

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 Secunder 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) | |
|--------------|------------|-------|

| | | |
|----------------|------------|-------|
| Void and blank | (as above) | |
|----------------|------------|-------|

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.