, Mo.....	20.2	15.7	35.9
Milwaukee.....	none	23.0	23.0
Minneapolis.....	none	22.7	22.7
San Francisco.....	none	22.9	22.9
Omaha.....	none	26.4	26.4
Salt Lake City.....	12.8	10.1	22.9
State of Ohio.....	10.7	44.4	55.1

⁵ For an account of the cost of registration, see my *Registration of voters in the United States*, Chap. X.

It will be noted that in a number of the cities and for the State of Ohio the cost of the precinct officers for elections amounts to forty cents or more per vote. This amount includes only the salary of precinct officers, and does not include the cost of rental of polling places, ballots, supplies, etc. Forty cents is obviously too great a cost for the routine clerical work involved in handling a voter at the polls and counting the ballot which he casts. This is readily indicated by the fact that the cost in other cities is as low as ten cents per vote cast (Salt Lake City), or even lower for many smaller communities. Boston is able to make a good showing (seventeen cents) because of the use of large precincts, while Kansas City has a cost of only 15.7 cents per vote, though the other election costs of Kansas City have been unusually high in the past. Minneapolis, Milwaukee, and Omaha, with good election administrations, show a cost of 22.7, 23.0, and 26.4 cents respectively.

The cost of precinct officers depends upon a number of factors, including the number and kinds of elections held, the size of the voting precinct, the number of officers used to the precinct, the salary paid, the use of voting machines, and the use of extra counting boards. These items will be taken up in turn.

The effect of numerous elections upon the cost of elections has already been commented upon. The more numerous the elections, obviously the greater the total cost. A program for the reduction of election costs will necessarily include the reduction of the number of elections. The holding of frequent elections, or special elections, at which few votes are cast, will serve to increase the cost per vote cast for the precinct officers, as well as the unit cost for other items. Many election costs are relatively stable for each election, and a small vote cast means a high unit cost per vote. This high unit cost can be avoided in two ways: first, by avoiding special, minor, and frequent elections, or by reducing them as far as possible; and second, by setting up an election organization which can

be adapted to the anticipated vote at each election. The use of larger voting precincts generally, with the number of precinct officers to a precinct varied according to the anticipated vote, would seem to be the most practicable method of adjusting the election machinery to the size of the precinct. A voting precinct of one thousand voters might require four to six persons to man the polls at heavy elections, but could be taken care of by two or three officers during light elections. It is absurd to use the same number of officers at every election, regardless of the size of the vote anticipated. Some states already provide for the use of fewer election officers at certain minor elections. New York, for example, dispenses with the services of the two election clerks in each precinct for primary elections. In Salt Lake City only thirty precincts were used for special elections in 1930 and 1931, instead of the usual number of 149. The cost of precinct officers was reduced from an average of \$2,266.75 for the regular elections to \$415.85 at one of the special elections. Other costs, except advertising, were reduced proportionately.

The size of voting precincts in various cities throughout the country is indicated in the following table, showing the average number of votes cast per precinct in the 1930 general election:⁹

City or County	Vote cast per precinct
Group 1. Cities with 100-199 votes per precinct	
San Francisco (voting machines)	137
Los Angeles	145
Oakland	171
Seattle (King County) (voting machines)	172
Portland, Ore. (Multnomah County)	178
Youngstown	184
Columbus	189
Akron	191

⁹ The statistics for most cities have been taken from the report of the Ohio Institute, Election costs in Ohio. Cities using voting machines throughout, or practically throughout, are indicated in the table. For statistics on the number of registered voters per precinct for selected cities, see above, Chap. VI.

Group 2. Cities with 200-299 votes per precinct

Toledo	201
St. Louis	236
Baltimore	243
Detroit	251
Dayton	256
Denver	262
Omaha (Douglas County)	262
Cleveland	266
Pittsburgh (Allegheny County)	269
Kansas City, Mo.	294
Flint, Mich. (voting machines)	294
Milwaukee	296

Group 3. Cities with 300-399 votes per precinct

Cincinnati	302
St. Paul	309
Jersey City (Hudson County)	312
Chicago	325
Grand Rapids (voting machines)	333
Minneapolis	363
Buffalo (voting machines)	383
Rochester (Monroe County) (voting machines)	389

Group 4. Cities with 400-499 votes per precinct

New York (voting machines)	421
Indianapolis (Marion County) (voting machines)	428
Syracuse (Onandaga County) (voting machines)	461

Group 5. Cities with 500 or more votes per precinct

Boston	617
Hartford (voting machines)	701
Springfield, Mass.	1008
Providence	1062
Worcester, Mass.	1212
New Haven (voting machines)	1406

It is, indeed, significant that the average size of voting precincts in large cities varies from 137 voters in San Francisco to 1406 in New Haven. It is interesting to note, also, that both of these cities use voting machines. The number of voters to the precinct is greatly affected by the size and char-

acter of the ballot. California has an extraordinarily long ballot because of the numerous referendum propositions usually submitted (often as many as fifty at a single election), and consequently finds it necessary to have small voting precincts. The Oregon ballot is also very long, necessitating small precincts. While this affords some explanation of the smallness of the precincts of some of the cities in the first group, it does not follow that the precincts in these cities may not be increased in size. With the use of two or more voting machines to the precinct, or of extra persons to assist in the counting at the close of the day (where paper ballots are used), it would be entirely feasible to increase the size of the precincts. In California, however, at the present time, a double election board is used in precincts where two voting machines are used, thereby eliminating any economy which might follow from the use of larger precincts.

It is obvious that the greater the number of voters to the precinct the smaller will be the cost of elections. For many items the cost per precinct is about the same, whether the number of voters be large or small. The New England states, which have very large precincts, use from six to eight officers to the precinct, while states with small precincts use ordinarily five or six precinct officers, sometimes as few as three where voting machines are used. Boston, with its large precincts, averaging 617 voters in 1930, had a cost for precinct officers of only seventeen cents per vote cast, while the cities of Detroit, Baltimore, Cleveland, Dayton, and Columbus (all of which had precincts averaging from 200 to 299 voters) had a combined average cost for election officers of forty-three cents. There are some cities with small precincts which have relatively small costs for precinct election officers, such as San Francisco, Kansas City, Minneapolis, and Salt Lake City. This low cost is due either to the use of few officers per precincts with voting machines, or to the low scale of pay of precinct officers.

It would seem that precincts should average at least five hundred voters in any city, regardless of the complexity of the

ballot, provided a proper organization and procedure is used, and that in most cities precincts should approach an average of one thousand voters. This would greatly reduce the cost of elections and provide a much needed flexibility to take care of elections of varying importance. With precincts of this size two or more voting machines would be required, or if paper ballots are used, two counting teams should be provided in heavy elections. In minor elections the number of precinct officers required would be much less, and the cost could be reduced by half or even more.

At the present time the number of election officers used to the precinct is usually five or six.⁷ Very few places get along with less, and some require even seven or eight. There is no necessity for using so many officers to the precinct, regardless of size. Ordinarily two clerks of election, usually called poll clerks, are required to write out the two poll lists of voters. This is unnecessary. The voters may be required to sign their own names in the poll book when they appear, and one copy is quite sufficient for all purposes. The official record of the voters, or poll book, as it is called, should be simplified. Only the name and the address of the voter is required on this record. The recording of the number of the ballot handed to the voter is an unnecessary formality. If the voter's signature copy is made the official poll list, the two poll clerks may be dispensed with, and thus the cost of precinct officers would be cut almost in half. The signature copy of the poll list is preferable to the usual copy prepared by a poll clerk.

One employee is sufficient to check the registration of the voters who apply to vote. It is unnecessary to have two or more copies of the register at the polls and two or more election officers checking off the names. The fact that in many states only a single record is sent out is ample proof of the contention that one is enough. No better example of expensive procedure could be cited than that of having two or three registers at the polls, with precinct officers hired to check each one. One other officer is needed to hand out the ballots and

⁷ For table showing the number in large cities, see above, Chap. IV.

to receive them, or to see to it that they are properly deposited in the ballot box. One person can do this work quite satisfactorily. If voting machines are used, one person is required to take care of the machine and to instruct the voters. In either event, two persons can easily man the polls, and, with proper records and facilities, handle a thousand or more voters during the day. Election jams are usually caused by insufficient voting accommodations in the form of voting booths or voting machines, or by poor records or incompetent employees. If it is thought to be necessary to have at least two officers on duty at all times, however, three should be provided. In heavy elections an extra officer might be employed to assist in taking care of the voters with dispatch. If paper ballots are used, extra persons should be employed in heavy elections to assist in making the count, so that two or more teams may be counting at one time.⁸

The salary paid to election officers varies so greatly that it is difficult to generalize. In many states it is not fixed by state law, but is left, as it should be, to the local authorities. It is quite common for the judges or inspectors to be paid at a higher rate than the clerks, though there is little or no reason for such difference. The salary scale varies from as low as two dollars per day in some Southern cities to as high as twenty-five dollars per day in Newark and Jersey City. Both extremes are unwise. Ten dollars per day is a common salary for large cities, and with paper ballots, involving a night counting session, is not unreasonable, though it is somewhat high for most communities. In small cities and rural communities a salary of four to six dollars per day would seem to be more in line with the present scale of wages. Excessive salaries tend to make the job a prize to be awarded for political service. If voting machines are used, the number of hours required of the election officer is less and the salary should be correspondingly less.

While it is highly desirable in many cities to lower the

⁸ For a detailed statement of methods for conducting the count by two or more separate counting teams, see above, Chap. VI.

salary paid to election officers, at the same time unnecessary trips to the election office and other inconvenience, such as the requiring of a trip to secure the salary, should be eliminated, thus making the position more attractive. Election records and supplies should be delivered either to the polling place or to the home of one member of the election board, and a signed receipt secured for the records. The cost of precinct officers is reduced by the use of voting machines, since fewer officers are employed (usually two less), and since, because of the shorter hours, lower compensation is paid. It is also claimed that larger precincts may be provided if machines are adopted, but most cities using machines have not seen fit to use large precincts with two or more machines each.

Operating Expenses. This item is used to cover all expenses other than personnel, such as rental of polling places, drayage, storage, advertising, ballots, supplies, etc. The terminology used by the various election offices is not uniform, and comparisons here will be more difficult. In many of the cities several important items are lumped together. The methods of holding elections also vary enough from city to city to make comparisons difficult.

Ballots. The cost of ballots in the cities for which data is available is given in the following table:

City	Cost per vote cast (cents)
Chicago	10.9
Boston	state expense
Baltimore	8.9
Cleveland	3.1
Cincinnati	1.8
Columbus	5.6
Dayton	3.9
Kansas City	14.3
Minneapolis	1.6
San Francisco	2.3
Omaha	6.5
Denver (includes supplies)	4.8
State of Ohio	4.6

The wide variation in costs from city to city is very noticeable. In view of the cost of Cleveland, Cincinnati, and Minneapolis, it would seem that a cost of more than three cents per vote cast is excessive. Ballot costs are high in many jurisdictions because of politics in awarding the printing contract and absence of bona fide competition, and the unnecessarily strict state laws governing the rotation of names and other requirements in printing. The costs in Chicago and Kansas City both appear to be greatly excessive, though it should be pointed out that both cities have very long ballots in certain elections.

Supplies. The principal cost under the item of supplies is for the election supplies furnished to the precinct officers, consisting of pencils, pens, ink, blotters, sealing wax, envelopes, etc. These articles should cost very little. It would hardly seem necessary to supply the precinct officers with pens and ink at the present time, since almost everyone carries a fountain pen. In many jurisdictions the supplies are divided between the election officers at the close of the polls, and no pretense whatever is made of returning them. Pencils have to be supplied for use in the voting booths. The supplies required for the election office itself consist principally of stationery, etc.

Printing. In addition to the expense of printing ballots, which is usually separately itemized, the election office must provide various records and forms, which are included in the cost of printing. These include the registration books or records, poll books, affidavits, and instructions for absent voters, blank forms for all sorts of documents filed with the election officer, such as nominations, declinations of nomination, certificates of appointment as election officers, etc. These also should involve a very small cost. Another item of printing cost, which is by far larger than all the rest, is that of printing lists of registered voters. The practice of printing registration lists has been discontinued in many cities. It costs from three to fifteen cents per name, depending upon whether the contract is let politically or otherwise. This is unnecessary,

and should be eliminated by repealing the state law requiring such lists to be printed. The lists are useful only to political parties, which can secure a typewritten list at small expense when necessary. The election office of Milwaukee owns a small printing press to print necessary forms and ballots, which is also used by the other city departments for their printing needs.

Rental. The rental of polling places is a substantial item, as is indicated in the following table, covering the cost for elections and registrations:

City	Cost per vote cast (cents)
New York	14.3
Chicago	10.7
Boston ⁹	2.1
Baltimore	13.4
Cleveland ¹⁰	4.9
Cincinnati	12.2
Columbus	11.7
Dayton	8.3
Kansas City	8.9
Minneapolis ⁹	1.1
San Francisco ⁹	5.9
Omaha ⁹	1.7
Denver	7.9
Salt Lake City	3.5
State of Ohio	5.0

In most of the above cities the rental cost for registration places is about half of the total cost indicated, though several cities with permanent registration do not use precinct registration. It is significant that there is such a wide variation in the cost of polling place rental. The low cost in Boston (2.1 cents per vote) may be attributed to the use of large voting precincts. The low cost in Omaha and Minneapolis may be attributed in part to the use of public buildings and in part to a low rental. The high cost in New York, Chicago, Balti-

⁹ No precinct registration.

¹⁰ Uses portable houses extensively.

more, Cincinnati, and Columbus may be attributed to the failure to use large precincts and to make wider use of public buildings. All of these cities use public buildings to some extent, and the high rental cost per vote is all the more significant in view of this fact. Several cities also use portable houses in part, which item is not included in the above table. Cleveland, for example, had a cost of 4.8 cents for repair of voting houses, making the total cost of polling places amount to 9.7 cents per vote, but even this figure is not complete, for in addition there should be included items for the hire of regular employees in connection with the portable houses, and interest and depreciation on the houses, as well as certain other items which are properly chargeable to polling places.

It is significant that the city of Milwaukee does not rent any polling places. It uses public buildings very widely, and supplements them with portable houses in some precincts where there is no public building near enough to use as a polling place. The election law of Wisconsin permits the use of polling places anywhere within the ward for each precinct of the ward, thereby making it possible for the election authorities to place a number of polling places within a single building. One school building in Milwaukee serves as the polling place for seven precincts. In this case, however, the voters farthest away have to come only four or five blocks to the polls, and there is no confusion or trouble of any kind in having several polling places in one building. New York City has as many as four polling places in a number of public buildings, the state law permitting the location of a polling place either within the precinct which it serves, or in an adjoining precinct. State laws which require polling places to be located within the precinct boundaries are unwise and cause extra expense. It is not only cheaper to place several polling places in a single public building than to have separate polling places within each of the precincts, but it also serves the electors better, for they know where the polling place will be

each time, and the facilities are better than in rented quarters. With full use of public buildings the rental item for polling places all but disappears. The practice of some cities, however, of paying school janitors substantial sums for extra work tends to offset this saving. If any extra compensation is paid, it should be moderate.

Repairs. The repair item applies particularly to precinct equipment and portable houses. Ordinarily it is very small, but in a few cities a suspiciously high charge is made. In Baltimore, for example, we find an annual item of \$1300 for "overhauling and cleaning" ballot boxes. It is hard to understand why they should require cleaning, or any extensive repairs, for that matter. There are 668 precincts in Baltimore, making the annual cost of cleaning and overhauling of ballot boxes \$1.95 per box.

Cartage. The cost of delivering the election supplies to the precincts and returning them later to the warehouses is a fairly substantial item, particularly where voting machines are used. The items covering this work are not identical from city to city, and it is not possible to make a satisfactory comparison. In New York City, it is interesting to note, the transportation cost over a four-year period amounted to \$286,152.88, or 4.5 cents per vote cast. The cost in the State of Ohio in 1930 was \$40,387.55, or 1.8 cents per vote cast, but this does not include an item of \$63,933.64, which was paid to the presiding judges as extra compensation for delivering election supplies. The total cost for delivering election supplies in Ohio in 1930 was, accordingly, \$104,321.19, or 4.6 cents per vote cast. The cost in Detroit, on the other hand, where portable houses are widely used, was only 1.6 cents per vote cast, and that of Minneapolis, where portable houses are not used, was only .3 cent per vote. The practice of paying a bonus to the election officers for calling for and returning certain election supplies is unduly expensive. It is much more economical for the election office to deliver the election supplies, records, and ballots to the home of

the chairman of the board, taking a receipt. This is fully as safe as turning them over to the chairman at the election office. Even in rural districts, it would hardly seem necessary to have one of the members of the election board call for the supplies, though it is probably necessary to have the records returned by them at the close of the election. There is no good reason why the county election office should not send out the election records and supplies to all the precincts of the county, the delivery truck going from precinct to precinct.

Storage. The cost of storage of election equipment and supplies is also a considerable item. Where the city or county owns the building used, no charge is made on the books of the election office to cover this item. If voting machines are used the storage requirements are somewhat increased.

Advertising. Ordinarily, advertising is a very small item, but in some states it is substantial because of compulsory advertising requirements, which often entail useless expenditures.

Financial Control. The high cost of elections is due in large measure to the absence of any appreciable financial control. Many election expenditures are made compulsory by state law, and the city council or the county board of commissioners cannot trim such items. There is a tendency on the part of such bodies to regard all election expenditures as compulsory, and to pass, without careful scrutiny, the budgets submitted by the election authorities. Elections must be held, and any economy which might invalidate the election must be considered with caution. The state laws regulating elections prescribe in great detail the personnel and the procedure, and some fix the compensation of the election officers. This tends to hamper financial control, though not perhaps as much as might be supposed. Even under existing laws the budget authorities should scrutinize election expenditures and estimates as carefully as those of other departments, and place pressure upon the election office to reduce costs. The real

difficulty is that the election costs must be paid regardless of whether they are within the budget, for the necessary acts in the holding of elections are required by state law, and if the budget proves to be insufficient, the election authorities go ahead and spend beyond the budget, knowing that such additional expenditures must be paid out of the treasury. In some jurisdictions, San Francisco, for example, the election office is not subject to any appreciable financial control, but everywhere the control is limited by the compulsory nature of election expenditures. Another factor limiting such control is the independence of the election office in many places. An election board, separate and distinct from other departments and subject to no administrative control, is able to disregard the budget authorities in preparing its budget, and to refuse to reduce items. In many jurisdictions certain election functions are performed by the county and others by the city or town, which makes financial control difficult.

Obviously, greater financial control is necessary if election costs are to be reduced. The politically dominated election board is under pressure to keep the election costs up rather than to reduce them. Several steps may be taken to establish a greater degree of financial control. First, the use of independent election boards may be abolished and a regular officer of the city or county placed in charge. In this way greater pressure may be exerted to keep down costs. Second, the state law may provide specifically that the election budget shall be subject to review, with the further provision that no expenditures beyond the regular appropriation shall be made unless authorized by an emergency appropriation. This is the practice already in some states where there is effective financial control, and it does not entail any difficulties. Third, the compulsory provisions in state law in connection with advertising, the number of precinct officers to be used in each election, the requirement that precincts be divided when they attain a specific size, etc., may be repealed or modified, permitting the local election officers greater discretion, and elimi-

nating the possibility of voiding elections by not complying with the letter of the law. Fourth, provisions in the state law fixing the salaries of election officers, both precinct and central office employees, may be repealed. Likewise, statutory provisions fixing the number of employees for the offices in the larger communities in the state, with titles and salaries, may be repealed. It is, of course, absurd for the legislature to determine the number of employees to be used in any election office, or to fix their salaries.¹¹

The basic cause of the high cost of elections is the political administration. Almost everywhere election positions are regarded as the patronage and the spoils system prevails throughout. Election jobs are doled out to the faithful workers of both parties, and if there are not enough to go around, more jobs are created. Politically favored printers secure the contracts from the election office at fancy prices, and purchases are made similarly. Under such conditions it is easy to understand why election costs are high. Changes in the laws which would reduce election personnel and costs are vigorously opposed by the organizations. As long as the election administration is spoils ridden, the cost will necessarily be high.

Another cause of high costs is the use of independent election boards. These boards require a special office and office force, though the work during the slack periods is negligible. Since each member of the board has friends or party workers of his organization to take care of, there is a strong tendency to use more regular and temporary employees than are needed. An independent election board is not subject to effective pressure for reducing costs, such as is the case with a single commissioner or a regular official of the city or county. Nevertheless, it may be necessary or advisable to use an independent election board in populous communities, but it should be recognized that its use increases the cost of elections.

¹¹ In Baltimore, where this is the case, it is said that high salaries are paid because the legislature fixes the rates and the city pays the bill.

The Reduction of Costs. The discussion in this chapter, together with the changes proposed, may be recapitulated as follows:

1. Election costs at present are excessive, averaging well above one dollar per vote cast.

2. The variation from city to city is very wide, ranging from thirty-seven cents per vote in Minneapolis and Salt Lake City to \$1.36 in New York City, \$1.35 in Chicago, and even higher in some other cities.

3. Personnel costs constitute approximately two-thirds of the total cost in the majority of cities.

4. The cost of the salaries of members of the election commissions in the largest cities usually ranges from five to ten cents per vote cast. A cost of more than two cents per vote cast for election commissioners is excessive.

5. The cost of the regular employees of the election office varies from less than four cents per registered voter in Milwaukee, Minneapolis, and Omaha, to approximately thirty cents in Boston and San Francisco, and over twenty cents in other cities. The number of regular employees should not exceed one per 40,000 registered voters, and the cost should not exceed eight cents per registered voter.

6. The cost of precinct officers is the largest single item of election expenditures. It varies from seventy-two cents per vote cast (not including registration costs) in Columbus, to ten cents in Salt Lake City. Many cities have a cost of twenty-five cents or less, which may be taken as a reasonable maximum cost.

7. The size of precincts varies from an average of only 137 voters in San Francisco to 1406 in New Haven. An average of at least five hundred voters to the precinct should be maintained in every city.

8. The cost of ballots and election supplies varies very widely. These costs may be reduced by securing *bona fide* competition in letting contracts.

9. The cost of rental polling places is substantial, ap-

proaching ten cents per vote cast in many cities. It may be reduced to almost nothing by a full use of public buildings, under state laws permitting the polling place to be located outside of the precinct.

10. Provisions in the election laws which make certain expenditures compulsory should be eliminated as far as possible. Other provisions prescribing in detail the personnel and procedure for the conduct of elections should be repealed or modified.

11. The number of elections in many states should be reduced. Special elections should be avoided except in urgent cases, and when held, should be conducted under special provisions in order to keep down the cost.

12. Greater financial control should be provided by subjecting the election budget to review, and by requiring the election office to expend only such appropriations, regular and emergency, as may be made.

13. The election administration should be divorced from political spoils.

14. The use of special, independent boards to have charge of elections should be confined to the largest cities.

CHAPTER XI

STATISTICS

The election statistics published at present are very incomplete. The boards of elections in a few of the largest cities publish annual reports which contain election results and certain other statistical data,¹ and in a few states some election statistics are published in the state blue book, or in some other form, by state officers, but these are exceptional cases.² Certain election statistics also appear in privately printed almanacs, but these are limited to the most important elections and to selected jurisdictions. If one wishes to know the number of registered voters in the various counties of a state, the vote cast at local elections throughout the state in a given year, the trend of registration and voting, a comparison of the vote cast at special elections with other elections, etc., in most states he would find it practically impossible to secure information. It would seem that elections, which are the basis of our many governments, are important enough to warrant the publication of systematic, orderly, regular, and complete statistics.

On the other hand, in the jurisdictions where election statistics are printed, it is very common for them to be given in needless detail. For example, the secretary of state of Ohio published in 1930 a bulky report of Ohio election statistics, containing 475 pages. The first eighty pages contained summaries of the election results by counties for the various state offices in the partisan primaries and the general election, the total registration and vote cast by counties, and a limited amount of historical material, showing, for example, the vote cast for candidates for governor in each election since 1803, the vote cast in judicial elections and for presidential electors, etc. These statistics are useful and should be published, but, it must be added, there follow over three hundred

¹ For example, New York, Boston, and Milwaukee.

² California, Ohio, Wisconsin, New York, and other states.

pages which contain a detailed statement of the vote cast for governor in the 1926, 1928, and 1930 elections, not merely by counties, but also by precincts throughout the state. No useful purpose is served by such detail. It is an unnecessary public expense. The statistics on the vote for governor by counties would be quite adequate, and statistics for past elections should be confined to summaries of the entire state. The practice of publishing the results of the election of various officers by precincts is very common, but is ill advised. For city elections the vote cast by wards is sufficient for all purposes. The same is true of county elections, with the exception that for rural districts it is necessary to use some other unit; for example, the legislative district. In state elections the vote cast for the various candidates by counties is sufficient for ordinary purposes. The publication of election statistics in needless detail adds to the cost of elections and, in the long run, tends to cause the publication of all statistics to be discontinued.

Before discussing the essential statistics of elections which should be published, it is advisable to take up first the matter of what office, state or local, should publish them. While there is some merit in having election statistics printed locally in the various cities or counties, on the whole the considerations in favor of publication by a state office for the entire state outweigh the local considerations. We take as a matter of course the publication of census statistics for every state and city by the national government. They are more convenient, usable, and accessible in this form. The same is true of election statistics as applied to the state. Election statistics may be readily compiled and published by the secretary of state for all elections within the state each year, and, if kept within reasonable bounds, at a nominal cost. It would be highly desirable if this could be done for all of the states.

The statistics of elections may be published as a special report, in pamphlet form, or as a part of the blue book of the state, or of a state statistical book, if one is published. On the

whole, the practice of publishing the election statistics in the year book or blue book is probably more desirable, for in this form they will be more widely distributed and more accessible. It may be added that the essential election statistics, properly condensed and summarized, should occupy not more than twenty-five to fifty pages in such a report, and would not be too lengthy to be included.

With this in mind, we may outline the essential election statistics which should be included in such a state report, as follows:

1. The total number of registered voters and the total vote cast at the principal elections of the year, for the entire state, each county, each city, and for each ward in cities over, say, 50,000 population.

2. The total vote cast at other elections held during the year, but confined to the entire state and for each county.

3. The vote cast for each candidate for state office in the general state election, and for each candidate for nomination for state office at the primary elections, for the entire state and for the several counties.

4. The vote on referendum questions by counties and for the entire state.

5. For county elections, the total vote received by each candidate for county office, in the primary and general elections, and the vote upon referendum questions of the county.

6. For city or local elections of all sorts, the total vote received by each candidate in the primary and general elections, and the vote upon referendum propositions.

7. For congressional elections, the vote received by the candidates for the entire district and also by counties, including both primary and general elections.

8. For legislative districts, the vote received by each candidate, by counties where the districts include more than one county.

9. A summary of the campaign expense statements of all candidates.

10. A table showing the cost of elections, including the cost per vote cast, in each county or city.

It will be noted that in the above list it is not recommended that the vote by precincts be given in any instance. It may be desirable, however, for the returns for city elections in large cities to be given by wards within the city, and for county elections by cities and towns, or some other suitable division of the county, but not as detailed as by precincts. Such detailed local statistics, however, are usually printed in the newspaper accounts of the election, and may be omitted from the state publication if they require considerable space.

The election statistics should be printed in tabular form, and in such arrangement that they will occupy as small amount of space as is feasible. Some of the election statistics as printed at present take up a great deal of space unnecessarily because of poor arrangement. Upon each table covering a particular election should be placed as many offices as may be included without undue crowding. The statistics should contain a table of contents showing the various tables and summaries, and the items should be included in the index to the volume. It is not at all uncommon for such elementary matters as a table of contents and an index to be omitted entirely.

In addition to the above statistical data upon the election and its results, the election offices throughout the state should submit, as a part of their annual reports, certain other statistical data dealing with the detailed administration of elections. Under this heading would come the following tables or items of information:

1. A financial statement, showing in itemized detail the appropriations, expenditures, and balances on hand.
2. The number of precincts, with statement of increase or decrease.
3. The number of registered voters.
4. The total vote cast at each election and cost per vote.
5. Total vote cast throughout the year, and cost per vote.

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