

The Adoption of the Australian Ballot in Indiana

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ELECTION CONDITIONS IN INDIANA

In the campaigns from 1876 to 1892, the chairman of the two national party committees had a very important role to play. The tone of each campaign depended upon the kind of men at the head of these committees. When the presidential campaign could be conducted by a man and a boy in the lobby of a hotel with a small waiting room, the commandant of the campaign was usually a banker. August Belmont was chairman of the Democratic forces for years. With Edwin D. Morgan, chairman of the Republican National Committee in 1872, passed the last of the banker type. His duties were largely those which later devolved upon the treasurer. Morgan was considered very proficient in the collection of campaign funds, but the sum which was raised for the campaign of 1872 would have seemed rather small twenty years later.¹ The factor which played an important part in the choice of many of the chairmen of this period was their purse. The wealthy chairman with large business associations and high social position was in touch with the rich men of the country and could solicit funds from them on a basis of genial equality.

In the presidential elections down to 1888, the elections in October in several of the states were thought to have a very powerful influence upon the subsequent elections in November. The results in October were considered prophetic. Of all these October states, Indiana as a very doubtful state was predominant in importance because of the ebb and flow of confidence in the respective parties in the pivotal state of New York due to

¹ It is believed that the Republicans' campaign fund in Indiana for 1872 did not exceed \$250,000, while that of 1880 was nearer \$400,000.

the result of the election in the Hoosier state. It became a popular slogan that "the way Indiana and New York goes so goes the nation." The pendulum oscillated portentously in this period with the exception of the doubtful election of 1876.

On August 13, 1876, Mr. Hayes wrote in his diary:

Governor [Oliver P.] Morton regards the situation as grave; that if Indiana is Democratic in October our chance is not one in ten of success in the country in November; that if we carry Indiana in October, our chances of carrying the country in November are forty-nine in fifty; in short, that we lose the Presidency in November if we lose Indiana in October. . . . He detailed the figures of elections since 1860. He showed the closeness of the State. . . . I said: "and now the remedy." He, after some further talk said: "*Money and speakers!* Money to pay men to travel and organize—to print and circulate documents," etc., etc. To my question, how much is needed to do the work required to carry the State, he replied . . . one hundred thousand dollars. I asked how much is generally used. He replied: "Four years ago we had from outside the State fifty-five thousand dollars." . . . On the whole his talk was not encouraging. The use of money I have little faith in, and I am confident that no such large sum can be raised. I mean to go through cheerfully and firmly and with clean hands.²

Indiana virtually became a raging sea of oratory. Speakers, transparencies, processions, mass meetings, roorback and boodle stories all had their part to play in the canvass. For and under cover of this scenic claptrap was expended a great deal of money by the two parties. The election laws of Indiana were an open door to illegal practices. William H. Barnum travelled over the state distributing money and telegraphing in cipher for "seven more mules."³ Various estimates were given of the amount spent by each party within the state but too frequently they are made by the organ of the opposing party.⁴ We have the Republican needs estimated by Oliver P. Morton as \$100,000. Whatever may have been the relative size of the campaign funds the Republicans failed "to beat the dust out of the blue jeans of J. D. Williams."

Indiana was a very important post of danger in 1880 as she had been in 1876. The contest was even more spirited in that

² Williams, Charles Richard, *The Life of Rutherford Burchard Hayes*, Vol. I, pp. 478-79 (Boston and New York, 1914).

³ *New York Herald*, October 12, 1876; *New York Tribune*, October 11, 1876; *Ibid.*, October 29, 1884, Editorial. Hewitt telegraphed to W. H. Barnum on October 10, 1876, "You may buy seven more mules." This was understood to mean that he could have \$7,000 more.

⁴ *Albany Journal* quoted by *New York Herald*, October 5, 1876; *Utica Observer* quoted by *New York Herald*, October 6, 1876; *Columbus State Journal* quoted by *New York Tribune*, October 8, 1876.

state than it had been in the previous campaign. On October 11, 1880, the *New York Herald* prefaced an article on the October campaign in Indiana with the following heading, "Influx of Convicts, Sneak Thieves, Burglars, and Banco Men," "Money for fraud, none for comfort is charged on both sides." Vice-President-elect Arthur, speaking at a banquet given to Dorsey on February 11, 1881, referred to the victory in the October election in Indiana and said, "... that result saved, more than anything else, New York to the Republican party."⁵ Without New York, Garfield would have received but one hundred seventy-nine, and Hancock, one hundred and ninety electoral votes.

The most active individual for the Republicans in Indiana was Stephen W. Dorsey, secretary of the Republican National Committee. Speaking of his work in 1880, Mr. Dorsey said:

I thought our sole chance lay in concentrating all our powers on New York and Kings counties. Well, we did so. We cut down the Democratic majorities more than 75,000, and the State was carried by 20,000. . . . Well, we had a big campaign fund, but as to the way it was spent I would refer you to Mr. Stephenson. He handled the money. There was spent in Indiana about \$400,000, not a nickel of which came into my hands. The Republican organization there was as good as it could be, and the credit of it is due to John C. New and Colonel W. W. Dudley. All this money was paid out by Mr. Stephenson and Mr. Dillon. They live in New York. There can be no difficulty in verifying from them my statements. I do not think they will deny them.⁶

That a great deal of money was sent into Indiana by the Republicans can easily be gleaned from letters by Levi P. Morton, chairman of a special finance committee, to Senator Dorsey in Indiana, in which he notifies Dorsey that he is sending money to him.⁷

One of the worst features of the whole affair was the famous Dorsey dinner given in New York City on February 11, 1881 to give recognition to Dorsey for his work in Indiana. The guests, largely brought there through the use of the name of U. S. Grant, included besides the former President himself such men as former Secretary Hamilton Fish, former Secretary Boutwell, Vice-President-elect Arthur, Henry Ward Beecher, Postmaster Thomas L. James, John Jacob Astor and

⁵ *New York Tribune*, February 12, 1881; *New York Herald*, February 12, 1881.

⁶ Interview in the *New York Sun* quoted by *Harper's Weekly*, November 15, 1884.

⁷ A number of these letters are printed in the *New York Herald*, December 18, 1882.

other notables.⁸ During the course of the evening Mr. Arthur gave a speech in which he praised Dorsey for carrying Indiana, "the forlorn hope," and added:

Indiana was really, I suppose, a Democratic state. It has been put down on the books always as a State that might be carried by close and perfect organization and a great deal of—. I see the reporters are present, therefore I will simply say that everybody showed a great deal of interest in the occasion and distributed tracts and political documents all through the State. The Republicans have always said, "We have the best organization we ever had and if we have the sinews of war we will get through all right."⁹

The Democrats were also alive to the situation in Indiana. Chairman Barnum was again active within the state. The choice of William H. English as the Democratic vice-presidential candidate was partly influenced by the fact that he was one of the richest men in Indiana and by the understanding that he would contribute generously.¹⁰ Wrote George William Curtis, "... one of the chief qualifications of a candidate is the 'bar'l.' Many of the highest offices are now practically for sale, and the rich men buy civil positions as they once bought commissions in the English army."¹¹ Mr. English received many letters every day containing requests for contributions. It no doubt seemed to Mr. English that they not only wanted him to tap his "bar'l" but to knock both ends out. However, the "bar'l" was fairly tight and the leak let the money seep out so gradually that only ten thousand dollars had been lost at the end of the Indiana campaign.¹² A member of the Democratic State Committee of Indiana said, "English is naturally a miser in the fullest sense of the term. His beggarly contribution of \$10,000 came in dribbles and grudgingly. . . while the Republicans were having men to make a personal canvass of every township. . . Mr. English was saving his money for, well he said, 'November election.' He might as well save it all."¹³

In October, 1884, a sub-committee of the Republican National Committee sent out a circular to office-holders suggest-

⁸ A full list of the guests is given in the *New York Tribune*, February 12, 1881.

⁹ *New York Tribune*, February 12, 1881. The word "soap" was given in place of the blank in some of the reports.

¹⁰ *Leslie's Illustrated Newspaper*, September 18, 1880; *New York Herald*, September 22, 1880; *Harper's Weekly*, November 6, 1880; *Cincinnati Enquirer* quoted by *New York Tribune* (Semi-Weekly), October 19, 1880.

¹¹ *Harper's Weekly*, November 13, 1880.

¹² *New York Herald*, October 4, 1880; *New York Tribune* (Semi-Weekly), October 15, 1880.

¹³ *Cincinnati Enquirer* quoted by *New York Tribune* (Semi-Weekly), October 19, 1880.

ing that money had been borrowed by the Republican National Committee which had to be paid with interest and that contributions would be received until after November. It called attention to the circular of August 6, 1884 and then proceeded, "The great battle is yet to be fought, and unless the state of New York or Indiana can be secured to the Republican column in November, the battle may be eventually lost."¹⁴ The officeholders were informed that a list of those who paid would be kept.¹⁵

Notwithstanding the fact that the estimates of the campaign funds soar higher for this election than in the previous years, it appears to be indubitably true that the greatest contribution to the Democrats was the votes and support of the Mugwumps.¹⁶ George William Curtis could say with a great deal of truth and with a greater amount of satisfaction that "the purblind people who are called practical politicians have yet to learn the first truth of practical politics, that in all party action the important consideration is not the party men who will support anything which bears the party stamp, but the party men who will support nothing without the stamp of their approval."¹⁷

In the campaign of 1888, the Republicans took the offensive and posed as the reform party much as had the Democrats in the previous campaigns. As the Republicans had expressed it in their *Campaign Text Book* in 1882:

The OUTS, honest fellows, would think it no sin,
To drive the INS out and to screw themselves in
While the INS (O the rogues!) are agreed to a man,
To keep themselves snug where they are—if they can.

Matthew Stanley Quay as chairman of the Republican National Committee publicly announced that the National Committee would pay two thousand dollars for information leading to the arrest and conviction of any person found violating the registry laws and twenty-five thousand dollars were deposited

¹⁴ *New York Herald*, October 24, 1884.

¹⁵ *Ibid.*, October 18, 1884; Sparks, Edwin Erle, *National Development*, in *The American Nation*, Vol. XXIII, p. 345 (New York and London, 1907). It is quite evident that the tone of most of the circulars was different from that found in those of previous campaigns. No longer was the office holder treated as if he were an employee of an employment bureau or agency to which he must pay a definite commission.

¹⁶ For estimates see Wilson, Rufus F., "Money in Politics," in *New York Press*, September 11, 1892; Anonymous, "The Cost of National Campaigns," in *World's Work*, Vol. I, p. 77 (November, 1900-April, 1901).

¹⁷ *Harper's Weekly*, November 11, 1884.

in the bank for this purpose.¹⁸ A distinctive feature of the campaign was the increase in the use of "educational" methods. Both parties spent large sums for documents and tracts and the congressional frank was much abused. The Democratic National Committee was a very heavy spender in this "campaign of intellect." There was more money spent in this campaign than in any previous one and corruption charges were rampant. The Democrats assessed quite generally, which gave them the advantage over the Republicans; but both parties relied very largely upon individual contributions, and the manufacturers were especially liberal to the Republicans.

At the meeting of the Republican National Committee in New York City in July, Matthew Stanley Quay, of Pennsylvania, was chosen chairman with William W. Dudley, of Indiana, as treasurer. The choice of these two men was surely no augury for reform. Mr. Quay was an estimable man in private life and often spent his leisure moments in the Pullman reading classics, but it was not in these better aspects that the public knew him. In public life, he was a practical politician possessing all the shrewdness that that term implies, and was well fitted for the chairmanship of a national committee. He had been intimately connected with the politics of his own state and with an embezzlement of funds of the state treasury. In the Senate, he was more conspicuous for his absence than for constructive work. The *New York Tribune*, which has probably been more consistently a Republican organ than any other metropolitan newspaper in the country, said of him in an obituary, "In the narrower field of politics—that of partisan strategy and campaign management—few leaders of our day have shown greater capacity. He believes that in politics as in war, the end justifies the means."¹⁹ Matthew "Silent" Quay, truly, did his work as chairman of the National Committee quietly but thoroughly, with a great deal of money. Colonel William W. Dudley, a former Commissioner of Pensions, had been a "violent worker" in all the campaigns since 1876, with Ohio and Indiana as his specialties. He was to become notorious with his "blocks of five" in this campaign.

¹⁸ There were several who took advantage of this offer and in at least one case the reward was paid. *New York Herald*, October 14, 1888; *New York Press*, October 26, 1888; *ibid.*, October 28, 1888.

¹⁹ *New York Tribune*, May 29, 1904.

William H. Barnum, though seventy years old, again assumed the management of the Democratic campaign, but really only in an advisory capacity. It was understood that the active duties of the canvass were to fall to Calvin S. Brice as chairman of the National Campaign Committee. Barnum was ill during the entire campaign and died after a prolonged illness on April 30, 1889. Mr. Brice was the real leader. Calvin S. Brice, or "Calvin \$ Brice" as his name was often written during the campaign, was an Ohio lawyer with only a comfortable living in 1882 but with a keen mind and industry. In 1888 he had risen to the position of a recognized leader in American financial and railway circles. As in the case of Jones for the Republicans in 1884, the choice of Brice as chairman of the National Campaign Committee and as the real leader was actuated by the desire to get a man who could and would make large contributions to the campaign fund from his own purse and through his personal position and influence be able to get others to do the same. However, Mr. Brice had a very fertile brain and far surpassed Jones as a chairman. It was in this campaign that he made a tour of the western states to sound them as to their position on the Mills bill and got the title of "Rainbow Chaser." It was thought that he should have concentrated his attentions upon the doubtful northern states. His work gave evidence of results in 1890 and 1892. Brice was made chairman of the National Committee on June 12, 1889. His chief aid in 1888 was Senator A. P. Gorman, of Maryland, who was acting chairman of the National Campaign Committee during the absence of Brice.

President Cleveland issued an order on July 14, 1886 saying, "The influence of Federal office holders should not be felt in the manipulation of political primary meetings and nominating conventions."²⁰ However, it appears that that "influence" was never greater than in the congressional election in Indiana of 1886.²¹ The practice of assessing office holders was continued with improved methods. It was checked but not stopped. No longer, however, was it to be an open and general source of funds. The tone of the circulars was an advance over those of Hubbell. The New York State Central Committee sent out a

²⁰ Richardson, James D., *A Compilation of the Messages and Papers of the Presidents*, Vol. VIII, p. 494 (Washington, 1898).

²¹ Swift, Lucius B., "Civil Service Reform, A Review of Two Administrations," in *Forum*, Vol. XIV, p. 206 (September, 1892-February, 1893).

circular saying, "Your assistance and counsel, to the end that a thorough organization of the party may be accomplished, is solicited. The preference that you now enjoy is the result of Democratic victory. Please let me hear from you and oblige."²² The United States Civil Service Commission in its annual report in 1887 said, "The political assessor no longer does his work in an open manner, He is not a familiar presence in the departments, the custom houses, and the postoffices. He has become a sulker in his work, and pursues his vocation as if it were dishonorable."²³

A very large if not the chief source of the Republican fund in this campaign was the contributions from the manufacturers. Circulars were sent out to them²⁴ and Pennsylvania, New England, and other industrial regions bled at every pore in the interest of protection.

New York was again pivotal, with Indiana as doubtful and an asset much desired by both parties. Again, the self-binders were driven into these fields and the result of the harvest was awaited with great anxiety. They were the real battle-ground and great sums of money were spent in both states.²⁵ There is evidence that all this money was not to be expended for legitimate purposes. The letter sent by William W. Dudley, treasurer of the Republican National Committee, to the county chairmen in Indiana furnishes proof of this. The letter contained these significant directions:

Write each of our precinct correspondents. 1st. To find who has Democratic boodle and steer the Democratic workers to them and make them pay big prices for their own men. 2d. Scan the election officers closely and make sure to have no man on the Board whose integrity is even questionable, and insist on Republicans watching every movement of the Democratic election officers. 3d. See that our workers know every Republican voter entitled to vote and let no one else even offer to vote and see that they do vote. 4th. Divide the floaters into blocks of five,

²² *Harper's Weekly*, November 6, 1886; for an account of the activities of Hubbell see the testimony of G. C. Gorham before the Wallace Select Committee on Election Frauds, in 46 Cong., 2 Sess., *Senate Report*, 427, pp. 10ff.

²³ *Fourth Annual Report of the Civil Service Commission*, p. 124 (1887).

²⁴ The full text of one of these circulars may be found in the *New York Herald*, October 24, 1888.

²⁵ Ogg, F. A., "The Dollars Behind the Ballots," in *World To-day*, Vol. XV, p. 948 (1908); *World's Work*, Vol. I, p. 81; *New York Herald*, November 6, 1888; *New York Times*, November 6, 1888; *New York Sun*, October 29, 1892.

and put a trusted man, with necessary funds, in charge of these five, and make them responsible that none get away."²⁶

It was this fourth direction that attracted most attention and brought down upon the head of the author the scalding adverse criticism of a public opinion that was aroused and becoming militant. The reformer, George William Curtis, wrote, "In Indiana, the doubtful state, the result shows nothing about protection, or party sympathy, or preference of candidates, but simply that the 'floaters' were bribed to vote the Republican ticket, as they might next time be bought to vote against it."²⁷ The number of "floaters" or doubtful voters in Indiana who were to be divided into "blocks of five" was estimated to be about twenty-five or thirty thousand.²⁸ When one remembers the Republican majority in that state in 1888 was only a little more than twenty-two thousand votes, the value of a vote in this state, so much desired by both parties, is evident.

The prolonged discussion of the questionable methods of the political manipulators in 1888 created in the mind of the public a sentiment against this intangible something which was characterized in the one word corruption. The people as a whole did not seem to know exactly what they wanted, but they were convinced that something must be done to at least

²⁶ There were two versions of this letter which might be termed the corrupted and the original. In the original version we have the directions stated as given above. This letter was reported to have been sent into New York and other northern states. See *New York Herald*, October 31, 1888. In the corrupted version the word "financial" and other terms were inserted in psychological places which gave the use of money for the purchase of votes added emphasis; e.g., in the second direction the words "loyalty to us" were substituted for the word "integrity." The corrupted version may be found in the *New York Times*, October 31, 1888; *New York World*, November 1, 1888. The correct version may be seen in fac-simile in the *New York Times*, November 4, 1888 and in print in the *Indianapolis Journal*, November 1, 1888. Dudley never denied sending the version of the letter given above but brought suit, as a campaign measure, against the *New York Times*, the *New York World*, and the *New York Commercial Advertiser*, all of which had printed the corrupted version, for \$25,000 damages. Nothing ever came of the suit. Dudley was offered \$1,000 on condition that he return to Indiana and stand trial, but decided to maintain his absence, *New York Times*, November 2, 1888; *New York Nation*, January 3, 1889. For an interesting partisan account by Senator Voorhees of Indiana see *Congressional Record*, 51 Cong., 1 Sess., p. 452.

²⁷ *Harper's Weekly*, November 15, 1888.

²⁸ *Ibid.*, November 24, 1888; see also editorial, *New York Times*, November 4, 1888; letter of Prof. R. H. Dabney of Indiana University in *New York Nation*, November 22, 1888, p. 412. In this discussion of election conditions which would result in a demand for ballot or election reform it is possible that too much emphasis has been placed on the disagreeable features to the exclusion of others. In this it is probably true to the form of the period in which these elections occurred. Indiana as an October state to 1884, as a doubtful and close state during the whole period, would naturally have attention centered on her and would receive a great amount of publicity. However, that there was corruption of elections in this state considered so important by both parties there can be no doubt. Other explanations of the state voting so regularly with those favoring the successful candidate are that it is due to the superior political intelligence of the people, to a larger and fuller vote being cast owing to the great interest of the people in politics, and that it was more or less accidental, i.e., they merely stumbled in the right direction, and yet were honest. The true explanation most probably does not lie in any one of the above but in a combination of all. That the conditions portrayed in the foregoing pages were those which resulted in the urgent demand for ballot and election reform within the state there can be no doubt.

check these wrongs. Such a condition of the public mind could not but have its influence. Just as the practice of Hubbellism in 1880 and 1882 served to call forth agitation and a resistless demand for civil service reform, so the use of such large sums of money and the work of such men as Dudley with his "blocks of five" in 1888, gave impetus to the long growing demand for ballot and election reform which was soon to culminate in constructive legislation.

BALLOT REFORM IN INDIANA

Until the late eighties abuses and corruption in elections were taken somewhat as a matter of course, as an unavoidable if not a necessary evil. At least public opinion had not crystallized in favor of anything like a thorough ballot reform or corrupt practice act. There had always been a reform element and it was growing in numbers, strength, and influence. Some abortive attempts at ballot reform had been made prior to 1888. The campaign of 1888 was so flagrant in its abuses that it was felt that preventive measures were necessary and an insistent demand arose that something be done.

It was thought that most of the corruption and abuses were at least facilitated by, if they were not due to, the balloting system. During the colonial period in America the old *viva voce* method of voting was replaced by the method of voting by the unofficial ballot. As early as 1643 Massachusetts had adopted the corn and bean ballot; that method like so many of its successors may have been more convenient, but it was not secret. This was succeeded by the written ballot which had to give way to the printed ballot, with the increase in population. These ballots came to be printed on various colored paper and in 1839 the state required the ballots to be deposited in the ballot box open and unfolded. Certainly there was no secrecy provided under such a system as this. In 1851 the liberals succeeded in obtaining a law providing that the ballots be placed in an envelope. Still the ballots were unofficially furnished by private parties.²⁹

Indiana adopted the ballot in 1816 at the time of the adoption of her first constitution.³⁰ However, they were unoffici-

²⁹ For a general discussion of the ballot system in the United States see Evans, Eldon, *A History of the Australian Ballot System in the United States* (Chicago, 1917).

³⁰ *Indiana Constitution*, 1816, Art. VI, Sec. 2.

ally furnished and were not cast in secret. In 1867 the use of white paper with no distinguishing marks for printing the ballot was prescribed in the laws of Indiana.³¹ This was abortive, as we shall see, due to the printing of the ballots on different shades of white paper and the using of much ink on thin paper. Indeed, the signature of the voter was permitted in Indiana from 1867 to 1881.³² In 1881 the laws of Indiana provided that:

All ballots which may be cast at any election hereafter held in this State, shall be written or printed on plain white paper, of a uniform width of three (3) inches, without any distinguishing mark or other embellishment thereon, except the name of the candidates and the office for which they are voted for. . . . When any elector offers to vote, the inspector shall pronounce his name in an audible voice, and if there be no objection he shall receive his ballot, and in the presence of the other judges put the same unopened into the ballot box, when the name of such elector shall be again distinctly repeated by one of the other judges in the presence of the clerks.³³

The opportunity for fraud, intimidation, and bribery in elections had not been greatly lessened. Every voter could be checked on the way he voted. This was the law which was in force at the time of the election of 1888.

In two contested cases in the Senate and the one in the Assembly, charges were rampant and strong. The Democratic majority of the Committee on Elections in reporting on the contest of Grimes *vs* Bichowski in the Senate said,

Your Committee . . . finds that the Republicans in Vigo County had two kinds of ballots, differing only in this, that one kind had a plain heading, while the other had an ornamental heading, in which the words "Republican Ticket" were printed in circular form with embellished letters, with an impression that showed the letter and characters plainly on the reverse side of the ballots, and permitting such ballots to be distinguished as shown by the evidence for a distance of ten (10) feet.

The minority of the committee did not deny the truth of these statements but claimed that the action was within the law.³⁴ Bichowski lost his seat. Charges of bribery and inti-

³¹ *Indiana Laws*, 1867, p. 120.

³² *Ibid.*, and 1881, Ch. 47.

³³ *Ibid.*, Secs. 23 and 26.

³⁴ *Indiana Senate Journal*, 1889, p. 1254.

midation were not lacking and, it seems, not wholly without justification.³⁵

Isaac P. Gray, the outgoing governor, urged election reform saying:

I earnestly invite your attention to the imperative necessity for a revision of the election laws, so as to guard more effectually the exercise of the elective franchise and secure to the people fair and honest elections. It is manifest that the public faith in the purity of elections has become shaken, and the feeling is widespread that the decision at the ballot box no longer reflects the honest judgment of a majority of the voters. During the past year a number of outrages upon the personal rights of citizens were committed in one or two counties of the State by persons banded together under the name of "White Caps."³⁶

Governor Hovey, in his inaugural address, joined with his predecessor in calling for legislation making for the purity of elections, saying:

In the late election charges of fraud and corruption have been freely made by the contending parties, and, while we are not authorized to sit in judgment as to particular acts or cases, we can not shut our eyes to the facts. There is reason to believe that the ballot has been polluted, not only in this State but in many of the other States of the Union, and in both political parties, until, in the eyes of many respectable men it seems to be no longer considered as a crime. . . . Nominations now are said to have their price, like the Roman purple of ancient days, and it is our duty to put an end to such corruption.³⁷

Thus both the outgoing and the incoming governors urgently requested action on the matter of election reform. It is conceivable that each may have had political reasons for such an appeal, but that it represented the will of the majority of the people of Indiana there can be no doubt.

Bills were introduced in both houses having as their purpose the improvement of election conditions. The situation which confronted the legislators is well portrayed by the majority report of the House Committee on Elections on the case of *Peyton vs John* in Spencer county when it stated:

³⁵ *Senate Journal*, 1889, pp. 243-48. A report of the Committee on Elections of the *Ray vs Carpenter* contest in Shelby county said, "The evidence shows that it was generally and notoriously known and talked by the voters of the district that Carpenter was using money to bribe voters to secure his election. . . . These matters became so public and notorious in Shelbyville that when Carpenter came to town (as expressed by a witness) the corrupt and purchasable voters hovered around and flocked after him like vultures."

³⁶ *Ibid.*, pp. 44-45.

³⁷ *Ibid.*, pp. 104-5. Governor Hovey made the suggestion that every newly elected officer take oath that he had not obtained his election to office by dishonest methods if he were able, and, if not able, that he should resign. Governor Hovey was a newly elected officer.

The law of the State guarantees to every voter the right to vote a secret ballot, and undertakes to secure him in that right if he desires to exercise it. And any distinguishing mark or embellishment, or other trick or device, by which he is deprived of such right is unlawful. While the law gives the voter this right, it does not compel him to exercise it. He may if he chooses mark his ticket so as to identify it, or, for that matter, show it to whom he pleases, and if he does so of his own free will his ticket is not unlawful.³⁸

The problem was to protect the honest voter's ballot from invalidation by a purchased ballot or by a ballot cast by a man who, because of the shortness of his term of residence or in some cases because he was not a resident of Indiana at all, had no right to vote.³⁹ Moreover, under the existing system the stuffing of the ballot box was comparatively easy as the ballots were furnished by irresponsible party committees and no count kept of the number furnished. Bedlam more or less reigned about the polling places. Nominations could be made at the last moment, making investigation and publicity almost impossible. The thought was that most of the abuses were caused by the absence of a compulsory secret voting system. The vote of a "floater" or unscrupulous citizen could be purchased and the purchaser could see that the goods were delivered as bought.

A ballot had been adopted in Australia which seemed to offer the desired device for the lessening of corruption.⁴⁰ The chief virtues of such a system were that the ballots were furnished by the state and supplied to electors on election day and then marked in secret. The Indiana law passed in 1889 met the abuses which we have noted by providing that "The ballots shall be of uniform size and of the same quality and color of paper, and sufficiently thick that the printing cannot be distinguished from the back."⁴¹ This Indiana statute, which has served as the model for at least twenty-seven states,⁴² adopting the party-column type, provided that all nominations should

be placed under the title and device of such party or petitioners as designated by them in their certificate or petition; or if none be designated, under some suitable title and device. . . . The arrangement of the ballot shall, in general, conform as nearly as possible to the plan hereinafter

³⁸ *Indiana House Journal*, 1889, p. 468. The ballot law of 1881 was in effect.

³⁹ *Ibid.*, p. 466. Some came across the line from Kentucky and voted.

⁴⁰ A copy of the Australian ballot law may be found in the appendix to Evans, *Australian Ballot*.

⁴¹ *Indiana Laws*, 1889, Ch. 87, Sec. 26.

⁴² Evans, *Australian Ballot*, p. 40.

given, and the device, names and list of the Democratic party shall be placed in the first column on the left-hand side of the said ballot; of the Republican party in the second column; of the Prohibition party in the third column, and of any other party in such order as the Board of Election Commissioners shall decide.⁴³

All spoiled ballots must be destroyed and a count kept of the number disposed of in that way. To protect the voter from illegal challenges the law further provides that each voting place shall have a passage with a railing, rope, or wire on each side commencing fifty feet away from and leading to the polling place. There is to be one challenger and one poll book holder permitted to stand at the sides of the lane near the challenge window but no other person is to be within fifty feet except to vote.⁴⁴ The states adopting the Indiana party-column ballots have usually not done so completely. There are many variations.⁴⁵

There are serious objections to the party-column ballot. It is long and unwieldy. One can tell whether or not one is voting the straight party ticket by the length of time taken to vote. Probably, the chief objection is that it makes independent voting difficult and encourages straight party voting. In Indiana the independent voter must mark for every name while loyal party men or women merely put one cross in the party emblem circle. The Massachusetts ballot with the names of the candidates arranged alphabetically has the opposite influence.

By 1892, thirty-five out of the forty-four states had adopted some form of the Australian Ballot and by 1916 all but two of the states of the Union had taken this step toward election reform.⁴⁶

The press generally approved. On November 16, 1889 in commenting on the election in Massachusetts, *Harper's Weekly* expressed the sentiment of reformers, adding: "The droll objection that it is a 'mongrel foreign idea' is equally applicable to trial by jury, the habeas corpus, and constitutional government. But the assertion that it is complex and impracticable was a more cunning plea. It proves, however, to be utterly false." *The Boston Advertiser* of November 7, 1889 said: "The

⁴³ *Indiana Laws*, 1889, ch. 87.

⁴⁴ For evidence of the need of such a provision see *Indiana House Journal*, 1889, pp. 465-66.

⁴⁵ Alabama permits the Democratic party to use the shibboleth, "White Supremacy" and "For the Right." Evans, *Australian Ballot*, p. 42.

⁴⁶ Evans, *Australian Ballot*, p. 27. The two states are Georgia and South Carolina. North Carolina has the law applying to only one county.

expressions of satisfaction with the results, as well as the workings of our new ballot system, are general." The *New York Nation* in an editorial rejoiced that every one of the laws severed

completely the connection between the voter and the man who seeks in any way to influence his vote, at the critical moment before he is to prepare and deposit his ballot. . . . What this isolation of the voter will accomplish in Indiana, for example, need not be pointed out. No 'blocks of five' can be marched to the polls in that State on election day with their ballots held in sight of the man who has bought them till they are dropped into the ballot boxes. What the same isolation will accomplish in great manufacturing centers is equally obvious. There can be no intimidation of employees in any part of New England, or Ohio, or Indiana, or New Jersey, or New York.⁴⁷

The *Chronicle* of Augusta, Georgia, presented a different view when it said:

There are objections and very serious objections against this system. The tickets must be printed by the State—a heavy expense which is now borne by the candidates or party. The voter cannot prepare his own ticket at home and bring it to the polls to vote, but must accept the official list, which in a general State election must be as long as a railroad ticket and is expected to pick out his own candidates by himself.⁴⁸

Both parties clamored in the press for the greater credit for the adoption of the Australian Ballot. The *Indianapolis News* stated:

In Indiana we owe this magnificent reform to the Democrats. Nothing of late years has done more for the State's good name than the fact of this law. For the past year in which the subject of ballot reform has been one of the most intimate everywhere in the country, we have been able to point to Indiana as in the front rank of those who have taken this step.⁴⁹

Some justification for this claim is found in a comparison of a map showing the result of the election of 1888 in Indiana by counties with maps showing the vote by counties on the ballot reform bills in the legislature of the state. Especially is this true of the vote in the House of Representatives whose members had all been elected to office in 1888. It is probable, however, that had the conditions been reversed in the

⁴⁷ *New York Nation*, June 16, 1892.

⁴⁸ Quoted in *Public Opinion*, November 16, 1889. It will be recalled that Georgia is one of the two states which did not adopt the Australian ballot.

⁴⁹ Indiana was one of the seven states who took the action in 1889. The bill became law on March 9, 1889. *Indianapolis News*, January, 2, 1890.

election of 1888 the comparative vote would have been equally to the credit of the Republican party. The most important fact is that the reform was adopted. The days of the ticket peddler and the "vest-pocket ticket" were over. The "blocks of five" system could no longer work so smoothly and openly. The buyer of votes could not be absolutely sure that his money would accomplish what he desired. Although it did not abolish corruption in elections it was a step in the right direction. A few of the states passed corrupt practice acts and others have followed their example. This legislation could not but cause the political managers to alter their methods. Legitimate expenses have increased, owing partly to an enlarged "educational" campaign; partly to an increase in population and the attempt to reach every fire-side in the land with the aid of such devices as free mail delivery in the rural districts. Corruption and election abuse, however, have been lessened and the ballot made more representative of the will and sentiment of the people. The development of the primary election, the application to it of safeguards similar to those in force in the final elections, and the use of the voting machine are but additional efforts to extend the reform inaugurated in 1889.